

**2023**

**STATE OF NEBRASKA**

**STATUTES RELATING TO CHIROPRACTIC PRACTICE ACT**



Department of Health and Human Services  
Division of Public Health  
Licensure Unit

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## STATUTES PERTAINING TO THE CHIROPRACTIC PRACTICE ACT

### **38-801. Act, how cited.**

Sections 38-801 to 38-811 shall be known and may be cited as the Chiropractic Practice Act.

**Source:** Laws 2007, LB463, § 242.

### **38-802. Definitions, where found.**

For purposes of the Chiropractic Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-803 to 38-805 apply.

**Source:** Laws 2007, LB463, § 243.

### **38-803. Accredited college of chiropractic, defined.**

An accredited college of chiropractic means (1) one which is approved by the board, (2) a legally chartered college of chiropractic requiring for admission a diploma from an accredited high school or its equivalent and, beginning with students entering a college of chiropractic on or after January 1, 1974, at least two years credit from an accredited college or university of this or some other state, which requirement shall be regularly published in each prospectus or catalog issued by such institution, (3) one which conducts a clinic for patients in which its students are required to regularly participate in the care and adjustment of patients, (4) one giving instruction in anatomy, orthopedics, physiology, embryology, chemistry, pathology, health ecology, bacteriology, symptomatology, histology, spinal analysis, diagnosis, roentgenology, neurology, and principles and practice of chiropractic, and (5) one requiring an actual attendance for four college years totaling not less than four thousand hours.

**Source:** Laws 1927, c. 167, § 79, p. 475; C.S.1929, § 71-1104; R.S.1943, § 71-180; Laws 1945, c. 163, § 1, p. 528; Laws 1973, LB 115, § 1; Laws 1996, LB 1044, § 405; Laws 1999, LB 828, § 67; R.S.1943, (2003), § 71-180; Laws 2007, LB463, § 244.

### **38-804. Board, defined.**

Board means the Board of Chiropractic.

**Source:** Laws 2007, LB463, § 245.

### **38-805. Practice of chiropractic, defined.**

(1) Practice of chiropractic means one or a combination of the following, without the use of drugs or surgery:

(a) The diagnosis and analysis of the living human body for the purpose of detecting ailments, disorders, and disease by the use of diagnostic X-ray, physical and clinical examination, and routine procedures including urine analysis; or

(b) The science and art of treating human ailments, disorders, and disease by locating and removing any interference with the transmission and expression of nerve energy in the human body by chiropractic adjustment, chiropractic physiotherapy, and the use of exercise, nutrition, dietary guidance, and colonic irrigation.

(2) The use of X-rays beyond the axial skeleton as described in subdivision (1)(a) of this section shall be solely for diagnostic purposes and shall not expand the practice of chiropractic to include the treatment of human ailments, disorders, and disease not permitted when the use of X-rays was limited to the axial skeleton.

**Source:** Laws 1927, c. 167, § 76, p. 474; C.S.1929, § 71-1101; R.S.1943, § 71-177; Laws 1983, LB 142, § 1; Laws 1990, LB 348, § 1; R.S.1943, (2003), § 71-177; Laws 2007, LB463, § 246.

#### **Annotations**

- A chiropractor's opinion that a patient suffered traumatic brain injury was not admissible because the diagnostic methods used to reach the diagnosis fell outside the scope of statutorily defined chiropractic practice. *Yagodinski v. Sutton*, 309 Neb. 179, 959 N.W.2d 541 (2021).

### **38-806. Chiropractic practice; persons excepted.**

The Chiropractic Practice Act shall not be construed to include the following classes of persons:

(1) Licensed physicians and surgeons and licensed osteopathic physicians who are exclusively engaged in the practice of their respective professions;

(2) Physicians who serve in the armed forces of the United States or the United States Public Health Service or who are employed by the United States Department of Veterans Affairs or other federal agencies, if their practice is limited to that service or employment;

(3) Chiropractors licensed in another state when incidentally called into this state in consultation with a chiropractor licensed in this state; or

(4) Students enrolled in an accredited college of chiropractic when the services performed are a part of the course of study and are under the direct supervision of a licensed chiropractor.

**Source:** Laws 1927, c. 167, § 77, p. 474; C.S.1929, § 71-1102; R.S.1943, § 71-178; Laws 1989, LB 342, § 14; Laws 1990, LB 1064, § 12; R.S.1943, (2003), § 71-178; Laws 2007, LB463, § 247.

**38-807. Chiropractic; license; qualifications required.**

Every applicant for a license to practice chiropractic shall present proof of graduation from an accredited college of chiropractic and (1) pass an examination given by the National Board of Chiropractic Examiners which consists of Parts I, II, III, IV, and physiotherapy or (2) pass an examination approved by the Board of Chiropractic.

**Source:** Laws 1927, c. 167, § 78, p. 475; C.S.1929, § 71-1103; R.S.1943, § 71-179; Laws 1965, c. 413, § 1, p. 1321; Laws 1975, LB 92, § 2; Laws 1988, LB 1100, § 29; Laws 1999, LB 828, § 65; R.S.1943, (2003), § 71-179; Laws 2007, LB463, § 248.

**Cross References**

- **Credentialing**, general requirements and issuance procedures, see section 38-121 et seq.

**Annotations**

- The practice of chiropractic is a skilled profession, and as such, chiropractic testimony may qualify as "competent medical testimony" under workers' compensation rules. *Rodgers v. Sparks*, 228 Neb. 191, 421 N.W.2d 785 (1988).

**38-808. Continuing competency requirements.**

An applicant for licensure to practice chiropractic who has met the education and examination requirements in section 38-807, who passed the examination more than three years prior to the time of application for licensure, and who is not practicing at the time of application for licensure shall present proof satisfactory to the department that he or she has within the three years immediately preceding the application for licensure completed continuing competency requirements approved by the board pursuant to section 38-145.

**Source:** Laws 2007, LB463, § 249.

**38-809. Reciprocity; continuing competency requirements; military spouse; temporary license.**

(1) An applicant for licensure to practice chiropractic who has met the standards set by the board pursuant to section 38-126 for a license based on licensure in another jurisdiction but is not practicing at the time of application for licensure shall present proof satisfactory to the department that he or she has within the two years immediately preceding the application for licensure completed continuing competency requirements approved by the board pursuant to section 38-145.

(2) An applicant who is a military spouse may apply for a temporary license as provided in section 38-129.01.

**Source:** Laws 1927, c. 167, § 80, p. 475; C.S.1929, § 71-1105; R.S.1943, § 71-181; Laws 1996, LB 1044, § 406; R.S.1943, (2003), § 71-181; Laws 2007, LB296, § 324; Laws 2007, LB463, § 250; Laws 2017, LB88, § 42.

**38-810. Fees.**

The department shall establish and collect fees for initial licensure and renewal under the Chiropractic Practice Act as provided in sections 38-151 to 38-157.

**Source:** Laws 2007, LB463, § 251.

**38-811. Chiropractic practitioner; powers and duties.**

Chiropractic practitioners shall observe and be subject to all state and municipal laws and regulations relative to the control of contagious and infectious diseases, and all matters pertaining to public health. They shall report to the proper health officers the same as other practitioners. Chiropractic practitioners may sign death certificates. When performing acupuncture, a chiropractor licensed under the Uniform Credentialing Act shall provide the same standard of care to patients as that provided by a person licensed under the Uniform Credentialing Act to practice medicine and surgery, osteopathy, or osteopathic medicine and surgery when such person performs acupuncture.

**Source:** Laws 1927, c. 167, § 81, p. 475; C.S.1929, § 71-1106; R.S.1943, § 71-182; Laws 1945, c. 164, § 1, p. 529; Laws 2001, LB 270, § 15; R.S.1943, (2003), § 71-182; Laws 2007, LB463, § 252.

**71-177. Transferred to section 38-805.**

**71-178. Transferred to section 38-806.**

**71-179. Transferred to section 38-807.**

**71-179.01. Repealed. Laws 2007, LB 463, § 1319.**

**71-180. Transferred to section 38-803.**

**71-180.01 to 71-180.05. Repealed. Laws 1988, LB 1100, §185.**

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