



Arizona State Board of Chiropractic Examiners  
Substantive Policy Statements

March 2013

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## **SUBSTANTIVE POLICY STATEMENTS**

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## **ACTIVITIES OUTSIDE THE SCOPE OF PRACTICE**

### **COLONIC IRRIGATION**

The Board has determined that colonic irrigation is considered to be outside the scope of practice of chiropractic in the State of Arizona.

### **PROSTATE TREATMENT**

The Board has determined that penetration of the rectum by a rectal probe for the administration of ultrasound, diathermy or other modalities is considered to be outside the scope of practice of chiropractor in the State of Arizona.

### **FACE LIFT**

The Board has determined that treatment to improve facial appearance by a method other than that which might result from the adjustment of the spine is considered to be outside the scope of chiropractic in the State of Arizona.

Failure to cease such activities, which are outside the scope, will result in formal action by the board.

ADOPTED 08/12/81

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## **ADVERTISING "SPECIALIST" OR "EXPERT"**

The Board of Chiropractic Examiners has determined that advertisements incorporating the words "SPECIALIST" or "EXPERT" constitute advertising of a nature likely to deceive or defraud the public.

Arizona law authorizes the practice of two chiropractic specialties after certification by the Board: Acupuncture and Physiotherapy.

The Board will view advertising such as "Specialist in low back problems", "Industrial Specialist", "Accident Specialist", "Techniques Specialist", or "Expert" as being potentially deceptive advertising.

An example of acceptable language would be "Practice limited to ... " only if such can be proven to be the case. Techniques such as "Palmer", "Applied Kinesiology", "Activator", "Grostic", etc. may be listed, but the advertising may not infer that one technique is superior to another, or that the chiropractor is somehow superior to others because he/she uses that procedure.

Certification by any specialty council of A.C.A. or specific technique certification by any similar professional association is not recognized by statute or rule in Arizona.

A.R.S. §32-924.A.13 provides the "Advertising in a false, deceptive or misleading manner" is grounds for disciplinary action.

ADOPTED 11/16/83

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## **PRACTICE GUIDELINES**

The Board of Chiropractic Examiners has determined that the Board will not use The practice guidelines developed by either the Mercy or Wyndham Conferences as a regulatory standard in Arizona. In particular, the board notes that those guidelines do not define the term “recognized standards of the profession” occurring in A.R.S. §32-924(A)(15).

The Board recognizes that its decision not to use those particular guidelines does not prevent or deter other agencies and private businesses from adopting those guidelines to advise or regulate chiropractic physicians participating in those agencies’ or business’ programs.

ADOPTED 11/08/95

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### **REQUIREMENT TO REINSTATE A LICENSE PLACED ON PERMANENT RETIREMENT STATUS**

In order to have a retired license reinstated to active practice, the licensee is required to take and pass the SPEC examination administered by the National Board of Chiropractic Examiners with a score of 75% or better and produce evidence of having completed 12 hours of continuing education if the license has been on retirement status for one year or less, or 24 hours of continuing education if the license has been on retirement status in excess of one year. This is a minimum requirement. All other requirements of A.R.S. §32-923 apply.

ADOPTED 01/99

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## **PROCEDURES FOR REVIEWING STUDENT LOAN DEFAULTS**

The U.S. Department of Health and Human Services, Office of the Inspector General, will notify the Arizona State Board of Chiropractic Examiners when an Arizona chiropractor has defaulted on a Health Education Student Loan. The default will normally result in exclusion from participation in the Medicare, Medicaid, and all federal health care programs as defined in 1128B(f) of the Social Security Act. Section 1128(e) of the Act requires the appropriate licensing or certification authority be notified of such exclusion and requested to make appropriate investigations.

When a notice of student loan default is received, the following actions will be taken:

1. Notify the doctor in writing of the notice with instructions to respond in writing. A copy of this letter will be sent to HHS (Attention: Health Care Administrative Sanctions)
2. If the doctor acknowledges the default and indicates he/she is attempting to rectify the matter, it will be placed in a hold file and followed-up at least quarterly to ensure that the doctor is still attempting to resolve the matter.
3. If the doctor fails to respond or indicates in the written response that he/she does not intend to make arrangements to resolve the matter, it will be placed on the Board's agenda to consider opening a complaint.

ADOPTED 09/23/99

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## **SUBMISSION OF EARLY APPLICATIONS**

The Board shall not accept or process a signed and notarized application or completed fingerprint card if the application and/or fingerprint card is dated more than 90 days preceding the date the applicant is expected to sit the jurisprudence examination.

ADOPTED 01/11/01

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### **LASERS**

A laser approved by the Federal Drug Administration for therapeutic use is acceptable as a treatment device provided the laser is used within the scope of the practice of chiropractic in this State. A license issued by the Arizona Radiation Regulatory Agency is required for each laser with a IIIb or above classification. A doctor of chiropractic is responsible for obtaining the appropriate license, adhering to the laws governing the use of the laser and knowing and applying the appropriate protocol for use of the laser.

The statutes and rules applicable to chiropractic assistants apply when an unlicensed person uses a laser. Any contradicting rule that appears outside of the Chiropractic Act does not supercede the statutes and rules governing the practice of chiropractic.

ADOPTED 11/13/03

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### **DIAGNOSTIC TESTING**

The Board of Chiropractic Examiners has determined that the following criteria must be met regarding any in-office diagnostic testing, including testing performed by “mobile labs”:

The physician must clearly document the medical necessity for each and every test. The physician shall determine that the service is medically appropriate, necessary to meet the patient’s health needs, consistent with the diagnosis, and consistent with widely accepted clinical standards of care concerning reliability, validity, and timing of the test.

The physician must clearly document that the chosen diagnostic test is the best or most appropriate test available and that it will provide results that will support a diagnosis and/or assist in clinical decision-making regarding treatment and/or referral.

The physician must be sufficiently trained in the utilization of the diagnostic equipment to be able to perform the chosen test and to supervise (as defined in R4-7-101 (10)) the performance of the test. The physician shall determine that the equipment is in good operational order, is reliable, and presents no harm to the patient.

If a technician is utilized, then the physician must supervise the technician as described in R4-7-101 (10), verify the technician’s training, and retain documentation verifying the training.

The physician shall disclose any pecuniary interest in the testing. In determining whether to order any diagnostic test, the physician’s primary consideration shall be whether the test is in the best interest of the patient.

ADOPTED 07/14/05

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### **APPROVAL OF CHIROPRACTIC ASSISTANT TRAINING COURSE INSTRUCTORS**

The Board of Chiropractic Examiners has determined that a chiropractic physician who is currently the subject of a disciplinary sanction does not qualify to be approved as an instructor for a chiropractic assistant training course. A previously sanctioned chiropractic physician will not qualify to be approved as an instructor for a chiropractic assistant training course for three years from the date the chiropractor's order was terminated.

The Board shall rescind the approval of a chiropractic assistant training course instructor if the instructor becomes the subject of a disciplinary sanction.

ADOPTED 03/10/2005

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## **CONTINUING EDUCATION AUDIT SUSPENSIONS**

A.A.C. R4-7-802 establishes that the Board may audit continuing education compliance at any time during the five years in which a licensee is required to retain documentation of continuing education compliance. The audit may require the licensee to submit documentation of course completion. A.A.C. R4-7-802(E) establishes that the Board shall suspend a license upon notification to the licensee that the licensee has failed to demonstrate compliance with continuing education requirements as per A.R.S. § 32-931, R4-7-801 and R4-7-802.

The Board has established the enforcement of A.A.C. R4-7-802(E) as follows:

- A. If a licensee fails to provide any documentation of continuing education compliance, the license will be suspended upon notification to the licensee. The licensee must apply to the Board for reinstatement of the license;
- B. If a licensee cannot demonstrate that at least 12 hours of continuing education was completed, the license will be suspended upon notification to the licensee. The licensee must apply to the Board for reinstatement of the license.
- C. If the licensee provides 12 hours of documentation of continuing education, but none of the coursework qualifies under the Chiropractic Practice Act, the license will be suspended upon notification to the licensee. The licensee must apply to the Board for reinstatement of the license;
- D. If the licensee provides documentation of continuing education that qualifies for credit under the Chiropractic Practice Act for the period of time audited, but after the license has been suspended, Board staff may reinstate the license. Board staff cannot accept make-up hours (hours taken in a following year) for reinstatement.

- E. If a licensee provides documentation of completing 12 hours of continuing education that demonstrates that the topic/subject qualified under the Chiropractic Practice Act, but the course cannot be demonstrated to have met the requirements for faculty, sponsor, or Board approval, the matter will be placed on a Board agenda to determine if the license should be suspended under A.A.C. R4-7-802(E).
- F. If a licensee provides documentation of completing 12 hours of continuing education that demonstrates that the faculty or sponsor requirement was met, but the topic/ subject did not qualify under the Chiropractic Practice Act, the matter will be placed on a Board agenda to determine if the license should be suspended under A.A.C. R4-7-802(E).
- G. If a licensee provides documentation of 12 hours of continuing education with partial compliance with the Chiropractic Practice Act, but not full compliance, the matter will be placed on a Board agenda to determine if the license should be suspended under A.A.C. R4-7-802(E).
- H. If the licensee produces no documentation of continuing education compliance, or the documentation provided is not consistent with the licensee's license renewal application for reporting of continuing education compliance, in addition to the suspension of his/her license as per subsections A through C, the matter will be placed on a Board agenda to determine whether to open a complaint against the licensee for fraud and deception in securing a license and for providing false or misleading information on an application.

ADOPTED 07/15/10

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## **CONTRAST DYE AND DIAGNOSTIC IMAGING**

It is within the scope of chiropractic for a DC to order imaging studies that include the administration of contrast media. A DC may not administer the contrast dye unless he or she holds an additional professional license that authorizes them to do so. Such studies should be conducted and read by a licensed radiologist.

ADOPTED 11/17/11

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## **USE OF UNLICENSED CHIROPRACTORS**

ADOPTED 10/23/81  
REPEALED 11/17/11