

IN THE SENATE

SENATE BILL NO. 1331

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO CHIROPRACTIC PRACTICE ACT; AMENDING SECTION 54-704, IDAHO CODE,  
2 TO PROVIDE FOR A CHIROPRACTIC PHYSICIAN CERTIFIED IN CLINICAL NUTRITION  
3 TO ISSUE CERTAIN PRESCRIPTIONS AND TO MAKE TECHNICAL CORRECTIONS; AND  
4 AMENDING SECTION 54-716, IDAHO CODE, TO PROVIDE FOR APPROVED VITAMINS  
5 OR MINERALS TO BE OBTAINED FOR OFFICE USE FROM A COMPOUNDING PHARMACY.  
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 54-704, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 54-704. CHIROPRACTIC PRACTICE. (1) Chiropractic practice and pro-  
11 cedures that may be employed by physicians are as follows: the system of  
12 specific adjustment or manipulation of the articulations and tissues of the  
13 body; the investigation, examination and clinical diagnosis of conditions  
14 of the human body and the treatment of the human body by the application of  
15 manipulative, manual, mechanical, physiotherapeutic or clinical nutri-  
16 tional methods and may include the use of diagnostic X-rays.

17 (2) As used in this section:

18 (a) "Adjustment" means the application of a precisely controlled  
19 force applied by hand or by mechanical device to a specific focal point  
20 on the anatomy for the express purpose of creating a desired angular  
21 movement in skeletal joint structures in order to eliminate or de-  
22 crease interference with neural transmission and correct or attempt to  
23 correct subluxation complex; "chiropractic adjustment" utilizes, as  
24 appropriate, short-lever force, high-velocity force, short-amplitude  
25 force, or specific line-of-correction force to achieve the desired  
26 angular movement, as well as low-force neuromuscular, neurovascular,  
27 neuro-cranial, or neuro-lymphatic reflex technique procedures.

28 (b) "Manipulation" means an application of a resistive movement by ap-  
29 plying a nonspecific force without the use of a thrust that is directed  
30 into a region and not into a focal point of the anatomy for the general  
31 purpose of restoring movement and reducing fixation.

32 (c) "Massage therapy," also called massology, means the systematic  
33 manual or mechanical mobilization of the soft tissue of the body by such  
34 movements as rubbing, kneading, pressing, rolling, slapping and tap-  
35 ping for the purpose of promoting circulation of the blood and lymph,  
36 relaxation of muscles, release from pain, restoration of metabolic bal-  
37 ance, and the other benefits both physical and mental.

38 (3) Nothing herein contained shall allow a physician to:

39 (a) Perform surgical operations or practice obstetrics; or

40 (b) Prescribe, dispense, independently administer, distribute, or di-  
41 rect to a patient a drug, substance or product that:

1 (i) Under federal law is required, prior to being dispensed or  
2 delivered, to be labeled with any of the following statements:

- 3 1. "Caution: Federal law prohibits dispensing without pre-  
4 scription";  
5 2. "Rx only"; or  
6 3. "Caution: Federal law restricts this drug to use by or on  
7 the order of a licensed veterinarian"; or

8 (ii) Is required by any applicable federal or state law, rule or  
9 regulation to be dispensed on prescription only or prescription  
10 drug order only, or is restricted to use by practitioners only.

11 (4) Notwithstanding the provisions of subsection (3) of this section,  
12 a chiropractic physician certified in clinical nutrition may independently  
13 administer prescription drug products as provided in section 54-716, Idaho  
14 Code.

15 (5) Notwithstanding the provisions of subsection (3) of this section,  
16 a chiropractic physician certified in clinical nutrition may issue a pre-  
17 scription for drug products provided in section 54-716, Idaho Code, to be:

18 (a) Dispensed by an Idaho licensed pharmacy;

19 (b) Delivered directly to the prescribing chiropractic physician's of-  
20 fice; and

21 (c) Administered directly to the patient in the prescribing chiroprac-  
22 tic physician's office.

23 (6) Chiropractic practice, as herein defined, is hereby declared not  
24 to be the practice of medicine within the meaning of the laws of the state  
25 of Idaho defining the same, and physicians licensed pursuant to this chapter  
26 shall not be subject to the provisions of chapter 18, title 54, Idaho Code,  
27 nor liable to any prosecution thereunder, when acting within the scope of  
28 practice as defined in this chapter.

29 SECTION 2. That Section 54-716, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 54-716. ADMINISTERING PRESCRIPTION DRUG PRODUCTS. (1) A licensee un-  
32 der this chapter who is certified in clinical nutrition may obtain and in-  
33 dependently administer, during chiropractic practice, the following pre-  
34 scription drug products:

35 (a) Vitamins:

- 36 (i) Vitamin A;  
37 (ii) All B vitamins; and  
38 (iii) Vitamin C;

39 (b) Minerals:

- 40 (i) Ammonium molybdate;  
41 (ii) Calcium;  
42 (iii) Chromium;  
43 (iv) Copper;  
44 (v) Iodine;  
45 (vi) Magnesium;  
46 (vii) Manganese;  
47 (viii) Potassium;  
48 (ix) Selenium;  
49 (x) Sodium; and

1 (xi) Zinc;

2 (c) Fluids:

3 (i) Dextrose;

4 (ii) Lactated ringers;

5 (iii) Plasma lyte;

6 (iv) Saline; and

7 (v) Sterile water;

8 (d) Epinephrine; and

9 (e) Oxygen for use during an emergency or allergic reaction.

10 (2) The prescription drug products listed in subsection (1) of this  
11 section may be administered through oral, topical, intravenous, intramuscu-  
12 lar or subcutaneous routes. The route of administration and dosing shall be  
13 in accordance with the product's labeling as approved by the federal food and  
14 drug administration or with the manufacturer's instructions.

15 (3) The prescription drug products listed in subsection (1) of this  
16 section shall be obtained from a wholesale distributor, manufacturer, phar-  
17 macy or outsourcing facility licensed under chapter 17, title 54, Idaho  
18 Code.

19 (4) No vitamin or mineral may be compounded, as defined in section  
20 54-1705, Idaho Code, by a chiropractic physician. A compounded drug product  
21 containing two (2) or more of the approved vitamins or minerals shall be ob-  
22 tained for office use from either an outsourcing facility or a compounding  
23 pharmacy licensed under chapter 17, title 54, Idaho Code.

24 (5) Nothing herein would remove or impact the ability of a chiropractic  
25 physician who does not obtain a clinical nutrition certification to continue  
26 to utilize nonprescriptive nutritional supplements.