

CHAPTER 910

S.B. No. 1061

AN ACT

relating to the continuation and functions of the Texas Board of Chiropractic Examiners and to the regulation of the practice of chiropractic; providing penalties.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 3, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3. (a) A Board to be known as "The Texas Board of Chiropractic Examiners" is hereby created. No member of said Board shall be a member of the faculty or Board of Trustees of any chiropractic school; and all appointments to said Board shall be subject to the confirmation of the Senate. The Texas Board of Chiropractic Examiners, which hereinafter may be referred to as "The Board," shall be composed of nine (9) members, appointed by

the Governor, whose duty it shall be to carry out the purposes and enforce the provisions of this Act. Appointments to the Board shall be made without regard to the race, color, disability [creed], sex, religion, age, or national origin of the appointees.

(b) Six (6) members must be reputable practicing chiropractors who have resided in this State for a period of five (5) years preceding their appointment. Three (3) members must be *representatives [members]* of the general public. A person is not eligible for appointment as a public member of the Board if the person or the person's spouse:

(1) is *registered, certified, or licensed* by an occupational regulatory agency in the field of health care;

(2) is employed by or participates in the management of a business entity or other organization *regulated by the Board or receiving funds from the Board [that provides health care services or that sells, manufactures, or distributes health care supplies or equipment]*; or

(3) owns or~~[,]~~ controls, ~~[or has,]~~ directly or indirectly, more than a 10 ~~[ten]~~ percent ~~[(10%)]~~ interest in a business entity or other organization *regulated by the Board or receiving funds from the Board*; or

(4) *uses or receives a substantial amount of tangible goods, services, or funds from the Board, other than compensation or reimbursement authorized by law for Board membership, attendance, or expenses [that provides health care services or that sells, manufactures, or distributes health care supplies or equipment].*

(c) Five (5) members of the Board shall constitute a quorum. No member of said Board shall be a stockholder, or have any financial interest whatsoever in any chiropractic school or college.

(d) *An officer, employee, or paid consultant of a professional or trade association in the field of health care may not be a member or employee of the Board who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule [A member or employee of the Board may not be an officer, employee, or paid consultant of a statewide or national trade association in the health care industry].*

(e) *A person who is the spouse of, or who is related within the first degree by affinity or within the first degree by consanguinity to, an officer, manager, or paid consultant of a professional or trade association in the field of health care may not be a Board member and may not be an employee of the Board who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule [member or employee of the Board may not be related within the second degree by affinity or within the second degree by consanguinity, as determined under Article 5996h, Revised Statutes, to a person who is an officer, employee, or paid consultant of a statewide or national trade association in the regulated industry].*

(f) *For the purposes of Subsections (d) and (e) of this section, a professional or trade association is a nonprofit, cooperative, and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.*

(g) *A person may not serve as a member of the Board or act as the general counsel to the Board if the person [who] is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the Board [may not serve as a member of the Board or act as the general counsel to the Board].*

(h) ~~[(g)]~~ The members of the Texas Board of Chiropractic Examiners shall be divided into three (3) classes, one, two and three, and *are appointed for staggered six-year terms, with three members' terms expiring on February 1 of each odd-numbered year [their respective terms of office shall be determined by the Governor at the time of the first appointments hereunder].* Members hold office for *their terms [six (6) years]* and until their successors are duly appointed and qualified. In case of death or resignation of a member of the Board, the Governor shall appoint another to take his place for the unexpired term only.

(i) ~~(4)~~ The Texas Board of Chiropractic Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this Act expires September 1, 2005 [1993].

SECTION 2. Section 3a, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3a. (a) The Board shall prepare information of *public* ~~[consumer]~~ interest describing the ~~[regulatory]~~ functions of the Board and ~~[describing]~~ the Board's procedures by which ~~[consumer]~~ complaints are filed with and resolved by the Board. The Board shall make the information available to the ~~[general]~~ public and appropriate state agencies.

(b) *The Board by rule shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the Board for the purpose of directing complaints to the Board. The Board may provide for that notification:*

(1) *on each registration form, application, or written contract for services of an individual or entity regulated by the Board; or*

(2) *on a sign prominently displayed in the place of business of each individual or entity regulated by the Board.*

(c) *The Board shall list along with its regular telephone number the toll-free telephone number that may be called to present a complaint about a health professional if the toll-free number is established under other state law* ~~[There shall at all times be prominently displayed in the place of business of each licensee regulated under this Act a sign containing the name, mailing address, and telephone number of the Board and a statement informing consumers that complaints against licensees can be directed to the Board].~~

SECTION 3. Section 3b, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3b. (a) It is a ground for removal from the Board if a member:

(1) does not have at the time of appointment the qualifications required by Subsection (b) of Section 3 of this Act ~~[for appointment to the Board];~~

(2) does not maintain during ~~[the]~~ service on the Board the qualifications required by Subsection (b) of Section 3 of this Act ~~[for appointment to the Board];~~

(3) violates a prohibition established by Subsection (d), (e), or (g) ~~[(f)]~~ of Section 3 of this Act; ~~[or]~~

(4) *cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or*

(5) *is absent from more than half* ~~[does not attend at least one-half]~~ of the regularly scheduled Board meetings that the member is eligible to attend during ~~[held by the Board in]~~ a calendar year unless the absence is excused by majority vote~~[-excluding meetings held while the person was not a member]~~ of the Board.

(b) The validity of an action of the Board is not affected by the fact that it was taken when a ground for removal of a Board member exists ~~[of the Board existed].~~

(c) *If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the governor and the attorney general that a potential ground for removal exists.*

SECTION 4. Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended by adding Section 3c to read as follows:

Sec. 3c. (a) *Each Board member shall comply with the Board member training requirements established by any other state agency that is given authority to establish the requirements for the Board.*

(b) *The Board shall provide to its members and employees, as often as necessary, information regarding their qualifications for office or employment under this Act and their responsibilities under applicable laws relating to standards of conduct for state officers or employees.*

SECTION 5. Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended by adding Section 3d to read as follows:

*Sec. 3d. The Board shall develop and implement policies that clearly define the respective responsibilities of the Board and the staff of the Board.*

SECTION 6. Section 4, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4. (a) Each member of the Texas Board of Chiropractic Examiners shall qualify by taking the Constitutional Oath. At the first meeting of said Board after each biennial appointment, the Board shall elect ~~a president,~~ a vice-president and a secretary-treasurer from its members. *The governor shall designate a member of the Board to act as the president of the Board at the pleasure of the governor.* Regular meetings shall be held to examine applicants and for the transaction of business at least twice a year at such time and place as may be determined by the Board. Special meetings may be held on a call of three (3) members of the Board. The Board may prescribe rules, regulations and bylaws in harmony with the provisions of this Act for its own proceedings and government for the examination of applicants for license to practice chiropractic. The secretary-treasurer shall make and file a surety bond in favor of the Texas Board of Chiropractic Examiners in the sum of not less than Five Thousand Dollars (\$5,000) conditioned that he will faithfully discharge the duties of his office.

(b) The Board ~~[Board/commission]~~ is subject to the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes), and the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

~~(c) [If the appropriate standing committees of both houses of the Legislature acting under Subsection (g), Section 5, Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes), transmit to the Board/commission statements opposing adoption of a rule under that section, the rule may not take effect, or if the rule has already taken effect, the rule is repealed effective on the date the Board/commission receives the committee's statements.]~~

~~[(d)]~~ The Board shall adopt guidelines for educational preparation ~~[and acceptable practices]~~ for all aspects of the practice of chiropractic. *The Board may not adopt a rule relating to the meaning of the practice of chiropractic under this Act except for:*

(1) *a rule relating to an adjustment, manipulation, or other procedure directly related to improving the subluxation of the spine or of the musculoskeletal system as it directly relates to improving the subluxation of the spine; or*

(2) *a rule that defines an unacceptable practice of chiropractic and provides for a penalty or sanction under this Act.*

~~(d) The [(e) On or before January 1 of each year, the]~~ Board shall file *annually* with the Governor and the presiding officer of each house of the Legislature a complete and detailed written report accounting for all funds received and disbursed by the Board *during* ~~in~~ the preceding fiscal year. *The annual report must be in the form and reported in the time provided by the General Appropriations Act.*

~~(e) [(f)]~~ The executive director or the executive director's designee ~~[Board]~~ shall develop an *intra-agency* ~~[intraagency]~~ career ladder program. *The program shall require intra-agency posting of all, one part of which shall be the intraagency posting of each job opening with the Board in a nonentry level positions concurrently with any public posting [position. The intraagency posting shall be made at least ten (10) days before any public posting is made].*

~~(f) [(g)]~~ The executive director or the executive director's designee ~~[Board]~~ shall develop a system of annual performance evaluations ~~[of the Board's employees based on measurable job tasks]. All [Any] merit pay for [authorized by the] Board employees must [shall] be based on the system established under this subsection.~~

SECTION 7. Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended by adding Sections 4c and 4d to read as follows:

*Sec. 4c. (a) The executive director or the executive director's designee shall prepare and maintain a written policy statement to ensure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to*

race, color, disability, sex, religion, age, or national origin. The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, application, training, and promotion of personnel that are in compliance with the Commission on Human Rights Act (Article 5221k, Vernon's Texas Civil Statutes) and its subsequent amendments;

(2) a comprehensive analysis of the Board work force that meets federal and state guidelines;

(3) procedures by which a determination can be made of significant underutilization in the Board work force of all persons for whom federal or state guidelines encourage a more equitable balance; and

(4) reasonable methods to appropriately address those areas of underutilization.

(b) A policy statement prepared under Subsection (a) of this section must cover an annual period, be updated annually, be reviewed by the Commission on Human Rights for compliance with Subsection (a)(1) of this section, and be filed with the governor's office.

(c) The governor's office shall deliver a biennial report to the legislature based on the information received under Subsection (b) of this section. The report may be made separately or as part of other biennial reports to the legislature.

Sec. 4d. (a) The Board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the Board and to speak on any issue under the jurisdiction of the Board.

(b) The Board shall prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to the Board's programs. The Board shall also comply with federal and state laws for program and facility accessibility.

SECTION 8. Section 8a, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended by amending Subsections (a) and (e) and adding Subsection (f) to read as follows:

(a) Practicing chiropractic as defined in Section 1 of this Act without an annual *renewal* [registration] receipt for the current year as provided herein shall have the same force and effect and be subject to all penalties of practicing chiropractic without a license.

(e) If a person's license has been expired for one (1) year or longer, the person may not renew the license. The person may obtain a new license by submitting to reexamination and complying with the requirements and procedures for obtaining an original license. *However, the Board may renew without reexamination an expired license of a person who was licensed in this state, moved to another state, and is currently licensed and has been in practice in the other state for the two years preceding application. The person must pay to the Board a fee that is equal to the examination fee for the license.*

(f) *At least 30 days before the expiration of a person's license, the Board shall send written notice of the impending license expiration to the person at the licensee's last known address according to the records of the Board.*

SECTION 9. Section 8b, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 8b. (a) The provisions of this Act shall apply to all persons licensed by the Texas Board of Chiropractic Examiners and the annual *renewal* [registration] fee shall apply to all persons licensed by the Texas Board of Chiropractic Examiners, whether or not they are practicing within the borders of this State. ~~[As a prerequisite to the annual registration or renewal and before the chiropractic registration or renewal may be issued, the licensee shall present to the Board satisfactory evidence that in the year preceding the application for renewal said licensee attended two (2) days of continuing educational courses approved by the Board. A person licensed by examination during the twelve (12) months immediately preceding the January 1st renewal date shall be granted renewal without attending the educational programs. Unless the exemption provided by this subsection applies, if a licensee fails to meet the continuing education requirement the Board may place the licensee on probation for a period not to exceed twelve (12) months. The Board by rule may set conditions for reinstatement of a license during the probationary period. If the licensee fails~~

to satisfy the requirements for reinstatement, the licensee may obtain a new license only by complying with the requirements and procedures for obtaining an original license.]

(b) The Board shall notify licensees of approved continuing education courses at least annually.

(c) *The Board by rule shall adopt requirements for mandatory continuing education for licensees under this Act in subjects pertaining to the practice of chiropractic. The Board by rule shall establish a minimum number of hours of continuing education required to renew a license. The Board may assess the continuing education needs of licensees and may require licensees to attend continuing education courses specified by the Board. The Board by rule shall develop a process to evaluate and approve continuing education courses.*

(d) *The Board shall identify the key factors for the competent performance by a licensee of the licensee's professional duties. The Board shall adopt a procedure to assess a licensee's participation and performance in continuing education programs.*

SECTION 10. Section 8c, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 8c. The Board by rule may adopt a system under which licenses [registrations] expire on various dates during the year. For the year in which the license expiration date is changed, license [registration] fees payable on January 1 shall be prorated on a monthly basis so that each licensee [registrant] shall pay only that portion of the license [registration] fee that [which] is allocable to the number of months during which the license [registration] is valid. On renewal of the license [registration] on the new expiration date, the total license renewal [registration] fee is payable.

SECTION 11. Section 8d, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

(e) *Rules adopted under this section shall include a time limit for a licensee to remain on inactive status.*

SECTION 12. Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended by adding Section 8e to read as follows:

Sec. 8e. *The Board by rule may provide for the issuance of a temporary license. Rules adopted under this section shall include a time limit for a person who holds a temporary license.*

SECTION 13. Section 9, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. (a) The Texas Board of Chiropractic Examiners may upon payment by an applicant of a fee grant a provisional license to practice chiropractic to an applicant who presents proof of a current license in another state, the District of Columbia, a territory of the United States, or a foreign country that maintains professional standards considered by the Board to be equivalent to those set forth in this Act [~~licentiates of other states or territories having requirements and practices equivalent to those established by the laws of this State, provided said applicant has continuously practiced chiropractic for not less than five years preceding the applicant's application to the Board~~]. Applications for license under the provisions of this Section shall be in writing, and upon a form to be prescribed by the Texas Board of Chiropractic Examiners. Said application shall be accompanied by a license, or a certified copy of license to practice chiropractic, lawfully issued to the applicant, upon examination, by some other state, the District of Columbia, a [or] territory of the United States, or a foreign country. Said application shall also be accompanied by an affidavit made by the president or secretary of the Board of Chiropractic Examiners which issued the said license, or by a legally constituted chiropractic registration officer of the state, District of Columbia, [or] territory, or foreign country by which the license was granted, and on which the application for chiropractic registration in Texas is based, reciting that the accompanying license has not been cancelled or revoked, and that the statement or qualifications made in the application for chiropractic license in Texas is true and correct. Applicants for license under the provisions of this Section shall subscribe to an oath in writing before an officer authorized by law to administer oaths, which shall be a part of said application, stating that the license under which the applicant practiced chiropractic in the State, the District of

*Columbia, the foreign country, or the territory from which the applicant removed, was at the time of such removal in full force, and not suspended or cancelled. Said application shall also state that the applicant is the identical person to whom the said certificate was issued, and that no proceeding has been instituted against the applicant for the cancellation of said certificate to practice chiropractic in the State, District of Columbia, foreign country, or territory by which the same was issued; and that no prosecution is pending against the applicant in any State or Federal Court for any offense which, under the law of Texas is a felony. An applicant for a provisional license under this Section must:*

- (1) be licensed in good standing as a chiropractor at least two years in another state, the District of Columbia, a foreign country, or a territory of the United States that has licensing requirements that are substantially equivalent to the requirements of this Act;*
  - (2) have passed a national or other examination recognized by the Board relating to the practice of chiropractic; and*
  - (3) be sponsored by a person licensed by the Board under this Act with whom the provisional licensee may practice under this Section.*
- (b) An applicant for a provisional license may be excused from the requirement of Subsection (a)(3) of this Section if the Board determines that compliance with that subsection constitutes a hardship to the applicant.*
- (c) A provisional license is valid until the date the Board approves or denies the provisional licensee's application for a license. The Board shall issue a license under this Act to the holder of a provisional license under this Section if:*

- (1) the provisional licensee passes the part of the examination under Section 10 of this Act that pertains to the applicant's knowledge and understanding of the laws and regulations relating to the practice of chiropractic in this State;*
  - (2) the Board verifies that the provisional licensee has the academic and experience requirements for a license under this Act; and*
  - (3) the provisional licensee satisfies any other license requirements under this Act.*
- (d) The Board must complete the processing of a provisional licensee's application for a license not later than the 180th day after the date the provisional license is issued. The Board may extend the 180-day limit if the results on an examination have not been received by the Board.*

SECTION 14. Subsections (c) and (e), Section 10, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), are amended to read as follows:

*(c) If any applicant, because of failure to pass the required examination, shall be refused a license, he or she, ~~at such time as the Texas Board of Chiropractic Examiners may fix, not exceeding one (1) year,~~ shall be permitted to take a subsequent examination, upon such subjects required in the original examination as the Board may prescribe. The Board by rule shall establish the conditions under which an applicant who fails the licensing examination may retake the examination and the number of times the applicant may retake the examination. The Board may require an applicant to fulfill additional educational requirements ~~[except that the applicant shall not be required to take a re-examination on subjects in which he has made a grade of seventy-five per cent (75%) or more, provided the applicant shall apply for re-examination within one (1) year].~~ In the event satisfactory grades shall be made in the subjects prescribed and taken on such re-examination, the Board shall grant to the applicant a license to practice chiropractic. The Board shall determine the grade to be given the examinees on the answers turned in on the subjects of complete and partial examination, and its decision thereupon shall be final.*

*(e) Not later than the 30th day ~~[Within thirty (30) days]~~ after the day on which a licensing examination is administered under this Act, the Board shall notify each examinee of the results of the examination. However, if an examination is graded or reviewed by a national testing service, the Board shall notify examinees of the results of the examination ~~not later than the 14th day [within two (2) weeks]~~ after the day that the Board receives the results from the testing service. If the notice of the examination results ~~graded or reviewed by a national testing service~~ will be delayed for longer than 90 ~~[ninety (90)]~~ days after the*

examination date, the Board shall notify the examinee of the reason for the delay before the 90th ~~ninetieth~~ (90th) day.

SECTION 15. Subsection (b), Section 11, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The Board *by rule* shall establish reasonable and necessary fees so that the fees, in the aggregate, produce sufficient revenue to cover the cost of administering this Act. The fees set by the Board may be adjusted so that the total fees collected shall be sufficient to meet the expenses of administering this Act. The Board may not set a fee for an amount less than the amount of that fee on September 1, 1993 ~~[for the administration of this Act, not to exceed:~~

- ~~[(1) annual renewal: \$200;~~
- ~~[(2) reciprocal license: \$200;~~
- ~~[(3) examination fee: \$120;~~
- ~~[(4) reexam fee: \$75; and~~
- ~~[(5) verification of licensing requirements fee: \$75].~~

SECTION 16. Section 12, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 12. All examinations for license to practice chiropractic shall be conducted in writing in the English language and in such manner as to be entirely fair and impartial to all applicants. The Board shall have the examination validated by an independent testing entity. The Board may use an examination that it purchases from a national testing center only if the national testing center has the examination validated by an independent testing professional. All applicants shall be known to the examiners only by numbers, without names or other method of identification on examination papers by which members of the Board may be able to identify such applicants, or examinees, until after the general averages of the examinees' numbers in the class have been determined, and license granted or refused. Examinations shall be conducted on practical and theoretical chiropractic and in the subjects of anatomy-histology, chemistry, bacteriology, physiology, symptomatology, pathology and analysis of the human spine, and hygiene and public health. Upon satisfactory examination, conducted as aforesaid under the rules of the Board, which shall consist of an average grade of not less than seventy-five per cent (75%) in any one subject, applicants shall be granted license to practice chiropractic. All questions and answers, with the grades attached, authenticated by the signature of the examiner, shall be preserved in the executive office of the Board for one (1) year. All applicants examined at the same time shall be given identical questions. All certificates shall be attested by the seal of the Board, and signed by all members of the Board, or a quorum thereof.

SECTION 17. Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended by adding Section 12a to read as follows:

Sec. 12a. The Board shall adopt rules for the licensing and regulation of chiropractic facilities as necessary to protect the public health, safety, and welfare. A rule adopted by the Board under this section must:

- (1) specify the licensing requirements for a chiropractic facility;
- (2) set out the structure of the facility licensing program; and
- (3) provide that the Board shall issue one facility license to an owner of a chiropractic facility without regard to the number of chiropractic facilities owned by the owner.

SECTION 18. Section 14, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14. (a) The Texas Board of Chiropractic Examiners shall revoke or suspend a license, place on probation a person whose ~~probate a~~ license has been suspended ~~[suspension]~~, or reprimand a licensee, or may impose an administrative penalty, for a violation ~~[any violations]~~ of this ~~[the]~~ Act or a rule ~~[rules]~~ of the Board. If a license suspension is probated, the Board may require the licensee to:

- (1) report regularly to the Board on matters that are the basis of the probation;



(2) *limit practice to the areas prescribed by the Board; or*

(3) *continue or review continuing professional education until the licensee attains a degree of skill satisfactory to the Board in those areas that are the basis of the probation.*

(b) *The Board by rule shall develop a system for monitoring the compliance with the requirements of this Act of license holders who are the subject of disciplinary action. Rules adopted under this subsection shall include procedures for monitoring a license holder who is ordered by the Board to perform certain acts to ascertain that the license holder performs the required acts and to identify and monitor license holders who are the subject of disciplinary action and who present a continuing threat to the public welfare through the practice of chiropractic.*

(c) *In addition to the other disciplinary actions authorized by this Act, the Board may require that a licensee who violates this Act participate in continuing education programs. The Board shall specify the continuing education programs that may be attended and the number of hours that must be completed by an individual licensee to fulfill the requirements of this section.*

(d) *The Board by rule shall adopt a schedule of the maximum amount of sanctions that may be assessed against a licensee for each category of violation of this Act. In establishing the schedule of sanctions or in imposing the amount of an administrative penalty under this Act, the Board shall consider:*

(1) *the seriousness of the violation, including the nature, circumstances, extent, or gravity of any prohibited acts, and the hazard or potential hazard created to the health, safety, or economic welfare of the public;*

(2) *the economic harm to property or the environment caused by the violation;*

(3) *the history of previous violations;*

(4) *the amount necessary to deter future violations;*

(5) *efforts to correct the violation; and*

(6) *any other matter that justice may require.*

(e) *The schedule of sanctions shall be used by the State Office of Administrative Hearings for any sanction imposed as the result of a hearing conducted by that office.*

(f) ~~[(b)]~~ *The Board shall keep an information file about each complaint filed with the Board [relating to a licensee]. The Board's information file shall be kept current and contain a record for each complaint of:*

(1) *all persons contacted in relation to the complaint;*

(2) *a summary of findings made at each step of the complaint process;*

(3) *an explanation of the legal basis and reason for a complaint that is dismissed; and*

(4) *other relevant information.*

(g) ~~[(e)]~~ *If a written complaint is filed with the Board that the Board has authority to resolve [relating to a licensee], the Board, at least [as frequently as] quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an undercover investigation.*

(h) ~~[(d)]~~ *Any person whose license to practice chiropractic has been cancelled, revoked or suspended or on whom an administrative penalty has been imposed by the Board may take an appeal to any of the district courts in the county of his residence, but the decision of the Board shall not be enjoined or stayed except on application to such district court after notices to the Board.*

(i) ~~[(e)]~~ *Upon application, the Board may reissue a license to practice chiropractic to a person whose license has been cancelled or suspended, but such application, in the case of cancellation or revocation, shall not be made prior to one (1) year after the cancellation or revocation, and shall be made in such manner and form as the Board may require.*

(j) ~~[(f)]~~ *If the Board proposes to refuse a person's application for a license, to suspend or revoke a person's license, or to probate or reprimand a person, the person is entitled to a hearing before the Board.*

(k) ~~[(g)]~~ Disciplinary proceedings are governed by the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

(l) *The Board by rule shall adopt a form to standardize information concerning complaints made to the Board. The Board by rule shall prescribe information to be provided to a person when the person files a complaint with the Board.*

(m) *The Board shall provide reasonable assistance to a person who wishes to file a complaint with the Board.*

SECTION 19. Section 14a, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14a. The Texas Board of Chiropractic Examiners may refuse to admit persons to its examinations and may cancel, revoke or suspend licenses or place licensees upon probation for such length of time as may be deemed proper by the Board for any one or more of the following causes:

1. For failure to comply with, or the violation of, any of the provisions of this Act or of a rule adopted under this Act;
2. If it is found that said person or persons are in any way guilty of deception or fraud in the practice of chiropractic;
3. The presentation to the Board or use of any license, certificate or diploma, which was illegally or fraudulently obtained, or the presentation to the Board of any untrue statement or any document or testimony which was illegally practiced in passing the examination;
4. Conviction of a crime of the grade of a felony, or one which involves moral turpitude, or the procuring or assisting in the procuring of an abortion;
5. Grossly unprofessional conduct or dishonorable conduct of a character likely to deceive or defraud the public, habits of intemperance or drug addiction, or other habits calculated in the opinion of the Board to endanger the lives of patients;
6. The use of any advertising statement of a character to mislead or deceive the public;
7. Employing or associating with, directly or indirectly, any person who, during the period of such employment, commits any act constituting the practice of chiropractic when such person is not licensed to do so;
8. The advertising of professional superiority, or the advertising of the performance of professional services in a superior manner;
9. The purchase, sale, barter, use, or any offer to purchase, sell, barter or use, any chiropractic degree, license, certificate, or diploma, or transcript of license, certificate, or diploma in or incident to an application to the Board of Chiropractic Examiners for license to practice chiropractic;
10. Altering with fraudulent intent any chiropractic license, certificate or diploma, or transcript of chiropractic license, certificate or diploma;
11. The impersonation of, or acting as proxy for, another in any examination required by this Act for a chiropractic license;
12. The impersonation of a licensed practitioner, or the permitting or allowing another to use his license or certificate to practice chiropractic as defined by statute by a licensed practitioner;
13. Proof of insanity of the holder of a certificate, as adjudged by the regularly constituted authorities;
14. Failure to use proper diligence in the practice of chiropractic by the holder of a certificate, or grossly inefficient practice of chiropractic;
15. Failing to clearly differentiate a chiropractic office or clinic from any other business or enterprise;
16. Personally soliciting patients, or causing patients to be solicited, by the use of case histories of patients of other chiropractors; ~~or~~
17. *Using an accident report prepared by a peace officer in a manner prohibited by Section 38.12, Penal Code, for the purpose of soliciting patients; or*

18. If, when uninvited, a licensee or person designated, contracted or paid by licensee directly canvasses, drums, secures or solicits by phone, mail or in person patients or potential patients who, because of their particular circumstances, are vulnerable to undue influence. Circumstances in which patients or potential patients may be considered to be vulnerable to undue influence include but are not limited to:

- a. when a person is known to the licensee to have recently been involved in a motor vehicle accident;
- b. when a person is known to the licensee to have recently been involved in a work-related accident; or
- c. when a person is known to the licensee to have recently been injured by another person or as a result of another person's actions.

SECTION 20. Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended by adding Sections 14c, 14d, and 14e to read as follows:

*Sec. 14c. (a) The Board shall appoint an enforcement committee to oversee and conduct the investigation of complaints filed with the Board under this Act and to perform other duties related to enforcement as directed by the Board. The enforcement committee is composed of:*

- (1) two or more Board members, at least one of whom is a doctor of chiropractic and at least one of whom is a representative of the general public;*
- (2) the executive director; and*
- (3) a representative of the attorney general's office.*

*(b) The Board shall adopt rules concerning the investigation of a complaint filed with the Board. The rules adopted under this subsection shall:*

- (1) distinguish between categories of complaints;*
- (2) ensure that complaints are not dismissed without appropriate consideration;*
- (3) require that the Board be advised of a complaint that is dismissed and that a letter be sent to the person who filed the complaint explaining the action taken on the dismissed complaint;*
- (4) ensure that the person who filed the complaint has an opportunity to explain the allegations made in the complaint; and*
- (5) prescribe guidelines concerning the categories of complaints that require the use of a private investigator, and the procedures for the Board to obtain the services of a private investigator.*

*(c) The Board shall dispose of all complaints in a timely manner. The Board shall establish a time line for conducting each phase of a complaint that is under the control of the Board not later than the 30th day after the date the complaint is received by the Board. The time line shall be kept in the information file for the complaint and all parties shall be notified of the projected time requirements for pursuing the complaint. A change in the time line must be noted in the complaint information file and all parties to the complaint must be notified not later than the seventh day after the date the change is made.*

*(d) The executive director of the Board shall notify the Board of a complaint that extends beyond the time prescribed by the Board for resolving the complaint so that the Board may take necessary action on the complaint.*

*Sec. 14d. (a) The Board by rule shall adopt procedures governing:*

- (1) informal disposition of a contested case under Section 13(e), Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), and its subsequent amendments; and*
- (2) informal proceedings held in compliance with Section 18(c), Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), and its subsequent amendments.*

(b) Rules adopted under this section must provide the complainant and the licensee an opportunity to be heard and must require the presence of a representative of the office of the attorney general or the Board's legal counsel to advise the Board or Board's employees.

Sec. 14e. (a) If the enforcement committee determines that a violation of this Act or a rule or order adopted under this Act has occurred it may issue to the Board a report that states the facts on which the determination is based and the enforcement committee's recommendation on the imposition of an administrative penalty, including a recommendation on the amount of the penalty.

(b) Within 14 days after the date the report is issued, the executive director shall give written notice of the report to the person. The notice shall be given by certified mail. The notice must include a brief summary of the alleged violation and a statement of the amount of the recommended penalty and must inform the person that the person has a right to a hearing on the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(c) Within 20 days after the date the person receives the notice, the person in writing may accept the determination and recommended penalty of the enforcement committee or may make a written request for a hearing on the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(d) If the person accepts the determination and recommended penalty of the enforcement committee, the Board by order shall approve the determination and impose the recommended penalty.

(e) If the person requests a hearing or fails to respond timely to the notice, the executive director shall set a hearing and give notice of the hearing to the person. The hearing shall be held by an administrative law judge of the State Office of Administrative Hearings. The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the Board a proposal for a decision about the occurrence of the violation and the amount of a proposed penalty. Based on the findings of fact, conclusions of law, and proposal for a decision, the Board by order may find that a violation has occurred and impose a penalty or may find that no violation occurred.

(f) The notice of the Board's order given to the person under the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) and its subsequent amendments must include a statement of the right of the person to judicial review of the order.

(g) Within 30 days after the date the Board's order is final as provided by Section 16(c), Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), and its subsequent amendments, the person shall:

(1) pay the amount of the penalty;

(2) pay the amount of the penalty and file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty; or

(3) without paying the amount of the penalty, file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(h) Within the 30-day period, a person who acts under Subsection (g)(3) of this section may:

(1) stay enforcement of the penalty by:

(A) paying the amount of the penalty to the court for placement in an escrow account; or

(B) giving to the court a supersedeas bond approved by the court for the amount of the penalty and that is effective until all judicial review of the Board's order is final; or

(2) request the court to stay enforcement of the penalty by:

(A) filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the amount of the penalty and is financially unable to give the supersedeas bond; and

(B) giving a copy of the affidavit to the executive director by certified mail.

(i) An executive director who receives a copy of an affidavit under Subsection (h)(2) of this section may, at the direction of the enforcement committee, file with the court, within five days after the date the copy is received, a contest to the affidavit. The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. The person who files an affidavit has the burden of proving that the person is financially unable to pay the amount of the penalty and to give a supersedeas bond.

(j) If the person does not pay the amount of the penalty and the enforcement of the penalty is not stayed, the executive director may, at the direction of the enforcement committee, refer the matter to the attorney general for collection of the amount of the penalty.

(k) Judicial review of the order of the Board:

(1) is instituted by filing a petition as provided by Section 19, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), and its subsequent amendments; and

(2) is under the substantial evidence rule.

SECTION 21. Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended by adding Sections 19a and 19b to read as follows:

Sec. 19a. (a) The Board may impose an administrative penalty against a person licensed or regulated under this Act who violates this Act or a rule or order adopted under this Act. The penalty for a violation may be in an amount not to exceed \$1,000. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(b) A person who violates this Act or a rule adopted by the Board under this Act is liable to the state for a civil penalty of \$1,000 for each day of violation. At the request of the Board, the attorney general shall bring an action to recover a civil penalty authorized under this subsection.

(c) If a court sustains the occurrence of the violation after the court reviews the order of the Board imposing an administrative penalty, the court may uphold or reduce the amount of the administrative penalty and order the person to pay the full or reduced amount of the penalty. If a court does not sustain the occurrence of the violation, the court shall order that no administrative penalty is owed.

(d) When the judgment of the court becomes final, the court shall proceed under this subsection. If the person paid the amount of the administrative penalty and if that amount is reduced or is not upheld by the court, the court shall order that the appropriate amount plus accrued interest be remitted to the person. The rate of the interest is the rate charged on loans to depository institutions by the New York Federal Reserve Bank, and the interest shall be paid for the period beginning on the date the administrative penalty was paid and ending on the date the penalty is remitted. If the person gave a supersedeas bond and if the amount of the administrative penalty is not upheld by the court, the court shall order the release of the bond. If the person gave a supersedeas bond and if the amount of the administrative penalty is reduced, the court shall order the release of the bond after the person pays the amount.

(e) An administrative penalty collected under this section shall be remitted to the comptroller for deposit in the general revenue fund. The Board may retain five percent of a penalty collected under this section to finance a Board-approved peer assistance program for chiropractors.

(f) All proceedings under this section other than a proceeding to collect a civil penalty are subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) and its subsequent amendments.

Sec. 19b. (a) The enforcement committee appointed under Subsection (a) of Section 14c of this Act on an emergency basis may temporarily suspend the license of a licensee under this Act if the enforcement committee determines from the evidence or information presented to the committee that the continued practice by the licensee constitutes a continuing or imminent threat to the public welfare.

(b) A temporary suspension authorized under Subsection (a) of this section may also be ordered on a vote of two-thirds of the Board.

(c) A license temporarily suspended under this section may be suspended without notice or hearing if, at the time the suspension is ordered, a hearing on whether disciplinary proceedings under this Act should be initiated against the licensee is scheduled to be held not later than the 14th day after the date of the suspension. A second hearing on the suspended license shall be held not later than the 60th day after the date the suspension was ordered. If the second hearing is not held in the time required by this subsection, the suspended license is automatically reinstated.

(d) The Board by rule shall adopt procedures for the temporary suspension of a license under this section.

SECTION 22. Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), is amended by adding Section 1b to read as follows:

Sec. 1b. (a) Communications between one licensed to practice chiropractic, relative to or in connection with any professional services as a chiropractor to a patient, are confidential and privileged and may not be disclosed except as provided in this section.

(b) Records of the identity, diagnosis, evaluation, or treatment of a patient by a chiropractor that are created or maintained by a chiropractor are confidential and privileged and may not be disclosed except as provided in this section.

(c) Any person who receives information from confidential communications or records as described in this section other than the persons listed in Subsection (h) of this section who are acting on the patient's behalf may not disclose the information except to the extent that disclosure is consistent with the authorized purposes for which the information was first obtained.

(d) The prohibitions of this section continue to apply to confidential communications or records concerning any patient irrespective of when the patient received the services of a chiropractor.

(e) The privilege of confidentiality may be claimed by the patient or chiropractor acting on the patient's behalf.

(f) The chiropractor may claim the privilege of confidentiality, but only on behalf of the patient. The authority to do so is presumed in the absence of evidence to the contrary.

(g) Exceptions to confidentiality or privilege in court or administrative proceedings exist:

(1) when the proceedings are brought by the patient against a chiropractor, including but not limited to malpractice proceedings, and any criminal or license revocation proceeding in which the patient is a complaining witness and in which disclosure is relevant to the claims or defense of a chiropractor;

(2) when the patient or someone authorized to act on the patient's behalf submits a written consent to the release of any confidential information, as provided in Subsection (j) of this section;

(3) when the purpose of the proceedings is to substantiate and collect on a claim for chiropractic services rendered to the patient;

(4) in any civil litigation or administrative proceeding, if relevant, brought by the patient or someone on his behalf if the patient is attempting to recover monetary damages for any physical or mental condition including death of the patient; any information is discoverable in any court or administrative proceeding in this state if the court or administrative body has jurisdiction over the subject matter, pursuant to rules of procedure specified for the matters;

(5) in any disciplinary investigation or proceeding of a chiropractor conducted under or pursuant to this Act, provided that the Board shall protect the identity of any patient whose chiropractic records are examined, except for those patients covered under Subdivision (1) of this subsection or those patients who have submitted written consent to the release of their chiropractic records as provided by Subsection (j) of this section;

(6) in any criminal investigation of a chiropractor in which the Board is participating or assisting in the investigation or proceeding by providing certain records obtained from

*the chiropractor, provided that the Board shall protect the identity of any patient whose records are provided in the investigation or proceeding, except for those patients covered under Subdivision (1) of this subsection or those patients who have submitted written consent to the release of their chiropractic records as provided by Subsection (j) of this section; this subsection does not authorize the release of any confidential information for the purpose of instigating or substantiating criminal charges against a patient; and*

*(7) in any criminal prosecution where the patient is a victim, witness, or defendant; records are not discoverable until the court in which the prosecution is pending makes an in camera determination as to the relevancy of the records or communications or any portion thereof; such determination shall not constitute a determination as to the admissibility of such records or communications or any portion thereof.*

*(h) Exceptions to the privilege of confidentiality, in other than court or administrative proceedings, allowing disclosure of confidential information by a chiropractor, exist only for the following:*

*(1) governmental agencies if the disclosures are required or permitted by law, provided that the agency shall protect the identity of any patient whose chiropractic records are examined;*

*(2) medical or law enforcement personnel if the chiropractor determines that there is a probability of imminent physical injury to the patient, to himself, or to others or if there is a probability of immediate mental or emotional injury to the patient;*

*(3) qualified personnel for the purpose of management audits, financial audits, program evaluations, or research, but the personnel may not identify, directly or indirectly, a patient in any report of the research, audit, or evaluation or otherwise disclose identity in any manner;*

*(4) those parts of the records reflecting charges and specific services rendered when necessary in the collection of fees for services provided by a chiropractor or chiropractors or professional associations or other entities qualified to render or arrange for services;*

*(5) any person who bears a written consent of the patient or other person authorized to act on the patient's behalf for the release of confidential information, as provided by Subsection (j) of this section;*

*(6) individuals, corporations, or governmental agencies involved in the payment or collection of fees for services rendered by a chiropractor;*

*(7) other chiropractors and personnel under the direction of the chiropractor who are participating in the diagnosis, evaluation, or treatment of the patient; or*

*(8) in any official legislative inquiry regarding state hospitals or state schools, provided that no information or records which identify a patient or client shall be released for any purpose unless proper consent to the release is given by the patient, and only records created by the state hospital or school or its employees shall be included under this subsection.*

*(i) Exceptions to the confidentiality privilege in this Act are not affected by any statute enacted before the effective date of this Act.*

*(j)(1) Consent for the release of confidential information must be in writing and signed by the patient; a parent or legal guardian if the patient is a minor; a legal guardian if the patient has been adjudicated incompetent to manage his personal affairs; an attorney ad litem appointed for the patient, as authorized by the Texas Mental Health Code (Subtitle C, Title 7, Health and Safety Code); the Persons with Mental Retardation Act (Subtitle D, Title 7, Health and Safety Code); Subtitle B, Title 6, Health and Safety Code; Subtitle E, Title 7, Health and Safety Code; Chapter 5, Texas Probate Code; and Chapter 11, Family Code; or other applicable provision or a personal representative if the patient is deceased, provided that the written consent specifies the following:*

*(A) the information records to be covered by the release;*

*(B) the reasons or purposes for the release; and*

*(C) the person to whom the information is to be released.*

(2) *The patient or other person authorized to consent has the right to withdraw his consent to the release of any information. Withdrawal of consent does not affect any information disclosed prior to the written notice of the withdrawal.*

(3) *Any person who receives information made confidential by this Act may disclose the information to others only to the extent consistent with the authorized purposes for which consent to release the information was obtained.*

(k) *A chiropractor shall furnish copies of chiropractic records requested or a summary or narrative of the records pursuant to a written consent for release of the information as provided by Subsection (j) of this section, except if the chiropractor determines that access to the information would be harmful to the physical, mental, or emotional health of the patient, and the chiropractor may delete confidential information about another person who has not consented to the release. The information shall be furnished by the chiropractor within a reasonable period of time, and reasonable fees for furnishing the information shall be paid by the patient or someone on the patient's behalf. In this subsection, "chiropractic records" means any records pertaining to the history, diagnosis, treatment, or prognosis of the patient.*

(l) *"Patient" for the purposes of this section means any person who consults or is seen by a person licensed to practice chiropractic to receive chiropractic care.*

SECTION 23. (a) The changes in law made by this Act in the qualifications of, and the prohibitions applying to, members of the Texas Board of Chiropractic Examiners do not affect the entitlement of a member serving on the board immediately before the effective date of this Act to continue to carry out the functions of the board for the remainder of the member's term. The changes in law apply only to a member appointed on or after the effective date of this Act. This Act does not prohibit a person who is a member of the board on the effective date of this Act from being reappointed to the board if the person has the qualifications required for a member under Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), as amended by this Act.

(b) The changes in law made by this Act relating to an administrative penalty or civil penalty apply only to a violation of Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), or a rule or order adopted by the Texas Board of Chiropractic Examiners that occurs on or after the effective date of this Act. A violation occurs on or after the effective date of this Act only if each element of the violation occurs on or after that date. A violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose.

(c) Unless the rule has been readopted under Subsection (d) of this section, a rule of the Texas Board of Chiropractic Examiners adopted after December 31, 1988, expires on September 1, 1994, except for a rule relating to:

(1) procedures for the conduct of a contested case held under the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes); or

(2) internal operating procedures.

(d) The board shall initiate rulemaking proceedings to review and, if necessary, to amend or readopt a rule scheduled for expiration as provided by Subsection (c) of this section. The rulemaking provisions of Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas Civil Statutes), and the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) apply to the amendment or readoption of a rule under this subsection.

(e) Not later than December 1, 1994, the Texas Board of Chiropractic Examiners shall submit a report to the governor, lieutenant governor, and speaker of the house of representatives on the results of the review and rulemaking actions undertaken under Subsection (d) of this section.

SECTION 24. This Act takes effect September 1, 1993.

SECTION 25. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the



constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 7, 1993, by a viva-voce vote; May 26, 1993, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 1993, House granted request of the Senate; May 30, 1993, Senate adopted Conference Committee Report by a viva-voce vote; passed the House, with amendments, on May 22, 1993, by a non-record vote; May 27, 1993, House granted request of the Senate for appointment of Conference Committee; May 30, 1993, House adopted Conference Committee Report by a non-record vote.

Approved June 19, 1993.

Effective Sept. 1, 1993.