

CHAPTER 10 - BOARD OF CHIROPRACTIC EXAMINERS

SECTION .0100 - ORGANIZATION OF BOARD

21 NCAC 10 .0101 IDENTIFICATION
21 NCAC 10 .0102 GENERAL PURPOSE OF BOARD

History Note: Authority G.S. 90-139 et seq.; 90-141 to 90-146; 90-142 et seq.; 90-148; 90-149; 90-151; 90-153 to 90-157; Eff. February 1, 1976; Readopted Eff. January 27, 1978; Repealed Eff. December 1, 1988.

21 NCAC 10 .0103 STRUCTURE OF BOARD

- (a) Creation and Membership of Board of Examiners. The creation and membership of the Board of Chiropractic Examiners are governed by G.S. 90-139, which statute is herewith incorporated by reference including subsequent amendments. A copy of the statute may be obtained from the Board at no charge.
- (b) Selection of Chiropractic Members of Board of Examiners. The selection of chiropractic members of the Board of Examiners is governed by G.S. 90-140, which statute is herewith incorporated by reference including subsequent amendments. A copy of the statute may be obtained from the Board at no charge.
- (c) Election of Candidates for Appointment to the Board. Annually, the Board shall select a time, date and place for the election of chiropractic candidates for appointment to the Board. At least three candidates shall be elected for each vacancy. The candidate receiving the most votes in each election shall be given a special recommendation.
- (1) The election shall be conducted by the Board of Chiropractic Examiners. Any member of the Board who is nominated to succeed himself shall be disqualified from conducting the vote in which he is a nominee.
 - (2) Nomination shall be made from the floor and shall require two seconds. Any prospective nominee may withdraw his name from consideration by an oral statement to that effect.
- (d) Officers of the Board. Annually, and as soon as practicable after appointments have been made, the members of the Board shall elect a president, a vice-president, a secretary, and a treasurer.

History Note: Legislative Objection Lodged Eff. January 31, 1983; Curative Amended Eff. February 18, 1983; Statutory Authority 90-139; 90-140; 150B-14; Eff. February 1, 1976; Readopted Eff. January 27, 1978; Amended Eff. June 1, 1994; December 1, 1988; January 1, 1983; May 8, 1979.

21 NCAC 10 .0104 SEAL OF THE BOARD OF CHIROPRACTIC EXAMINERS

- (a) The official seal of the Board consists of two concentric circles, with the word "Seal" inside the inner circle surrounded by the phrase "North Carolina Board of Chiropractic Examiners, Organized May 5, 1917" in the area between the circles.
- (b) The Seal of the State of North Carolina, without alteration, has also been adopted for use by the Board where appropriate.

History Note: Authority G.S. 90-142; 90-156; Eff. February 1, 1976; Readopted Eff. January 27, 1978; Amended Eff. December 1, 1988.

21 NCAC 10 .0105 ESCROW ACCOUNT

- (a) The Board shall maintain an escrow account at a federally insured bank for the temporary deposit of any fees received by the Board during a period in which the Board's authority to expend funds is suspended by operation of law.
- (b) At such time as the authority of the Board to expend funds is restored, the fees deposited in the escrow account shall be transferred to the Board's general account.

History Note: Authority G.S. 90-142; 93B-2;
Eff. July 1, 2011.

SECTION .0200 - PRACTICE OF CHIROPRACTIC

21 NCAC 10 .0201 REQUIREMENTS FOR LICENSURE

- (a) General. In order to be licensed to practice chiropractic in North Carolina, an applicant must satisfy the criteria established by G.S. 90-143, which statute is herewith incorporated by reference in accordance with G.S. 150B-14(c).
- (b) Applicants Licensed in Other States (Reciprocity). The issuance of licenses to applicants already licensed in other states is governed by G.S. 90-143.1, which statute is herewith incorporated by reference in accordance with G.S. 150B-14(c).
- (c) Good Character. "Good character" as used in G.S. 90-143 is defined by the Board as generally good conduct and reputation, and the use of appropriate discretion in personal, educational or business pursuits.

History Note: Legislative Objection Lodged Eff. January 31, 1983;
Authority G.S. 90-142; 90-143; 90-143.1; 150B-9(d);
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. January 1, 1983;
Curative Amended Eff. February 28, 1983;
Amended Eff. April 1, 1989; July 1, 1988.

21 NCAC 10 .0202 APPLICATION FOR LICENSURE

- (a) General. Application for licensure shall be made in writing upon forms provide by the Board. Application forms and instructions may be found on the Board's website, www.ncchiroboard.com.
- (b) Description of Forms. The written application shall consist of two forms, the Application Form and the Character Reference Form. The following information shall be required to complete each form:
- (1) The application form shall include the personal background of the applicant; educational history; a recent photograph; and a statement confirming that the applicant has read, understands, and will abide by the General Statutes and administrative rules governing chiropractic.
 - (2) The character reference form shall include the statements of three persons not related to the applicant attesting to the applicant's good moral character.
- (c) Deadlines for Filing Applications. Applications for the North Carolina examination shall be received at the Board office no later than 15 days before the next examination date as provided in Rule .0203(b) of this Section.
- (d) Application Fee. A non-refundable application fee of three hundred dollars (\$300.00) shall accompany each application. This fee may be paid by credit card through the Board's website, www.ncchiroboard.com, or by check made payable to the North Carolina Board of Chiropractic Examiners. Cash shall not be accepted.

History Note: Authority G.S. 90-142; 90-143; 90-143.1; 90-145; 90-146; 90-149;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. October 17, 1980;
Legislative Objection Lodged Eff. December 17, 1982;
Curative Amendment Eff. December 30, 1982;
Amended Eff. January 1, 1983;
Legislative Objection Lodged Eff. January 31, 1983;
Curative Amendment Eff. February 28, 1983;
Amended Eff. January 1, 1989;
Temporary Amendment Eff. January 1, 2003;
Temporary Amendment Expired October 31, 2003;
Amended Eff. April 1, 2018; August 1, 2004; February 1, 2004.

21 NCAC 10 .0203 NORTH CAROLINA EXAMINATION

(a) Eligibility. Only those applicants who meet the requirements of this Rule and G.S. 90-143 or, in the case of reciprocity applicants, G.S. 90-143.1, and who have submitted a written application and paid the non-refundable application fee pursuant to Rule 21 NCAC 10 .0202 shall be allowed to take the North Carolina examination.

(b) Dates of Examination. The North Carolina examination shall be given at least once each year, and additional examination dates may be scheduled based on the number of applications received. The Board shall announce an examination date not less than 90 days in advance, and the date, time, and location of upcoming examinations shall be published on the Board's website, www.ncchiroboard.com. The Board shall also individually notify an eligible applicant of the date, time, and location of the next examination as soon as possible after the applicant's non-refundable application fee has been paid and the written application completed.

(c) National Boards. Except as provided in Paragraph (e) of this Rule, in order to take the North Carolina examination, an applicant who has never been licensed in this State or who is not a reciprocity applicant shall first achieve a score of 375 or higher on each of the following examinations given by the National Board of Chiropractic Examiners: Part I, Part II, Part III (WCCE), the elective examination (termed "Physiotherapy" by the National Board), and Part IV.

(d) Report of Scores. The applicant shall arrange for his or her test results from any National Board examination to be reported to the North Carolina Board. Failure to comply with this provision shall be a basis for delaying the issuance of a license.

(e) Waiver of National Boards. Notwithstanding the requirements of Paragraph (c) of this Rule, an applicant who submits National Board examinations in conformity with the following schedule shall not be disqualified from licensure in North Carolina;

- (1) An applicant who graduated from chiropractic college before July 1, 1966 shall not be required to submit a score from any National Board examination.
- (2) An applicant who graduated from chiropractic college between July 1, 1966 and June 30, 1986 shall be required to submit scores of 375 or higher on National Board Part I, Part II, and the elective examination termed "Physiotherapy" but shall not be required to submit a score on Part III (WCCE) or Part IV.
- (3) An applicant who graduated from chiropractic college between July 1, 1986 and June 30, 1997 shall be required to submit scores of 375 or higher on National Board Part I, Part II, the elective examination termed "Physiotherapy," and Part III (WCCE) but shall not be required to submit a score on Part IV.

In order to receive a license, an applicant who qualifies for a waiver of any National Board score shall take and pass the SPEC examination and the North Carolina Examination and satisfy all other requirements for licensure.

(f) SPEC Examination. In order to take the North Carolina examination, a reciprocity applicant, a waiver applicant pursuant to Paragraph (e) of this Rule, or an applicant previously licensed in this State whose license has been cancelled pursuant to G.S. 90-155 for more than 180 days shall first take and pass the Special Purpose Examination for Chiropractic ("SPEC"). The SPEC exam is administered by the National Board of Chiropractic Examiners. The passing score shall be 375 or higher.

(g) Nature of Examination. The North Carolina examination shall be a written test of an applicant's knowledge of North Carolina chiropractic jurisprudence. No part of the examination shall be open-book, and no reference material of any kind shall be allowed in the examination area. The passing grade shall be 75 percent.

(h) Review of Examination. An applicant who has failed the North Carolina examination may request a review of his or her examination if the request is made in writing and received by Board not later than 20 days after issuance of the examination results. Unless the applicant requests to review his or her answers in person, the review shall be limited to a re-tabulation of the applicant's score to make certain no clerical errors were made in grading. If the applicant requests to review his or her answers in person, the applicant shall be permitted to do so at the Board office in the presence of a representative of the Board and for a period of not more than 30 minutes. The applicant shall not be permitted to discuss the examination with any member of the Board, grader, or test administrator.

History Note: Authority G.S. 90-142; 90-143; 90-143.1; 90-144; 90-145; 90-146; 93B-8; Eff/ February 1, 1976; Readopted Eff. January 27, 1978; Amended Eff. January 1, 1983; October 17, 1980; Legislative Objection Lodged Eff. January 31, 1983; Curative Amendment Eff. February 18, 1983; Temporary Amendment Eff. May 1, 1998; Amended Eff. October 1, 2018; April 1, 2018; February 1, 2009; July 1, 2004; August 1, 2000; August 1, 1995; December 1, 1988.

- (a) Initial Licensure. The initial license awarded to an applicant who passed the examination shall be mailed to the address appearing on the application form.
- (b) Change of Address. It shall be the responsibility of the licentiate to inform the Board of any change in his or her mailing address. Updated address information shall be forwarded to the secretary in writing within 30 days after any such change.
- (c) Email and Facsimile. A licentiate who maintains an office email address or office facsimile machine shall inform the Board of his or her current email address or facsimile machine telephone number. This contact information shall not be made available to the public and shall be used only for expediting the dissemination of official messages the Board deems high priority or urgent.

*History Note: Authority G.S. 90-145; 90-148;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. January 1, 1983;
Legislative Objection Lodged Eff. January 31, 1983;
Curative Amended Eff. February 28, 1983;
Amended Eff. July 1, 2014; December 1, 1988.*

21 NCAC 10 .0205 RENEWAL OF LICENSE

- (a) General. The renewal, cancellation, and restoration of a license are governed by G.S. 90-155 and this Rule. A current license that is not renewed shall be cancelled 30 days after the Tuesday immediately following the first Monday in January of the ensuing year. A licentiate desiring license renewal shall submit to the Board, on or before the date of cancellation, a completed license renewal form accompanied by the renewal fee as provided in Paragraph (g) of this Rule. The renewal fee shall not be paid in cash and may be paid by credit card through the Board's website, www.ncchiroboard.com, or by a check made payable to the North Carolina Board of Chiropractic Examiners.
- (b) License Renewal Notification and Form. On October 15th each year, the Board shall mail to each licentiate, at the licentiate's current office address on file with the Board, a license renewal form with renewal instructions. The license renewal form with instructions shall also be available at the Board's website, www.ncchiroboard.com, or upon request at the Board's office. A licentiate desiring license renewal shall note on the form changes in name, address, specialty, employment circumstances, and criminal convictions since the last renewal form was submitted to the Board. The licentiate shall also note on the form any professional development continuing education for which the licentiate seeks credit pursuant to Rule .0210(d) of this Chapter.
- (c) Continuing Education. As used in G.S. 90-155, one "day" of continuing education shall mean nine hours. Except as provided in Paragraphs (d), (e) and (f) of this Rule, a licentiate seeking license renewal shall obtain 18 hours (2 days) of Board-approved continuing education each calendar year. At least 10 hours shall be obtained by attending in-person educational sessions. As many as eight hours may be obtained in the manner set forth in Rule .0210 of this Chapter. The Board shall not award credit for any continuing education hours until the sponsor or licentiate submits to the Board the sponsor's certificate of attendance or course completion.
- (d) First-Year Continuing Education Exemptions. A licentiate who was enrolled in chiropractic college at any time during the year of initial licensure or a licentiate initially licensed after September 1st of the current year shall be permitted to renew his or her license for the ensuing year without obtaining continuing education but shall be required to submit a license renewal form and pay the renewal fee. In subsequent years, a licentiate shall not be permitted to renew his or her license until the continuing education requirements set forth in Paragraph (c) of this Rule are satisfied.
- (e) Hardship Waivers. A licentiate seeking a hardship waiver of the continuing education requirement shall make written application to the Board no later than December 15th of the current year explaining the nature and circumstances of the hardship. Upon the applicant's showing that compliance with the continuing education requirement poses an undue hardship, the Board may waive the requirement in whole or part or grant an extension of time within which to comply. "Undue hardship" shall include protracted medical illness, natural disaster, or extended absence from the United States.
- (f) Military Hardship. A licentiate who is serving in the armed forces of the United States and to whom G.S. 93B-15(a) grants an extension of time to pay a renewal fee shall also be granted an identical extension of time to complete the continuing education required for license renewal.
- (g) Renewal Fee. A renewal fee in the maximum amount allowed by G.S. 90-155 shall be paid by each licentiate applying for renewal.
- (h) Restoration of Cancelled License; Evidence of Proficiency. In order to provide evidence of proficiency, a former licentiate whose license has been cancelled for 180 or fewer days due to non-compliance with G.S. 90-155 shall be re-examined and shall pay the non-refundable application fee prescribed in Rule .0202(d) of this Chapter. A former licentiate

whose license has been cancelled for more than 180 days shall comply with Rule .0203(f) of this Chapter in addition to this Paragraph. Payment of the application fee shall not constitute payment of the reinstatement fee of twenty-five dollars (\$25.00) mandated by G.S. 90-155.

*History Note: Authority G.S. 90-142; 90-155; 93B-15;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. January 1, 1983; October 17, 1980;
Legislative Objection Lodged Eff. January 31, 1983;
Curative Amended Eff. February 18, 1983;
Amended Eff. April 1, 2018; June 1, 2015; July 1, 2011; January 4, 1993; December 1, 1988.*

21 NCAC 10 .0206 CERTIFICATION OF RADIOLOGIC TECHNOLOGISTS

(a) Application Procedure. After completing the education program described in Paragraph (b) of this Rule, a person desiring certification as a radiologic technologist shall pass a competency examination administered by or under the authority of the Board. The applicant shall complete an application form available on the Board's website, www.ncchiroboard.com, and confirm and submit that the applicant is at least 18 years of age, a high school graduate or the equivalent, and possessed of good moral character. A photocopy of the applicant's birth certificate, driver's license, or government-issued identification card shall constitute prima facie evidence of the applicant's age. A photocopy of the applicant's high school diploma, transcript, or general equivalency diploma (G.E.D.) shall constitute prima facie evidence of the applicant's graduation from high school. An affidavit attesting to good moral character and signed by a chiropractic physician or other responsible party who knows the applicant and is not related to the applicant shall constitute prima facie evidence of the applicant's good moral character.

(b) Approved Education Programs. In order to be approved by the Board, a radiological technologist education program shall be at least 50 hours in length, of which at least six hours shall be in-person didactic training with an instructor or instructors who, based on education and experience, are competent to teach the portion of the curriculum they have been assigned. The education program shall provide sufficient instruction in the five subjects set forth in G.S. 90-143.2 to enable its graduates to satisfy all applicable standards of care governing the production of X-rays. To obtain approval of an education program, the program sponsor shall submit to the Board, at least 60 days prior to the proposed starting date, all instructional materials to be used in the program, including a syllabus of the didactic training and a curriculum vitae for each instructor.

(c) A.C.R.R.T. Exemption. Any person registered as "active" with the American Chiropractic Registry of Radiologic Technologists shall be deemed to have satisfied the educational requirements of Paragraph (b) of this Rule.

(d) Competency Examination. The competency examination shall be administered in person at least three times per year. The Board shall publish on its website, www.ncchiroboard.com, the date, time, and location of the examination at least 90 days in advance. The Board may authorize additional testing sessions based on the number of applications received. The minimum passing score is 70 percent.

(e) Certificate Expiration and Renewal. A certificate of competency issued pursuant to G.S. 90-143.2 shall expire at the end of the calendar year in which it was issued but may be renewed upon a showing that the certificate holder completed six hours of Board-approved continuing education in radiologic technology during the year. A radiologic technologist whose initial certificate expires less than 12 months after issuance shall not be required to obtain continuing education until the second calendar year of certification but shall be required to pay the renewal fee at the end of the initial year of certification. A radiologic technologist seeking to renew a certificate of competency shall submit evidence that the applicant has completed six hours of Board-approved continuing education. A certificate of attendance or completion issued by the course sponsor and filed with the Board shall constitute prima facie evidence that the applicant has completed the number of hours recited in the certificate. The applicant shall pay a renewal fee in the amount of twenty-five dollars (\$25.00). The renewal fee shall not be paid in cash and may be paid by credit card through the Board's website, www.ncchiroboard.com, or by a check made payable to the North Carolina Board of Chiropractic Examiners.

(f) Displaying Certificate. The holder of a certificate issued pursuant to this Rule shall display the certificate in the x-ray room of the chiropractic clinic in which the holder is employed in a location where the certificate may be easily viewed by patients.

(g) Compliance. Other than licensed doctors of chiropractic, only those persons maintaining current certifications of competency in conformity with this Rule may produce x-rays or other diagnostic images in chiropractic offices. A chiropractor who permits the production of x-rays or other diagnostic images by a non-certified employee or an employee whose certification has expired shall be deemed in violation of G.S. 90-154.3.

(h) Lapsed Certificates. If a certificate of competency has lapsed due to non-renewal and the lapse does not exceed 60 days, the certificate holder may obtain reinstatement by demonstrating completion of six hours of Board-approved continuing education and paying the renewal fee set forth in Paragraph (e) of this Rule. If the lapse is greater than 60 days, no make-up continuing education shall be required but the certificate holder shall re-take and pass the competency examination described in Paragraph (d) of this Rule and pay the initial certification fee set forth in Paragraph (a) of this Rule. Regardless of the length of lapse, any person seeking reinstatement of a lapsed certificate shall comply with Paragraph (e) of this Rule.

History Note: Authority G.S. 90-143.2; 90-154.3;
Eff. February 1, 1993;
Temporary Amendment Eff. January 1, 2003;
Temporary Amendment Expired October 31, 2003;
Amended Eff. April 1, 2018; July 1, 2010; January 1, 2004.

21 NCAC 10 .0207 CONTINUING EDUCATION SEMINARS

(a) Approval of Seminars. Only continuing education seminars approved in advance by the Board shall count towards satisfying the requirements for license renewal. The sponsor and co-sponsors of any proposed seminar shall be responsible for submitting to the Board all the information the Board deems necessary to evaluate the seminar in accordance with this Rule. An application for approval shall be in writing and shall be submitted at least 30 days prior to the date of the proposed seminar.

(b) Duration of Approval. A seminar approval issued by the Board shall expire one year after the date of issuance. If the sponsor or co-sponsors of an approved seminar wish to repeat the seminar on a date beyond the approval period, a new application shall be submitted to the Board.

(c) Criteria for Approval. The Board's criteria for approving continuing education seminars is as follows:

- (1) No practice-building or motivational seminars shall be approved;
- (2) No seminar shall be approved that requires attendees, in order to be able to utilize the information presented at the seminar, to purchase equipment or clinical supplies available only through the seminar's instructors, sponsors or co-sponsors;
- (3) Each seminar subject shall fall within the extent and limitation of chiropractic licensure in this State; and
- (4) Each instructor shall submit a curriculum vitae and satisfy the Board that he is competent to teach the subject or subjects he is scheduled to teach.

(d) Duties of Seminar Sponsor. A proposed seminar having been approved by the Board, its sponsor and co-sponsors shall:

- (1) Disclose on all brochures and advertising materials the name and address of each sponsor and co-sponsor and whether each sponsor and co-sponsor is a for-profit or not-for-profit entity;
- (2) Be liable for all expenses incurred in holding the seminar;
- (3) Give timely notice to the Board of any material changes in the seminar, including date, location, subject matter or instructors; and
- (4) Provide an agent at the seminar site who shall:
 - (A) Monitor and report the attendance of each person attending the seminar, using a method approved by the Board;
 - (B) Provide for the safety and comfort of attendees;
 - (C) Supervise the agenda and disallow the presentation of any subject not approved by the Board; and
 - (D) Complete and submit to the Board a post-seminar review summarizing any problems experienced and any variance between the application for approval and the seminar as actually presented.

(e) Sanction for Non-Compliance. By applying for seminar approval, each sponsor and co-sponsor agrees to admit to the seminar at no charge a representative of the Board for the purpose of observing compliance with this Rule. If the Board determines that a sponsor or co-sponsor has willfully or negligently falsified the application for approval, or has failed to keep attendance accurately, or has allowed the seminar as actually presented to vary materially from the agenda as set forth in the application, or has willfully failed to adhere to any other provision of this Rule, the Board, in its discretion, may refuse to approve future seminar applications from the offending sponsor or co-sponsor or from any principal who is a partner or shareholder in the offending sponsor or co-sponsor.

History Note: Authority G.S. 90-142; 90-155;
Eff. January 1, 2004.

21 NCAC 10 .0208 ACUPUNCTURE

Until July 1, 2008, in order to perform acupuncture, a licentiate or applicant for licensure must first certify to the Board that he has completed a minimum of 100 hours' coursework in acupuncture-meridian therapy, including sterile needle technique, theory of acupuncture and differential diagnosis of clinical indications. This coursework must be offered as either part of the curriculum leading to the Doctor of Chiropractic degree or at the post-doctoral level, and by a college accredited pursuant to G.S. 90-143(b). Beginning July 1, 2008, in order to perform acupuncture, a licentiate or applicant for licensure must first certify to the Board that he has completed a minimum of 200 hours of the above-described coursework; provided, that this requirement of 200 hours' coursework shall apply only to a licentiate or applicant for licensure whose initial certification date falls on or after July 1, 2008. Any licentiate certified prior to July 1, 2008 may continue to perform acupuncture without obtaining additional education.

*History Note: Authority G.S. 90-142; 90-143; 90-151;
Eff. February 1, 2004;
Amended Eff. July 1, 2006.*

21 NCAC 10 .0209 NUTRITIONAL SUPPLEMENTS

For the purpose of enforcing G.S. 90-151.1, the term *Nutritional supplements* includes vitamins, minerals, enzymes, dietary supplements, herbs, homeopathic and naturopathic preparations, glandular extracts, food concentrates and other natural agents. The term *Nutritional supplements* does not include controlled substances.

*History Note: Authority G.S. 90-142; 90-151; 90-151.1; 90-154;
Eff. May 1, 2004.*

21 NCAC 10 .0210 INDIVIDUAL-STUDY CONTINUING EDUCATION

(a) Hours permitted. A doctor of chiropractic may obtain as many as eight credit hours of continuing education each year by successfully completing one or more individual-study courses approved by the Board.

(b) Course approval. The criteria for Board approval of any individual-study course are as follows:

- (1) no practice-building or motivational courses shall be approved;
- (2) no course shall be approved that requires participants, in order to utilize the information presented, to purchase equipment or clinical supplies available only through the course's instructors, sponsors, or co-sponsors;
- (3) each subject taught shall fall within the extent and limitation of chiropractic licensure in this State as provided in G.S. 90-151;
- (4) the subject matter shall be presented in a manner comparable to instruction at chiropractic colleges accredited by the Council on Chiropractic Education;
- (5) the sponsor shall have a method for recording and verifying a doctor's participation expressed in credit hours and fractions thereof, and the sponsor shall assume responsibility for submitting a certificate of participation to the Board within 60 days after a doctor completes the course;
- (6) the course shall include one or more examinations or other means of verifying that a participating doctor has mastered the material presented in the course.

(c) Sponsor's obligation. The sponsor shall provide such information as the Board deems necessary to evaluate the course according to the criteria set forth in Paragraph (b) of this Rule, including the syllabus, a curriculum vitae for each instructor, the method for verifying attendance, and the length of the course. Failure to provide information required by the Board shall be a basis for denying the course. The application process for obtaining course approval is set forth in Rule .0207 of this Section.

(d) Professional development continuing education. A doctor of chiropractic may obtain continuing education credit for undertaking the professional development activities described in this Paragraph. Credit shall be awarded based on the actual time spent and shall not exceed two hours annually for all activities combined. To apply for credit, the doctor shall report such activities on his or her annual license renewal form as provided in Rule .0205(c) of this Section. Approved professional development activities shall include:

- (1) reading scientific, peer-reviewed professional journals; or
- (2) visiting vendor displays at professional association conventions to become familiar with trends in treatment technologies and new products.

(e) Attendance at interstate regulatory meetings. A doctor of chiropractic may obtain as many as 12 hours of continuing education credit annually by attending morning and afternoon sessions of a national meeting of the Federation of Chiropractic Licensing Boards or morning and afternoon sessions of a meeting of the National Board of Chiropractic Examiners.

History Note: Authority G.S. 90-142; 90-151; 90-155;
Eff. July 1, 2004;
Amended Eff. June 1, 2015.

21 NCAC 10 .0211 AGREEMENTS TO PROVIDE FINANCE OR MANAGEMENT SERVICES

(a) Purpose and extent of rule. G.S. 90-157.3 limits the "ownership" of a chiropractic practice to licensed chiropractors. However, in addition to the treatment of patients, operating a chiropractic practice involves the procurement of financing, office space, equipment, supplies and personnel, as well as the creation and implementation of advertising and marketing strategies, billing procedures and other management functions. It is common in many chiropractic offices for one or more of these operating components to be outsourced. The purpose of this Rule is to define the extent to which a chiropractor licensed and practicing in North Carolina may enter into a financing or management services agreement with a vendor who is not a North Carolina-licensed chiropractor while remaining in compliance with the ownership limitations imposed by G.S. 90-157.3. This Rule does not apply to contracts exclusively between or among North Carolina-licensed chiropractors.

(b) Review of agreements. No person shall be required to submit a financing or management services agreement to the Board for advance approval. The Board shall review existing or proposed agreements only upon request of one or more of the parties or as part of a disciplinary investigation. In order to protect pricing information, trade secrets and similar proprietary information, the Board shall maintain the confidentiality of any agreement under review. The review shall be completed within 90 days of submission, and any agreement not disapproved within 90 days shall be deemed approved.

(c) Prohibited provisions. Beginning July 1, 2012, the following contractual provisions, singly or in combination, shall be deemed by the Board to violate G.S. 90-157.3:

- (1) Any provision or series of provisions that creates a partnership between the chiropractor and the vendor to engage in the practice of chiropractic in contravention of G.S. 90-157.3(a). When reviewing contracts for compliance with this section, the Board shall apply the rules for determining the existence of a partnership set forth in G.S. 59-37 and the ordinary legal definition of partnership, as follows: "a partnership is a combination by two or more persons of their property, effects, labor, or skill in a common business or venture, under an agreement to share the profits and losses in equal or specified proportions;"
- (2) Ownership or control of patient records by the vendor or any party other than the chiropractor;
- (3) Control by the vendor over the hiring and firing of any personnel who provide clinical services to patients;
- (4) Any requirements imposed by the vendor that affect the chiropractor's exercise of professional judgment in creating treatment plans and delivering clinical services to patients;
- (5) Control by the vendor over the transfer of ownership interests in the practice, but this prohibition shall not prevent the vendor from terminating the agreement if the chiropractor transfers ownership of the practice without the vendor's consent;
- (6) Any attempt to transfer legal liability from the chiropractor to the vendor for the content of advertising or the implementation of any marketing program undertaken to promote the practice.

History Note: Authority G.S. 90-142; 90-147; 90-157.3;
Eff. September 1, 2011.

21 NCAC 10 .0212 MEDICAL COLLEGE TRANSFER CREDITS

(a) Purpose of Rule. An increasing number of students who initially enrolled in medical colleges are transferring to chiropractic colleges. The standard curricula for the first two years of medical and chiropractic colleges are similar. The Board of Chiropractic Examiners believes that it is in the public interest to allow applicants for chiropractic licensure in this State to receive credit for hours earned while attending medical college, as such a policy promotes the efficient use of classroom resources, reduces wasteful duplication and lowers the cost of obtaining a chiropractic degree.

(b) Declaration of Equivalency. To the extent the curricula of the institutions overlap, the Board deems a medical college approved by the Liaison Commission on Medical Education or the Committee for the Accreditation of Canadian Medical Schools or an osteopathic college approved by the American Osteopathic Association to be the equivalent of a chiropractic college accredited by the Council on Chiropractic Education.

(c) Counting Transfer Credits. For purposes of North Carolina licensure, the Board shall count any and all hours earned by an applicant at an approved medical college that have been accepted as transfer credits by the applicant's chiropractic college.

History Note: Authority G.S. 90-142; 90-143;
Eff. July 1, 2011.

21 NCAC 10 .0213 CERTIFICATION OF CLINICAL ASSISTANTS

(a) Classification of Applicants. Applicants for clinical assistant competency certification shall be classified as follows. Different certification requirements shall apply to each category.

- (1) Reciprocity applicants. A "reciprocity applicant" means an applicant who is currently certified or registered as a clinical assistant in another state whose requirements for certification or registration are substantially similar to or more stringent than the requirements for certification in North Carolina.
- (2) New applicants. A "new applicant" means any applicant who is not a reciprocity applicant.

(b) Requirements for Certification. Every applicant, regardless of classification, shall complete an application form available on the Board's website (www.ncchiroboard.com) and requiring the applicant to confirm and submit documentary evidence satisfactory to the Board that the applicant is at least 18 years of age, a high school graduate or the equivalent, and possessed of good moral character. A photocopy of the applicant's birth certificate, driver's license, or government-issued identification card shall constitute prima facie evidence of the applicant's age. A photocopy of the applicant's high school diploma, transcript, or general equivalency diploma (G.E.D.) shall constitute prima facie evidence of the applicant's graduation from high school. An affidavit attesting to good moral character and signed by a chiropractic physician or other responsible party who knows the applicant and is not related to the applicant shall constitute prima facie evidence of the applicant's good moral character. Every applicant, regardless of classification, shall pay to the Board an initial certification fee in the amount of twenty dollars (\$20.00). The initial certification fee shall not be paid in cash and may be paid by credit card through the Board's website, www.ncchiroboard.com, or by a check made payable to the North Carolina Board of Chiropractic Examiners. In addition to the general certification requirements, an applicant shall satisfy the requirements for the appropriate category of certification, as follows:

- (1) Reciprocity Applicants. A reciprocity applicant shall submit a copy of the applicant's current certification or registration as a clinical assistant in a state with which North Carolina reciprocates and shall also submit written confirmation from the state's certifying authority or registrar that the applicant is in good standing in that state.
- (2) New Applicants. A new applicant shall submit evidence that the applicant has completed an approved clinical assistant education program as described in Paragraph (c) of this Rule. A certificate of completion filed with the Board by the program sponsor shall constitute prima facie evidence that the applicant has obtained the required education. A new applicant shall also take and pass the standard proficiency examination administered by or under the authority of the Board, as described in Paragraph (d) of this Rule.

(c) Education Programs. In order to be approved by the Board, a clinical assistant education program for new applicants shall be at least 24 hours in length, of which at least six hours shall be in-person didactic training with an instructor or instructors who, based on education and experience, are competent to teach the portion of the curriculum they have been assigned. Credit for online coursework shall not exceed 18 hours, and all online coursework shall precede didactic training. The education program shall provide sufficient instruction in the five subjects set forth in G.S. 90-143.4(c) to enable its graduates to satisfy all applicable standards of care. To obtain approval of an education program, the program sponsor shall submit to the Board, at least 60 days prior to the proposed starting date, all instructional materials to be used in the program, including a syllabus of the didactic training, and a curriculum vitae for each instructor.

(d) Examinations. The proficiency examination for new applicants shall assess both academic knowledge and practical skills acquired through education programs and shall be administered in person at least four times per year on dates and at locations to be announced by the Board at least 90 days in advance and published on the Board's website, www.ncchiroboard.com. In its discretion, the Board may authorize additional testing sessions based on the number of applications received. The minimum passing score on the examination is 75 percent.

(e) Certificate Expiration and Renewal. Unless renewed, a certificate of competency shall expire on June 30th of the third year following the year in which it was issued. A certificate holder seeking to renew shall submit evidence that the applicant has completed six hours of Board-approved continuing education. A certificate of attendance or completion issued by the course sponsor and filed with the Board shall constitute prima facie evidence that the applicant has completed the number of hours recited in the certificate. The applicant shall pay to the Board a renewal fee in the amount of twenty-five dollars (\$25.00). The renewal fee shall not be paid in cash and may be paid by credit card through the Board's website, www.ncchiroboard.com, or by a check made payable to the North Carolina Board of Chiropractic Examiners.

(f) Lapsed Certificates. If a certificate of competency has lapsed due to non-renewal and the lapse does not exceed 60 days, the certificate holder may obtain reinstatement by making up the accrued deficiency in continuing education. If the lapse is greater than 60 days, no make-up continuing education shall be required, but the certificate holder shall re-take and pass the proficiency examination for new applicants. Regardless of the length of lapse, a certificate holder seeking reinstatement shall pay the renewal fee set forth in Paragraph (e) of this Rule.

(g) Exemptions. Graduates of accredited chiropractic colleges and students enrolled in accredited chiropractic colleges who are serving college-sponsored preceptorships in North Carolina are deemed by the Board to have satisfied all requirements imposed by this Rule and shall be deemed competent to perform the duties of a clinical assistant. Any person who qualifies for exemption and who works as a clinical assistant in this state for more than 180 days shall submit the application form described in Paragraph (b) of this Rule and note the claim of exempt status. Exempt persons shall not be required to pay a certification fee.

*History Note: Authority G.S. 90-142; 90-143.4;
Eff. July 1, 2014;
Amended Eff. April 1, 2018.*

21 NCAC 10 .0214 RANDOM OFFICE INSPECTIONS

(a) Random Inspections Authorized. The Board shall conduct periodic inspections of chiropractic offices for the purpose of assessing compliance with G.S. 90, Article 8 and the rules of the Board. Inspections shall be conducted as follows:

- (1) Physicians shall be selected for office inspection randomly and not based on any suspicion of wrongdoing.
- (2) The Board shall provide at least 30 days' advance written notice to a physician whose office is to be inspected. Notice shall include a copy of the checklist to be used by the inspector.
- (3) Pursuant to G.S. 93B-8.2, the inspector shall not practice chiropractic in the same geographic market as the physician whose office is to be inspected.
- (4) The inspector shall use a standardized checklist provided by the Board to assess whether the physician's office complies with statutory standards governing cleanliness and sanitation, condition of equipment, patient records, readability of X-rays, signage, and display of licenses and certificates. The inspector shall record a grade of "Pass" or "Fail" for each item on the checklist, leave a copy of the graded checklist with the physician, and file the original with the Secretary of the Board.
- (5) The inspector shall examine individual patient records only to assess legibility and completeness. For purposes of this Rule, a "complete" patient record includes a medical history, examination findings, diagnosis, and notes for each office visit. The inspector shall not draw any conclusions as to the quality of care or reasonableness of charges based on his or her examination of patient records.
- (6) If the inspector issues a failing grade on any checklist item, the physician shall have 15 days from the date of inspection to submit to the Board staff a plan for making corrections. Thereafter, the physician shall have an additional 30 days to submit proof that corrections have been made.

(b) Appeal of Failing Grade. A physician whose office receives a failing grade on any checklist item may appeal to the Secretary of the Board. The Secretary shall review the inspector's findings and reverse any failing grade that, in the Secretary's opinion, was improvidently issued. If the Secretary is not a chiropractic physician, the Secretary shall consult with a physician member of the Board before ruling on the appeal. If the Secretary concludes that a failing grade was deserved, the Secretary shall have authority to grant additional time to make corrections upon the physician's showing that corrections cannot be completed within the time provided under Subparagraph (a)(6) of this Rule. No physician shall be subject to disciplinary action by the Board as the result of a random office inspection unless the physician willfully or through inaction fails to correct a deficiency cited by the inspector and affirmed by the Secretary.

(c) Exemptions. A physician whose office has been inspected pursuant to this Rule shall not be subject to further random office inspections for a period of three years following the inspection. In addition, the following categories of licensee shall not be subject to this Rule:

- (1) Physicians who do not treat any patients. This category includes chiropractic radiologists who only interpret X-rays supplied by other physicians, professional reviewers who only scrutinize treatment records supplied by other physicians, and instructors who only teach;
- (2) Physicians who practice only in hospitals;
- (3) Physicians who practice only in jurisdictions outside North Carolina; and
- (4) Physicians whose practices are exclusively locum tenens.

(d) Inspections for Cause. This Rule shall not apply to office inspections ordered by the Secretary of the Board for cause as part of the investigation and prosecution of suspected disciplinary violations.

*History Note: Authority G.S. 90-142; 90-154; 90-154.2; 90-154.3;
Eff. March 1, 2016.*

SECTION .0300 - RULES OF UNETHICAL CONDUCT

21 NCAC 10 .0301 RULES OF UNETHICAL CONDUCT

History Note: *Legislative Objection Lodged Eff. January 31, 1983;*
Statutory Authority G.S. 90-142; 90-154;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. January 1, 1983;
Curative Amended Eff. February 18, 1983;
Repealed Eff. June 1, 1988.

21 NCAC 10 .0302 ADVERTISING AND PUBLICITY

(a) General. Doctors of Chiropractic shall exercise restraint in matters of advertising and publicity so as to maintain the dignity of chiropractic as a recognized profession.

(b) Identification. The terms by which a licentiate may identify himself professionally are listed in G.S. 90-154.2(4). Terms which do not indicate that the licentiate is a chiropractor, such as "drugless physician" or "naturopath", shall not be used. Methods of professional identification may include:

- (1) Signs. Signs may be placed on exterior doors, windows or walls of the licentiate's office or at entrances to the building in which his office is located.
- (2) Stationery. A licentiate may identify himself on his stationery and mailing literature using the terms permitted by this Rule.

(c) Prohibited Advertising. The Board of Examiners deems the following to be false or misleading advertising in violation of G.S. 90-154(b)(1):

- (1) Advertising which purports to guarantee a beneficial result from chiropractic treatment.
- (2) Advertising which promotes a treatment, therapy or service which the Board of Examiners has found to be unacceptable care.
- (3) Advertising in which the licentiate is identified as a specialist, unless the licentiate has complied with the requirements of 21 NCAC 10 .0304 and any reference to the specialty is immediately preceded by the term "chiropractic." Illustrations: "pediatrics" standing alone is deemed false or misleading; "chiropractic pediatrics" conforms to this Rule. "Neurologist" standing alone is deemed false or misleading; "chiropractic neurologist" conforms to this Rule.

History Note: *Authority G.S. 90-142; 90-154;*
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. January 1, 1983; May 8, 1979;
Legislative Objection Lodged Eff. January 31, 1983;
Curative Amended Eff. February 28, 1983;
Curative Amended Eff. March 2, 1983;
Amended Eff. November 1, 2007; December 1, 1988.

21 NCAC 10 .0303 SOLICITATION OF AUTO ACCIDENT VICTIMS

(a) In-Person and Telephone Solicitation of Auto Accident Victims. In order to protect the public from misrepresentation, coercion or undue influence, it shall be unlawful for a doctor of chiropractic, or the doctor's employee, to initiate direct personal contact or telephone contact with any person who has been injured in a motor vehicle collision, or with any person residing in the injured person's household, for a period of 90 days following the collision, if the purpose of initiating contact is, in whole or part, to solicit the injured person to become a patient of the doctor.

(b) Acceptance of Referrals From Runners. It shall be unlawful for a doctor of chiropractic to accept as a patient any person injured in an automobile accident who was referred by a runner. As used in this Rule, the term "runner" means any person, firm or corporation that routinely obtains the names of injured persons from motor vehicle accident reports or other public records and then contacts those persons to induce them to seek medical or chiropractic treatment or pursue legal claims.

(c) Solicitation of Auto Accident Victims by Mail. A doctor of chiropractic may solicit persons injured in motor vehicle collisions at any time through the use of posted communications such as letters, brochures, information packages and sound or

video recordings. The words, "This is an advertisement for chiropractic services" must appear on the communication's envelope or mailing container in print large enough to be easily read.

(d) Nonconforming Solicitation Deemed Unethical Conduct. Any solicitation of automobile accident victims which does not conform to the requirements of this Rule shall be considered a violation of the Rules of Ethics of Advertising and Publicity pursuant to G.S. 90-154.2(5).

*History Note: Authority G.S. 90-142, 90-154, 90-154.2;
Eff. September 1, 1994.*

21 NCAC 10 .0304 DESIGNATION OF SPECIALTIES

(a) Definitions. For purposes of this Rule, the following definitions shall apply:

- (1) Claim of Specialization: any use of the designations listed in this Rule or any representation stating or implying that, by virtue of additional training, a licentiate possesses greater expertise in any aspect of health care than is possessed by chiropractic physicians who have not had additional training. The mere recitation of academic degrees awarded to a licentiate does not constitute a claim of specialization.
- (2) Publication: includes but is not limited to representations made in a licentiate's advertising, whether printed or broadcast; written representations appearing on professional stationery, business cards, curriculum vitae or office signage; and oral representations made in judicial proceedings.

(b) Recognized Specialties. The Board of Examiners recognizes only the specialties listed in this Rule. Any published claim of specialization outside the listed subject areas or any published claim of specialization made by or at the behest of a licentiate who has not satisfied all applicable provisions of this Rule constitutes false or misleading advertising.

(c) Chiropractic Orthopedics. This specialty is designated by the terms "Diplomate of the American Board of Chiropractic Orthopedics" ("DABCO"), "Diplomate of the Academy of Chiropractic Orthopedics" ("DACO"), "Fellow of the Academy of Chiropractic Orthopedics" ("FACO") or "Chiropractic Orthopedist." In order to claim chiropractic orthopedics as a specialty, a licentiate shall first:

- (1) Complete a post-graduate course of study in orthopedics at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education; and
- (2) Pass all parts of the DABCO examination, or all parts of an examination deemed by the Board of Examiners to be the equivalent of the DABCO examination, and cause a copy of the DABCO diploma or its equivalent to be filed with the Board of Examiners.

(d) Chiropractic Radiology. This specialty is designated by the terms "Diplomate of the American Chiropractic Board of Radiology" ("DACBR") or "Chiropractic Radiologist." In order to claim chiropractic radiology as a specialty, a licentiate shall first:

- (1) Complete a post-graduate course of study in radiology at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education; and
- (2) Pass all parts of the DACBR examination, or all parts of an examination deemed by the Board of Examiners to be the equivalent of the DACBR examination, and cause a copy of the DACBR diploma or its equivalent to be filed with the Board of Examiners.

(e) Chiropractic Neurology. This specialty is designated by the terms "Diplomate of the American Chiropractic Neurology Board" ("DACNB"), "Diplomate of the International Board of Chiropractic Neurology" ("DIBCN") or "Chiropractic Neurologist." In order to claim chiropractic neurology as a specialty, a licentiate shall first:

- (1) Complete a post-graduate course of study in neurology at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education; and
- (2) Pass all parts of the DACNB or DIBCN examination, or all parts of an examination deemed by the Board of Examiners to be the equivalent of the DACNB or DIBCN examinations, and cause a copy of the DACNB or DIBCN diploma or their equivalent to be filed with the Board of Examiners.

(f) Chiropractic Internal Disorders. This specialty is designated by the terms "Diplomate of the American Board of Chiropractic Internists" ("DACBI") or "Chiropractic Internist." In order to claim chiropractic internal disorders as a specialty, a licentiate shall first:

- (1) Complete a post-graduate course of study in internal disorders at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education; and
- (2) Pass all parts of the DACBI examination, or all parts of an examination deemed by the Board of Examiners to be the equivalent of the DACBI examination, and cause a copy of the DACBI diploma or its equivalent to be filed with the Board of Examiners.

(g) Chiropractic Pediatrics. This specialty is designated by the terms "Diplomate of the International Council on Chiropractic Pediatrics" ("DICCP") or "Chiropractic Pediatrician." In order to claim chiropractic pediatrics as a specialty, a licentiate shall first:

- (1) Complete a post-graduate course of study in pediatrics at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education; and
- (2) Pass all parts of the DICCP examination, or all parts of an examination deemed by the Board of Examiners to be the equivalent of the DICCP examination, and cause a copy of the DICCP diploma or its equivalent to be filed with the Board of Examiners.

(h) Chiropractic Sports Injuries. This specialty is designated by the terms "Diplomate of the American Chiropractic Board of Sports Physicians" ("DACBSP") or "Chiropractic Sports Physician." In order to claim chiropractic sports injuries as a specialty, a licentiate shall first:

- (1) Complete a post-graduate course of study in sports injuries at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education; and
- (2) Pass all parts of the DACBSP examination, or all parts of an examination deemed by the Board of Examiners to be the equivalent of the DACBSP examination, and cause a copy of the DACBSP diploma or its equivalent to be filed with the Board of Examiners.

(i) Chiropractic Nutrition. This specialty is designated by the terms "Diplomate of the American Chiropractic Board of Nutrition" ("DACBN") or "Chiropractic Nutritionist." In order to claim chiropractic nutrition as a specialty, a licentiate shall first:

- (1) Complete a post-graduate course of study in nutrition at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education; and
- (2) Pass all parts of the DACBN examination, or all parts of an examination deemed by the Board of Examiners to be the equivalent of the DACBN examination, and cause a copy of the DACBN diploma or its equivalent to be filed with the Board of Examiners.

(j) Chiropractic Rehabilitation. This specialty is designated by the terms "Diplomate of the American Chiropractic Rehabilitation Board" ("DACRB") or "Chiropractic Rehabilitation Specialist." In order to claim chiropractic rehabilitation as a specialty, a licentiate shall first:

- (1) Complete a post-graduate course of study in rehabilitation at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education; and
- (2) Pass all parts of the DACRB examination, or all parts of an examination deemed by the Board of Examiners to be the equivalent of the DACRB examination, and cause a copy of the DACRB diploma or its equivalent to be filed with the Board of Examiners.

*History Note: Authority G.S. 90-142; 90-154;
Eff. November 1, 2007.*

21 NCAC 10 .0305 PREPAID TREATMENT PLANS

(a) Prepaid Treatment Plan Defined. A "prepaid treatment plan" is a contract between a patient and a physician under which the patient, instead of paying for services as they are delivered, agrees in advance to pay a pre-determined total amount to the physician for a series of specified treatments and services to be performed by the physician or the physician's staff in the future and that are not covered by insurance. The patient's financial obligation may be payable in a lump sum or in periodic installments.

(b) Non-Conforming Plans Unlawful. A physician who offers to a patient a prepaid treatment plan that does not conform to this Rule shall be subject to disciplinary action pursuant to G.S. 90-154(b)(9), committing or attempting to commit fraud, deception or misrepresentation.

(c) Required Contractual Provisions. A prepaid treatment plan shall be in writing and signed by the patient. The physician shall provide an accurate and complete copy of the plan document to the patient. In addition to any permissive provisions not in conflict with this Rule, the plan document shall contain the following mandatory provisions:

- (1) The duration of the plan, measured either by number of office visits or calendar days;
- (2) The therapeutic objectives of the plan, based on a physical examination and assessment of the patient performed by the physician prior to the plan's start date;
- (3) The patient's cost to purchase the plan;
- (4) A description of the services and products that are included within the plan and for which there will be no additional charges;

- (5) A disclaimer, in bold-faced type, that the patient could incur additional charges if services and products not included within the plan are delivered to the patient during the course of treatment;
- (6) A description of the physician's office policy regarding charges for cancelled office visits and office visits not kept; and
- (7) A declaration of the patient's right to terminate the plan early and receive a refund in conformity with Paragraphs (d) and (e) of this Rule.

(d) Refund Calculation. The patient shall have the right to terminate a prepaid treatment plan at any point prior to the stated expiration without incurring any financial penalty. The physician may charge the patient the full amount for dispensed products that cannot be re-stocked, including opened nutritional supplements and used cervical pillows, orthotic and neurological appliances, and similar durable medical equipment. In all other respects, the amount of the refund payable to the patient shall be calculated strictly pro-rata, based on the measure of duration recited in the plan document (office visits or calendar days). No other method of refund calculation shall be permitted, and any provision in the plan that specifies another method of calculation shall be void.

(e) Notice of Plan Termination; Prompt Refund. The physician may require that a patient give notice of plan termination by delivery of a paper writing dated and signed by the patient or a person authorized to sign in the patient's behalf. The physician shall not impose any other procedural impediments to obtaining a refund. The physician shall issue the appropriate pro-rata refund within ten business days after receiving notice of plan termination.

(f) Administrative Fees. The physician shall not collect from a patient any fees for administering a plan other than pass-through fees for which the physician is liable, such as credit card processing fees.

*History Note: Authority G.S. 90-142; 90-154.
Eff. April 1, 2017.*

21 NCAC 10 .0306 PUBLICATION OF NON-DIPLOMATE CREDENTIALS

(a) Scope of Rule. Any credential awarded to a licensee of the Board upon completion of a healthcare-related educational program shall be subject to this Rule except an academic degree or a diploma recognized pursuant to Rule .0304 of this Section.

(b) Publication of Unrecognized Credentials Unlawful. It shall constitute false or misleading advertising, in violation of G.S. 90-154(b)(1), for a licensee to publish a credential that is not recognized by the Board. For purposes of this Rule, "publication" includes representations made in a licensee's print, broadcast or online advertisement, professional stationery, business cards, and office signage.

(c) Criteria for Recognition. The criteria for recognition by the Board of a credential subject to this Rule shall be as follows:

- (1) the educational program leading to the awarding of the credential is offered at the post-doctor of chiropractic level;
- (2) for a chiropractic discipline, the educational program is offered or sponsored by a chiropractic college accredited by the Council on Chiropractic Education;
- (3) for a discipline not unique to chiropractic, the educational program is offered or sponsored by a professional school or college accredited by an agency that is the equivalent of the Council on Chiropractic Education;
- (4) the educational program is 100 hours in duration, except for programs in Acupuncture-Meridian Therapy, whose duration shall conform to Rule .0208 of this Chapter; and
- (5) The educational program culminates in a final examination that the candidate must pass to earn the credential.

(d) Recognized Credentials. The following credentials are recognized by the Board and may be published upon the credentialed licensee's compliance with Paragraph (e) of this Rule.

- (1) Certified Chiropractic Extremity Practitioner (CCEP);
- (2) Certified Chiropractic Rehabilitation Doctor (CCRD);
- (3) Certified Chiropractic Sports Physician (CCSP);
- (4) Chiropractic Certification in Spinal Trauma (CCST);
- (5) International Chiropractic Sports Physician (ICSP); and
- (6) Certificate in Acupuncture-Meridian Therapy.

Any licensee wishing to publish a credential not listed in this Paragraph shall first make written application to the Board and provide evidence that the credential meets the criteria set forth in Paragraph (c) of this Rule. The licensee shall not publish the credential until receipt of Board recognition.

(e) Filing Certificates. A licensee shall not publish any recognized credential until he or she files with the Board a copy of the dated certificate or similar document signifying that the licensee successfully completed all program requirements and that the credential was awarded.

History Note: Authority G.S. 90-142; 90-154;
Eff. October 1, 2017.

SECTION .0400 - RULE-MAKING PROCEDURES

21 NCAC 10 .0401 PETITIONS FOR ADOPTION OF RULES

(a) General. The procedure for petitioning the Board of Examiners to adopt, amend or appeal a rule is governed by G.S. 150B-16.

(b) Submission. Rule-making petitions shall be sent to the secretary of the Board. No special form is required, but the petitioner shall state his name and address. There are no minimum mandatory contents of a petition, but the Board considers the following information to be pertinent:

- (1) a draft of the proposed rule;
- (2) the reason for its proposal;
- (3) the effect of the proposed rule on existing rules or decisions;
- (4) data supporting the proposed rule;
- (5) practices likely to be affected by the proposed rule;
- (6) persons likely to be affected by the proposed rule.

(c) Disposition. The secretary shall review the petition and develop a recommendation as to whether the petitioner's proposed rule should be rejected or implemented. The secretary shall present the petition and his recommendation to the Board at its next regular meeting following receipt of the petition, and the Board shall render its decision to either deny the petition or initiate rule-making. The Board shall notify the petitioner of its decision in writing within the 120-day period set by G.S. 150B-16.

History Note: Authority G.S. 90-142; 150B-16;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. December 1, 1988.

21 NCAC 10 .0402 DISPOSITION OF PETITIONS

History Note: Authority G.S. 90-142; 150A-16;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Repealed Eff. December 1, 1988.

21 NCAC 10 .0403 PROCEDURE FOR ADOPTION OF RULES

(a) General. The procedure for the adoption, amendment or repeal of a rule is governed by G.S. 150B-12.

(b) Notice of Rule-Making. In addition to the mandatory publication of notice in the North Carolina Register, the Board, in its discretion, may also publish notice through its newsletter to licentiates or by separate mailing. Any person who wishes to receive individual notice shall file a written request with the secretary and shall be responsible for the cost of mailing said notice.

(c) Public Hearing. Any public rule-making hearing required by G.S. 150B-12 shall be conducted by the President of the Board or by any person he may delegate. The presiding officer shall have complete control of the hearing and shall conduct the hearing so as to provide a reasonable opportunity for any interested person to present views, data and comments.

- (1) Oral presentations shall not exceed 15 minutes unless the presiding officer, in his discretion, prescribes a greater time limit.
- (2) Written presentations shall be acknowledged by the presiding officer and shall be given the same consideration as oral presentations.

History Note: Authority G.S. 150B-12;

Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. December 1, 1988.

21 NCAC 10 .0404 HEARING

History Note: Authority G.S. 150A-12;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Repealed Eff. December 1, 1988.

21 NCAC 10 .0405 TEMPORARY RULES

History Note: Authority G.S. 150B-13;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. December 1, 1988;
Repealed Eff. July 1, 2012.

21 NCAC 10 .0406 DECLARATORY RULINGS

- (a) General. The issuance of declaratory rulings by the Board of Examiners is governed by G.S. 150B-17.
- (b) Request for Declaratory Ruling: Contents. A request for a declaratory ruling shall be in writing and addressed to the secretary. The request shall contain the following information:
- (1) The name and address of the person making the request;
 - (2) The statute or rule to which the request relates;
 - (3) A concise statement of the manner in which the person has been aggrieved by the statute or rule;
 - (4) A statement as to whether a hearing is desired, and if desired, the reason therefor.
- (c) Refusal to Issue Ruling. The Board shall ordinarily refuse to issue a declaratory ruling under the following circumstances:
- (1) When the Board has already made a controlling decision on substantially similar facts in a contested case;
 - (2) When the facts underlying the request for a ruling were specifically considered at the time of the adoption of the rule in question;
 - (3) When the subject matter of the request is involved in pending litigation in North Carolina.

History Note: Legislative Objection Lodged Eff. January 31, 1983;
Curative Amended Eff. February 28, 1983;
Statutory Authority G.S. 150B-17;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. December 1, 1988; January 1, 1983.

SECTION .0500 - INVESTIGATION OF COMPLAINTS

21 NCAC 10 .0501 FILING COMPLAINTS

- (a) General. Any person who has reason to believe that a Doctor of Chiropractic has violated the laws governing chiropractic may file a complaint with the Board of Examiners. Complaints should be filed with the secretary of the Board of Examiners.
- (b) Form of Complaint. Complaints may be formal or informal, but must be in writing:
- (1) Informal Complaints. Any written communication, construed most favorably to the complainant, which appears to allege a violation of the laws governing chiropractic shall be considered an informal complaint.
 - (2) Formal Complaint. A formal complaint shall be executed in writing under oath upon a form provided by the secretary. It shall specify the statute or rule allegedly violated and shall contain a short statement of the acts or omissions constituting the alleged violation including the dates of said acts or omissions.
- (c) Secretary's Response to Complaints. The secretary shall review any complaint to determine whether a major or minor violation has been alleged. If the secretary determines that the alleged violation is minor, he shall attempt to resolve the

complaint by informal communication with the complainant and the chiropractor complained of. If the secretary determines that the alleged violation is major, he shall assist the complainant in filing a formal complaint.

History Note: Authority G.S. 90-142; 90-154;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. December 1, 1988; January 1, 1983; December 20, 1979.

21 NCAC 10 .0502 UNLAWFUL PRACTICE

History Note: Authority G.S. 90-147; 90-148;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Repealed Eff. December 1, 1988.

21 NCAC 10 .0503 DETERMINATION OF PROBABLE CAUSE

(a) General. Formal complaints shall be investigated by the Chiropractic Review Committee. The committee shall hold a hearing to determine whether there is probable cause to believe a violation of the laws governing Chiropractic has occurred.

(b) Composition of Chiropractic Review Committee. The committee shall be composed of:

- (1) the secretary of the Board of Examiners. If the secretary is unable to attend a particular probable cause hearing, he or she may designate another physician member of the Board to serve and assume his or her duties at said hearing;
- (2) the attorney for the Board of Examiners; and
- (3) an alternate Board member. "Alternate Board member" means:
 - (A) a former Board member selected by the secretary; or
 - (B) a licensee selected by the secretary from among those who, at any election held pursuant to Rule .0103(c) of this Chapter, have been elected nominees for Board membership but not appointed to the Board.

(c) Notice of hearing. The secretary shall provide notice of the probable cause hearing in accordance with G.S. 150B-38(b).

(d) Conduct of Probable Cause Hearing. The probable cause hearing shall be informal, and the secretary shall preside. The Chiropractic Review Committee may consider evidence at the probable cause hearing that would not be admissible if offered at the hearing in a contested case.

(e) Action by the Chiropractic Review Committee. After examining the evidence presented at the probable cause hearing, the Chiropractic Review Committee may dispose of each charge in the formal complaint as follows:

- (1) If no probable cause exists to believe that a violation of G.S. 90-154 has occurred, the charge may be dismissed;
- (2) If the respondent admits the charge, he may be directed to cease and desist from commission of those acts which violate the provisions of G.S. 90-154; or
- (3) If a charge is denied and probable cause is found, or if a charge, while admitted, is of such gravity as to make the imposition of punitive sanctions appropriate, the complaint shall be presented to the Board of Examiners for its decision on the merits.

History Note: Authority G.S. 90-141; 90-143; 90-154;
Eff. December 1, 1988;
Amended Eff. October 1, 2016.

21 NCAC 10 .0504 DRUG TESTING

(a) Reasonable Suspicion. The Secretary of the Board may require a licentiate to submit to drug or blood alcohol testing if there is reasonable suspicion that the licentiate is consuming drugs or alcohol to such an extent or with such frequency as to impair the ability to treat patients. For purposes of this Rule, reasonable suspicion exists when:

- (1) The licentiate is cited or arrested on drug-related criminal charges;
- (2) The licentiate admits to the Board or to a judicial tribunal that the licentiate has abused alcohol or prescription drugs or consumed illicit drugs; or

- (3) The Secretary receives the sworn affidavit of a credible witness stating that the witness personally observed the licentiate in the licentiate's chiropractic office during business hours and the licentiate's behavior was erratic, unprofessional and apparently influenced by drug or alcohol consumption.
- (b) Approved Laboratory. Any drug test required by the Secretary shall be conducted by an approved laboratory in accordance with the protocol set forth in Article 20, Chapter 95 of the General Statutes, Controlled Substance Examination Regulation.
- (c) Reporting Results. The results of a licentiate's drug test shall be reported directly to the Secretary by the laboratory conducting the test and shall not be disclosed to any person other than the licentiate except for use as evidence in Board disciplinary actions or when disclosure is mandated by law.
- (d) Right to Dispute Results. In any Board disciplinary proceeding in which a licentiate's drug test results are introduced into evidence, including a preliminary hearing before the Chiropractic Review Committee, the licentiate may dispute the accuracy of the test results.
- (e) Effect of Refusal. A licentiate's refusal to submit to a drug test required by the Secretary pursuant to this Rule shall be considered the concealment of information about a matter affecting licensure, in violation of G.S. 90-154(b)(19).

History Note: Authority G.S. 90-142; 90-154;
Eff. October 1, 2009.

SECTION .0600 - CONTESTED CASES

21 NCAC 10 .0601 GENERAL

History Note: Authority G.S. 150B-2; 90-154;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Repealed Eff. December 1, 1988.

21 NCAC 10 .0602 RIGHT TO HEARING

- (a) Contested Cases. Disciplinary proceedings to enforce the provisions of G.S. 90-154 are deemed to be "contested cases" within the meaning of G.S. 150B-2, and any licentiate subject to such proceedings shall be given notice and the opportunity to be heard.
- (b) Emergency License Suspension. Nothing within Paragraph (a) of this Rule shall abridge the right of the Board to take emergency action to summarily suspend a license prior to hearing pursuant to G.S. 150B-3(c).

History Note: Legislative Objection Lodged Eff. January 31, 1983;
Curative Amended Eff. February 28, 1983;
Statutory Authority G.S. 150B-2; 150B-3;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. December 1, 1988; January 1, 1983.

21 NCAC 10 .0603 NOTICE OF HEARING: ANSWER

History Note: Authority G.S. 150B-38;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Legislative Objection Lodged Eff. January 31, 1983;
Curative Amended Eff. February 28, 1983;
Amended Eff. December 1, 1988; January 1, 1983;
Repealed Eff. July 1, 2012.

21 NCAC 10 .0604 REQUEST FOR HEARING

21 NCAC 10 .0605 GRANTING HEARING REQUEST

21 NCAC 10 .0606 NOTICE AFTER REQUEST FOR HEARING

History Note: Authority G.S. 150A-11; 150A-23;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Repealed Eff. December 1, 1988.

21 NCAC 10 .0607 LOCATION OF HEARING
21 NCAC 10 .0608 INTERVENTION

History Note: Authority G.S. 90-142; 150B-38;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. January 1, 1989;
Repealed Eff. July 1, 2012.

21 NCAC 10 .0609 TYPES OF INTERVENTION
21 NCAC 10 .0610 DISQUALIFICATION OF HEARING OFFICERS

History Note: Authority G.S. 150A-23; 150A-32;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Repealed Eff. December 1, 1988.

21 NCAC 10 .0611 SUBPOENAS

History Note: Authority G.S. 90-142; 150B-39;
Eff. January 1, 1989;
Repealed Eff. July 1, 2012.

SECTION .0700 - HEARINGS IN CONTESTED CASES

21 NCAC 10 .0701 FAILURE TO APPEAR
21 NCAC 10 .0702 WRITTEN ANSWERS TO NOTICE
21 NCAC 10 .0703 PRE-HEARING CONFERENCE
21 NCAC 10 .0704 SIMPLIFICATION OF ISSUES

History Note: Authority G.S. 150A-25; 150A-33;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Repealed Eff. December 1, 1988.

21 NCAC 10 .0705 SUBPOENAS

History Note: Authority G.S. 150A-27;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Repealed Eff. January 1, 1989.

21 NCAC 10 .0706 CONDUCT OF HEARING

(a) General. Hearings in contested cases shall be conducted by a majority of the Board. The president shall serve as presiding officer unless he is absent or disqualified, in which case the vice-president shall preside. Hearings shall be conducted as prescribed by G.S. 150B-40.

(b) Disqualification. An affidavit seeking disqualification of any Board member, if filed in good faith and in a timely manner, will be ruled on by the remaining members of the Board. An affidavit is considered timely if it is filed:

- (1) Prior to the hearing; or
 - (2) As soon after the commencement of the hearing as the affiant becomes aware of facts which give rise to his belief that a Board member should be disqualified.
- (c) Evidence. The admission of evidence in a hearing on a contested case shall be as prescribed in G.S. 150B-41.

History Note: Authority G.S. 150B-40; 150B-41;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. January 1, 1989.

21 NCAC 10 .0707 DECISION OF BOARD

History Note: Authority G.S. 150B-42;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. December 1, 1988;
Repealed Eff. July 1, 2012.

SECTION .0800 - MISCELLANEOUS

21 NCAC 10 .0801 INSTRUCTIONAL PROGRAMS
21 NCAC 10 .0802 RECORDS OF BOARD

History Note: Authority G.S. 90-143; 90-148; 90-155;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Repealed Eff. December 1, 1988.