



MODEL PRACTICE ACT FOR CHIROPRACTIC REGULATION

A Reference Guide for Regulatory Language

***FEDERATION OF CHIROPRACTIC
LICENSING BOARDS***



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Introduction:

From its inception in 1926, the Federation of Chiropractic Licensing Boards (FCLB) has served as a vehicle for its member boards to share regulatory models for their mutual benefit and fulfill a shared vision of public protection through excellence in chiropractic regulation. In that spirit, the FCLB charged a taskforce from its members to develop a model practice act for regulating the chiropractic profession.

The *Model Practice Act for Chiropractic Regulation* serves as a reference guide for governments, legislatures and licensing boards engaged in adopting a new chiropractic act, amending an existing statute, or promulgating standards and regulations relative to the practice of chiropractic. This document includes common regulatory constructs, practice standards, definitions and language to promote consistency across diverse regulatory jurisdictions. Although it is primarily based on the constructs of US laws, an effort has been made to use language inclusive of non-US jurisdictions where possible

Any model practice act must be concerned with the protection of the public first and foremost. The *Model Practice Act for Chiropractic Regulation* is intended to be a living document, open to input and geared toward periodic modification. This flexibility is important because it enables the document to serve as a valuable tool that can benefit the emerging and long-standing regulatory communities. This document is not intended to be used outside the regulatory purpose.

The FCLB Board of Directors is pleased to provide this document for the betterment and protection of the public, the actual consumer of chiropractic services.

Disclaimer:

The *Model Practice Act for Chiropractic Regulation* does not represent or purport to be a legal standard within any Federation of Chiropractic Licensing Boards member jurisdiction. The information contained within this document is for educational purposes and may be amended at any time.

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Model Practice Act for Chiropractic Regulation

FEDERATION OF CHIROPRACTIC LICENSING BOARDS

STATUTES

Article I. Title, Definitions and Declaration.

Section 101. Title of Act.

This Act shall be known as the “[*Name of Jurisdiction*] Chiropractic Practice Act.”

Section 102. Legislative Declaration.

The practice of Chiropractic is a declared health profession in [*Name of Jurisdiction*] subject to regulation and control for the purpose of protecting the health, safety, and welfare of the citizens of [*Name of Jurisdiction*].

It is further declared to be a matter of public interest and concern that only qualified persons may engage in the practice of Chiropractic, as defined in this Act, in order to receive the trust and confidence of the public. Regulation of the practice of Chiropractic is extended to all persons practicing in [*Name of Jurisdiction*], regardless of the actual place of residency or the degree to which a doctor-patient relationship may or may not exist.

It is further declared that the intent of this legislation is to regulate the Chiropractic profession and will result in displacing competition by restricting licensure to practice Chiropractic, as such practice is defined and interpreted by a Board of Chiropractic (“Board”) to applicants determined by this Board to be qualified under this Act. It is declared that any such restriction on competition is outweighed by the broader interest in protection of the public health, safety, and welfare.

This Act stipulates that licensees and members of the public serve on the Board in recognition of the need for professional expertise provided by Chiropractic practitioners serving the public interest.

This Act is intended to provide active jurisdictional oversight and supervision through its legislative enactment, the promulgation of enabling regulations, the appointment and removal of Board members by the [*Jurisdictional Appointing Authority*], legal representation of the Board by the Office of the [*Name of Jurisdiction*] Attorney General, legislative appropriation of monies to support the Board, periodic legislative sunset review, application to the Board of ethics laws, Board member training, and judicial review where applicable.

This Act shall be liberally construed to carry out these objectives and purpose.



Section 103. Statutory Definitions.

For the purpose of this Act, the following terms shall have the following meanings:

“Act”, means the Chiropractic Practice Act.

“Chiropractic”, means a primary care health discipline that recognizes the inherent recuperative power of the body, to heal itself without the use of drugs or surgery, whose practitioners promote and facilitate health through the evaluation, examination, diagnosis, treatment and/or management of biomechanical or physiological conditions, including Chiropractic subluxations, or disorders that compromise neural integrity and/or organ system function.

“Chiropractic Clinical Assistant”, means a person registered under the provisions of this Act who, under the supervision of a licensed Chiropractor, may assist in providing certain clinical procedures or services within a chiropractic setting.

“Chiropractor”, means a person licensed under the provisions of this Act who practices Chiropractic. Synonymous terms include “Doctor of Chiropractic”, “D.C.”, and “Chiropractic Physician”.

Article II. Board of Chiropractic

Section 201. Designation.

The responsibility for enforcement of the provisions of this Act is hereby vested in the [*Name of Jurisdiction*] Board of Chiropractic, herein called “the Board”. The Board shall have the duties, powers, and authority specifically granted by or necessary for the enforcement of this Act, as well as such other duties, powers, and authority as may be granted from time to time by applicable law.

Section 202. Members.

The Board shall consist of seven (7) members appointed by the [*Jurisdictional Appointing Authority*]. Five (5) members shall be Chiropractors and two (2) members shall be representatives of the public.

Section 203. Qualifications.

(A) Each Chiropractor member of the Board shall:

- (1) Be a citizen or person lawfully admitted for residence in [*Name of Jurisdiction*];
- (2) Hold a license in good standing to practice Chiropractic in [*Name of Jurisdiction*];
- (3) Possess at least five (5) years of clinical experience as a Chiropractor in [*Name of Jurisdiction*]; and
- (4) At the time of appointment, have been actively engaged in the practice of Chiropractic for at least one (1) out of the last five (5) years.

(B) The public members of the Board shall:

- (1) Be a citizen or person lawfully admitted for residence in [*Name of Jurisdiction*];
- (2) Have attained the age of twenty-one (21) years;
- (3) Have no material financial interest in the provision of Chiropractic; and



- (4) Not be, nor ever have been, a Chiropractor or Chiropractic Clinical Assistant.

Section 204. Terms.

Members of the Board shall be appointed by the [*Jurisdictional Appointing Authority*] for a term of three (3) years; with the exception that members appointed to fill a vacancy would serve the remaining portion of the unexpired term.

- (A) Board member terms shall be staggered; no more than three (3) board member terms shall expire in any given year.
- (B) A member of the Board may continue to serve until a qualified successor is appointed.
- (C) No member of the Board may serve more than two (2) consecutive full terms. An unexpired portion of a full term shall not constitute a full term.

Section 205. Officers.

- (A) A chairperson and secretary shall be elected from the members of the Board. The Board may elect other officers as deemed necessary to conduct proper business.
- (B) The elected chairperson shall be the presiding officer at all meetings of the Board. The secretary shall be responsible for the accurate recording of all Board meeting minutes.

Section 206. Meetings.

- (A) The Board shall conduct a public meeting no less than twice per year and as often as the Board deems necessary to conduct its official business.
- (B) The time, place and general topics for each public meeting shall be adequately posted in advance of the meeting pursuant to applicable administrative procedures and open meeting laws.
- (C) A majority of the members of the Board shall constitute a quorum to conduct meetings and Board-related business, except when a greater number is required by law.
- (D) Board meetings shall be conducted in accordance with applicable administrative procedures and open meeting laws.
- (E) The Board may conduct certain business via teleconference or other electronic means to take action on matters that require immediate response or when the health, safety or welfare of the public is at potential risk.

Section 207. Staff and Employees.

- (A) The Board shall assign or have assigned an Executive Director to carry out the administrative functions of the Board.
- (B) The Executive Director may hire and employ persons in positions or capacities necessary to properly conduct the business of the Board.

Section 208. Indemnification.

- (A) This Act shall protect the Board itself and any current or former Board member or authorized agent against any claim or action that may result from any act, omission,



conduct or decision related to actions taken in good faith within the scope and function of the Board.

- (B) A current or former Board member or authorized agent is entitled to legal representation from the jurisdictional government related to his or her official duties undertaken or performed in good faith within the scope of function of the Board. The jurisdictional government shall be responsible for any ensuing judgment or settlement that may result from such claim or action.

Section 209. Ethical Conduct and Conflict of Interest.

A Board member shall abide by the laws, regulations, guidelines, policies and procedures of this jurisdiction and the government agency charged with administering the activities of the Board. A Board member shall avoid engaging in activities that constitute or may be perceived as a conflict of interest.

Section 210. Powers.

- (A) The Board shall have the authority to control and regulate the practice of Chiropractic in [*Name of Jurisdiction*] including, but not limited to, the following:
- (1) Enforcing qualifications for Chiropractic licensure;
 - (2) Enforcing qualifications for Chiropractic Clinical Assistant registration;
 - (3) Determining standards for recognizing and approving professional degree programs for schools and colleges of Chiropractic whose graduates shall satisfy the educational requirements as one criterion of Chiropractic licensure;
 - (4) Determining standards for recognizing and approving degree programs for schools and institutions whose graduates shall satisfy the educational requirements as one criterion of Chiropractic Clinical Assistant registration;
 - (5) Licensing by examination or endorsement qualified candidates for Chiropractic licensure;
 - (6) Registering by examination or endorsement qualified candidates for Chiropractic Clinical Assistant registration;
 - (7) Establishing fees relating to the licensing of Chiropractors, registration of Chiropractic Clinical Assistants, and operations of the Board;
 - (8) Renewing licenses to practice Chiropractic;
 - (9) Renewing registrations to practice as a Chiropractic Clinical Assistant;
 - (10) Establishing standards of practice and codes of conduct relative to the practice of Chiropractic;
 - (11) Establishing standards of practice and codes of conduct relative to the activities of a Chiropractic Clinical Assistant;
 - (12) Establishing health, safety and public protection standards for owning and operating a Chiropractic office, clinic or facility;
 - (13) Establishing education and training standards to insure the continued competence of Chiropractors;
 - (14) Establishing education and training standards to insure the continued competence of Chiropractic Clinical Assistants;



- (15) Enforcing the provisions of this Act relating to the conduct or competence of Chiropractors;
 - (16) Enforcing the provisions of this Act relating to the conduct or competence of Chiropractic Clinical Assistants;
 - (17) Investigating any Chiropractor or Chiropractic Clinical Assistant or person, or inspecting any Chiropractic office, clinic or facility, under probable cause, at all reasonable hours for the purpose of determining compliance with provisions of the laws governing the practice of Chiropractic are being violated;
 - (18) Issuing orders, pursuant to probable cause, that a Chiropractor, Chiropractic Clinical Assistant, or applicant for Chiropractic licensure or Chiropractic Clinical Assistant registration has engaged in conduct prohibited by this Act or other statute or regulation enforced by the Board, directing the licensee, registrant or respective applicant to submit to a mental or physical examination or chemical dependency evaluation. For the purpose of this Section, every Chiropractor or Chiropractic Clinical Assistant, or applicant for Chiropractic licensure or Chiropractic Clinical Assistant registration is considered to have consented to undergo a mental or physical examination or chemical dependency evaluation when ordered to do so in writing by the Board, and to have waived all objections to the admissibility of the examiner's or evaluator's testimony or reports on the grounds that the testimony or reports constitute a privileged communication;
 - (19) Issuing subpoenas pursuant to a qualifying investigation to persons and for documents for purposes of depositions and testimony, or both, in the same manner as prescribed in civil cases in the courts of this jurisdiction. Any member of the Board, hearing officer or administrative law judge shall have power to administer oaths to witnesses at any hearing which the Board is authorized to conduct, and any other oaths authorized in any Act administered by the Board;
 - (20) Enforcing the provisions of this Act, including but not limited to, the assessment and collection of fines, costs, and fees from persons found to have violated this Act;
 - (21) Issuing a cease and desist order to stop any person from engaging in the unauthorized practice of Chiropractic or violating or threatening to violate a statute, regulation, or order which the Board has issued or is empowered to enforce. The cease and desist order must state the reason for its issuance and give notice of the person's right to request a hearing under applicable administrative procedures;
 - (22) Publicizing all qualifying disciplinary or pertinent actions taken by the Board; and
 - (23) Collecting demographic data pertinent to the profession of Chiropractic.
- (B) The Board shall have such other duties, powers, and authority as may be necessary for the enforcement of this Act and to the enforcement of Board regulations which may include joining such professional organizations and associations that exist to promote the improvement of chiropractic practice standards for the protection of the



public health and welfare or whose activities assist and facilitate the work of the Board.

Section 211. Responsibilities.

The Board shall have the following public protection responsibilities including, but not limited to, the following:

- (A) The Board and its authorized agents shall cooperate with all government agencies charged with the enforcement of applicable laws;
- (B) The Board shall disclose reportable actions to all proper oversight authorities and databases in compliance with applicable laws;
- (C) The Board shall keep confidential all information relating to the receipt and investigation of complaints in accordance to jurisdictional law;
- (D) The Board shall exercise its duties, powers, and authority in accordance with all applicable administrative procedures and laws.

Section 212. Cost Recovery.

The Board may direct any person or facility found to have violated any provision of this Act or a statute or regulation enforced by the Board, to pay to the Board a sum not to exceed the reasonable costs, including attorneys' fees, of the investigation and prosecution of the case.

- (A) In the case of a person or entity, the order permissible may be made as to the corporate owner, if any, and as to any Chiropractor, officer, owner or partner of the Chiropractic practice who is found to have had knowledge of or have knowingly participated in one or more of the violations set forth in this Act.
- (B) Where an order for recovery of costs is issued and timely payment is not made as directed in the Board's decision, the Board may enforce the order for payment in a court in the jurisdiction where the administrative hearing was held. This right of enforcement shall be in addition to any other rights the Board may have as to any person directed to pay recovery costs.

Section 213. Regulations.

The Board shall make, adopt, amend, and repeal regulations as deemed necessary by the Board for the proper administration and enforcement of this Act. All regulations shall be promulgated in accordance with the applicable administrative procedures specified in applicable jurisdictional law.

Section 214. Source of Data

In making determinations under this Act and to promote uniformity and administrative efficiencies, the Board shall be authorized to rely upon the verified data gathered and stored by not for profit organizations which share in the public protection mission of this Board.



Article III. Chiropractic Licensure

Section 301. Unlicensed Practice

- (A) Except as otherwise provided in this Act, it shall be unlawful for any person to practice or attempt to practice Chiropractic, or hold himself or herself out as a practitioner of, or being able to practice Chiropractic in [*Name of Jurisdiction*] unless duly licensed as a Chiropractor under the provisions of this Act.
- (B) Providing or offering to provide Chiropractic services to a patient, client or individual who is located in [*Name of Jurisdiction*] through telephonic, electronic or other means by a person who is not licensed as a Chiropractor shall constitute the unlawful practice of Chiropractic.
- (C) Any person found by the Board to have unlawfully engaged in the practice of Chiropractic or falsely represented himself or herself as a Chiropractor shall be subject to a fine imposed by the Board for each offense as well as cost recovery as set forth in this Act.
- (D) Each such violation of this Act pertaining to unlawfully engaging in the practice of Chiropractic or falsely misrepresenting himself or herself as a Chiropractor shall also constitute a felony punishable upon conviction as provided for in the criminal code of this jurisdiction.
- (E) Nothing in this Act shall be construed to prevent members of other health care professions from performing functions for which they are duly licensed or registered. However, such other health care professionals must not hold themselves out or refer to themselves by any title or description stating or implying that they are engaged in the practice of Chiropractic.

Section 302. Chiropractic Practice during a Disaster or Emergency.

- (A) In response to a disaster or emergency declared by the [*Jurisdictional Executive Authority*] of [*Name of Jurisdiction*], an individual who holds a valid, unrestricted license to practice Chiropractic in another jurisdiction may, upon prior written notice to the Board and without otherwise applying for a license, provide Chiropractic services for the time said emergency or disaster declaration is in effect.
- (B) Individuals exercising rights under this Section shall be deemed to have submitted themselves to the jurisdiction of the Board and any other applicable agencies as well as those laws applicable by virtue of licensure in other jurisdictions.
- (C) Individuals may not provide Chiropractic services under this Section if they have at any time surrendered any professional license under threat of administrative disciplinary sanction or in response to administrative investigation, or have any professional license currently under suspension, revocation, or agency order limiting practice privilege. This prohibition does not apply to expired or lapsed licenses due to voluntary non-renewal without disciplinary considerations.

Section 303. Qualifications for Licensure by Examination.

To be licensed by examination to practice as a Chiropractor, an applicant must provide evidence satisfactory to the Board that the applicant:

- (A) Has submitted an application in manner and form determined by the Board;
- (B) Has paid all applicable fees relative to the licensure process as determined by the



- Board;
- (C) Is at least twenty-one (21) years of age;
 - (D) Is of good moral character and submits such documentation in a manner thereto as prescribed by the Board;
 - (E) Has graduated and received a professional degree in Chiropractic from a chiropractic educational program that has been approved by the Board;
 - (F) Has passed the [*Name of Jurisdiction*] Chiropractic jurisprudence examination; and
 - (G) Has passed a Board-approved competency examination or examinations.

Section 304. Qualifications for Licensure by Endorsement.

To be licensed by endorsement to practice as a Chiropractor, an applicant must provide evidence satisfactory to the Board that the applicant:

- (A) Has complied with Section 303 (A) through (F) above;
- (B) Has held a current Chiropractic license in good standing for at least three (3) consecutive years prior to the submission of this application, granted by at least one jurisdiction whose requirements are currently substantially similar to or greater than the requirements of this Act; and
- (C) Has passed any specialized examination or examinations the Board may require.

Section 305. Qualifications for Temporary Chiropractic License.

- (A) To be licensed to practice as a Chiropractor on a temporary basis, an applicant must provide evidence satisfactory to the Board that the applicant:
 - (1) Has complied with Section 303(A) through (E) above; and
 - (2) Has a current Chiropractic license in good standing, granted by at least one jurisdiction whose requirements are currently substantially similar to or greater than the requirements of this Act.
- (B) A temporary Chiropractic license:
 - (1) Is issued at the discretion of the Board;
 - (2) Shall not exceed a period of six (6) months;
 - (3) Shall stipulate a place or setting where Chiropractic services can be provided;
 - (4) Shall stipulate a date or dates when Chiropractic services can be provided;
 - (5) May contain other terms or limitations deemed appropriate by the Board; and
 - (6) Shall be issued under procedures set forth, by regulation, by the Board.
- (C) The Board retains the authority to remove, revoke, rescind, or restrict a temporary Chiropractic license without a hearing through a majority vote of the Board.

Section 306. Chiropractic Programs.

The Board shall establish the criteria for approving chiropractic educational programs, domestic and international, that offer a first professional degree in chiropractic education, pursuant to this Act. The Board may delegate the task of identifying those acceptable chiropractic educational programs to an approved accrediting agency.



Section 307. Examinations.

- (A) Examinations required for Chiropractic licensure shall be approved by the Board.
- (B) The Board may employ, cooperate, and/or contract with any organization or consultant in the preparation, administration and grading of an examination, but shall retain the sole discretion and responsibility for determining which applicants have successfully passed such examination.

Section 308. License Renewal Requirements.

- (A) Each Chiropractic license shall be renewed on an annual basis at a time and manner established by the Board, including the completion of a renewal form and payment of all applicable fees.
- (B) As a condition for license renewal, each Chiropractor shall provide evidence satisfactory to the Board that he or she has completed at least sixteen (16) hours of continuing education during the license period immediately preceding renewal in educational instruction approved by the Board.

Section 309. Continuing Education.

- (A) By regulation, the Board shall determine acceptable course content and format, contact hours and approved providers for continuing education.
- (B) At its discretion, the Board may grant a waiver from the continuing education requirement due to unforeseeable emergency, extreme hardship, or other extraordinary circumstances deemed acceptable by the Board. The burden of substantiating proof and for applying for a waiver shall rest with the Chiropractor.

Section 310. Requirements for Reinstatement of an Expired License.

- (A) A Chiropractor who fails to file an application for renewal or fails to otherwise meet the requirements for license renewal shall be considered as having an expired license and shall be ineligible to practice Chiropractic. An expired Chiropractic license may be reinstated to active status, at the discretion of the Board, if the applicant:
 - (1) Pays all renewal fees and other fees for the current license period and all previous license period(s) the license was deemed expired; and
 - (2) Submits proof satisfactory to the Board that he or she completed continuing education hours as directed by the board.
- (B) A Chiropractor whose license has expired for a period of more than five (5) years may have the license reinstated, at the discretion of the Board, if the applicant:
 - (1) Satisfies the requirements of Section 310(A) above;
 - (2) Obtains a passing grade on the [*Name of Jurisdiction*] Chiropractic jurisprudence examination; and
 - (3) Obtains a passing grade on any competency examination as may be required by the Board.



Article IV. Registered Chiropractic Clinical Assistants

Section 401. Unlawful Practice.

- (A) Except as otherwise provided in this Act, it shall be unlawful for any person to practice as a Chiropractic Clinical Assistant unless duly registered under the applicable provisions of this Act.
- (B) No persons shall use the title “Chiropractic Clinical Assistant” or any other designation indicating registered status, including abbreviations, or hold themselves out directly or indirectly as a Chiropractic Clinical Assistant, unless registered under the applicable provisions of this Act.
- (C) A person enrolled in an educational program recognized by the Board that leads a diploma or certification as a Chiropractic Clinical Assistant shall be allowed to lawfully provide clinical services under the supervision of a Chiropractor to gain the necessary practical clinical experience.

Section 402. Scope of Services.

- (A) The scope of services for a Chiropractic Clinical Assistant shall include assisting a Chiropractor with providing certain clinical procedures common and customary to the chiropractic setting which include, but are not limited to, the following:
 - (1) Collecting general health data, such as the taking of an oral history or vital sign measurements;
 - (2) Objective chiropractic analysis data gathering, and Chiropractic patient education
 - (3) Applying thermal, sound, light, mechanical and electrical modalities, hydrotherapy; and
 - (4) Monitoring prescribed rehabilitative activities.
- (B) A Chiropractic Clinical Assistant must be adequately trained and knowledgeable, as determined by the Board, in the proper operation of any device or equipment and the appropriate safety procedures with respect to the clinical services he or she is directed to provide.
- (C) Nothing in this section shall be construed to allow a Chiropractic Clinical Assistant to provide a Chiropractic adjustment or manipulation, manual therapy, nutritional instruction, counseling or other therapeutic service or procedure which requires individual licensure in [*Name of Jurisdiction*].
- (D) Registration as a Chiropractic Clinical Assistant is not required for individuals who perform administrative activities of a non-clinical nature.

Section 403. Required Supervision.

A Chiropractic Clinical Assistant may provide clinical services only while under the supervision of a Chiropractor. Such supervision requires a chiropractor be on the premises during supervision

Section 404. Qualifications for Registration.

To be registered to practice as a Chiropractic Clinical Assistant, an applicant must provide evidence satisfactory to the Board that the applicant:

- (A) Has completed an application in a manner and form provided by the Board;



- (B) Has paid all applicable fees relative to the registration process as determined by the Board through the promulgation of regulations;
- (C) Is at least eighteen (18) years of age;
- (D) Has graduated high school or equivalent;
- (E) Is of good moral character and submits such documentation in a manner thereto as prescribed by the Board;
- (F) Has completed a Board-approved education program for Chiropractic Clinical Assistants;
- (G) Has passed a competency examination approved by the Board; and
- (H) Has completed practical clinical training as determined by the Board.

Section 405. Qualifications for Registration by Endorsement.

To be registered as a Chiropractic Clinical Assistant by endorsement, an applicant must provide evidence satisfactory to the Board that the applicant:

- (A) Has complied with Section 404(A) through (D) above;
- (B) Has current practice privilege in good standing as a registered Chiropractic Clinical Assistant or equivalent granted by at least one jurisdiction whose requirements are substantially similar to or greater than the requirements of this Act; and
- (C) Has presented to the Board current documentation that all practice privilege granted by another jurisdiction as a registered Chiropractic Clinical Assistant or equivalent has not been suspended, revoked, or otherwise restricted for any reason except non-renewal.

Section 406. Renewal of Registration.

- (A) Renewal of registration as a Chiropractic Clinical Assistant shall be in a time and manner established by the Board. Under no circumstances, however, shall the renewal period exceed two (2) years.
- (B) As a requirement for registration renewal, a Chiropractic Clinical Assistant shall provide evidence satisfactory to the Board of completion of continuing competence training. The number of credit hours, acceptable course content and approved providers for continuing competence shall be determined by the Board.

Article V. Advertising, Disclosures, Confidentiality and Mandatory Reporting

Section 501. Advertising and Promotional Materials

- (A) For purposes of advertising and representing to the public through any means, including promotional materials to patients or intended to induce prospective patients to engage in professional services, Chiropractors may accurately indicate their status as duly licensed by the Board. Chiropractors are prohibited from advertising, representing or using promotional materials of any type that are false, misleading, and deceptive or could be misleading to the public, including advertisements and materials intended to induce patients and prospective patients to engage in professional services. Chiropractors are prohibited from referring to themselves as a specialist, board



certified, diplomate or any other words or phrases that indicate specialization, board certification or other advanced recognition, unless the issuer of such credential is approved by the Board under this section 501 and duly promulgated regulation hereunder.

- (B) The Board shall promulgate regulations addressing the criteria for any individuals, entities or organizations seeking recognition as a Board approved or recognized specialty or board certification entity, including the materials submitted to substantiate eligibility consistent with the below criteria. At a minimum, the criteria shall include the following:
- a. Verification of participant attendance;
 - b. Credible and verified relevance of content, including a sufficient number of education and experiential hours;
 - c. Credible assessment mechanism(s) to ensure competence in the field;
 - d. Adequate faculty or other methods of delivery of content; and
 - e. Adequate financial resources to implement and sustain the above criteria;
 - f. Additional criteria reasonably determined necessary by the Board to carry out the intent of this statute.
- (C) The Board shall promulgate regulations addressing the application and renewal processes for organizations seeking recognition as a Board approved specialty or board certification entity, including the materials submitted to substantiate initial eligibility and continued compliance with the above criteria. At a minimum, the application and renewal process shall include the following:
- a. Application forms;
 - b. Documentation substantiating compliance with criteria in subsection (B) above;
 - c. Relevant application fees not to exceed \$_____;
 - d. Renewal forms, such renewal to occur at least on a biennial basis;
 - e. Documentation substantiating continued compliance with criteria in subsection (B) above;
 - f. Relevant renewal application fees not to exceed \$___ on a biennial basis.
 - g. Such other processes reasonably determined necessary by the Board to carry out the intent of this statute.

The Board decision as to meeting qualifications and renewal of recognition or approval shall be final and not subject to an administrative appeal.

Section 502. Change of Name or Address.

- (A) A Chiropractor shall notify the Board within ten (10) days of any change to his or her legal name or mailing address. A Chiropractor may choose to report his or her legal residential address or the business address where he or she provides Chiropractic services and receives certified mail.
- (B) A Chiropractic Clinical Assistant shall notify the Board within ten (10) days of any change to his or her legal name or mailing address. A Chiropractic Clinical Assistant



may choose to report his or her legal residential address or the business address where he or she performs professional services and receives certified mail.

Section 503. Required Disclosures.

- (A) A Chiropractor shall display a copy of his or her license or current renewal verification in a location accessible to the public view at his or her place of practice.
- (B) A Chiropractic Clinical Assistant shall provide appropriate identification to the patient as to his or her name and clinical classification.
- (C) A Chiropractor shall disclose any financial interest in products or services that he or she endorses or recommends to a patient at the time of such endorsement or recommendation. Such disclosures shall be documented in the patient record.

Section 504. Confidentiality.

Information obtained or provided within the provision of professional services shall not be related to any third party without a proper written consent of the patient or client except when reporting those matters is subject to applicable jurisdictional law.

Section 505. Mandatory Reporting Regarding Licensees, Registration Holders and Applicants.

- (A) A Chiropractor or Chiropractic Clinical Assistant shall report to the Board information related to the following conduct by a Chiropractor, Chiropractic Clinical Assistant, or an applicant for Chiropractic licensure or Chiropractic Clinical Assistant registration:
 - (1) Failure to make proper disclosures or reports as required by this Act or other applicable law;
 - (2) Conviction of any felony or any crime reasonably related to the practice of Chiropractic;
 - (3) Impairment in the ability to practice Chiropractic by reason of illness, use of alcohol, drugs, or other chemicals, or as a result of any mental or physical condition;
 - (4) The commission of any fraudulent act in the Chiropractic licensure or Chiropractic Clinical Assistant registration application or examination process, or by false statements made to the Board;
 - (5) Improper or fraudulent billing practices;
 - (6) The unlawful practice of Chiropractic;
 - (7) A violation of any Board order; or
 - (8) Any other conduct that constitutes unprofessional conduct and grounds for disciplinary action under this Act or regulation promulgated by the Board.
- (B) Failure of a Chiropractor or Chiropractic Clinical Assistant to timely report to the Board any information as required in the above subsection shall constitute grounds for discipline.



Section 506. Reporting Other Licensed Professionals.

A Chiropractor or Chiropractic Clinical Assistant shall report to the applicable jurisdictional agency any conduct by a licensed or registered health care professional or other professional that would reasonably constitute grounds for disciplinary action under the acts or regulations governing said professional and which is required by law to be reported.

Section 507. Self-Reporting.

A Chiropractor or Chiropractic Clinical Assistant shall report to the Board any personal action that requires reporting pursuant to this Act or Board regulation.

Section 508. Reporting Deadline and Forms.

Reports required by this Act must be submitted in a timely manner but not later than thirty (30) days after the occurrence or recognition of the reportable event or transaction and in such form as the Board may direct. The Board may adopt regulations necessary to assure prompt and accurate reporting.

Section 509. Immunity.

Any person shall be granted immunity from liability or prosecution for submitting in good faith a report under this Act or for otherwise reporting, providing information, or testifying about violations or alleged violations of this Act or regulation promulgated by the Board.

Section 510. Courts.

The court administrator of district court or any other court of competent jurisdiction shall report to the Board any judgment or determination of the court that adjudges or includes a finding that a Chiropractor or Chiropractic Clinical Assistant is mentally ill or incompetent, guilty of a felony, guilty of a violation of narcotics laws or controlled substance acts, guilty of abuse or fraud under applicable health care laws, or that appoints a guardian of a Chiropractor or Chiropractic Clinical Assistant.

Article VI. Unprofessional Conduct

Unprofessional conduct is any unethical, deceptive or deleterious conduct or practice harmful to the public, any departure from or the failure to conform to the minimal standards of acceptable chiropractic practice, or a willful or careless disregard for the health, welfare or safety of patients, in any of which cases proof of actual injury need not be established. Unprofessional conduct shall include, but not be limited to, the following acts:

Section 601. Negligent or Incompetent Practice.

Negligent or incompetent practice includes, but shall not be limited to grossly negligent practice, reckless practice, grossly incompetent practice, or intentional misapplication of practice on a particular occasion or on more than one occasion.



Section 602. Misconduct and Improper Charges.

- (A) Engaging in conduct with a patient that is sexual or may reasonably be interpreted by the patient as sexual, or in any behavior that is seductive or sexually demeaning to a patient;
- (B) Performing services that do not support the clinical needs of the patient;
- (C) Charging a patient an unconscionable fee or charging for services not rendered or not fully rendered;
- (D) Directly or indirectly engaging in threatening, dishonest or misleading fee collection techniques;
- (E) Perpetrating fraud upon patients, third-party payors, or others, relating to the practice of Chiropractic, including violations of any jurisdictional health insurance program statute or regulation;
- (F) Accepting for services rendered assigned payments from any third-party payor as payment in full, if the effect is to eliminate the need of payment by the patient of any required deductible or copayment applicable in the patient's health benefit plan, except as hereinafter provided;
- (G) Engaging in advertising which is false, deceptive, misleading or unfair; and
- (I) Any other conduct that constitutes unprofessional conduct and grounds for disciplinary action under this Act or regulation promulgated by the Board.

Section 603. Improper Solicitations, Inducements or Referrals.

- (A) No Chiropractor or agent, servant or employee of a Chiropractor or Chiropractic practice shall offer, solicit or receive any remuneration, directly or indirectly, overtly or covertly, in cash or in kind, in return for purchasing, leasing, ordering, or arranging for any product, facility, service or item for any patient under his or her care.
- (B) No Chiropractor or agent, servant or employee of a Chiropractor or Chiropractic practice shall offer, solicit or receive any remuneration, directly or indirectly, overtly or covertly, in cash or in kind, in return for recommending the purchasing, leasing or ordering of any product, facility, service or item for any patient under his or her care.
- (C) No Chiropractor or agent, servant or employee of a Chiropractor or Chiropractic practice shall offer or pay any remuneration, including any bribe or rebate, directly or indirectly, overtly or covertly, in cash or in kind, for the purpose of inducing any person to purchase, lease, order, or arrange for any product, facility, service or item related directly or indirectly to chiropractic care, treatment or services.
- (D) No Chiropractor or agent, servant or employee of a Chiropractor or Chiropractic practice shall offer or pay any remuneration, including any bribe or rebate, directly or indirectly, overtly or covertly, in cash or in kind, for the purpose of inducing any person to recommend purchasing, leasing, ordering or arranging for any product, facility, service or item related directly or indirectly to chiropractic care, treatment or services.
- (E) Referring a patient to any health care provider or facility for health-related services or products in which the Chiropractor has a financial or economic interest, unless the



Chiropractor has properly disclosed his or her financial or economic interest in accordance with section 502.

Article VII. Discipline

Section 701. Grounds for Disciplinary Action.

The Board may refuse to issue or renew, or may suspend, revoke, censure, reprimand, restrict or fine, limit, or condition the license or registration of any person pursuant to the procedures set forth in this Act or other applicable law upon one or more of the following grounds as determined by the Board:

- (A) Violation of any provision of this Act or Board regulation promulgated pursuant to this Act;
- (B) Conviction of a felony or equivalent as defined under [*Name of Jurisdiction*] law or the laws of another jurisdiction;
- (C) Committing a crime related to the practice of Chiropractic in violation of [*Name of Jurisdiction*] law or the laws of another jurisdiction with which the Chiropractor or Chiropractic Clinical Assistant is legally required to comply;
- (D) Being the subject of a civil action related to the practice of Chiropractic taken by a [*Name of Jurisdiction*] judicial authority or judicial authority in another jurisdiction;
- (E) Being the subject of an administrative disciplinary action taken by any licensing authority or failure to report such action to the Board;
- (F) Violation or failure to comply with a Board order or the conditions of a properly executed consent agreement;
- (G) Allowing or aiding the unlicensed practice of Chiropractic;
- (H) Fraud, deceit or material omission in obtaining or renewing a Chiropractic license or Chiropractic Clinical Assistant registration;
- (I) Compromising the integrity of a Chiropractic licensing examination or Chiropractic Clinical Assistant registration examination;
- (J) Practicing without a valid Chiropractic license or Chiropractic Clinical Assistant registration;
- (K) Failure to comply with continuing education requirements;
- (L) Engaging in improper or inadequate supervision or delegation of patient care functions;
- (M) Practicing beyond the authorized scope of Chiropractic practice;
- (N) Failure to comply with applicable health and safety code requirements;
- (O) Failure to disclose to the Board any mandatory reportable action;
- (P) Unprofessional conduct as determined by the Board;
- (Q) Any act involving moral turpitude or gross immorality;
- (R) Engaging in incompetent or negligent practice, including providing substandard or inadequate care;



- (S) Dispensing, prescribing, or administering unauthorized or illegal drugs or controlled substances;
- (T) Practicing while impaired due to alcohol or other substance abuse, or due to psychological or physical impairment;
- (U) Being adjudicated by any court of competent jurisdiction or determined by the Board as incapacitated, mentally incompetent or mentally ill, chemically dependent, or dangerous to the public;
- (V) Engaging in fraud, improper billing, submission of false health claims, providing or ordering unnecessary tests or services, falsifying reports or records, failure to maintain adequate or accurate records, or failure to provide records;
- (W) Engaging in misleading, false or deceptive solicitations, advertising or marketing, or misrepresentation of one's professional credentials, title or expertise;
- (X) Engaging in improper fee splitting, commissions or rebates;
- (Y) Exploitation of patients for financial gain;
- (Z) Improper management of patient health records; or
- (AA) Revealing privileged communications or confidential information.

Section 702. Imposition of Discipline.

- (A) The Board may revoke, suspend, restrict, or limit the activity of or fine any person for any violation of this Act, any Board regulation pursuant to this Act, or for violations of any other law, regulation or requirement which involve the practice of Chiropractic.
- (B) The Board may defer or waive action with regard to an impaired Chiropractor or Chiropractic Clinical Assistant who voluntarily signs an agreement, in a form satisfactory to the Board, not to practice and to enter into an approved treatment and monitoring program, provided this section does not apply to a Chiropractor who has been convicted of, pleads guilty to, or enters a plea of nolo contendere to, a felonious act or an offense relating to a controlled substance, or a conviction of sexual misconduct. Failure to enter such agreement or to comply with the terms and make progress satisfactory to the Board shall disqualify the Chiropractor from the provisions of this section and the Board may activate an immediate investigation and disciplinary proceeding. Upon completion of the treatment program to the Board's satisfaction, the Chiropractor may apply for permission to resume Chiropractic practice under monitoring or other such conditions as the Board determines necessary to protect the public.

Section 703. Summary Suspension.

The Board may, without a hearing, immediately suspend a Chiropractic license or Chiropractic Clinical Assistant registration for not more than sixty (60) days if the Board determines that continued practice by the Chiropractor or Chiropractic Clinical Assistant would create an imminent risk of harm to the public. A summary suspension shall take effect upon written notice to the Chiropractor or Chiropractic Clinical Assistant specifying the applicable law or regulation the Board has reason to believe was violated and



identifying the potential harm that may ensue. At the time of summary suspension, the Board shall schedule a disciplinary hearing within twenty-one (21) days. The form of notice shall be in accordance with the requirements and administrative procedures set forth under applicable law or judicial process.

Article VIII. Severability

Section 8.01 Severability

If any provision of the Chiropractic Practice Act is declared unconstitutional or illegal, or the applicability of the Act including any Board regulation to any person or circumstance is held invalid by a court of competent jurisdiction, the constitutionality or legality of the remaining provisions of the Act and the application of the Act to other persons and circumstances shall not be affected and shall remain in full force and effect without the invalid provision or application.



REGULATIONS

1.00 Regulatory Definitions

Section 1.01 Definitions

For purposes of Regulations 1.00 through 10.00 the following terms shall have the following meanings.

Approved Accrediting Agency means the Council on Chiropractic Education Australasia (CCEA), Federation of Canadian Chiropractic, Council on Chiropractic Education United States of America (CCE-USA), European Council on Chiropractic Education (ECCE) or other accrediting agency approved by the government having jurisdiction in which the Chiropractic Education program is domiciled.

Approved Examination Provider means the Canadian Chiropractic Examining Board (CCEB), National Board of Chiropractic Examiners (NBCE), International Board of Chiropractic Examiners (IBCE), or other organization approved by the Board to provide competency examinations for chiropractors.

Board means the [*Name of Jurisdiction*] chiropractic licensing board.

Certified Chiropractic Clinical Assistant (CCCA) means an individual who has been duly certified and maintains active certification in good standing as a “Certified Chiropractic Clinical Assistant” by the FCLB.

Chiropractic Adjustment means the application of a specific corrective force, done either by hand or with the aid of a mechanical instrument, which is applied directly to the body for the purpose of reducing or correcting a Chiropractic Subluxation or somatic dysfunction to improve health.

Chiropractic Practice means a place, office, clinic or facility where chiropractic services are provided within a sole proprietor, corporate or partnership business arrangement.

Chiropractic Professional Degree means a first professional degree awarded by a chiropractic school, college or institution. This degree may include but is not limited to the following descriptive titles:

- “Doctor of Chiropractic”;
- “Master of Science (MSc) Chiropractic” or “Master in Chiropractic (MChiro)”;
- “Master of Technology (MTech) Chiropractic”; or
- “Master of Chiropractic”, “Bachelor of Science in Chiropractic Science (BSc) and Bachelor of Chiropractic (BChiro)”, “Bachelor of Chiropractic (B-Chiro)” or “Bachelor of Health Science/ Bachelor of Applied Science (Chiropractic)”.

Chiropractic Subluxation means a biomechanical and/or physiological condition or disorder of the axial or appendicular body areas that result in nervous system compromise and organ system dysfunction which can negatively influence the regulation of health.

FCLB means the Federation of Chiropractic Licensing Boards whose membership is comprised of government agencies that license and regulate chiropractors.



Patient means an individual that seeks or receives chiropractic services. Patient status is not dependent on billing or payment of fees for such services or the establishment of a doctor-patient relationship.

Patient Record means all recorded information regarding an individual's clinical history, examination and test findings, diagnosis, proposed and provided care or referral, documented clinical outcomes and the billing records associated with the services provided.

Peer Review means an evaluation by a chiropractor, other than the attending chiropractor, at the request of a third party, for the purpose of assessing the necessity, appropriateness, quality, utilization, cost and/or efficiency of chiropractic services and ethical performance of chiropractic care. Peer Review includes the performance of independent chiropractic examinations and paper/file reviews.

Providers of Approved Continuing Education - Chiropractic (PACE) means the program operated by the FCLB that assists chiropractic regulatory boards in evaluating, granting and auditing postgraduate relicensure credits.

Regulation means the whole or any part of every regulation, standard or other requirement of general application adopted by the Board to implement or interpret the Chiropractic Practice Act. The term "regulation" does not include decisions rendered by the Board in an adjudicatory proceeding or similar rulings.

Supportive Procedures and Therapies means those thermal, sound, light, mechanical, manual, hydrotherapy, rehabilitative or other modes of care which may be administered, dispensed or prescribed in addition to the Chiropractic Adjustment for the purpose of assisting a patient to achieve a timely and favorable clinical outcome.

2.00 Good Moral Character

2.01 Determination of Good Moral Character

The Board shall consider the following criteria in assessing an individual's "good moral character". Conduct that reasonably raises a question about whether an individual possesses good moral character required for chiropractic licensure or chiropractic clinical assistant registration or for license or registration renewal includes, but is not limited to, any of the following:

- (A) Conviction of any criminal offense, other than a routine traffic violation;
- (B) Disciplinary action taken by the applicable governmental authority of any jurisdiction, state, territory or political subdivision against any professional license, registration or certification held by the applicant; or
- (C) Conduct which is not within the meaning of Sections 2.00(A) and 2.00(B) above, but which nevertheless involves any of the following:
 - (1) Failure to exercise proper regard for the applicant's own health, welfare or safety;
 - (2) Failure to exercise proper regard for the health, welfare, safety or legal rights of another person; or
 - (3) Fraud, deception, or lack of honesty or truthfulness.



3.00 Chiropractic Programs and Examinations

Section 3.01 Chiropractic Programs

Pursuant to Article III, Section 306 of the Chiropractic Practice Act, the Board may delegate the task of identifying those acceptable chiropractic educational programs, which offer a Chiropractic Professional Degree, to an Approved Accrediting Agency. A listing of said Approved Accrediting Agencies is identified in Section 1.01 of these Regulations.

Section 3.02 Chiropractic Examinations

Pursuant to Article III, Section 307 of the Chiropractic Practice Act, the Board may employ, cooperate and contract the task of providing chiropractic competency examinations to an Approved Examination Provider. A listing of Approved Examination Providers is identified in Section 1.01 of these Regulations.

4.00 Temporary Chiropractic Licensure

Section 4.01 Procedures for Obtaining and Practicing Under a Temporary Chiropractic License

Pursuant to Article III, Section 305 of the Chiropractic Practice Act, the Board has established the following procedures for granting a temporary chiropractic license.

- (A) The Applicant for a temporary chiropractic license shall:
 - (1) Submit a completed application and pay the appropriate fee;
 - (2) Identify the purpose for seeking a temporary chiropractic license;
 - (3) Identify the patient cohort or practice setting the applicant is seeking to provide chiropractic services, and the date or dates for providing said services, and;
 - (4) Attest to having fully read and understood the statutes and regulations that pertain to the legal practice of chiropractic in [*Name of Jurisdiction*] and agree to practice within the confines of [*Name of Jurisdiction*] law.
- (B) The Board may employ, cooperate, and contract the task of credentialing applicants for temporary chiropractic license to the Federation of Chiropractic Licensing Boards (FCLB) - PASSPORT program.
- (C) The holder of a temporary chiropractic license shall:
 - (1) Conspicuously display the temporary chiropractic license or valid FCLB PASSPORT while providing chiropractic services in [*Name of Jurisdiction*] and;
 - (2) Practice within the parameters outlined on the temporary chiropractic license holder's application, per section (A)(2) above, or terms established by the Board.



5.00 Continuing Education Course Approvals

Section 5.01 Applications and Approval Process

Pursuant to Article III, Section 309 of the Chiropractic Practice Act, the sponsoring party of each course seeking continuing education credit status shall apply to the Board for approval of that course prior to presentation of the course.

- (A) An application for approval of a continuing education course or program shall contain all of the following information:
 - (1) The name of the course;
 - (2) The identity of the sponsoring party;
 - (3) A description of the objective of the course;
 - (4) The number of credit hours of study included in the course;
 - (5) The identity of the instructor or instructors presenting the course;
 - (6) The educational background and experience of each instructor involved in presenting the course;
 - (7) The identity of the person who will be responsible for certifying attendance, and a description of the method which will be used to verify attendance;
 - (8) A syllabus or other equivalent description of the course that includes a list of learning objectives and/or competencies; and
 - (9) Such additional information as the Board may reasonably require.
- (B) To be considered by the Board for continuing education credit, a course shall meet all of the following requirements:
 - (1) The course is sponsored by a Chiropractic Program, recognized chiropractic school, college, institution or chiropractic specialty council, or accredited institution of higher learning or qualified individual providers
 - (2) The subject matter of the course or program is devoted to topics pertinent to contemporary chiropractic art, science, philosophy or practice; and
 - (3) The attendance certifying officer verifies the participation of individuals completing the course, evidence that learning objectives and/or competencies were achieved; and provides certification of attendance, including the number of credit hours attended, to the Board upon request.
- (C) Courses devoted to administrative or economic aspects of practice or individual self-improvement shall not be approved for continuing education credit.
- (D) Each continuing education contact hour shall include at least fifty (50) minutes of instruction, not including breaks or meals, to qualify as a credit hour under the requirements of the Chiropractic Practice Act and this section.
- (E) When granting approval to individual sponsors or instructors providing continuing education programs for credit, the Board must consider whether the providers or instructors are qualified by training, experience, licensure, or of good moral character to provide such education.



Section 5.02 Delegation of Application Process

The Board may employ, cooperate, and contract the task of identifying continuing education credit hours acceptable for license renewal to the FCLB - Providers of Approved Continuing Education - Chiropractic (PACE) program, or other approved entity, as satisfying the requirements of the Board for purposes of the licensure renewal process. The Board, however, reserves the approval authority for all continuing education programs based on furtherance of professional development and related areas, and in the interest of the public protection objectives of the Chiropractic Practice Act.

6.00 Standards of Practice and Professional Conduct

Section 6.01 Scope of Practice

A chiropractor is a direct access primary health care practitioner who serves individuals of all ages employing a broad compilation of health services and conservative modes of care.

- (A) A chiropractor who is duly licensed by the Board may perform any and all procedures, functions and services intended to assess, promote and facilitate health within the definition of “Chiropractic” as set forth in the Chiropractic Practice Act, Article I, Section 103. Such procedures, functions and services include, but are not limited to:
- (1) Evaluating and examining individuals for the purpose of determining the presence or absence of physical or physiologic illnesses, injuries, conditions or disorders of the body;
 - (2) Performing an analysis for detecting Chiropractic Subluxations or somatic dysfunctions; which may be the basis for care even in the absence of subjective complaint(s).
 - (3) Ordering, performing and/or interpreting laboratory, radiological, electrodiagnostic, or any other diagnostic studies for which the licensed chiropractor has been properly trained;
 - (4) Rendering a diagnosis from which a care plan can be developed, or referral of the individual to an appropriate health care setting or professional;
 - (5) Treating such illnesses, injuries, conditions, disorders, Chiropractic Subluxations or somatic dysfunctions through:
 - (a) the administration of the Chiropractic Adjustment to the body for the purpose of maintaining, restoring or improving biomechanical and/or neurophysiological function;
 - (b) the administration, dispensing or prescribing of Supportive Procedures and Therapies, as defined in regulation Section 1.01;
 - (c) the dispensing or prescribing of dietary supplements, nutritional therapies or natural substances; and
 - (d) the performance of any other therapeutic procedure or service for which the licensed chiropractor has been appropriately trained through a Chiropractic Program or other education recognized by the Board;
 - (6) Managing, co-managing, coordinating and/or delegating patient care functions including initiating referrals to specialists for concurrent,



additional and/or alternative services or care the licensed chiropractor believes is most suited for the individual's condition; and

- (7) Counseling and instructing individuals regarding general health matters, including but not limited to the following: activities of daily living, diet and weight management, ergonomics, exercise, hygiene, nutrition, risk factor screening, wellness, and good health habits.

Section 6.02 Ethical Conduct

A chiropractor is expected to maintain high ethical standards in serving the public as well as the profession. Accordingly, a licensed chiropractor shall:

- (A) Maintain an appropriate professional relationship with the Patient, including placing the best interest of the Patient over the chiropractor's own personal or pecuniary interest;
- (B) Avoid establishing any dual, non-professional, relationship with the Patient;
- (C) Respect the dignity, modesty, and emotional vulnerability of the Patient; and
- (D) Inform the Patient or the Patient's legal guardian in such circumstances, of the expected benefits, potential material risks, if any, and common alternatives to any proposed diagnostic or therapeutic procedure, and then obtain the consent of the Patient or guardian prior to the performance of the procedure being proposed.

Section 6.03 Peer Review

Pursuant to the Chiropractic Practice Act, the practice of performing or providing chiropractic Peer Review is the practice of chiropractic.

- (A) For the purpose of performing or providing chiropractic Peer Review, a chiropractor shall possess the following minimum qualifications:
 - (1) Hold a current, valid license to practice chiropractic issued by the Board;
 - (2) Have at least five (5) years of verifiable clinical experience as a chiropractor in [*Name of Jurisdiction*]; and
 - (3) Has been engaged in active clinical practice for at least one (1) of the last five (5) years.

Nothing in this section shall be construed as barring an individual from performing a review of a patient file, including a chiropractic patient file, where the individual is expressly permitted to perform said review under applicable law.

- (B) A chiropractor shall adhere to all applicable laws, these Regulations, and appropriate clinical standards when performing or providing a Peer Review.
- (C) A chiropractor shall refrain from conducting a Peer Review if this review cannot be performed in an unbiased or impartial manner.
- (D) A chiropractor shall employ professional judgment based on factual information and clinical rationale which is consistent with current educational and practice standards, or standards that were in place at the time care under review was rendered. Personal opinions and statements that cannot be substantiated shall be omitted from Peer Review.



Section 6.04 Insurance Requirements

Each chiropractor shall maintain professional liability insurance to cover negligence, wrongful acts, and errors and omissions. The professional liability insurance shall provide coverage in an amount of at least \$ (currency) for each claim with an aggregate top limit for all claims during any one year of at least \$ (currency).

Section 6.05 Patient Records

A chiropractor shall establish and maintain a record for each Patient that accurately reflects the nature of the patient's condition and the care provided.

- (A) Each patient record shall, at a minimum, include documentation of the following:
 - (1) The patient's identifying information, and identity of the Chiropractic Practice, treating chiropractor and all care providers;
 - (2) The reason for the encounter, including any subjective complaints and pertinent history;
 - (3) The current objective findings and results of diagnostic studies, including positive and negative findings;
 - (4) The diagnosis and/or assessment of the patient's condition;
 - (5) A management and/or care plan, including the recommendations, intended goals, prognosis, modifications to the plan, and the procedures provided; and
 - (6) Evidence that information was provided about any material risk relative to a proposed treatment or procedure and that appropriate consent was provided.
 - (7) Original radiographs;
 - (8) Financial information, including billing statements.
- (B) Each patient record shall, at a minimum, be maintained in the following manner:
 - (1) Legible and self-explanatory;
 - (2) Contemporaneously constructed and chronologically organized;
 - (3) Contain only accurate and reliable information, including any necessary amendment;
 - (4) Maintained in a physically secure and confidential manner; and
 - (5) Accessible to the patient and treating doctor within a reasonable period.
- (C) All documentation items under Section 3.05(A) shall have an adequate and reasonable level of detail and pertinent clinical information.
- (D) Patient records shall be maintained for a minimum of seven (7) years from the date of the last patient encounter.
- (E) Patient records maintained electronically shall have an established back-up and retrieval system.
- (F) Upon the written request of the Patient, the patient's authorized legal representative, the patient's parent or legal guardian, a chiropractor shall



furnish a complete copy of that patient's clinical records, including all supporting documentation and reports, to the party authorized to receive it. A reasonable fee may be charged for this service but the records may not be withheld pending payment.

- (G) No Patient shall be required to sign any release from liability or waiver as a condition for the receipt of his or her clinical record pursuant to 3.05(F).
- (H) A chiropractor shall furnish to the Board or its duly authorized representative a complete copy of a Patient record upon written request. No fee may be charged for this service.

Violation of any provision of Section 3.05 (A-H) shall be considered “unprofessional conduct” and shall constitute grounds for disciplinary action by the Board.

7.00 Chiropractic Practices

Section 7.01 Inspections

The Board or its agent may inspect a Chiropractic Practice at any time during regular business hours and without prior notice, for the purpose of verifying that the Chiropractic Practice and its agents or employees are in compliance with all applicable requirements of the Chiropractic Practice Act and these Regulations.

Section 7.02 Delegation of Authority

- (A) A chiropractor shall be responsible for all patient care provided by him or her, or by any of his or her agents or employees, and shall be responsible for any and all acts or omissions of such agents or employees.
- (B) A chiropractor may not delegate any clinical function for which licensure or registration is required under any applicable law or regulation to any agent, employee or individual who does not possess the appropriate license or registration.

8.00 Standards for Registered Chiropractic Clinical Assistants

Section 8.01 Board Approved Education, Training, and Examination for Registered Chiropractic Clinical Assistants

To comply with the requirements of the Chiropractic Practice Act, an applicant for chiropractic clinical assistant registration must meet the following education, training and examination standards.

- (A) An applicant seeking chiropractic clinical assistant registration, must provide evidence satisfactory to the Board of the following:
 - (1) Completed at least 24 hours of a Board-approved educational program; and
 - (2) Completed at least 300 hours of clinical training as a chiropractic clinical assistant, supervised by a licensed chiropractor; and
 - (3) Obtained a passing score on a competency examination approved by the Board.



- (B) An applicant seeking registration by endorsement shall comply with the requirements set forth in statute.

Section 8.02 Acceptable Certification Entity

The Board recognizes the FCLB - Certified Chiropractic Clinical Assistant (CCCA) program as providing acceptable documentation of candidate qualifications.

Section 8.03 Approved Education

- (A) A continuing education program for registered chiropractic clinical assistants shall not be considered for approval unless it meets all of the following requirements:
- (1) Submits a complete application in a form and manner provided by the Board, including the payment of any fees as determined by the Board;
 - (2) Provides adequate instruction on each of the following topics: foundational knowledge, patient safety and procedures, therapeutic modalities and procedures, documentation, and ethics and boundaries;
 - (3) Uses competent instructors as documented by appropriate academic training, professional licensure or certification, or professionally recognized experience;
 - (4) Employs a reputable process for documenting attendance; and
 - (5) Includes a minimum of twenty-four (24) hours of didactic study.
- (B) The Board may employ, cooperate, and contract the task of identifying continuing education credit hours acceptable for registration renewal to the FCLB - Providers of Approved Continuing Education - Chiropractic (PACE) program, or other approved entity, as satisfying the requirements of the Board for purposes of the registration renewal process. The Board, however, reserves the approval authority for all continuing educational programs based on furtherance of professional development and related areas, and in the interest of the public protection objectives of the Chiropractic Practice Act.

Section 8.04 Renewal of Registration

- (C) Registration for chiropractic clinical assistants is biennial and shall expire on the registrant's birth date. Registrants born on the 29th of February shall use February 28th as their birth date for the purposes of these Regulations.
- (D) The first registration period may be less than two years but not less than one year, which reflects the difference between the registrant's birth date and the two (2)-year anniversary of initial registration. No proration of registration fees will be applied.
- (E) To renew registration on or before the renewal date, a registered chiropractic clinical assistant shall provide evidence acceptable to the Board of having completed the requirements for continuing competence.
- (F) Payment must be received by the Board for all renewal fees and any other applicable fee relative to registration before a renewal registration is issued.

Section 8.05 Continuing Education

Applicants for registration renewal as a registered chiropractic clinical assistant must provide evidence satisfactory to the Board of the following:



- (A) Completion of no less than six (6) hours of continuing education during each two (2)-year renewal period in courses or programs approved by the Board, or
- (B) Possession of a waiver from the continuing education requirement, granted by the Board, due to unforeseeable emergency or other extraordinary circumstances. The burden of substantiating proof shall rest with the registrant.

Section 8.06 Improper Conduct

A registered chiropractic clinical assistant shall conduct him or herself within the boundaries of proper ethical behavior.

- (A) A registered chiropractic clinical assistant shall adhere to acceptable standards of conduct regardless of whether a supervising chiropractor or individual in a position of authority may order, impart or condone behavior or conduct which is improper.
- (B) "Improper conduct", under the meaning of this section, shall comprise acts considered unprofessional conduct or misconduct under the Chiropractic Practice Act and these Regulations.

9.00 Reinstatement.

Section 9.01 Reinstatement

Any chiropractor or registered chiropractic clinical assistant whose license or registration has been suspended or restricted, whether voluntarily or by action of the Board, shall have the right at reasonable intervals to petition the Board for reinstatement of his or her license or registration. Such petition shall be made in writing and in the form prescribed by the Board. Upon investigation and hearing, the Board may in its discretion grant or deny such petition or modify its original finding, in a manner agreeable to the licensee or registrant, to reflect any circumstances that have sufficiently changed to warrant such modifications.

10.00 Effective Date

Section 10.01 Effective Date

These regulations were duly promulgated by vote of the Board on (month) (day), (year).

