

# State of Arizona Board of Chiropractic Examiners

## Legal Updates and Newsletter

A MESSAGE FROM THE CHAIRMAN OF THE BOARD

### *Sometimes the Latest is not the Greatest*

By: James J. Badge, D.C.

Increasingly, the Board has been required to adjudicate cases involving “questionable” advertising. Since July 1, 2012 the Board has heard 29 cases alleging

appear before the Board for adjudication of the matter.

One of the most recent issues is the “cure” or

*The Board has stated for the record and reminded licensees they can treat a patient with diabetes, however they cannot treat the patient’s diabetes. The same applies to many other conditions such as cancer, thyroid disorders and multiple sclerosis just to name a few.*

false or misleading advertising. Of those, 26 resulted in the issuance of a Non-Disciplinary Advisory Letter and three in dismissal of the complaint. For each of those cases, the licensee was required to respond in writing to the complaint and take further time out of their practice to

“reversal” of Type II Diabetes. Arizona Law (A.R.S. §32-924 (A) (8)) defines unprofessional conduct as “Representing that a manifestly incurable condition can be permanently cured, or that a curable condition can be cured within a stated time, if this is not

Fall 2014



Janice K. Brewer  
Governor



James Badge, D.C.  
Chairman

Richard Guarino, D.C.  
Vice-Chairman

Norris Nordvold  
Public Member

Gregory Katsaros, D.C.  
Professional Member



Pamela J. Paschal  
Executive Director



true". In addition; while the scope of practice for a chiropractic physician in the State of Arizona allows for nutritional counseling, the Board has stated for the record and reminded licensees they can *treat a patient* with diabetes, however they cannot *treat the patient's diabetes*. The same applies to many other conditions such as cancer, thyroid disorders and multiple sclerosis just to name a few. Whenever treating a patient with a condition that may fall outside the scope of chiropractic, it is advisable to do so under co-management with their primary care physician.

As new developments in treatment for a multitude of conditions continue to emerge and the co-management of patients becomes ever more important, the Board urges you to think twice before advertising for or entering a treatment regimen.

Often in these matters the Board hears from licensees that they purchased the

advertising materials, simply added their name and began distributing/publishing the information. Much to their dismay, the licensee had to be reminded this is not an adequate defense.

Please keep in mind, it is YOUR advertising and you are responsible to ensure it is not false or misleading in any manner; that is does not claim professional superiority over other chiropractic physicians or other forms of treatment; that the treatment you provide falls within the scope of chiropractic and that it is clearly evident the treatment is being offered by a chiropractic physician.

The Board cannot discipline the marketing company selling the advertising, the website developer or printing company creating the advertising on your behalf - it can discipline your license.

You may find it helpful to review the following Rules which are available on our website at

[www.chiroboard.az.gov](http://www.chiroboard.az.gov).

A.A.C. R4-7-101 (13). "Nutrition" includes, but is not limited to, vitamins, minerals, water, enzymes, botanicals, homeopathic preparations, phytonutrients, glandular extracts, and natural hormones.

A.A.C. R4-7-901. Advertising of a Deceptive and Misleading Nature

A.A.C. R4-7-902 (26). Claiming professional superiority in the practice of chiropractic under A.R.S. § 32-925.

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## The Board's New Director

Pamela J. Paschal was appointed as Executive Director. Her appointment was effective February 1, 2014.

Ms. Paschal was appointed as the Interim Executive Director on October 2, 2013. Ms. Paschal has been with the Chiropractic Board since April of 2009.

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## CE Record Keeping Requirement

Beginning in calendar year 2014 (between January 1, 2014 and December 31, 2014) and in every even-numbered calendar year thereafter, you will be required to complete two hours of continuing education in record keeping to be eligible for license renewal and to

course, please keep in mind that billing and coding is not the same as recordkeeping. If you take a billing and coding course, it will not meet the record keeping requirement or qualify for continuing education credit toward your license renewal. A list of all of the courses that have been approved by the Board is posted on our website and there are several courses that may be

additional record keeping hours toward your license renewal, you may not apply them towards the two hour record keeping requirement in subsequent years. A list of approved courses can be found on the Board website at [www.chiroboard.az.gov/about-us/publications](http://www.chiroboard.az.gov/about-us/publications)

*Courses with Pending Applications or Approvals may not receive Approval from the Board. Ensure that the courses you wish to take meet the requirements and have approval prior to registration.*

report your compliance with this requirement on your license renewal application.

While you are not required to complete a specific record keeping course to fulfill this requirement, the course you choose must meet the continuing education requirements set forth in statute and rule to qualify for credit. When choosing a record keeping

used to fulfill this requirement on that list.

Please note that the two hour record keeping requirement is not in addition to, but part of the twelve hours of continuing education you are required to complete annually. The remaining ten hours of continuing education you must complete may be in record keeping, but you may only apply the

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## The Board has a new Website

The website [www.Chiroboard.az.gov](http://www.Chiroboard.az.gov) is up and running for use by the Public and Profession. We hope that the new website will provide for easier navigation and utilization. Remember that a list of approved courses for CE can be found on the Board website. Many other forms required for submission to the Board are also available. The majority of forms may be submitted to the Board by electronic means.

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## Returning Members to the Board and Board Elections

James J. Badge, D.C; Palmer College of Chiropractic, has been reappointed by Governor Janice K. Brewer for a five year term to the State of Arizona Board of Chiropractic Examiners. His reappointment was effective July 1, 2014.

At the Board Meeting of July 16, 2014, The Board held its annual election of officers. During the election, a motion was made by Norris Nordvold and seconded by Gregory Katsaros, D.C. to nominate James J. Badge, D.C. as Chairperson. The motion passed unanimously.

A motion was then made by Gregory Katsaros, D.C. and seconded by Norris Nordvold to nominate Richard A. Guarino, D.C. as Vice Chairperson. The motion passed unanimously.

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## Change of Address

All licensees are required by law to keep their addresses and telephone numbers current with the Board. Those who fail to notify the Board of a change in their mailing, office or home address or their office or home telephone number in writing within 30 days of the change are subject to a \$50.00 penalty.

To assist in making the notification of your address change to the Board easier, there is a form available on the Board website at [www.chiroboard.az.gov/about-us/forms](http://www.chiroboard.az.gov/about-us/forms) You may submit your change to the Board by mail, fax or email.

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## Chiropractic Assistants

The Board wishes to gently remind the profession that the Board must be notified of the employment of Chiropractic Assistants

within seven calendar days of the date the Chiropractic Assistant began physically working with patients.

The Chiropractic Assistant Notice of Employment is available on the Board Website under Forms. The form may be submitted by fax, email or mail.

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## Board Office Relocation

The Board Office will be relocating to a new office located at 1951 West Camelback Road, Suite 330 effective November 7, 2014. Please note that the Board Office will be closed on November 7, 2014 to facilitate this relocation. If you need to contact the Board on this day, please leave a message with Board staff or send an email and you will be contacted as soon as possible.

Additionally, you will note that your License Renewal Form will have a return address of P.O. Box 16170 Phoenix, AZ 85011. Please

direct all License Renewal Forms to the P. O. Box to ensure the safe and timely Licensure Renewal process.

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## *WHAT is a Business Entity?*

As you are likely aware, the Chiropractic Act now requires Business Entities to register with the Board and to renew that registration on an annual basis. These new laws and rules give the Board jurisdiction over the Business Entity in a continued effort to protect the health, safety and welfare of the public.

The definition of a Business Entity is only “slightly” confusing, said as simply as possible.....

A Business Entity is any entity (sole proprietorship, corporation, clinic, franchise, business, club, LLC, or LLP) providing chiropractic services that is owned by any individual who is NOT an Arizona

licensed healthcare professional.

If the entity is owned IN ANY PART by an Arizona licensed healthcare professional, it is NOT a “Business Entity” and does not have to register with the Board as a “Business Entity”.

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## *A Year in Review*

In Fiscal Year 2014 the Board had a total of 2544 Licensees. The Board issued 70 new Licenses, 56 New PMMTP Certificates and 11 New Acupuncture Certificates.

The Board received 95 complaints and adjudicated 118 complaints in total. 49 complaints were dismissed while 53 received a Non-Disciplinary Advisory Letter.

16 complaints resulted in a Disciplinary Action.

Board Staff received 298 Notice of Chiropractic Assistant Employment

Forms and registered 236 Chiropractic Assistants.

A copy of the Annual Report can be found on the Board website at

[www.chiroboard.az.gov/about-us/publications](http://www.chiroboard.az.gov/about-us/publications)

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## *Board Meeting Attendance for First Year Licensees*

A reminder that as of January 1, 2013, all new licensees must attend three hours of a single, regularly scheduled Board meeting within their first year of residence in this state.

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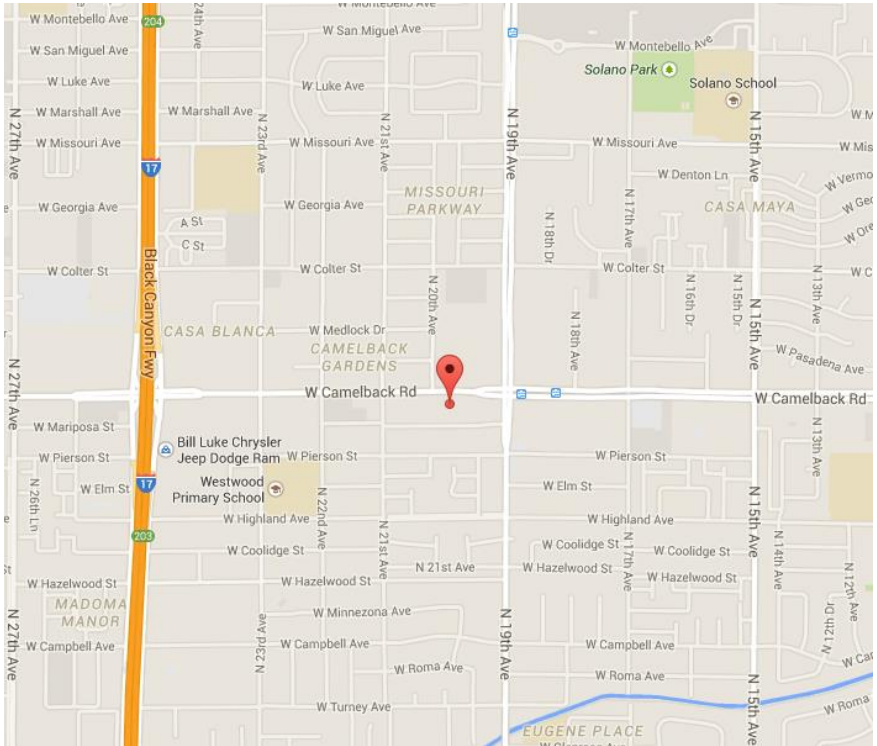
*Remember the  
2015 License  
Renewal must  
be recieved or  
Postmarked by  
December 31,  
2014.*

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## Upcoming Board Meeting Dates

November 19, 2014  
December 17, 2014  
January 14, 2015  
February 18, 2015  
March 18, 2015  
April 15, 2015  
May 13, 2015  
June 17, 2015  
July 15, 2015  
August 19, 2015  
September 16, 2015  
October 14, 2015  
November 18, 2015  
December 16, 2015

## New Board Office Location



## Contact Information:

The Board's new address  
effective November 7, 2014

1951 West Camelback  
Suite 330  
Phoenix, Arizona 85015

Phone: (602) 864-5088

Fax: (602) 864-5099

Web: [www.chiroboard.az.gov](http://www.chiroboard.az.gov)