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24.03.01 - RULES OF THE STATE BOARD OF CHIROPRACTIC PHYSICIANS

000. LEGAL AUTHORITY (Rule 0).

These rules are hereby prescribed and established pursuant to the authority vested in the State Board of Chiropractic Physicians by the provisions of Section 54-707, Idaho Code. (7-1-93)

001. TITLE AND SCOPE (Rule 1).

These rules shall be cited as IDAPA 24, Title 03, Chapter 01, "Rules of the State Board of Chiropractic Physicians." (7-1-93)

002. (RESERVED).

003. WRITTEN INTERPRETATIONS (Rule 3).

The board may have written statements which pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. (7-1-93)

004. -- 009. (RESERVED).

010. DEFINITION (Rule 10).

01. Board. The State Board of Chiropractic Physicians as prescribed in Section 54-703, Idaho Code. (7-1-93)

011. -- 099. (RESERVED).

100. APPLICATIONS (Rule 100).

01. Application. Applications on forms furnished by the Bureau of Occupational Licenses must be on file thirty (30) days before the date of examination, and must be accompanied by an unmounted photograph, size three inches by three inches (3" x 3"), bust only, taken within the year preceding the date of examination. (7-1-93)

02. Qualifications. (7-1-93)

a. New applicants will meet the following requirements: (7-1-93)

i. National Boards Parts I, II, III and Physiotherapy. (7-1-93)

ii. Graduation from a CCE approved college or university. (7-1-93)

iii. Applicants will be required to pass the following subjects of the Idaho Examination: Jurisprudence, Nutrition, X-Ray, Adjustive Technique Practical and Adjustive Technique Written. (7-1-93)

b. Endorsement applicants will meet the following requirements: (7-1-93)

i. National Boards Parts I, II, III and Physiotherapy. (7-1-93)

ii. If licensed prior to January, 1980, CCE approved college or university not required. If licensed after January, 1980, applicant must have graduated from a CCE approved college or university. (7-1-93)

iii. Five (5) years of consecutive experience immediately prior to application and a valid, unrevoked, unsuspended license to practice chiropractic in another state. (7-1-93)

iv. Applicants will be required to pass the following subjects of the Idaho Examination: Jurisprudence,

Nutrition, X-Ray and Adjustive Technique Written. (7-1-93)

101. -- 149. (RESERVED).

150. FEES (Rule 150).

01. Application Fee. Application Fee (includes original license) - One hundred dollars (\$100). (7-1-93)
02. Examination Fee. Examination Fee (in addition to application fee) - One hundred fifty dollars (\$150). (7-1-93)
03. Reexamination Fee. Reexamination Fee - One hundred fifty dollars (\$150). (7-1-93)
04. Annual Renewal Fee. Annual Renewal Fee - One hundred dollars (\$100). (7-1-93)
05. Inactive License. Inactive License - Fifty dollars (\$50). (7-1-93)
06. Inactive. Inactive (retired, age sixty-five (65) and over) License - Five dollars (\$5). (7-1-93)
07. Temporary Permit Fee. Temporary Permit Fee - Fifty dollars (\$50). (7-1-93)
08. Non-Refundable. All fees are non-refundable. (7-1-93)

151. -- 199. (RESERVED).

200. EXAMINATIONS (Rule 200).

01. Time and Place. Examination for licensure will be held semi-annually in January and July, at a time and place designated by the Board in Boise, Idaho. (7-1-93)
02. Scope of Examination. The Idaho examination shall consist of the following subjects: (7-1-93)
 - a. X-Ray Interpretation - written. (7-1-93)
 - b. Adjustive Technique - written and practical. (7-1-93)
 - c. Jurisprudence - written. (7-1-93)
 - d. Nutrition - written. (7-1-93)
 - e. Examinations in the areas listed in Section 54-709(1)(b), Idaho Code not included in this rule are covered by the required written National Board Examination. (7-1-93)
03. Grading of Examinations. (7-1-93)
 - a. An examination is passed when the applicant receives a score of seventy-five percent (75%) or above in each subject tested as determined by the board for that examination. Due to the adjustive technique requiring artistic abilities this particular examination will be graded only as pass or fail in the opinion of the examining Board Members. (7-1-93)
 - b. Failure to pass three (3) or more subject examinations will require the applicant to retake the entire examination. (7-1-93)
04. Re-Take Examinations. (7-1-93)
 - a. In reference to Section 54-709, Idaho Code, an applicant for licensure failing a retake examination, must attend at least thirty-six (36) hours of post graduate study through a recognized Council on Chiropractic

Education approved school offering the subject matter pertinent to and required by the candidate's area of failure. (7-1-93)

201. -- 249. (RESERVED).

250. RENEWAL OR REINSTATEMENT OF LICENSE (Rule 250).

01. Expiration Date. All chiropractic licenses expire on June thirtieth (30th) of each year and must be renewed annually on or before July first (1st). Licenses not so renewed will be canceled. (7-1-97)

02. Reinstatement. Any license canceled for failure to renew may be reinstated upon payment of two hundred fifty dollars (\$250) together with all delinquent renewal fees and documentation of continuing education for the year of reinstatement. (7-1-97)

a. Provided further, that where a license has been canceled for a period of more than five (5) years, the person so affected shall be required to make application to the board, using the same forms and furnishing the same information as required of a person originally applying for a license and pay the same fee that is required of a person taking the chiropractic examination. Said applicant shall appear in person before the board at a regular meeting for an examination, the nature of which shall be determined by the board. If after an examination, the board is of the opinion that the person examined is the bona fide holder of the canceled license, is of good moral character and, if found capable of again practicing chiropractic in this state, the license shall be reinstated and the holder thereof entitled to practice subject to the laws of this state (7-1-97)

251. -- 299. (RESERVED).

300. RENEWAL REQUIREMENT (Rule 300).

01. Active Status. Each renewal application must be accompanied by: (7-1-93)

a. The established fee and; (7-1-93)

b. Certification of having attended and completed a minimum of twelve (12) hours of scientific clinics, forums, or chiropractic study within the previous twelve (12) months, as approved by the Idaho Board of Chiropractic Physicians. (7-1-93)

02. Inactive Status. All licentiates' continued education requirement will be waived for any year or portion thereof until the licentiate is actively in practice in Idaho. Where this waiver is granted, the licentiates' renewal certificate and card will be marked "Inactive". When the licensee desires active status, he must show acceptable fulfillment of continuing educational requirements for the current year and submit a fee equivalent to the difference between the inactive and active renewal fee. The continuing educational requirement and the fees will not be prorated for a partial year. (7-1-93)

03. Definition of Inactive Status. "Inactive" status means licensee is a holder of an Idaho chiropractic license which may be made active by fulfilling the continuing educational requirement for the current year and paying the additional fee required. Until he does meet this requirement, he may not practice chiropractic in Idaho. (7-1-93)

04. Inactive Retired. "Inactive Retired" status means licensee is a holder of an Idaho chiropractic license, is over sixty five (65) years of age and permanently retired from the practice of chiropractic. (7-1-93)

301. -- 349. (RESERVED).

350. CONTINUING EDUCATION (Rule 350).

In order to further protect the public health and to facilitate the administration of the Chiropractic Act, the board has formulated the following rules: (7-1-93)

01. Subject Material. The subject material of the continuing education requirement shall be germane to

the practice of chiropractic and sponsored by an approved school of chiropractic. (The above is limited to Section 54-709(1)(b), Idaho Code). (7-1-93)

02. Verification of Attendance. It shall be necessary for the applicant to provide verification of attendance by securing authorized signatures from the course instructors or sponsoring institution substantiating any and all days attended. This verification must be available on request by the Board. (7-1-93)

351. -- 399. (RESERVED).

400. APPROVED SCHOOLS OF CHIROPRACTIC (Rule 400).

01. Requirement For Approval. The Idaho Board of Chiropractic Physicians will consider only that school or college or university of chiropractic as a reputable school, college or university of chiropractic in good standing if such school, college or university conforms to the requirements of "recognized candidate for accreditation", or "accredited" of the Council of Chiropractic Education or any foreign country college which meets equivalent standards as determined by the Idaho Board of Chiropractic Physicians and teaches accredited courses in all the subjects set forth in Section 54-709(1)(b), Idaho Code. (7-1-93)

a. Regardless of the Council on Chiropractic Education status, the Board may make additional requirements for approval as a reputable school, college or university of Chiropractic. (7-1-93)

02. New Schools. Those graduates of new schools of chiropractic will only be accepted for licensure application provided the school reaches "recognized candidate for accreditation" status with the Council on Chiropractic Education within one year following the first graduating class and are approved by the Idaho Board of Chiropractic Physicians. (7-1-93)

401. -- 449. (RESERVED).

450. ADVERTISEMENTS. (Rule 450).

No chiropractor shall disseminate or cause the dissemination of any advertisement or advertising which is any way fraudulent, false, deceptive or misleading. Any advertisement or advertising shall be deemed by the board to be fraudulent, false, deceptive, or misleading if it: (7-1-93)

01. Contains a Misrepresentation of Fact. Contains a misrepresentation of fact; or (7-1-93)

02. Misleading or Deceptive. Is misleading or deceptive because in its content or in the context in which it is presented it makes only a partial disclosure of relevant facts. More specifically, it is misleading and deceptive for a chiropractor to advertise free services (i.e. x-rays, examination, etc.) or services for a specific charge when in fact the chiropractor is transmitting a higher charge for the advertised services to a third party payor for payment or charges the patient or a third party. It is misleading and deceptive for a chiropractor or a group of chiropractors to advertise a chiropractic referral service or bureau unless the advertisement specifically names each of the individual chiropractors who are participating in the referral service or bureau. (7-1-93)

03. Creates False, or Unjustified Expectations of Beneficial Treatment or Successful Cures. Creates false, or unjustified expectations of beneficial treatment or successful cures; or (7-1-93)

04. Appeals Primarily to Lay Person. Is likely to appeal primarily to a lay person's fears, ignorance, or anxieties regarding his state of health or physical well-being; or (7-1-93)

05. Fails To Identify. Fails to identify conspicuously the chiropractor or chiropractors referred to in the advertising as a chiropractor or chiropractors; or (7-1-93)

06. Failure To Perform. Contains any representations or claims, as to which the chiropractor, referred to in the advertising, fails to perform; or (7-1-93)

07. Use of the Term Chiropractor. Contains any representation which identifies the chiropractic practice being advertised by a name which does not include the terms "chiropractor," "chiropractic," or some easily

recognizable derivative thereof; or (7-1-93)

08. Area of Practice. Contains any representation regarding a preferred area of practice or an area of practice in which the practitioner in fact specializes, which represents or implies that such specialized or preferred area of practice requires, or that the practitioner has received any license or recognition by the state of Idaho or its authorized agents, which is superior to the license and recognition granted to any chiropractor who successfully meets the licensing requirements of Chapter 7, Title 54, Idaho Code; or (7-1-93)

09. Deceptive or Misleading Heading. Appears in any classified directory, listing, or compendium under a heading, which when considered together with the advertisement, has the capacity or tendency to be deceptive or misleading with respect to the profession or professional status of the chiropractor; or (7-1-93)

10. Deceptive or Misleading Information. Contains any other representation, statement or claim which is misleading or deceptive. (7-1-93)

451. -- 499. (RESERVED).

500. BOARD POLICIES AND DIRECTIVES (Rule 500).

01. Register. The board shall keep on file a current register of all applicants for licensure, rejected applicants and licentiates, and the current license status of all licensed Idaho Chiropractic Physicians. (7-1-93)

02. Board of Chiropractic Physicians' Agents. The board shall authorize, by written agreement, the Bureau of Occupational Licenses to act as agent in its interest. (7-1-93)

03. Board Budget. The board shall assist in preparation of an annual budget including all anticipated expenditures and income. (7-1-93)

04. Authorized Expenditures. The Board authorizes actual and necessary expenditures for Board business to Board Members outside of Board meetings. (7-1-93)

05. Delegates to Federation of Chiropractic Licensing Boards. Authorized delegates to the annual congress shall receive the honorarium and travel expenses as provided in Section 54-706(4), Idaho Code. (7-1-93)

501. -- 549. (RESERVED).

550. CHIROPRACTIC ASSISTANTS (Rule 550).

01. Definition. A chiropractic assistant is defined as any individual functioning in a dependent relationship with a supervising chiropractic physician in the performance of any chiropractic practice. (7-1-93)

02. Chiropractic Physician Responsible and Liable For. The chiropractic physician shall be responsible and liable for: (7-1-93)

a. Direct supervision; (7-1-93)

b. Any acts of the assistant in the performance of chiropractic practice; (7-1-93)

c. Proper training and capabilities of the chiropractic assistant before authorization is given to perform any chiropractic practice. (7-1-93)

03. Chiropractic Assistant Limitations. A chiropractic assistant shall not: (7-1-93)

a. Manipulate articulations; (7-1-93)

b. Provide diagnostic results or interpretations to the patient; (7-1-93)

c. Provide treatment advice to any patient without instructions from the supervising Chiropractic Physician. (7-1-93)

551. -- 599. (RESERVED).

600. CHIROPRACTIC PEER REVIEW (Rule 600).

01. Purpose and Composition of Peer Review Committee. There is hereby established a Peer Review Committee, the members of which will function at the will of the Idaho State Board of Chiropractic Physicians. (7-1-98)

a. The purpose of the Peer Review Committee is to review those matters relative to the appropriateness, quality, utilization, and cost of chiropractic care in the state of Idaho. (7-1-98)

b. The Committee will be comprised of a chairman and a minimum of five (5) members, all of whom will be appointed by the members of the Board, and all of whom will serve at the pleasure of the Board. They may be removed from the Committee by vote of the Board, at any time, without cause. (7-1-98)

c. The Board will appoint one (1) of its members to act as a liaison between the Board and the Committee. This liaison will serve at the pleasure of the Board and may be removed by the Board, at any time, without cause. (7-1-98)

02. Definitions. (7-1-98)

a. "Board" means the Idaho State Board of Chiropractic Physicians. (7-1-98)

b. "Patient" means an individual who has received treatment from an Idaho licensed chiropractor, or who has received treatment under the supervision or direction of an Idaho licensed chiropractor, which treatment is within the scope of practice for a chiropractor within the state of Idaho. (7-1-98)

c. "Peer Review" means an evaluation performed by members of the Committee, which review will include the appropriateness, quality, utilization, and cost of chiropractic services and ethical performance of chiropractic care. (7-1-98)

d. "Peer Review Committee Members" shall mean those individuals appointed by the Board to serve on the Peer Review Committee. (7-1-98)

e. "Individual Reviewers" means those individual members of the Committee who are designated by the chairman of the Committee to conduct a peer review evaluation of any particular matter. (7-1-98)

03. Committee Criteria. (7-1-98)

a. Requirements for Membership: To be considered for appointment to the Committee, an applicant shall: (7-1-98)

i. Hold a current Idaho license to practice chiropractic, which license is in good standing and which has never been the subject of a formal disciplinary action in any jurisdiction; (7-1-98)

ii. Be actively engaged in the practice of chiropractic for the past four (4) years, with the most recent two (2) of those years having been spent in Idaho. (7-1-98)

b. Appointment Process: Each year the Board will notify all Idaho licensed chiropractors of the process and deadlines by which they may self-submit for membership on the Committee. (7-1-98)

i. The submissions will be maintained on file for one (1) year; after which time they will be discarded without notice to the applicants. (7-1-98)

- ii. The Board will notify those individuals who are named to the Committee of their appointment. (7-1-98)
- c. Limitations of Peer Review Committee Members. While serving on the Peer Review Committee, a member shall not:
 - i. Solicit to do independent medical examinations and/or reviews for insurance companies, attorneys or other third parties; (7-1-98)
 - ii. Utilize any designation or other reference to Committee membership on any advertisement, including telephone book, office, letterhead, or any other place. (7-1-98)
 - d. Reimbursement: Committee members will be afforded expense reimbursement in accordance with state employee travel regulations upon Board approval. (7-1-98)
- 04. Standards.** (7-1-98)
 - a. In conducting any review, the Committee will utilize the Guidelines for Chiropractic Quality Assurance and Practice Parameters, Proceedings of the Mercy Center Consensus Conference, and Procedural/Utilization Facts, Chiropractic/Physical Therapy Treatment Standards, a Reference Guide, 5th Edition, Robert E. Olson, D.C. (7-1-98)
 - b. The reviewing chiropractors will be expected to utilize their own experience and other reference sources in ascertaining the reasonableness and appropriateness of care provided. (7-1-98)
- 05. Who May Utilize the Services of the Committee.** A request for peer review may be submitted to the Committee by a patient, the patient's legal representative, an insurer or other third-party payor or health care provider, or the treating chiropractic physician. (7-1-98)
- 06. Form of Request.** A request for peer review must be submitted to the Committee on forms available from the Board offices. (7-1-98)
- 07. Fees for Review.** The following fees will be assessed: (7-1-98)
 - a. If review is requested by a patient: no charge. (7-1-98)
 - b. If review is requested by a treating physician, an insurer or third party provider: (7-1-98)
 - i. One hundred twenty-five dollars (\$125) for a review of records and documents consisting of twenty-five (25) pages or less; (7-1-98)
 - ii. Two hundred fifty dollars (\$250) for a review of records and documents consisting of more than twenty-five (25) pages and up to fifty (50) pages; (7-1-98)
 - iii. Three hundred fifty dollars (\$350) for a review of records and documents consisting of more than fifty (50) pages and up to one hundred (100) pages; (7-1-98)
 - iv. For every increment above one hundred (100) pages, of one (1) to fifty (50) more pages, one hundred dollars (\$100). (7-1-98)
 - c. Payment for reviews by the insurer or third-party provider is required prior to implementation of any review process. (7-1-98)
- 08. Procedures for Review.** (7-1-98)
 - a. All reviews will be blind reviews. The identity of the patient, treating physician, and any insurer or third-party payor for the services will be unknown to the individual reviewers. (7-1-98)

b. Peer review will be conducted only upon request. The opportunity for participation in the review will be made available to the non-requesting party or parties. With the exception of the treating chiropractic physician, there is no requirement of participation in the peer review process. (7-1-98)

c. Reviews will be conducted by three (3) individual reviewers, to be chosen from the membership of the Committee by the chairman. (7-1-98)

d. The individual reviewers will conduct their evaluation, reach an agreement as to the outcome, and report that outcome to the chairman. If any of the parties desire to appeal this decision, they may notify the chairman who will appoint one (1) new reviewer to conduct an evaluation and report the outcome to the chairman. There will be no further rights to appeal. Decisions of the individual reviewer will not be subject to challenge. (7-1-98)

e. The chairman will provide regular reports to the Board liaison. If it is the opinion of the reviewers that a licensed chiropractic physician has violated any of the laws and rules governing continued licensure, the Committee chairman will notify the Board liaison, immediately. The liaison will then refer the matter for further investigation and potential disciplinary action by the Board. (7-1-98)

601. RULE MAKING HISTORY PRIOR TO JULY 1, 1993 (Rule 601).

Supersedes Rules adopted September 7, 1977
Authority Chapter 7, Title 54, Idaho Code, July 1, 1980
Adopted Under Emergency Provisions, June 10, 1982
Final Adoption, August 21, 1982
As Amended December 21, 1987
Effective January 11, 1988
Adopted Under Emergency Provisions, March 29, 1993
Adopted Under Temporary Provisions, July 1, 1997

(7-1-98)

602. -- 999. (RESERVED).