

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2199

S.P. 784

In Senate, April 14, 1999

An Act Concerning Licensure of Chiropractors.

(EMERGENCY)

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by President LAWRENCE of York.
Cosponsored by Representative O'NEAL of Limestone and
Senators: AMERO of Cumberland, KONTOS of Cumberland, PINGREE of Knox, RAND of
Cumberland, Representatives: MURPHY of Kennebunk, Speaker ROWE of Portland, SAXL
of Portland.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

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6 Whereas, an opinion of the Department of the Attorney
General dated February 18, 1999 concludes that acupuncture is not
within the scope of chiropractic practice; and

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10 Whereas, this opinion has created considerable confusion as
to whether chiropractors may continue to use acupuncture as a
method of treatment; and

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14 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore,

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20 **Be it enacted by the People of the State of Maine as follows:**

22 **Sec. 1. 32 MRSA §451, sub-§1,** as enacted by PL 1983, c. 113,
§1, is amended to read:

24 **1. Chiropractic.** "Chiropractic" means the art and science
of identification and correction of subluxation and the
26 accompanying physiological or mechanical abnormalities. The term
subluxation, as utilized within the chiropractic health care
28 system, means a structural or functional impairment of an intact
articular unit. "Chiropractic" includes chiropractic
30 acupuncture. Chiropractic recognizes the inherent recuperative
capability of the human body as it relates to the spinal column,
32 musculo-skeletal and nervous system.

34 **Sec. 2. 32 MRSA §451, sub-§1-A** is enacted to read:

36 **1-A. Chiropractic acupuncture.** "Chiropractic acupuncture"
38 means the insertion of acupuncture needles through the skin at
specific points. It is a chiropractic methodology used for the
40 correction of the soft tissue components contributing to
subluxation and the accompanying physiological or mechanical
abnormalties.

42 **Sec. 3. 32 MRSA §502, first ¶,** as repealed and replaced by
44 1991, c. 392, §3, is amended to read:

46 The board shall meet at least twice each year at such times
and places as its chair may designate to consider applications,
48 examine applicants and consider such other business as may
properly come before the board. At its first meeting in each
50 calendar year, the board shall elect one of its members as chair

2 for a term of one year and one of its members as secretary to
3 hold office at the pleasure of the board. Special meetings may
4 be called at the pleasure of the chair and, in case of the death
5 or inability of the chair, the secretary may call special
6 meetings. The board shall keep correct records of all
7 proceedings. The chair and secretary are empowered to administer
8 oaths in matters connected with the duties of the board. The
9 records, or duplicates of the records, must be open to inspection
10 and are prima facie evidence of all matters recorded in the
11 records. Four members of the board constitute a quorum for the
12 transaction of business, but a license to practice chiropractic
13 may not be granted except on an affirmative vote of at least 4
14 members of the board. The board has the power to make and adopt
15 rules and a code of ethics consistent with law necessary for the
16 enforcement of its authority, the performance of its duties and
17 the governing of the practice of chiropractic, but a rule or code
18 of ethics may not be made that is unreasonable or contravenes
19 this chapter. The board shall adopt rules, which are routine
20 technical rules pursuant to Title 5, chapter 375, subchapter
21 II-A, authorizing and governing the use of chiropractic
22 acupuncture. In establishing the rules and code of ethics, the
23 board must, in addition to the standards set forth in this
24 chapter, be guided by the following standards setting forth
conduct deemed unprofessional:

26 **Emergency clause.** In view of the emergency cited in the
27 preamble, this Act takes effect when approved.

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SUMMARY

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This bill provides that the practice of chiropractic includes chiropractic acupuncture. It also directs the Board of Chiropractic Licensure to adopt rules authorizing and governing the use of chiropractic acupuncture.

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