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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. **3167**

February 25, 2010

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The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

1.1 A bill for an act  
1.2 relating to health professions; adding definitions related to the practice of  
1.3 chiropractic; amending Minnesota Statutes 2008, sections 148.01, subdivision 1,  
1.4 by adding a subdivision; 148.105, subdivision 1; repealing Minnesota Statutes  
1.5 2008, section 148.01, subdivisions 2, 3; Minnesota Rules, parts 2500.0100,  
1.6 subparts 9b, 10, 11; 2500.4000.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2008, section 148.01, subdivision 1, is amended to read:

1.9 Subdivision 1. **Definitions.** For the purposes of sections 148.01 to 148.10:

1.10 (1) "Chiropractic" is defined as the ~~science of adjusting any abnormal articulations of~~  
1.11 ~~the human body, especially those of the spinal column, for the purpose of giving freedom~~  
1.12 ~~of action to impinged nerves that may cause pain or deranged function; and~~ health care  
1.13 discipline which emphasizes the inherent recuperative power of the body to heal itself  
1.14 without the use of prescription drugs or surgery. Chiropractic focuses on the relationship  
1.15 between structure, primarily the spine, and function, as coordinated by the nervous system,  
1.16 and how that relationship affects the preservation and restoration of health. Chiropractic  
1.17 includes the evaluation and facilitation of biomechanical and neurological function and  
1.18 integrity through the use of diagnostic procedures, chiropractic manipulative techniques,  
1.19 and other procedures.

1.20 (2) "Chiropractic manipulative technique" means adjustment, manipulation, or  
1.21 mobilization accomplished by manual or mechanical forces applied to bones or joints and  
1.22 their related soft tissues for optimal correction of biomechanical alterations or abnormal  
1.23 articulations.

1.24 (3) "Abnormal articulation" means the condition of opposing bony joint surfaces  
1.25 that do not function normally, including fixation, adhesion, degeneration, deformity,

2.1 subluxation, dislocation, or other pathology that results in pain or disturbances within  
2.2 the nervous system, postural alteration, inhibits motion, allows excessive motion, alters  
2.3 direction of motion, results in loss of axial loading efficiency, or a combination of these.

2.4 (4) "Ancillary chiropractic services" means clinical, physical, laboratory, and other  
2.5 diagnostic measures, including all types of diagnostic imaging which may be necessary  
2.6 to determine the presence or absence of a condition, deficiency, deformity, abnormality,  
2.7 or disease as a basis for evaluation of a health concern, differential diagnosis, treatment,  
2.8 further examination, or referral. Ancillary chiropractic services also include all of the  
2.9 therapeutic, rehabilitative, and preventive sciences and procedures for which the licensee  
2.10 was subject to examination pursuant to the requirements of section 148.06, including  
2.11 clinical nutrition, physical examinations, health screenings, and counseling regarding  
2.12 healthy lifestyles and behavior modification.

2.13 ~~(2)~~ (5) "Animal chiropractic diagnosis and treatment" means treatment that includes  
2.14 identifying and resolving vertebral subluxation complexes, spinal manipulation, and  
2.15 manipulation of the extremity articulations of nonhuman vertebrates. Animal chiropractic  
2.16 diagnosis and treatment does not include:

- 2.17 (i) performing surgery;  
2.18 (ii) dispensing or administering of medications; or  
2.19 (iii) performing traditional veterinary care and diagnosis.

2.20 Sec. 2. Minnesota Statutes 2008, section 148.01, is amended by adding a subdivision  
2.21 to read:

2.22 Subd. 4. **Practice of chiropractic.** An individual licensed pursuant to section  
2.23 148.06 is authorized to practice chiropractic, to perform ancillary chiropractic services,  
2.24 and to perform any other health care related activity for which chiropractors are otherwise  
2.25 authorized to undertake as a matter of law. Any chiropractor who practices in violation  
2.26 of this subdivision shall be guilty of unprofessional conduct and subject to disciplinary  
2.27 procedures according to section 148.10.

2.28 Sec. 3. Minnesota Statutes 2008, section 148.105, subdivision 1, is amended to read:

2.29 Subdivision 1. **Generally.** Any person who practices, or attempts to practice,  
2.30 chiropractic or who uses any of the terms or letters "Doctors of Chiropractic,"  
2.31 "Chiropractor," "DC," "Chiropractic Physician," or any other title or letters under any  
2.32 circumstances as to lead the public to believe that the person who so uses the terms is  
2.33 engaged in the practice of chiropractic, without having complied with the provisions of  
2.34 sections 148.01 to 148.104, is guilty of a gross misdemeanor; and, upon conviction, fined

3.1 not less than \$1,000 nor more than \$10,000 or be imprisoned in the county jail for not less  
3.2 than 30 days nor more than six months or punished by both fine and imprisonment, in the  
3.3 discretion of the court. It is the duty of the county attorney of the county in which the  
3.4 person practices to prosecute. Nothing in sections 148.01 to 148.105 shall be considered  
3.5 as interfering with any person:

3.6 (1) licensed by a health-related licensing board, as defined in section 214.01,  
3.7 subdivision 2, including psychological practitioners with respect to the use of hypnosis;

3.8 (2) registered by the commissioner of health under section 214.13; or

3.9 (3) engaged in other methods of healing regulated by law in the state of Minnesota;

3.10 provided that the person confines activities within the scope of the license or other  
3.11 regulation and does not practice or attempt to practice chiropractic.

3.12 **Sec. 4. REPEALER.**

3.13 (a) Minnesota Statutes 2008, section 148.01, subdivisions 2 and 3, are repealed.

3.14 (b) Minnesota Rules, parts 2500.0100, subparts 9b, 10, and 11; and 2500.4000, are  
3.15 repealed.

**148.01 CHIROPRACTIC.**

Subd. 2. **Exclusions.** The practice of chiropractic is not the practice of medicine, surgery, or osteopathy.

Subd. 3. **Inclusions.** Chiropractic practice includes those noninvasive means of clinical, physical, and laboratory measures and analytical x-ray of the bones of the skeleton which are necessary to make a determination of the presence or absence of a chiropractic condition. The practice of chiropractic may include procedures which are used to prepare the patient for chiropractic adjustment or to complement the chiropractic adjustment. The procedures may not be used as independent therapies or separately from chiropractic adjustment. No device which utilizes heat or sound shall be used in the treatment of a chiropractic condition unless it has been approved by the Federal Communications Commission. No device shall be used above the neck of the patient. Any chiropractor who utilizes procedures in violation of this subdivision shall be guilty of unprofessional conduct and subject to disciplinary procedures according to section 148.10.