

HOUSE BILL NO. 148

INTRODUCED BY ELLIS
BY REQUEST OF THE BOARD OF CHIROPRACTORS

IN THE HOUSE

JANUARY 12, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT. FIRST READING.
JANUARY 23, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 25, 1993	PRINTING REPORT.
JANUARY 26, 1993	SECOND READING, DO PASS.
JANUARY 27, 1993	ENGROSSING REPORT.
JANUARY 28, 1993	THIRD READING, PASSED. AYES, 98; NOES, 1. TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 30, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY. FIRST READING.
MARCH 23, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 25, 1993	SECOND READING, CONCURRED IN.
MARCH 26, 1993	THIRD READING, CONCURRED IN. AYES, 46; NOES, 0. RETURNED TO HOUSE.

IN THE HOUSE

MARCH 27, 1993	RECEIVED FROM SENATE. SENT TO ENROLLING. REPORTED CORRECTLY ENROLLED.
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1 House BILL NO. 148
2 INTRODUCED BY _____
3 BY REQUEST OF THE BOARD OF CHIROPRACTORS
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD
6 OF CHIROPRACTORS TO ADOPT RULES TO REGISTER INTERNS AND
7 PRECEPTORS; AUTHORIZING THE ISSUANCE OF CHIROPRACTIC
8 LICENSES BASED ON SUCCESSFUL COMPLETION OF WRITTEN AND
9 CLINICAL EXAMINATIONS GIVEN BY THE NATIONAL BOARD OF
10 CHIROPRACTIC EXAMINERS; AMENDING SECTIONS 37-12-201 AND
11 37-12-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 **Section 1.** Section 37-12-201, MCA, is amended to read:
15 "37-12-201. Organization of board -- meetings -- powers
16 and duties. (1) The board shall elect annually a president,
17 ~~vice-president~~ vice president, and secretary-treasurer from
18 its membership.
19 (2) The board shall hold a regular meeting each year at
20 Helena and shall hold special meetings at times and places
21 as a majority of the board designates. A majority of the
22 board constitutes a quorum.
23 (3) The board shall:
24 (a) administer oaths, take affidavits, summon
25 witnesses, and take testimony as to matters coming within

1 the scope of the board;
2 (b) adopt a seal ~~which shall~~ that must be affixed to
3 licenses issued;
4 (c) make a schedule of minimum educational
5 requirements, which are without prejudice, partiality, or
6 discrimination, as to the different schools of chiropractic;
7 (d) adopt rules necessary for the implementation,
8 administration, continuation, and enforcement of this
9 chapter. The rules must address but are not limited to
10 license applications, form and display of license, license
11 examination format, criteria for and grading of
12 examinations, and disciplinary standards for licensees, and
13 the registration of interns and preceptors;
14 (e) investigate complaints;
15 (f) make determinations of the qualifications of
16 applicants under this chapter;
17 (g) administer the examination for licensure under this
18 chapter;
19 (h) establish and collect fees, fines, and charges as
20 provided in this chapter;
21 (i) issue, suspend, or revoke licenses under the
22 conditions prescribed in this chapter; and
23 (j) certify that a chiropractor who meets the standards
24 that the board by rule adopts is a qualified evaluator for
25 purposes of 39-71-711.

1 (4) The department shall keep a record of the
2 proceedings of the board, which shall at all times be open
3 to public inspection."

4 **Section 2.** Section 37-12-304, MCA, is amended to read:

5 "37-12-304. **Examinations -- subjects.** (1) Examinations
6 for a license to practice chiropractic shall must be made by
7 the department, subject to 37-1-101, according to the method
8 considered by the board to be the most practicable and
9 expeditious to test the applicant's qualifications. The
10 application shall must be designated by a number instead of
11 the applicant's name so that the identity will not be
12 discovered or disclosed until after the examination papers
13 are graded.

14 (2) Examinations shall must be made in writing, on
15 subjects taught in chiropractic colleges, including the use
16 of x-ray equipment and radiographs. Additional subjects may
17 be prescribed by the board to meet new conditions. A license
18 shall must be granted to applicants who correctly answer 75%
19 of all questions asked, including x-ray questions. If an
20 applicant fails to answer correctly 60% of the questions on
21 any branch of the examination, he the applicant is not
22 entitled to a license.

23 (3) The board may accept the grades an applicant has
24 received in the written examinations given by the national
25 board of chiropractic examiners and may authorize the

1 department to issue a license without further written
2 examination to an applicant who holds a valid certificate
3 from the national board of chiropractic examiners if the
4 applicant meets the other requirements of this chapter. The
5 board may require an applicant to satisfactorily pass a
6 clinical proficiency examination before being issued a
7 license, even though he the applicant holds a valid
8 certificate from the national board of chiropractic
9 examiners."

10 **NEW SECTION. Section 3.** Effective date. [This act] is
11 effective on passage and approval.

-End-

APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

HOUSE BILL NO. 148

INTRODUCED BY ELLIS

BY REQUEST OF THE BOARD OF CHIROPRACTORS

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF CHIROPRACTORS TO ADOPT RULES TO REGISTER INTERNS AND PRECEPTORS; AUTHORIZING THE ISSUANCE OF CHIROPRACTIC LICENSES BASED ON SUCCESSFUL COMPLETION OF WRITTEN-AND CLINICAL EXAMINATIONS GIVEN BY THE NATIONAL BOARD OF CHIROPRACTIC EXAMINERS; AMENDING SECTIONS 37-12-201 AND 37-12-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-12-201, MCA, is amended to read:

"37-12-201. Organization of board -- meetings -- powers and duties. (1) The board shall elect annually a president, vice-president vice president, and secretary-treasurer from its membership.

(2) The board shall hold a regular meeting each year at Helena and shall hold special meetings at times and places as a majority of the board designates. A majority of the board constitutes a quorum.

(3) The board shall:

(a) administer oaths, take affidavits, summon witnesses, and take testimony as to matters coming within

the scope of the board;

(b) adopt a seal ~~which shall~~ that must be affixed to licenses issued;

(c) make a schedule of minimum educational requirements, which are without prejudice, partiality, or discrimination, as to the different schools of chiropractic;

(d) adopt rules necessary for the implementation, administration, continuation, and enforcement of this chapter. The rules must address but are not limited to license applications, form and display of license, license examination format, criteria for and grading of examinations, and disciplinary standards for licensees, and the registration of interns and preceptors;

(e) investigate complaints;

(f) make determinations of the qualifications of applicants under this chapter;

(g) administer the examination for licensure under this chapter;

(h) establish and collect fees, fines, and charges as provided in this chapter;

(i) issue, suspend, or revoke licenses under the conditions prescribed in this chapter; and

(j) certify that a chiropractor who meets the standards that the board by rule adopts is a qualified evaluator for purposes of 39-71-711.

(4) The department shall keep a record of the proceedings of the board, which shall at all times be open to public inspection."

Section 2. Section 37-12-304, MCA, is amended to read:

"37-12-304. Examinations -- subjects. (1) Examinations for a license to practice chiropractic shall must be made by the department, subject to 37-1-101, according to the method considered by the board to be the most practicable and expeditious to test the applicant's qualifications. The application shall must be designated by a number instead of the applicant's name so that the identity will not be discovered or disclosed until after the examination papers are graded.

(2) Examinations shall must be made---in---writing, ADMINISTERED on subjects taught in chiropractic colleges, including--the--use--of--x-ray--equipment--and--radiographs. Additional-subjects-may-be-prescribed-by-the-board--to--meet new--conditions, ON THE PROVISIONS OF THIS CHAPTER, AND ON OTHER PROVISIONS OF THE MONTANA CODE ANNOTATED PERTAINING TO THE PRACTICE OF CHIROPRACTIC. A license shall must be granted to applicants who correctly answer 75% of all questions asked, including x-ray questions. If an applicant fails to answer correctly 60% of the questions on any branch of the examination, he the applicant is not entitled to a license.

(3) The board may accept the grades an applicant has received in the written examinations given by the national board of chiropractic examiners and may authorize the department to issue a license without further written examination to an applicant who holds a valid certificate from the national board of chiropractic examiners if the applicant meets the other requirements of this chapter. The board may require an applicant to satisfactorily pass a clinical proficiency examination before being issued a license, even though he the applicant holds a valid certificate from the national board of chiropractic examiners."

NEW SECTION. **Section 3.** Effective date. [This act] is effective on passage and approval.

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF CHIROPRACTORS TO ADOPT RULES TO REGISTER INTERNS AND PRECEPTORS; AUTHORIZING THE ISSUANCE OF CHIROPRACTIC LICENSES BASED ON SUCCESSFUL COMPLETION OF WRITTEN-AND CLINICAL EXAMINATIONS GIVEN BY THE NATIONAL BOARD OF CHIROPRACTIC EXAMINERS; AMENDING SECTIONS 37-12-201 AND 37-12-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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the scope of the board;

(b) adopt a seal which shall that must be affixed to licenses issued;

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(d) adopt rules necessary for the implementation, administration, continuation, and enforcement of this chapter. The rules must address but are not limited to license applications, form and display of license, license examination format, criteria for and grading of examinations, and disciplinary standards for licensees, and the registration of interns and preceptors;

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(j) certify that a chiropractor who meets the standards that the board by rule adopts is a qualified evaluator for purposes of 39-71-711.

(4) The department shall keep a record of the proceedings of the board, which shall at all times be open to public inspection.*

Section 2. Section 37-12-304, MCA, is amended to read:

"37-12-304. Examinations -- subjects. (1) Examinations for a license to practice chiropractic shall must be made by the department, subject to 37-1-101, according to the method considered by the board to be the most practicable and expeditious to test the applicant's qualifications. The application shall must be designated by a number instead of the applicant's name so that the identity will not be discovered or disclosed until after the examination papers are graded.

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(3) The board may accept the grades an applicant has received in the written examinations given by the national board of chiropractic examiners and may authorize the department to issue a license without further written examination to an applicant who holds a valid certificate from the national board of chiropractic examiners if the applicant meets the other requirements of this chapter. The board may require an applicant to satisfactorily pass a clinical proficiency examination before being issued a license, even though he the applicant holds a valid certificate from the national board of chiropractic examiners."

NEW SECTION. **Section 3.** Effective date. [This act] is effective on passage and approval.

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