

Introduced by Senator Huff

February 15, 2011

An act to amend Section 650.3 of the Business and Professions Code, relating to chiropractors.

LEGISLATIVE COUNSEL'S DIGEST

SB 352, as introduced, Huff. Chiropractors.

Existing law provides for the licensure and regulation of chiropractors by the State Board of Chiropractic Examiners. Existing law authorizes a person to participate in or operate a group advertising and referral service for chiropractors under specified circumstances.

This bill would make nonsubstantive, technical changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 650.3 of the Business and Professions
2 Code is amended to read:
3 650.3. (a) ~~Notwithstanding the provisions of Section 650 or~~
4 any other provision of law, it shall not be unlawful for a person
5 licensed pursuant to the Chiropractic Act, or any other person, to
6 participate in or operate a group advertising and referral service
7 for chiropractors if all of the following conditions are met:
8 (1) Patient referrals by the service are the result of patient
9 initiated responses to service advertising.
10 (2) The service advertises, if at all, in conformity with Section
11 651.

1 (3) The service does not employ a solicitor.

2 (4) The service does not impose a fee on the member
3 chiropractors that is dependent upon the number of referrals or
4 amount of professional fees paid by the patient to the chiropractor.

5 (5) Participating chiropractors charge no more than their usual
6 and customary fees to any patient referred.

7 (6) The service registers with the State Board of Chiropractic
8 Examiners, providing its name and address.

9 (7) The service files with the State Board of Chiropractic
10 Examiners a copy of the standard form contract that regulates its
11 relationship with member chiropractors, which contract shall be
12 confidential and not open to public inspection.

13 (8) If more than 50 percent of its referrals are made to one
14 individual, association, partnership, corporation, or group of three
15 or more chiropractors, the service discloses that fact in all public
16 communications, including, but not limited to, communication by
17 means of television, radio, motion picture, newspaper, book, or
18 list or directory of healing arts practitioners.

19 (b) The State Board of Chiropractic Examiners may adopt
20 regulations necessary to enforce and administer this section.

21 (c) The State Board of Chiropractic Examiners or 10 individual
22 licensed chiropractors may petition the superior court of any county
23 for the issuance of an injunction restraining any conduct ~~which~~
24 *that* constitutes a violation of this section.

25 (d) It is unlawful and shall constitute a misdemeanor for a person
26 to operate a group advertising and referral service for chiropractors
27 without providing its name and address to the State Board of
28 Chiropractic Examiners.

29 (e) It is the intent of the Legislature in enacting this section not
30 to otherwise affect the prohibitions provided in Section 650. The
31 Legislature intends to allow the pooling of resources by
32 chiropractors for the purpose of advertising.

33 (f) This section shall not be construed in any manner ~~which that~~
34 would authorize a service to engage in the practice of chiropractic.

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