

Maine Revised Statute Title 32, Chapter 9: CHIROPRACTORS

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Subchapter 1: GENERAL PROVISIONS

32 §451. DEFINITIONS

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

[1999, c. 214, §1 (AMD) .]

1-A. Chiropractic acupuncture. "Chiropractic acupuncture" means the insertion of acupuncture needles through the skin at specific points. It is a chiropractic methodology used for the correction of the soft tissue components contributing to subluxation and the accompanying physiological or mechanical abnormalities. Except as provided in section 502, chiropractic acupuncture may only be practiced by a licensee who has received a chiropractic acupuncture certification from the board.

[1999, c. 214, §2 (NEW) .]

2. Chiropractic doctors. "Chiropractic doctors" are health care providers functioning within their scope of practice as provided by this chapter.

[1983, c. 113, §1 (NEW) .]

3. Chiropractic methodologies. "Chiropractic methodologies" utilized for the identification or correction of subluxation and the accompanying physiological or mechanical abnormalities include diagnostic, therapeutic, adjustive or manipulative techniques utilized within the chiropractic profession, excluding prescriptive medication or surgery.

[1983, c. 113, §1 (NEW) .]

4. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.

[1989, c. 450, §8 (NEW) .]

5. Department. "Department" means the Department of Professional and Financial Regulation.

[1989, c. 450, §8 (NEW) .]

6. Board. "Board" means the Board of Chiropractic Licensure.

[2007, c. 402, Pt. H, §1 (NEW) .]

SECTION HISTORY

1983, c. 113, §1 (RPR). 1989, c. 450, §8 (AMD). 1999, c. 214, §§1,2 (AMD). 2007, c. 402, Pt. H, §1 (AMD).

32 §452. APPLICATION OF LAWS REGARDING REPORTING CONTAGIOUS DISEASES AND DEATHS

All laws and rules regulating the reporting of contagious diseases and deaths to the proper authorities and to which the licensed practitioner of medicine is subject apply equally to the practitioner of chiropractic. [1993, c. 600, Pt. A, §39 (AMD).]

SECTION HISTORY

1993, c. 600, §A39 (AMD).

32 §453. LEGALLY LICENSED PRACTITIONERS OF OTHER SCHOOLS OR PROFESSIONS NOT AFFECTED

This chapter may not be construed to: restrain or restrict legally licensed physicians, surgeons, dentists, osteopaths, physical therapists or nurses in the practice of their professions; apply to masseurs in their particular sphere of labor who publicly represent themselves as masseurs; apply to a commissioned medical officer in the United States Army or Public Health Service in the performance of duties; or prohibit gratuitous service or the rendering of assistance to emergency cases. [1993, c. 600, Pt. A, §40 (AMD).]

SECTION HISTORY

1991, c. 178, §1 (AMD). 1993, c. 600, §A40 (AMD).

32 §454. PRACTICING WITHOUT LICENSE; FRAUDULENT LICENSES

An individual who practices or attempts to practice or use the science or system of chiropractic in treating diseases of the human body; an individual who buys, sells or fraudulently obtains a diploma, license or record to practice chiropractic, or who aids or abets in that selling or fraudulent obtaining; an individual who practices chiropractic, under cover of a diploma, license or record to practice chiropractic, illegally obtained, or signed or issued unlawfully or under fraudulent representations; or an individual who, after conviction of felony, practices chiropractic, or who uses any of the forms of letters, "Chiropractic," "Chiropractor," "Chiropractic Practitioner," "Doctor of Chiropractic," "D.C." or any other titles or letters, either alone or with qualifying words or phrases, under circumstances that induce the belief that the individual who uses those terms is engaged in the practice of chiropractic, without having complied with this chapter, is subject to the provisions of Title 10, section 8003-C. This section may not be construed to prohibit a lawfully qualified chiropractor in any other state meeting with a licensed chiropractic practitioner in this State for consultation. [2007, c. 402, Pt. H, §2 (AMD).]

SECTION HISTORY

1991, c. 392, §1 (AMD). 1993, c. 600, §A41 (AMD). 2007, c. 402, Pt. H, §2 (AMD).

32 §455. REVIEW COMMITTEE IMMUNITY

Any member of a peer review committee of a state association composed of chiropractors licensed under this chapter, any staff member of such an association assisting a peer review committee and any witness or consultant appearing before or presenting information to the peer review committee is immune from civil liability for, without malice, undertaking or failing to undertake any act within the scope of the function of the committee. [1987, c. 646, §7 (NEW).]

SECTION HISTORY

1987, c. 646, §7 (NEW).

Subchapter 2: BOARD OF CHIROPRACTIC LICENSURE HEADING: PL 1993, C. 600, PT. A, §42 (RPR)

32 §501. MEMBERSHIP; QUALIFICATIONS; TERM; REMOVAL

The Board of Chiropractic Licensure, as established by Title 5, section 12004-A, subsection 8, consists of 7 individuals appointed by the Governor. These individuals must be residents of this State, 5 of whom must be licensed chiropractors and must be, at the time of their appointment, actively engaged in the practice of their profession for a period of at least 3 years in this State. Two members must be public members as defined in Title 5, section 12004-A. Each appointment is for a period of 3 years. Appointments of members must comply with Title 10, section 8009. A member of the board may be removed from office for cause by the Governor. [2007, c. 402, Pt. H, §3 (AMD).]

SECTION HISTORY

1975, c. 575, §9 (AMD). 1975, c. 771, §336 (AMD). 1983, c. 812, §198 (AMD). 1989, c. 503, §B124 (AMD). 1991, c. 392, §2 (AMD). 1993, c. 600, §A43 (AMD). 1995, c. 397, §26 (AMD). 2007, c. 402, Pt. H, §3 (AMD).

32 §502. MEETINGS; CHAIR; QUORUM; POWERS AND DUTIES

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. Four members of the board constitute a quorum for the transaction of business. The board has the power to make and adopt rules and a code of ethics consistent with law necessary for the enforcement of its authority, the performance of its duties and the governing of the practice of chiropractic, but a rule or code of ethics may not be made that is unreasonable or contravenes this chapter. [2007, c. 402, Pt. H, §4 (RPR).]

SECTION HISTORY

1973, c. 405, §§2,3 (AMD). 1975, c. 575, §10 (AMD). 1977, c. 458, §§1,2 (AMD). 1981, c. 456, §A105 (AMD). 1991, c. 392, §3 (AMD). 1993, c. 600, §§A44,45 (AMD). 1999, c. 214, §3 (AMD). 2005, c. 262, §A1 (AMD). 2007, c. 402, Pt. H, §4 (RPR).

32 §502-A. CHIROPRACTIC ACUPUNCTURE CERTIFICATION

The board shall adopt rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A, authorizing and governing the use of chiropractic acupuncture by certified licensees. The rules must set forth the requirements for chiropractic acupuncture certification, which must include, but are not limited to, a minimum number of classroom hours of education in acupuncture theory and techniques; a component of supervised clinical acupuncture training or documented clinical acupuncture experience for licensees practicing chiropractic acupuncture prior to April 30, 1999; and instruction in exposure control for blood-borne pathogens and registration as a biomedical waste generator pursuant to Title 38, section 1319-O, subsection 3. A person applying for a chiropractic acupuncture certificate shall file an application together with the fee as set under section 558. [2007, c. 402, Pt. H, §5 (NEW).]

SECTION HISTORY

2007, c. 402, Pt. H, §5 (NEW).

32 §503. COMPLAINTS; SUSPENSION OR REVOCATION OF CERTIFICATES (REPEALED)

SECTION HISTORY

1973, c. 303, §3 (AMD). 1973, c. 405, §4 (AMD). 1979, c. 663, §209 (AMD). 1981, c. 594, §1 (AMD). 1983, c. 378, §3 (RP).

32 §503-A. DISCIPLINARY ACTIONS*(REPEALED)*

SECTION HISTORY

1983, c. 378, §4 (NEW). 1991, c. 392, §4 (AMD). 1993, c. 600, §A46 (AMD). 1999, c. 547, §B59 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 402, Pt. H, §6 (RP).

32 §503-B. DENIAL OR REFUSAL TO RENEW LICENSE; DISCIPLINARY ACTION; INFORMAL CONFERENCE

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for: [2007, c. 402, Pt. H, §7 (NEW).]

1. Habitual substance abuse. Habitual substance abuse that has resulted or is foreseeably likely to result in the applicant or licensee performing services in a manner that endangers the health or safety of patients;

[2007, c. 402, Pt. H, §7 (NEW) .]

2. Mental or physical condition. A professional diagnosis of a mental or physical condition that has resulted or may result in the applicant or licensee performing services in a manner that endangers the health or safety of patients;

[2007, c. 402, Pt. H, §7 (NEW) .]

3. False advertising. Engaging in false, misleading or deceptive advertising;

[2007, c. 402, Pt. H, §7 (NEW) .]

4. Nonchiropractic practice. Offering health services outside the field of chiropractic; or

[2007, c. 402, Pt. H, §7 (NEW) .]

5. Fee-splitting. Splitting or dividing a fee with an individual who is not an associate licensed as a chiropractor.

[2007, c. 402, Pt. H, §7 (NEW) .]

If the factual basis of a complaint that has been filed is or may be true, and the complaint is of sufficient gravity to warrant further action, the board may request an informal conference with the licensee. The board shall provide the applicant or licensee with adequate notice of the conference and of the issues to be discussed. The conference must be conducted in executive session of the board, pursuant to Title 1, section 405, unless otherwise requested by the applicant or licensee. Statements made at the conference may not be introduced at a subsequent formal hearing unless all parties consent. [2007, c. 402, Pt. H, §7 (NEW) .]

SECTION HISTORY

2007, c. 402, Pt. H, §7 (NEW).

32 §504. ANNUAL REPORTS*(REPEALED)*

SECTION HISTORY

1977, c. 604, §11 (AMD). 1985, c. 748, §42 (AMD). 2007, c. 402, Pt. H, §8 (RP).

32 §505. LIAISON; LIMITATIONS*(REPEALED)*

SECTION HISTORY

1977, c. 604, §12 (NEW). 2007, c. 402, Pt. H, §9 (RP).

32 §506. LICENSE EXPIRATION*(REPEALED)*

SECTION HISTORY

1977, c. 604, §12 (NEW). 1985, c. 748, §42 (AMD). 1989, c. 450, §9 (AMD). 1991, c. 392, §5 (AMD). 1993, c. 600, §A47 (AMD). 1995, c. 397, §27 (AMD). 2005, c. 262, §A2 (RP).

Subchapter 3: LICENSURE HEADING: PL 1991, C. 392, §6 (RPR)

32 §551. EXAMINATION AND LICENSURE

An individual, before engaging in the practice of chiropractic in this State, shall submit an application for a license to practice chiropractic together with the license fee as set under section 558. Each applicant must be at least 18 years of age and present proof of 2 years' satisfactory attendance at a college of liberal arts. A candidate for licensure shall present a transcript from an accredited college or university certifying that the candidate has completed 2 years of preprofessional work, 2 subjects of which must be English and biology, or otherwise satisfy the members of the board that the candidate has acquired sufficient prior academic education. The applicant shall present a diploma granted by a legally chartered chiropractic college, school or university in good standing and having the power to confer degrees in chiropractic, which diploma must show that it was granted on personal attendance of the applicant and completion of a course of 4 school years of not less than 8 months each and of a total of 4,400 60-minute school hours. If an applicant matriculated in a chiropractic college on or after January 1, 1984, the diploma must show that it was granted by a chiropractic college accredited by a chiropractic educational accrediting agency approved by the United States Department of Education or its successor agency or, if no accrediting agency exists, approved by the board, or the applicant must have evidence of having successfully passed a licensing procedure from another state having similar requirements. If an applicant matriculated in a chiropractic college before January 1, 1984, the diploma must show that it was granted by a chiropractic college accredited as set out in this section, or the applicant must present evidence of having become a diplomat of the National Board of Chiropractic Examiners or of having successfully passed a licensing procedure from another state having similar requirements. Each applicant shall demonstrate trustworthiness and competence by such means as the board may require in its application form. [2007, c. 402, Pt. H, §10 (AMD).]

SECTION HISTORY

1969, c. 433, §78 (AMD). 1971, c. 598, §68 (AMD). 1973, c. 405, §1 (AMD). 1977, c. 220, §1 (AMD). 1983, c. 176, §A10 (AMD). 1987, c. 74, §1 (AMD). 1991, c. 392, §7 (AMD). 1993, c. 600, §A48 (AMD). 2005, c. 262, §A3 (AMD). 2007, c. 402, Pt. H, §10 (AMD).

32 §552. EXAMINATION OF APPLICANTS; SUBJECTS INCLUDED; LICENSE; ENDORSEMENT

The applicant shall submit an application for examination together with the required examination fee as set under section 558. The examination must include the subjects of anatomy, physiology, symptomatology, hygiene, sanitation, chemistry, pathology, electrotherapy, hydrotherapy, dietetics, bacteriology, chiropractic analysis, the principles and practice of chiropractic as taught in reputable chiropractic schools and colleges and any other subjects the board determines necessary. If the examination is passed in a manner satisfactory to the board, the board shall issue, upon payment of the required license fee as set under section 558, to the applicant a license granting that individual the right to practice chiropractic in this State. [2005, c. 262, Pt. A, §4 (AMD) .]

The board may waive the examination requirements and grant a license to any applicant who presents proof of being licensed to practice in another jurisdiction of the United States or another country whose licensing requirements are considered by the board to be substantially equivalent to or higher than those set forth in this chapter, if no cause exists for denial of a license under section 503-B or Title 10, section 8003, subsection 5-A, paragraph A. The applicant shall pay the required license fee as set under section 558. [2007, c. 695, Pt. B, §6 (AMD) .]

SECTION HISTORY

1977, c. 220, §2 (AMD). 1977, c. 694, §554 (AMD). 1983, c. 378, §5 (AMD). 1987, c. 74, §2 (AMD). 1991, c. 392, §8 (AMD). 1993, c. 600, §A49 (AMD). 2005, c. 262, §A4 (AMD). 2007, c. 695, Pt. B, §6 (AMD).

32 §553. FEES; COMPENSATION AND EXPENSES

(REPEALED)

SECTION HISTORY

1965, c. 232, (AMD). 1973, c. 65, §§1,2 (AMD). 1977, c. 220, §3 (AMD). 1981, c. 19, (AMD). 1983, c. 812, §199 (AMD). 1987, c. 74, §3 (AMD). 1991, c. 392, §9 (RP).

32 §553-A. LICENSES RENEWAL PROCEDURE; CONTINUING EDUCATION

1. Renewal procedure. A license expires on the date set by the commissioner pursuant to Title 10, section 8003, subsection 4 for the licensing period for which the license was issued. A renewal license must be issued for each ensuing licensing period in the absence of any reason or condition that might warrant the refusal to grant a license, upon receipt by the board of the written request of the applicant and the fee for the license as set under section 558 and upon the applicant's presenting evidence of compliance with the requirements of subsection 2. An expired license may be reissued up to 90 days after the date of expiration upon payment of a late fee as set under section 558 in addition to a renewal fee as set under section 558. An individual who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter, including a renewal fee, late fee and additional late fee as set under section 558, except that the board may, in its discretion and giving due consideration to the protection of the public, waive examination if that renewal application is made within 2 years from the date of that expiration.

[2007, c. 402, Pt. H, §11 (AMD) .]

2. Continuing education. The board shall require applicants for license renewal to submit evidence of satisfactory completion of continuing education in accordance with rules adopted by the board.

[1991, c. 392, §10 (NEW) .]

3. Fees.

[2005, c. 262, Pt. A, §5 (RP) .]

4. Continuing education program approval. Each application for approval of a continuing education program or course must be submitted according to rules adopted by board, together with a required fee as set under section 558.

[2005, c. 262, Pt. A, §5 (NEW) .]

SECTION HISTORY

1991, c. 392, §10 (NEW). 1993, c. 600, §A50 (AMD). 1995, c. 502, §H22 (AMD). 1999, c. 386, §E1 (AMD). 2005, c. 262, §A5 (AMD). 2007, c. 402, Pt. H, §11 (AMD).

32 §554. DISPLAY OF LICENSE; RIGHTS

When the board grants to an individual the license mentioned in section 552, the license must designate the holder as a doctor of chiropractic or a chiropractor . The license entitles the individual to whom it is granted to practice chiropractic in this State in all of its branches of discipline, except obstetrics, so far as the same relates to parturition, the administering of drugs and the performance of surgical operations with the use of instruments, except as allowed by law. This section may not be construed to prohibit a legally licensed doctor of chiropractic in this State from practicing surgery after having passed a satisfactory examination before the State Board of Licensure in Medicine. [2009, c. 112, Pt. A, §3 (AMD).]

SECTION HISTORY

1983, c. 113, §2 (RPR). 1991, c. 392, §11 (AMD). 1993, c. 600, §A51 (AMD). 2007, c. 402, Pt. H, §12 (AMD). 2009, c. 112, Pt. A, §3 (AMD).

Subchapter 4: CHIROPRACTIC ASSISTANTS
HEADING: PL 1991, C. 884, §1 (NEW)

32 §555. ASSISTANTS

This chapter does not prohibit an individual from rendering ancillary diagnostic or therapeutic services as used in chiropractic practice, other than the adjustive or manipulative techniques, if those services are rendered under the supervision and control of a licensed chiropractor as long as that individual has successfully completed a training program recognized by the board. "Supervision and control" may not be construed as requiring the personal presence of the supervising and controlling chiropractor at the place where those services are rendered, unless physical presence is necessary to provide patient care of the same quality as provided by the chiropractor. This chapter does not prohibit a chiropractor from delegating to an employee certain activities relating to the care and treatment being performed by custom and usage when those activities are under the direct control of and in the presence of the chiropractor. The chiropractor delegating those activities to an employee, to a program graduate or to a participant in an approved training program is legally liable for those activities performed by such an individual and that individual is considered to be the chiropractor's agent. [1993, c. 600, Pt. A, §52 (AMD).]

SECTION HISTORY

1991, c. 884, §1 (NEW). 1993, c. 600, §A52 (AMD).

32 §556. LICENSE

An individual may not render ancillary services under section 555 until that individual has received a chiropractic assistant license or a temporary license issued by the board, either of which is renewable. The applicant must pay a license fee as set under section 558. The board shall adopt rules regarding the training and licensure of individuals permitted to render ancillary services under section 555. [2007, c. 402, Pt. H, §13 (AMD).]

SECTION HISTORY

1991, c. 884, §1 (NEW). 1993, c. 600, §A52 (AMD). 2005, c. 262, §A6 (AMD). 2007, c. 402, Pt. H, §13 (AMD).

32 §557. TERMINATION OF LICENSE

The sanctions of sections 454 and 503-B apply to individuals who render any ancillary services under section 555 and who: [2007, c. 402, Pt. H, §14 (AMD).]

1. Misrepresentation. Profess to be or permit themselves to be represented as licensed chiropractors;

[1991, c. 884, §1 (NEW) .]

2. Nonsupervision. Perform other than at the direction and under the supervision of a chiropractor licensed by the board; or

[1991, c. 884, §1 (NEW) .]

3. Inadequate training. Perform a task that they have not been trained or are not clinically competent to perform.

[1991, c. 884, §1 (NEW) .]

SECTION HISTORY

1991, c. 884, §1 (NEW). 2007, c. 402, Pt. H, §14 (AMD).

32 §558. FEES

The Director of the Office of Licensing and Registration within the department may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$250 annually. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2009, c. 241, Pt. B, §1 (AMD).]

SECTION HISTORY

1991, c. 884, §1 (NEW). 1993, c. 600, §A52 (AMD). 1995, c. 502, §H23 (AMD). 2005, c. 262, §A7 (RPR). 2007, c. 402, Pt. H, §15 (AMD). 2009, c. 241, Pt. B, §1 (AMD).

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