

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 766
HOUSE BILL 298

AN ACT TO AMEND CHAPTER 90, ARTICLE 8 OF THE GENERAL STATUTES
RELATING TO CHIROPRACTORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-139 is rewritten to read as follows:

"§ 90-139. Creation and membership of Board of Examiners. — (a) The State Board of Chiropractic Examiners is created to consist of seven members appointed by the Governor, Lieutenant Governor and Speaker of the House. Six of the members shall be practicing doctors of chiropractic, who are residents of this State and who have actively practiced chiropractic in the State for at least eight consecutive years immediately preceding their appointments; four of these six members shall be appointed by the Governor, and one each by the Lieutenant Governor and the Speaker of the House. No more than three members of the board may be graduates of the same college or school of chiropractic. The other member shall be a person chosen by the Governor to represent the public at large. The public member shall not be a health care provider nor the spouse of a health care provider. For purposes of board membership, 'health care provider' means any licensed health care professional and any agent or employee of any health care institution, health care insurer, health care professional school, or a member of any allied health profession. For purposes of this section, a person enrolled in a program to prepare him to be a licensed health care professional or an allied health professional shall be deemed a health care provider. For purposes of this section, any person with significant financial interest in a health service or profession is not a public-member.

(b) All board members serving on June 30, 1981, shall be eligible to complete their respective terms. No member appointed to the board on or after July 1, 1981, shall serve more than two complete consecutive three-year terms, except that each member shall serve until his successor is chosen and qualifies. The Lieutenant Governor and Speaker of the House, respectively, shall fill the first and second vacancies in chiropractic members of the board arising by expiration of term after July 1, 1981, and shall continue to appoint their respective successors; the Governor shall fill all other such vacancies arising by expiration of term.

(c) The Governor, Lieutenant Governor and Speaker of the House, respectively, may remove any member appointed by him for good cause shown and may appoint persons to fill unexpired terms of members appointed by him."

Sec. 2. G.S. 90-140 is rewritten to read as follows:

"§ 90-140. Selectio of chiropractic members of board. — The Governor, Lieutenant Governor and Speaker of the House shall appoint chiropractic members of the board for terms of three years from a list provided by the board. For each vacancy, the board must submit at least three names to the Governor, Lieutenant Governor and Speaker of the House.

The board shall establish procedures for the nomination and election of chiropractic members. These procedures shall be adopted under Article 2 of Chapter 150A of the General Statutes, and notice of the proposed procedures shall be given to all licensed chiropractors residing in North Carolina. These procedures shall not conflict with the provisions of this section. Every chiropractor with a current North Carolina license residing in this State shall be eligible to vote in all such elections, and the list of licensed chiropractors shall constitute the

registration list for elections. Any decision of the board relative to the conduct of such elections may be challenged by civil action in the Wake County Superior Court. A challenge must be filed not later than 30 days after the board has rendered the decision in controversy, and all such cases shall be heard de novo."

Sec. 3. G.S. 90-141 is rewritten to read as follows:

"§ 90-141. Organization; quorum. — The Board of Chiropractic Examiners shall elect such officers as they may deem necessary. Four members of the board shall constitute a quorum for the transaction of business."

Sec. 4. G.S. 90-143 is amended by deleting the second paragraph thereof. Sec. 5. Article 8, Chapter 90 of the General Statutes is amended by adding a new section to read as follows:

"§ 90-143.1. Applicants licensed in other states. — If an applicant for licensure is already licensed in another state to practice chiropractic, the board shall issue a license to practice chiropractic to the applicant upon evidence that:

- (1) the applicant is currently an active, competent practitioner and is in good standing; and
- (2) the applicant has practiced at least one year out of the three years immediately preceding his or her application; and
- (3) the applicant currently holds a valid license in another state; and
- (4) no disciplinary proceeding or unresolved complaint is pending anywhere at the time a license is to be issued by this State; and
- (5) the licensure requirements in the other state are equivalent to or higher than those required by this State.

Any license issued upon the application of any chiropractor from any other state shall be subject to all of the provisions of this Article with reference to the license issued by the State Board of Chiropractic Examiners upon examination, and the rights and privileges to practice the profession of chiropractic under any license so issued shall be subject to the same duties, obligations, restrictions, and conditions as imposed by this Article on chiropractors originally examined by the State Board of Chiropractic Examiners."

Sec. 6. G.S. 90-145 is amended by changing the title thereof to read

"§ 90-145. Grant of license".

G.S. 90-145 is further amended by deleting the second sentence thereof.

Sec. 7. G.S. 90-154 is rewritten to read as follows:

"§ 90-154. Grounds for professional discipline. — (a) The Board of Chiropractic Examiners may impose any of the following sanctions, singly or in combination, when it finds that a practitioner or applicant is guilty of any offense described in subsection (b):

- (1) permanently revoke a license to practice chiropractic;
 - (2) suspend a license to practice chiropractic;
 - (3) refuse to grant a license;
 - (4) censure a practitioner;
 - (5) issue a letter of reprimand;
 - (6) place a practitioner on probationary status and require him to report regularly to the board upon the matters which are the basis of probation.
- (b) The following are grounds for disciplinary action by the board under subsection (a):
- (1) advertising services in a false or misleading manner;
 - (2) conviction of a felony or of a crime involving moral turpitude;
 - (3) addiction or severe dependency upon alcohol or other drugs which endangers the public by impairing a chiropractor's ability to practice safely;
 - (4) unethical conduct in the practice of the profession as defined by rule or regulation of the board;
 - (5) negligence or incompetence in the practice of chiropractic;

- (6) committing an act or acts constituting malpractice in the practice of chiropractic;
- (7) rendering unacceptable care according to explicit standards adopted by the Board of Chiropractic Examiners;
- (8) engaging in a course of lewd or immoral conduct in connection with the delivery of chiropractic services to a patient."

Sec. 8. G.S. 90-156 is amended on the third line by deleting the words "railroad fare and hotel bills" and substituting therefor the words "transportation and lodging."

Sec. 9. G.S. 143-34.12 is amended by deleting line 7 which reads as follows:

"Chapter 90, Article 8, entitled 'Chiropractic'."

Sec. 10. This act is effective upon ratification, except that Sections 1 and 2 shall become effective July 1, 1981.

In the General Assembly read three times and ratified, this the 2nd day of July, 1981.