

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Repealed Eff.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.

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 provided by the Board. The secretary shall furnish the necessary forms to prospective applicants upon request.
- (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) Application Form: personal background of the applicant; his educational history; a recent photograph; and a statement confirming that he has read, understands and will abide by the General Statutes and administrative rules governing chiropractic.
 - (2) Character Reference Form: the statements of three persons not related to the applicant attesting to his good moral character.
- (c) Deadlines for Filing Applications. Applications for the North Carolina examination must be received at the office of the Board no later than 15 days before the scheduled examination dates as provided in 21 NCAC 10 .0203(b).
- (d) Application Fee. An application fee of three hundred dollars (\$300.00) must accompany each application. This fee shall be paid in cash, or by certified check, cashier's check or money order made payable to the North Carolina Board of Chiropractic Examiners. Personal checks 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. 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 timely and complete written application pursuant to 21 NCAC 10 .0202 shall be allowed to take the North Carolina examination.

(b) Dates of Examination. The North Carolina examination shall be given four times each year, on the fourth Saturday in January, April, July and October. Eligible applicants shall be notified of the exact date, time and location of the examination as soon as possible after their written applications have been approved by the Board.

(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 Examiners: Part I, Part II, Part III (WCCE) and the elective examination (termed "Physiotherapy" by the National Board). In addition, the applicant shall achieve a score of 475 or higher on Part IV of the National Board examination.

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

(e) Waiver of National Boards. The Board recognizes that many established chiropractors were licensed prior to the introduction of one or more National Board examinations. Notwithstanding the requirements of Paragraph (c) of this Rule, an applicant who submits National Board examination results in conformity with the following schedule shall not be disqualified from licensure in North Carolina:

- (1) If the applicant was initially licensed in his home state before July 1, 1966, he shall not be required to submit a score from any National Board examination;
- (2) If the applicant was initially licensed in his home state between July 1, 1966 and June 30, 1986, he shall be required to submit scores of 375 or higher on National Board Part I, Part II, and the elective examination termed "Physiotherapy"; but he shall not be required to submit a score on Part III (WCCE) or Part IV;
- (3) If the applicant was initially licensed in his home state between July 1, 1986 and June 30, 1997, he 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 he 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 must 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 (d) of this Rule, or an applicant previously licensed in this State whose license has been canceled pursuant to G.S. 90-155 for more than 180 days must first take and pass the Special Purpose Examination for Chiropractic ("SPEC").

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

(h) Review of Examination Results. An applicant who has been denied licensure because he failed the North Carolina examination may request a review of his answers provided his request is made in writing and received by the secretary not later than 20 days after issuance of the examination results. Unless the applicant specifically requests to review his 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 answers in person, he shall be permitted to do so at the office of the Board 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 his examination with any member of the Board, grader, or test administrator.

(i) Date of Licensure. An applicant who meets all the requirements for licensure shall be issued a license within 30 days after taking the North Carolina examination.

*History Note: Authority G.S. 90-142; 90-143; 90-143.1; 90-144; 90-145; 90-146;
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. July 1, 2004; August 1, 2000; August 1, 1995; December 1, 1988.*

21 NCAC 10 .0204 LICENSURE

(a) Initial Licensure. The initial license awarded to an applicant who passed the examination will be mailed to the address appearing on the application form.

(b) Change of Address. It shall be the responsibility of the licensee to inform the Board of any change in his mailing address. Updated address information should be forwarded to the secretary in writing within 30 days after any such change.

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

21 NCAC 10 .0205 RENEWAL OF LICENSE

- (a) General. The renewal, cancellation and restoration of a license are governed by G.S. 90-155, which statute is herewith incorporated by reference in accordance with G.S. 150B-14(c).
- (b) Renewal Application Form. Annual application for renewal of license shall be made on a form prescribed and furnished by the Board. Any changes in a licentiate's name, address, professional specialty or employment shall be noted on the Renewal Application Form.
- (c) Continuing Education. The licentiate shall state on the Renewal Application Form the name, date, sponsor and duration of all educational sessions attended by him during the preceding year.
- (1) As used in G.S. 90-155, one "day" of continuing education shall be defined as 12 hours.
 - (2) Evidence of attendance shall be in the form of written certification from the sponsoring body.
 - (3) Any licentiate seeking a hardship waiver of the continuing education requirement shall make application on a separate form provided by the secretary upon request.
- (d) Renewal Fee. A renewal fee in the maximum amount allowed by statute shall be paid by each licentiate applying for renewal.
- (e) Restoration of Cancelled License: Evidence of Proficiency. In order to provide evidence of proper proficiency, any former licentiate whose license has been cancelled due to non-compliance with G.S. 90-155 must be re-examined and must pay the application fee prescribed in 21 NCAC 10 Rule .0202(d) to cover the cost of re-examination. Payment of the application fee does not constitute payment of the statutory reinstatement fee.

*History Note: Legislative Objection Lodged Eff. January 31, 1983;
Curative Amended Eff. February 18, 1983;
Authority G.S. 90-155; 150B-14;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. January 4, 1993; December 1, 1988; January 1, 1983; October 17, 1980.*

21 NCAC 10 .0206 CERTIFICATION OF RADIOLOGIC TECHNOLOGISTS

- (a) In order to be certified competent pursuant to G.S. 90-143.2, a person employed in a chiropractic office whose duties include the production of x-rays or other diagnostic images must:
- (1) Complete a Board-approved course in radiologic technology at least 50 hours in length and taught by an instructor who is a member of the radiology faculty at a college accredited by the Council on Chiropractic Education; and
 - (2) Pass a proficiency examination administered by or under the authority of the Board of Examiners.
- (b) Any person registered as "active" with the American Chiropractic Registry of Radiologic Technologists shall be deemed to have satisfied the educational requirements of Paragraph (a) of this Rule.
- (c) 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. Any person whose initial certificate expires less than 12 months after issuance shall not be required to obtain continuing education until entering the second year of certification.
- (d) Any person seeking to renew a certificate of competency shall complete and submit the renewal application form provided by the Board of Examiners and pay to the Board a renewal fee in the amount of twenty dollars (\$20.00).
- (e) The holder of a certificate issued pursuant to this Rule must 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.

(f) 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.

*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. 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 Anutritional supplements@ includes vitamins, minerals, enzymes, dietary supplements, herbs, homeopathic and naturopathic preparations, glandular extracts, food concentrates and other natural agents. The term Anutritional 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 12 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 an individual-study course is as follows:

- (1) No practice-building or motivational course 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;
- (4) The subject matter shall be presented in a logical, scientific manner comparable to instruction at chiropractic colleges accredited by the Council on Chiropractic Education;
- (5) The sponsor shall have a reliable 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 all information the Board deems necessary to evaluate the course according to the foregoing criteria set forth in Paragraph (b) of this Rule. Failure to provide information required by the Board shall be a basis for withholding approval.

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

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.*

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

The power of the Board of Examiners to adopt temporary rules and the procedure by which such rules are put into effect are governed by G.S. 150B-13.

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

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 Review Committee. The committee shall be composed of:

- (1) the secretary of the Board of Examiners,
- (2) the attorney for the Board of Examiners,
- (3) a licentiate selected by the secretary from among those who, at the most recent election held pursuant to 21 NCAC 10 Rule .0103(c), were elected candidates for Board membership but were not appointed to the Board.

(c) Notice of Hearing. The secretary shall provide notice of the probable cause hearing to the chiropractor complained against by certified mail at least 15 days in advance of the hearing.

(d) Conduct of Probable Cause Hearing. The probable cause hearing shall be informal, and the secretary may establish at his discretion such procedures as are necessary to facilitate examination of the evidence. The Review Committee may consider evidence at the probable cause hearing which would not be admissible if offered at the hearing in a contested case.

(e) Action by the Review Committee. After examining the evidence presented at the probable cause hearing, the 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.
- (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 in accordance with the statutes governing contested cases.

History Note: Authority G.S. 90-142; 90-154;
Eff. December 1, 1988.

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

- (a) The contents and manner of service of notice of hearing in a contested case shall be as prescribed in G.S. 150B-38(b) and (c).
(b) Any party who has been served with notice of hearing may file a written response as prescribed in G.S. 150B-38(d).

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

**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

The location of the hearing in a contested case shall be as prescribed in G.S. 150B-38(e).

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

21 NCAC 10 .0608 INTERVENTION

The intervention of persons not initially parties to a contested case is governed by G.S. 150B-38(f). Petitions or motions to intervene must be in writing. The Board shall promptly determine whether to grant or deny intervention and shall so notify the petitioner and all parties in writing.

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

**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

The authority of the Board to issue or revoke subpoenas in preparation for, or in the conduct of, contested cases is governed by G.S. 150B-39. If a subpoena is issued at the request of a party and not on the Board's own motion, that party shall bear the cost of service.

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

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.*

