



State of Arizona Board of Chiropractic Examiners

July 2000

Newsletter

Mission Statement: *The mission of the Board of Chiropractic Examiners is to protect the health, welfare and safety of Arizona citizens who seek and use chiropractic care.*

Board of Chiropractic Examiners

N. Edwin Weathersby, D.C.
Chairman

Craig Seitz, D.C.
Vice Chairman

Sandra Lynne Velotta
Public Member

James J. Badge, D.C.
Professional Member

Lee Miller
Public member

Board Meetings

July 13, 2000

August 17, 2000

September 14, 2000

October 2000 (T.B.A.)

November 16, 2000

December 7, 2000

Examinations

Jurisprudence – 1st Friday of the month

State of Arizona Board of Chiropractic Examiners
5060 N. 19th Ave., Suite 416
Phoenix, AZ 85015-3210
Phone: (602) 255-1444 Fax: (602) 255-4289

New Clues and Old News

by Patrice Pritzl, Executive Director

As you may have noticed, our spring newsletter is actually being sent to you in summer. The reason is that we want to make sure each newsletter you receive contains information that is timely, pertinent and of use to you. The publication of this newsletter has been delayed to compile information on the nature of violations the Board has had before them this winter and spring, so that we can tell you how to avoid those same problems, and in so doing, better serve your patients. Two major issues we see before the Board again and again have to do with record keeping and advertising violations.

Record Keeping:

There are numerous sections of the law that regulate record keeping in a chiropractic office.

The violations of law we frequently see are violations of the Unprofessional Conduct rules. Those violations have included:

- Inadequate or incomplete records
- Poor or no SOAP notes
- The patient record does not support the fees billed.
- The name or initials of the treating chiropractor do not appear in the records or on the SOAP notes.
- The record is not legible
- Failure to provide the patient or the patient's representative with a copy of the patient record following a written request to do so.

The doctors of chiropractic who have had complaints filed against them, either by patients, third parties or the Board, have experienced consequences ranging from a subpoena to appear before the Board at a regularly scheduled Board meeting and required continuing education in record keeping to disciplinary action involving probation, fines and additional

continuing education. Five of the matters proceeding to hearing, and discipline since July of 1999 have included record keeping violations. Other licensees have avoided a hearing by agreeing to take additional courses in record keeping voluntarily and at their own expense.

The point of this message is to help you, and your patients, avoid complications arising out of poor record keeping. In order for you to be in compliance with the record keeping laws, you must be familiar with A.R.S. 32-924, 12-2291, 12-2292, 12-2294 and A.A.C. R4-7-902. These laws require that you:

1. Create and maintain a patient record that includes the patient's health history, examination findings, diagnostic results, x-ray films if taken, x-ray reports, treatment plan, and notes for each patient visit.
2. The notes for each patient visit must include the patient's name, the date of service, the chiropractic physician's findings, all services rendered, **and the name or initials of the chiropractic physician who provided services to the patient**. This last section has been highlighted because of the high number of physicians we see violating the law. The treating chiropractor's name or initials must be on the patient notes regardless of any possible excuse. You must adhere to the law even if you are the only chiropractic physician in the office.
3. Maintain a patient's records, including x-rays, for at least 5 years after the last treatment date.
4. Provide the Board with written notice about how to access patients' records, for the same 5 year period, of a chiropractic practice that is closed.
5. Maintain the patient records of minors for at least 5 years beyond the minor's 18th birthday.
6. Release a copy of the patient's record, diagnostic quality radiographic copy x-rays or both to another licensed physician, the patient, or the authorized agent of the patient, within 10 business days of receiving a written request to do so. If the records are being requested so that the patient may obtain health care elsewhere, or for insurance or claims purposes, you cannot require that the patient pay you for the copies nor can you withhold the records because the patient owes you money.
7. Return original x-rays to a licensed physician within 10 business days of a written request to do so.
8. Medical records includes all communications that are recorded in any form or medium and that are maintained for purposes of patient treatment, including reports, notes and orders, test results, diagnosis, treatments, photographs, videotapes, x-rays, billing records, and the results of independent medical examinations that describe patient care. Medical records also include psychological records and all other medical records held by a health care provider, including medical records that are prepared by other providers.

The health, welfare and safety of the patient is the main concern of this agency, and I am sure, of yourself. Poor record keeping practices or circumstances that prevent a patient from obtaining a complete copy of their records places the health, welfare and safety of the patient at risk. Therefore, we ask you to team together with us to ensure that the record keeping standards defined in law are upheld.

As a last reminder, make sure your records are legible. If the record is not legible and cannot be interpreted by another party, there is no record.

Advertising:

Although we covered the laws relating to advertising in the October newsletter, advertising violations which are easily avoided continue to appear on the Board agenda. In this regard, we would like to remind you of the laws related to advertising, and hope that those of you who read the newsletter share this information with those who don't.

Once again, the point of this message is to help you avoid violation of the law, and to protect consumers from the consequences of false or inaccurate advertising. The laws governing advertising in the practice of chiropractic prohibit advertising in a false, deceptive or misleading manner. Under those same laws:

1. You must designate yourself and sign your name, wherever required, in any capacity as "chiropractic doctor", "chiropractic physician", or "doctor of chiropractic" or use and affix the initials "D.C." after your name.
2. You must place or cause to be placed the word or words "chiropractic", "chiropractor", "chiropractic doctor", "chiropractic physician" on any sign or advertising media used.

Placing your advertisement under the chiropractic physicians' section of the Yellow Pages is not sufficient. Your advertising must still conform as stated above.

Advertising media extends beyond signs and published advertisements to include business cards, letterhead, etc.

3. If you advertise services, appliances, tests, equipment, and x-ray examination or other procedures for a specified price, you must also specify the services, procedures or items included in the advertised price.
4. If you advertise chiropractic services, appliances, tests, equipment, x-ray examinations or other procedures as free, you must also disclose what services or items are included in the advertised service or item.
5. You cannot advertise physiotherapy or acupuncture if you have not been so certified by the Board.
6. You cannot telephone, telegraph or otherwise contact, through any form or communication, a specific recipient who has experienced a motor vehicle or work related injury or an

injury resulting from the actions of another person within the last 15 days.

7. You cannot represent that you are certified or have professional or academic credentials when such is not a fact.

8. Use of the words "specialist" or "expert" is considered by the Board to be of a nature to deceive or defraud the public and potentially deceptive advertising.

Notes of Interest

- *Although you are not required by law in Arizona to carry malpractice insurance, it is important to note that you cannot abdicate responsibility of patient care or injury by having a patient sign a release or other form.*
- *Remember to sign up for, and complete, your 12 hours of required continuing education early in the year. Many of the licensees who had their licenses suspended this year had waited until November or December to schedule their course, missed the course for personal or business reasons, and then were unable to get into another course before the end of the year.*

It is the hope of the Board that this newsletter will provide you with information to avoid complaints and better serve your patients.

Hiring a New Associate? *****

If you're thinking of hiring a new associate who is in the process of obtaining an Arizona chiropractic license, you might want to plan on an additional 3-6 weeks before you can bring him or her aboard. Why the delay? The FBI background report, which can take from 6-10 weeks to reach us. The Board will not issue the license until it has received and reviewed the report. This means the report must have arrived at least 7 days before the Board meets to allow us to assess it and place the candidate's application on the Board's agenda. If the report has not been received in time, your prospective new hire's application must wait for the

following month's Board meeting. To avoid delays, we are encouraging new applicants to get their license applications in early, well before the 30-day deadline for the jurisprudence exam. *In fact, new applicants can (and many do) submit their applications 2-3 months before they wish to take the exam so that their FBI reports are back by the test date.*

Disciplinary Actions (since 10/99)

Richard Martinez, D.C.	#3671	Revoked
Elizabeth Ruman, D.C.	#2026	Probation/Fine
Edward Goldwater, D.C.	#4746	Revoked
Richard Kosack, D.C.	#1083	Probation/Fine/Susp./CE
M. J. Dionisio, D.C.	#4998	Probation/Fine/CE
Michael Cole, D.C.	#5515	Probation/Fine/CE
Desmond Shamos, D.C.	#3720	CE/Terms when treating female patients.

Jay Elza, D.C. Not issued--Probation upon license issuance.

?? Have You Seen Our Web Page ??

Go to: <http://www.goodnet.com/~board/>

- Laws
- Old Newsletters
- Licensing Requirements
- Frequently Asked Questions (FAQs)
- Complaint Form
- *New!!!* Directory of Licensees--with license numbers & status. Updated quarterly.

Newly Licensed Chiropractors

John K. Antolik
Michael J. Morris
Bryan D. Gordon
Eric S. Mizuba
Geoffrey H. Stevens
Michael P. Roy
Melvin Eugene Raby, Jr.
Ralph Minogue
David M. Merchant
Shane J. Fleharty
Willem E. Bos
David D. Warman
Debra M. Pentz
Eric J. Vindiola
Christopher L. Long
Cynthia A. Tomchak-Long
Nancy A. Rogstad
Kai M.G. Bennett
Ryan R. Melillo

Keith P. Farrell
Mehul N. Jarecha
Marc Anthony Brodeur
Nicholas I. Calvino
Donald E. Sharnowski
Matthew C. Bailey
Paul A. Perreault
Ira Keith Lavender
Mark E. Miller
Sophie Jacob
James D. Atkinson
Rosalind L. Canham
Melvin K. Ballard
David K. Ellingford
William C. Jarman
Ty S. Ruddell
Geoffrey P. Kinnison
Samuel B. Hester
William A. Rayl
Charles R. Close
Shaun M. Malone
Frances Addeo
Jerry A. Paulson
Justin B. Bryce
Eric J. Olsen
David M. Jones
Raymond J. Hillenbrand
Philip S. Dudak
Kathleen M. Kelly
Paula E. Frey
Heather Thomas
Bruce Mounsey
Scott M. Norris
Darren W. Nichiporik
Carmen N. Brodeur
Paul A. Babecki
Ronald Lee Six, Jr.
Peter M. Nemanic
Jason M. Bongi
Merritt J. Mortensen
Martha J. Riedmiller
Robert T. Bentley
Michael J. Wechsler
Alisa Cooper Wechsler
Calvin G. Mulanax
Melody M. Jafari
Brian D. Duby
Marjorie H. Harrison
Jeffrey S. Korn
Simon M. Billingham
David J. Hobbs
Cameron J.P. Sembaluk
Joseph D. Stewart
Robert H. Bowen
Michael J. Leff
Travis Mack
Michael H. Dawson
Peter A. Thompson
Thomas L. Solomon
Bridgett L. Porter
Richard J. Milne
Anuradha M. Prasad

Anand S. Bhakta
Andreas Boettcher
Anthony A. Gross
Julie A. Grahe
Elissa F. Katz
John J. Koc, III
James S. Koop
Carol L. Learned
Roger M. Learned
Manon C. Lavoie
Alejandro A. Mioni
Joseph Rosenthal
Angela R. Scarffe
Robert Warman
Shari R. Webster
Damien E. Smith
Russell G. Stowell
Jesus G. Bernal
Rigoberto M. Pina
John M. Mayer
Robert A. DeFazio
Raymond H. Wolff
Guy G. Huston
Sonny W. Ho
Brendan P. O'Connor
Jason C. Morris
Petula M. Morris
Clifton G. Mack
Dawn L. Phatuross
William F. Phatuross
David G. Wick, II
Nathan Varano
Richard Sargent
Genene A. Gonser
Lisa M. Orwick

Change of Address

Please remember that A.R.S. 32-923 (A) requires that every licensed person shall, within **30 days**, notify the Board **in writing** of any change in residence or office address. Mail or fax address change to:

**Arizona Board of Chiropractic Examiners
5060 N. 19th Ave. Suite 416
Phoenix, AZ 85015 Fax: 602-255-4289**

REMINDER----CONTINUING ED----NOW !!

It's not too early to be taking your 12 hours of continuing education for 2000. To find out about courses, contact the professional association and accredited colleges of your choice. Beat the December rush!

STATE of ARIZONA
BOARD of CHIROPRACTIC EXAMINERS
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