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**IDAPA 24
TITLE 03
CHAPTER 01**

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 24.03.01, "Rules of the State Board of Chiropractic Physicians." (7-1-93)

002. WRITTEN INTERPRETATIONS (RULE 2).

The board may have written statements that 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. (3-15-02)

003. ADMINISTRATIVE APPEALS (RULE 3).

Administrative appeals shall be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (3-15-02)

004. INCORPORATION BY REFERENCE (RULE 4).

These rules do not incorporate by reference any document other than those sections of Idaho Code so referenced. (3-15-02)

005. ADDRESS OF IDAHO BOARD OF CHIROPRACTIC PHYSICIANS (RULE 5).

The office of the Board of Chiropractic Physicians is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is chi@ibol.idaho.gov. The Board's official web site is at <http://www.ibol.idaho.gov/chi.htm>. (4-11-06)

006. PUBLIC RECORDS (RULE 6).

The records associated with the Board of Chiropractic Physicians are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (3-15-02)

007. -- 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)

02. Bureau. The Bureau of Occupational Licenses as prescribed in Section 67-2602, Idaho Code. (3-15-02)

03. Inactive Status. The status of licensure that has been made inactive by compliance with Section 54-708(2) and Subsection 300.02. The holder of an inactive license may not practice chiropractic in Idaho. (3-15-02)

04. Inactive Retired. The status of a licensee who is over sixty-five (65) years of age, has paid the inactive retired fee and is permanently retired from the practice of chiropractic. The holder of an inactive retired license may not practice chiropractic in Idaho. (3-15-02)

05. Athletic Trainer. A person licensed by the Idaho Board of Medicine pursuant to Section 54-3909, Idaho Code. (4-11-06)

011. -- 019. (RESERVED).

020. SCOPE OF PRACTICE (RULE 20).

Clinical nutritional methods as referenced in Section 54-704, Idaho Code, include, but are not limited to the clinical use, administration, recommendation, compounding, prescribing, selling, and distributing vitamins, minerals, botanical medicine, herbals, homeopathic, phytonutrients, antioxidants, enzymes, and glandular extracts, durable and non-durable medical goods and devices in all their forms. (4-2-08)

022. -- 099. (RESERVED).

100. APPLICATIONS (RULE 100).

01. Application. Applications on forms furnished by the Bureau of Occupational Licenses must be accompanied by an unmounted passport photograph taken within the twelve (12) months preceding the date of application. (3-15-02)

02. Qualifications. (7-1-93)

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

i. National Boards Parts I, II, III, and IV. (7-1-99)

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

iii. Applicants will be required to sign an affidavit swearing under oath that they have fully reviewed and understand and will abide by the Chiropractic Act, Title 54, Chapter 7, Idaho Code, and the Board's Rules, IDAPA 24, Title 03, Chapter 01, "Rules of the State Board of Chiropractic Physicians." (7-1-99)

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

i. Successful passage of the National Boards Parts which were in effect at the time of graduation from chiropractic college and physiotherapy. (4-2-08)

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 practice immediately prior to application in another state without discipline. (4-2-08)

iv. National Board Special Purposes Examination for Chiropractors (SPEC). (7-1-99)

v. Applicants will be required to sign an affidavit swearing under oath that they have fully reviewed and understand and will abide by the Chiropractic Act, Title 54, Chapter 7, Idaho Code, and the Board's Rules, IDAPA 24.03.01, "Rules of the State Board of Chiropractic Physicians." (7-1-99)

101. -- 149. (RESERVED).

150. FEES (RULE 150).

01. Application Fee. Application Fee (includes original license) - Two hundred fifty dollars (\$250). (3-10-00)

02. Annual Renewal Fee. Annual Renewal Fee - One hundred dollars (\$100). (7-1-93)

03. Inactive License. Inactive License - Fifty dollars (\$50). (7-1-93)

04. Inactive. Inactive (retired, age sixty-five (65) and over) License - Five dollars (\$5). (7-1-93)

05. Temporary Permit Fee. Temporary Permit Fee - Fifty dollars (\$50). (7-1-93)

06. Non-Refundable. All fees are non-refundable. (7-1-93)

151. -- 199. (RESERVED).

200. EXAMINATIONS (RULE 200).

It shall be the applicant's duty to take and successfully pass the National Board Examinations administered by the National Board of Chiropractic Examiners as specified in these rules. (3-10-00)

201. -- 249. (RESERVED).

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

01. Expiration Date. All chiropractic licenses expire and must be renewed annually in accordance with Section 67-2614, Idaho Code. Licenses not so renewed will be canceled. (5-3-03)

02. Reinstatement. Any license canceled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code, with the exception that the reinstatement fee shall be two hundred fifty dollars (\$250) and the applicant shall submit proof of having met the required continuing education for the year of reinstatement. (5-3-03)

03. Canceled License. A license that has been canceled for a period of more than five (5) years may be re-issued in accordance with section 67-2614, Idaho Code. (5-3-03)

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. Effective January 1, 2009, certification of having attended and completed a minimum of eighteen (18) hours of scientific clinics, forums, or chiropractic study within the previous twelve (12) months, as approved by the board. (4-2-08)

02. Inactive Status. Each application for an Inactive status license must be accompanied by: (3-15-02)

a. The established fee; and (3-15-02)

b. A written request to change a current active license to an inactive license. (3-15-02)

03. Waiving Continued Education Requirements. All continued education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing in Idaho. Inactive license renewal notices and licenses 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. (3-15-02)

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 either; (3-15-02)

- a. Sponsored by an approved school of chiropractic; or (3-15-02)
- b. Otherwise approved by the board. (3-15-02)
- c. "Germane to the practice of chiropractic" shall be limited to Section 54-704(1), Idaho Code. (3-15-02)

02. Verification of Attendance. It shall be necessary for each licensee to maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours attended by the applicant. This verification shall be maintained by the licensee and provided to the Board upon the request of the Board or its agent. (3-15-02)

03. Distance Learning and Home Study. The board may approve a course of study for continuing education credit that does not include the actual physical attendance of the applicant in a face-to-face setting with the course instructor. Distance Learning or Home Study courses shall be eligible for continuing education credits if sponsored by an approved school of chiropractic or upon approval by the board. Licensee shall not accumulate more than six (6) continuing education hours per renewal period from distance learning or home study. (4-2-08)

04. Requests for Approval. All requests for approval or pre-approval of educational programs must be made to the board in writing, and must be accompanied by a statement that includes the name of the instructor or instructors, the date and time and location of the course, the specific agenda for the course, the number of continuing education credit hours requested, and a statement of how the course is believed to be pertinent to the practice of chiropractic. (3-15-02)

351. -- 399. (RESERVED).

400. APPROVED SCHOOLS OF CHIROPRACTIC (RULE 400).

01. Requirement for Approval. (7-1-93)

a. 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 on 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)

b. 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; or (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. 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. CHIROPRACTIC INTERN (RULE 551).

01. Definition. A chiropractic intern is defined as any individual who is qualified to practice as an intern as established by the approved chiropractic college that the individual attends and who will function in a dependent relationship with a supervising chiropractic physician in the performance of chiropractic practice. (3-15-02)

02. Chiropractic Physician Responsible and Liable. The chiropractic physician shall be responsible and liable for: (3-15-02)

- a.** Direct personal supervision of the intern; (3-15-02)
- b.** Any acts of the intern in the performance of chiropractic practice; (3-15-02)
- c.** Determining that the intern possesses sufficient training and capabilities before authorization is given to perform any chiropractic practice. (3-15-02)

03. Chiropractic Intern Limitations. A chiropractic intern shall not: (3-15-02)

- a.** Perform any chiropractic practice independently, but must perform all such practice under the direct personal supervision of a licensed Chiropractic Physician; (3-15-02)
- b.** Provide diagnostic results or interpretations to the patient prior to consultation with the supervising Chiropractic Physician; (3-15-02)
- c.** Provide treatment advice to any patient without instructions from the supervising Chiropractic Physician. (3-15-02)

552. TEMPORARY PRACTICE PERMITS (RULE 552).

When an original application for license or internship is accepted by the board as being fully completed, in accordance with the requirements of the Idaho Chiropractic Physician Law and these Rules, a temporary permit to practice may be issued. (3-15-02)

01. Supervision Required. A permit holder may work only when under the direct personal supervision of a chiropractic physician currently licensed in Idaho. The name, address and signature of the supervising chiropractic physician shall appear on the application. (3-15-02)

02. Only One Permit May Be Issued. Only one (1) permit may be issued under any circumstances to any individual. (3-15-02)

03. Validity of Temporary Permits. Temporary permit to practice will be valid for a period not to exceed twelve (12) months and only: (3-15-02)

a. In the case of an applicant for Idaho licensure, until the results of the next scheduled examination have been released. No work permit will be issued to an applicant who has previously failed an examination for licensure in this or any other state, territory, possession, or country. Failure to sit for the scheduled examination will invalidate the work permit and no further permits will be issued. (3-15-02)

b. In the case of an intern, until the scheduled date of graduation from an approved school of chiropractic. Upon original application for licensure in Idaho, the intern permit may be extended by the board until the results of the next scheduled examination have been released. (3-15-02)

553. -- 559. (RESERVED).

560. SUPERVISION OF ATHLETIC TRAINERS.

Idaho licensed chiropractic physicians who are designated as a directing physician responsible for the supervision of licensed athletic trainers shall comply with all duties and responsibilities of a directing physician as set forth in IDAPA 22.01.10, "Rules for the Licensure of Athletic Trainers to Practice in Idaho," except that designated chiropractic physicians shall not be required to register. (4-11-06)

561. -- 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)

iii. Obtain such peer review training as may be required by the Board. (3-15-02)

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: (7-1-98)

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, 6th Edition, Robert E. Olson, D.C. (3-30-07)

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 claims in the amount of one thousand dollars (\$1,000) or less; (3-30-01)

ii. Two hundred fifty dollars (\$250) for a review of claims in the amount of one thousand one dollars (\$1,001) or more and not exceeding three thousand dollars (\$3,000); (3-30-01)

iii. Three hundred fifty dollars (\$350) for a review of claims in the amount of three thousand one dollars (\$3,001) or more; (3-30-01)

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 within sixty (60) days of the decision 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. (4-11-06)

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. RULEMAKING 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).

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