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PROPOSED RULES

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 10 - BOARD OF CHIROPRACTIC EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the N.C. Board of Chiropractic Examiners intends to adopt the rule cited as 21 NCAC 10 .0304 and amend the rule cited as 21 NCAC 10 .0302 with changes from the proposed text noticed in the Register, Volume 21, Issue 17, pages 1569 - 1571.

Proposed Effective Date: November 1, 2007

Reason for Proposed Action: *New Rule 21 NCAC 10 .0304 is intended to protect consumers against false or misleading advertising by chiropractors. The rule prohibits a chiropractor from designating himself as a specialist unless he has completed post-graduate training in a recognized specialty and passed a comprehensive national examination. The proposed rule has been substantially changed as a result of public comments and now recognizes a total of eight specialties, five more than as originally published. Existing Rule 21 NCAC 10 .0302 is being amended so that it will harmonize with the proposed new rule.*

Procedure by which a person can object to the agency on a proposed rule: *Objections may be filed in writing and addressed to the N.C. Board of Chiropractic Examiners, Carol Hall, Executive Secretary, P.O. Box 312, Concord, NC 28026.*

Written comments may be submitted to: *Dennis L. Hall, DC, Secretary of the Board of Examiners, P.O. Box 312, Concord, NC 28026*

Comment period ends: August 14, 2007

Procedure for Subjecting a Proposed Rule to Legislative Review: Any person who objects to the adoption of a permanent rule may submit written comments to the agency. A person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the 6th business day preceding the end of the month in which a rule is approved. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-733-2721.

Fiscal Impact

- State
 Local
 Substantive (\geq \$3,000,000)
 None

SECTION .0300 - RULES OF UNETHICAL CONDUCT

21 NCAC 10 .0302 ADVERTISING AND PUBLICITY

(a) General. Doctors of Chiropractic should 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. Terms which do not clearly indicate that the licentiate is a chiropractor, such as "drugless physician" or "naturopath", shall not be used.

- (1) Signs. Small signs which do not offend the dignity of the profession 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.

Deleted: he has completed all coursework and passed an examination in a post-graduate course of study offered by an institution approved by the Council on Chiropractic Education and has caused to be filed with the Board a copy of his post-graduate diploma or certificate.

Authority G.S. 90-142; 90-154.

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 the 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.

Deleted: following specialties: chiropractic orthopedics, chiropractic radiology and chiropractic ~~neurology~~

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(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.

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(f) Chiropractic Internal Disorders. This specialty is designated by the terms "Diplomate of the American Board of Chiropractic Internists" ("DABCI") 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.