

LAWS OF DELAWARE
VOLUME 83
CHAPTER 526
151st GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 309

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE PRACTICE OF CHIROPRACTIC.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 701, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 701. Chiropractic defined; limitation of chiropractic license.

(a) ~~As used in~~ For purposes of this chapter:

(1) “Board” means the State Board of Chiropractic.

(2) “Chiropractic” means a drugless system of health care based on the principle that interference with the transmission of nerve impulses may cause pain or disease.

(3) “Chiropractic supportive care” means continuous, interval-based treatment that is medically necessary for patients diagnosed with chronic pain or disease, which maintains function or prevents or slows deterioration. “Chiropractic supportive care” includes treatment for patients who must resume care because the patient’s chronic pain or disease regresses or worsens after the withdrawal of treatment.

(4) “Chiropractor” or “doctor of chiropractic” or “chiropractic physician” means an individual licensed to practice chiropractic under this chapter.

(5) “Medically necessary” means providing health care services or products that a prudent physician would provide to a patient for the purpose of diagnosing or treating an illness, injury, disease or its symptoms in a manner that is all of the following:

- a. In accordance with generally accepted standards of chiropractic practice.
- b. Consistent with the symptoms or treatment of the condition.
- c. Not solely for anyone’s convenience.

(6) “Physician” means an individual who possesses a valid State of Delaware license as either of the following:

- a. A doctor of chiropractic.
- b. A physician, under Chapter 17 of this title.

(b) The practice of chiropractic includes the ~~diagnosing and locating of misaligned or displaced vertebrae (subluxation complex);~~ use of recognized diagnostic and treatment methods, as taught by chiropractic colleges or approved by the Board, and includes all of the following:

(1) Diagnosing and locating misaligned, fixated, or displaced vertebrae, including subluxation complex and other neuromusculoskeletal and soft tissue structures, using x-rays and other diagnostic test procedures.
~~Practice of chiropractic includes the treatment through manipulation/adjustment~~

(2) Treatment, through manipulation or adjustment of the spine and other skeletal structures and the neuromusculoskeletal and soft tissue structures.

(3) Chiropractic supportive care.

(4) The use of adjunctive procedures not otherwise prohibited by this chapter.

(c) Except as otherwise provided in this chapter, the practice of chiropractic does not include the use of any of the following: ~~drugs, surgery or obstetrical or~~

(1) Prescription medications.

(2) Surgery.

(3) Obstetrical or gynecological examinations or treatment.

~~(d) All examinations performed by chiropractors shall be~~ Chiropractors shall perform all examinations and procedures in accordance with the protocol and procedures as taught ~~in the majority of accredited by~~ chiropractic colleges, colleges or approved by the Board.

Section 2. Amend § 707, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 707. Qualifications of applicant; report to Attorney General; judicial review.

(a) An applicant who is applying for licensure as a doctor of chiropractic under this chapter shall submit evidence, verified by oath and satisfactory to the Board, that such person:

(4) ~~Shall~~ Does not have any impairment related to drugs, ~~aleohol~~ alcohol, or a finding of mental incompetence by a physician qualified by specialty or experience to make a professional diagnosis regarding mental capacity, that would limit the applicant's ability to undertake the practice of chiropractic in a manner consistent with the safety of the public;

Section 3. Amend § 712, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 712. License to practice.

~~No~~ (a) Except as provided under subsection (b) of this section, no person may practice chiropractic in this State who has not been licensed in accordance with this chapter.

(b) Under such rules and regulations as the Board may adopt, this chapter shall not be construed to prohibit the practice of chiropractic by persons who are adopted by the Board under this section and § 717 of this title, an individual licensed to practice chiropractic in any other state, district district, or foreign country who, as practicing chiropractors, enter this State to may consult with a chiropractor of this State. Such consultation shall be licensed under this chapter. Consultations under this subsection are limited to examination, recommendation recommendation, or testimony in litigation.

Section 4. Amend § 716, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 716. ~~Chiropractic practitioners~~ Chiropractors eligible for compensation from insurance; reimbursement at Medicare rate or comparable.

(a)(1) For purposes of disability insurance, standard health and accident, sickness, and all other such insurance plans, whether or not they ~~be~~ are considered insurance policies, and contracts issued by health service corporations and health maintenance organizations, if the chiropractor is authorized by law to perform a particular service, ~~the all of the following~~ apply:

a. ~~The~~ chiropractor is entitled to compensation for that chiropractor's services under ~~such plans and contracts, and such plans and contracts~~ the plan or contract.

b. The plan or contract may not have annual or lifetime numerical limits on chiropractic visits for the treatment of back pain.

c.1. The plan or contract may not deny coverage for chiropractic supportive care on the basis that the chiropractic supportive care constitutes maintenance therapy.

2. Paragraph (a)(1)c.1. of this section applies to all policies, contracts, or certificates issued, renewed, modified, altered, amended, or reissued after December 31, 2023.

(2) This subsection applies to a plan of health insurance or health benefits delivered or issued under any of the following:

a. Title 18.

b. Chapter 52 of Title 29.

c. Section 505(3) of Title 31.

(3) This subsection may not be waived by contract. A contractual arrangement in conflict with this subsection or that purports to waive any requirements of this subsection is void.

(b) Nothing in this section ~~shall prevent~~ prevents the operation of reasonable and nondiscriminatory cost containment or managed care provisions, including ~~but not limited to,~~ deductibles, coinsurance, allowable charge limitations, coordination of benefits and utilization review. Any copayment or coinsurance amount ~~shall~~ must be equal to or less than 25% of the fee due or to be paid to the ~~doctor of chiropractic~~ chiropractor under the policy, contract, or certificate for the treatment, therapy, or service provided.

(c) The Insurance Commissioner shall ~~issue and administer~~ adopt regulations ~~to aid~~ necessary for the administration, effectuation, investigation, and enforcement of this ~~section.~~ section, including the establishment of appropriate utilization review standards.

Approved November 2, 2022