



State of Arizona

Board of Chiropractic Examiners

August 1998

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

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Chairman

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Vice Chairman

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Public Member

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Public Member

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Professional Member

Board Meetings

September 17, 1998

October 15, 1998

November 12, 1998

December 10, 1998

Examinations

Jurisprudence – 1st Friday of 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.

The Question of the Year: How do I meet my 12 hour continuing education requirement?

by Patrice Pritzl, Executive Director

It probably will not come as a great surprise to learn that some of the most frequently asked questions received by the Board office this year have to do with the continuing education requirements. Since the intention of continuing education is not to make your lives more difficult, but rather to benefit both the consumer public and the profession, we will do our best to continue to address those questions.

Licenses are required, by law, to complete 12 hours of continuing education for each calendar year. The most important thing for you to remember is that the continuing education course(s) you take must meet the requirements for the State of Arizona. Continuing education that has been approved in other states or by associations may not meet this state's requirements. In addition, a course that advertises Board approval may not be referring to this Board. It pays to be selective, so read the fine print.

Course Criteria

The requirements that a course must meet in order to be accepted for continuing education credit are defined in statute and rule. All licensees were sent a copy of the Laws and Rules book in October of 1997, which definitely should have been given a place of honor in your office. If the course you will take meets the requirements spelled out in the law, it will not be presented to the Board for approval in that it already qualified for credit by law.

You will note that the course needs to meet two criteria. The first is a topic criteria. The second is an instructor/sponsor criteria. I apologize for beating this to death, but the course must meet **both** criteria in order to qualify for continuing education credit.

Please use the following outline for easy reference:

Criteria Number 1: Topic

Each credit hour of the course must be on one or more of the following topics ;

Anatomy
Physiology
Bacteriology
Symptomology

What is the State of Arizona, Board of Chiropractic Examiners; What do we do and Why?

by N. Edwin Weathersby, D.C.
Chairman

The Board of Chiropractic Examiners and its staff are responsible for carrying out the stated mission. It is a difficult task and virtually impossible to please everyone, especially when you consider the following:

- 1) We are a regulatory board with statutes the legislature mandates we enforce. Our area of jurisdiction is also determined by the legislature, and does not cover every aspect of practice that licensees and the public may like to see covered.
- 2.) The Board is allowed to set the rules (code); however, all rules promulgated by the Board must be authorized by statute, within the Board's jurisdiction and in compliance with current statute. In addition, rules approved by the Board must consider input and concerns from both the licensee and consumer public. While there are times the concerns of the licensee and consumer public are mutually supportive, oftentimes they are in conflict. Finally, all rules must be approved by the Governor's Regularity Review Council, (GRRC). The final language of a rule created by the Board may include language required by GRRC.
- 3.) The standard of care is dictated by professionals in Arizona. Determining a standard of care may be difficult because the acceptable minimum standard is a gray area, and is often defined through expert witnesses.

The Board is faced with assimilating all of the statute, rules, and investigative materials that have some impact on Board operations and decision making in order to reach conclusions and make final decisions. The Board members dedicate a considerable amount of time and energy analyzing any issue which comes before them prior to making any decision which will impact the profession as a whole or an individual licensee.

To better understand the process that the Board goes through on a regular basis, I invite you to attend a Board meeting and give us your input on how we are accomplishing the mission.

Public Information: What is and what is not available to the public concerning each licensee.

by Patrice Pritzl, *Executive Director*

The Board of Chiropractic Examiners has implemented this newsletter as a way to communicate with our licensees about some of the questions that are frequently asked, and to provide you with some information that we hope will be helpful to you. We will do our best to provide you with information that answers some of your questions and to provide information that may impact on your livelihood and explain why the Board and staff are required to do the things they do.

Some of our most frequently asked questions from both licensees and the public are about public records information. Periodically, we receive a call from an angry licensee who will demand to know why certain pieces of information have been

provided to a caller. Oftentimes, these calls have to do with a dismissed complaint or a pending investigation.

The truth is that **all information available that is not protected by the confidentiality laws is available over the phone to anybody who calls and asks. The Legislature believes that the public has the right to make an informed decision** when selecting a health care practitioner. Prior to placing an angry call to the staff, please remember that disclosure of public information is not at the option of the staff or Board. If it is public information by law, we must disclose it.

Public information includes the following:

- **Information about a specific license;** The institution from which a licensee graduated; the year licensed in Arizona, name licensed under, office locations and telephone numbers, license number, certification for

acupuncture or physiotherapy and numbers, date of license expiration, National Board scores, and jurisprudence examination scores. If a licensee provides the home address as the primary address, this is also public information. All information that you provided on your application is public *except* for your social security number and home address and phone number if your home address is not your primary address.

- **Information on complaints filed against a licensee;** and of those complaints, the number dismissed with date and the number upheld. If a complaint was dismissed, a broad definition of the type of complaint may be provided and the minutes from the meetings relating to the dismissed complaint must be provided if requested.
- **Information and explanation about sanctions imposed on a licensee by the Board;** If a sanction has been imposed, the Complaint and Notice of Hearing, the Findings of Fact, Conclusions of Law and Order, similar documents which have been filed and the information contained therein is available to the public.
- **Information about pending complaints;** A caller must be informed that a complaint is being investigated or is pending, however, the contents of the complaint file are protected by law. The caller is only told that a complaint is open and ongoing.
- **Assistance and referral advice to help make a decision in choosing a doctor of chiropractic;** Our response is that as a regulatory agency, the staff is unable to make referrals or to advise them about whether to file a complaint. Callers are referred to the Chiropractic Association for individual referrals.

Nothing is ever purged from a licensee's administrative file. Social Security numbers and non-primary homes addresses and phone numbers are not public information. However, all Board Orders, renewals, continuing education affidavits, name changes, and correspondence to the licensee from the Board are filed in the administrative file and are available for public inspection upon request.

Not everyone likes, appreciates or understands what the Board is required to do by law. However, I do ask you to understand that the Board and the staff must follow the law, and cannot disregard the law in response to angry phone calls or letters. I also ask you to remember that the person who answers the phone when you call the Board office is generally not going to be an individual who is in a position to make administrative or legal decisions. In this regard I invite you to ask to speak with me when you call our office rather than express your anger or frustration to a staff member who will not be able to accommodate you. If I am not able to accommodate your concern, I will, at least, be able to explain the law or agency policy so that you can understand why an action was taken.

Complaints: How can you avoid having a complaint filed against you, and what will happen if a complaint is filed?

By Law, *every* complaint filed with the Board must be investigated and heard by the Board. You do not want to have a complaint filed against you by a patient. Even if you did everything correctly with the care and treatment of that patient, and the complaint is dismissed, you will still incur some negative consequences.

What are the consequences?

- 1) Time out of the office to attend Board meetings, which translates to loss of revenue.
- 2) Review of records and other information associated with the complaint that translates to unproductive time.
- 3) Emotional stress incurred as a result of having to defend yourself translates into many intangible negatives – probably the biggest loss of all.
- 4) Having a complaint filed with the Board becomes a permanent record in your public file, which may translate to a negative perception by the inquiring public.

How can you avoid having a complaint filed against you?

Easy answer!

- 1) Know and follow all of the statutes and rules that govern the practice of chiropractic in the State of Arizona, and know the Board published substantive policy statements. All licensees have a copy of the current laws. The Board has provided all established licensees with a current law book. All new licensees received the law book with their application and were required to pass the jurisprudence examination. **DO NOT THROW YOUR LAW BOOK AWAY. READ IT, KNOW IT, USE IT.** If you lose it, you can obtain another from the office for five dollars.
- 2) Use common sense. Don't assume anything, including what a patient understands.
- 3) Set up good business practices.
 - Solve the problem with a patient before he or she files a complaint. Almost always someone in the office hears about the problem from the patient before he or she contacts the Board. Listen to your staff when they tell you about the patient's complaint. Pick up the phone and talk to the patient. Do it yourself instead of sending a staff person. Remember that it's your license and your potential complaint, not your staff's.
 - Keep accurate legible records on every patient. This includes necessary x-rays, an examination, a written diagnosis and a written treatment plan.

- Inform every patient in advance of any treatment to be done and the fee. Better yet, provide your fee schedule in writing; provide the patient with a copy of the treatment plan and fee schedule. Document that treatment and fees were discussed with the patient and provided to the patient in writing.
- Before you turn a delinquent account over to a collection agency, exhaust every opportunity to collect the amount owed you. Turning a patient over to collection frequently triggers a complaint being filed against you with the Board.
- Treat your staff the same as you expect them to treat your patients. If you don't like and respect your staff, solve the problem quickly, before something is said to a patient that may trigger a complaint.
- Evaluate the quality of your treatment frequently. Your patients expect the highest quality from you.
- When you have a difficult patient who presents you with a problem you don't know how to solve, pick up the phone. Call someone you trust and respect for advice.
- Be caring, professional and polite. Make certain your staff is the same. Cleanliness of the office and staff courtesy are often seen as factor contributing to quality of care by patients. Similarly, a rude staff person or a less than clean environment can trigger a complaint.
- Explain each procedure you are using to the patient. Don't assume that an individual who has received chiropractic care in the past will understand the treatment you will be using.
- Be aware of personal boundary issues. If you are using a procedure that the patient is not comfortable with and does not clearly understand the necessity for, the patient may file a sexual misconduct complaint due to the misunderstanding. This is particularly true if you will touch or possibly view any area of the body that the patient may consider private.
- If you will need the patient to remove any piece of clothing or will be conducting a rectal, pelvic or breast examination, or any related type of procedure, have a third person who is the same gender as the patient present in the room at all times.
- If you will need to unhook a patient's bra or ask the patient to partially remove any part of their clothing, follow the same advise as above. Make

sure the patient knows why their clothing is effected and consider having a third party in the room. The Board has received many complaints alleging sexual misconduct because the chiropractor has failed to follow these simple steps.

- The most common sense means of avoiding a complaint is simply to treat each patient as you want to be treated when you are a patient.

What will happen if a complaint is filed against you?

All complaints that are filed with the Board must be investigated and brought before the Board for action. The same process is followed for each complaint received.

- When the complaint is received, it is assigned a complaint number and a file is opened.
- A copy of the complaint is sent to the licensee against whom the complaint has been filed with a request for a response within ten days of receipt, and a subpoena requiring the licensee to provide a copy of the patients records, if applicable.
- When the licensee's response has been received, a copy of the response is sent to the complainant.
- The complaint is then scheduled for the next available Board meeting.
- In most cases, the licensee and complainant will be contacted by the Board investigator prior to the Board meeting in order to clarify the complaint and response and to fill in any additional information that may be lacking. You are also welcome to call the Board office and speak with the investigator or director.
- The Board will then review the file for the first time. It is important for you to remember that at this time the Board is merely looking at the facts presented in the complaint, response and records. There is no assumption that a law has or has not been violated. It is simply a review of facts as presented, and each complaint is treated the same. You will receive a notice that the complaint has been placed on the Board agenda with the meeting date and location. You are welcome and encouraged to attend. If you or your representative is present, you will be provided with an opportunity to address the Board on the matter. The complainant will have the same opportunity.
- The Board will review the complaint to determine one of the following:
 - 1) Is the nature of the complaint under the Boards jurisdiction? If not, the Board will not have authority and will dismiss the complaint.
 - 2) Is there a basis on which to believe a law may have been violated? If there is not a substantive basis on which to proceed, the complaint will be dismissed. If the Board is either concerned that a law may have been violated or the Board does not

have enough information to make a determination, the complaint will be held open for further investigation.

3) If the Board is concerned that there is a substantive basis to believe a law has been violated, they may vote the matter to go to a formal hearing.

- If the complaint is dismissed or open for further investigation, you will be noticed by letter. If an investigation will take place, you will be contacted by the Board's investigator and kept informed of when the matter will be scheduled for the Board's agenda.
- If the matter is voted to hearing, you will be noticed through a formal Complaint and Notice of Hearing. The Complaint will identify the time and place for the hearing, the factual allegations made against you, and the charges. You will have the right to be represented by an attorney, and you are encouraged to engage such representation. If you receive a Complaint, do not contact the staff to determine how you should proceed. The board staff cannot provide you with legal advice or guidance.

Seventy five percent of complaints filed with the Board in 1997 were dismissed for insufficient basis or because they were not under the Jurisdiction of the Board. If you receive a notice of complaint from the Board, and you have not violated any of the laws governing the practice of chiropractic, don't panic, and don't get angry. By law, the Board will have to process each complaint. To expedite the matter, provide your response and the patient's records promptly, and provide as much detail in your response as possible. The more information the Board has to work with, the more quickly they can come to a determination. If you have questions regarding the process, you can call the investigator or the director. We cannot predict for you the Board's decision or tell you if there has been a violation of law. Only the Board is authorized to make that determination. We can, however, tell you what to expect in the process and will be happy to help you with those questions.

VOLUNTEERS? VOLUNTEERS?

The Board and staff periodically need the assistance of volunteers from the professional community to serve on committees, help develop test questions or possibly assist in an investigation through your expertise. If you are interested in signing up to volunteer your knowledge and expertise to assist the Board, your license is in good standing, you have no disciplinary history with this or any other agency and you have been practicing chiropractic for three or more years, you may apply by contacting the Board's executive director, Patrice Pritzl, at (602) 255-1444. Yes, there will be a little bit of paperwork. We are a bureaucracy after all! We will keep it brief and to the point, re: your areas of expertise and record of good standing. We will also use your time sparingly so as to make the best use of your assistance without impeding, too greatly, on your personal and professional time.

Other Board Services

Verification of Licensure in Good Standing - No charge	
Mail lists – zip code order	\$25.00 – Labels
Mail lists – zip code order	\$10.00 – List only
Directory – alpha order	\$25.00
Newly Licensed Chiropractors (Calendar Year)	\$25.00
Board Minutes (Calendar Year)	\$25.00
License by Examination Packet	\$10.00
License by Reciprocity Packet	\$10.00
Duplicate Renewal Receipt	\$ 5.00
Duplicate Ornamental License	\$10.00
Duplicate Ornamental Certificate	\$10.00
Jurisprudence Booklet	\$ 5.00
Public Record Copies	\$.25 per page

Board Programs

License Preparation

The application process for licensing is a detailed process that requires specific documentation for eligibility. To avoid undue delays in licensing applicants are encouraged to contact the Board office for information and to begin planning well in advance of the deadline dates.

The Board now requires that applicants for licensure have NBCE Parts I – IV and pass a state level jurisprudence examination. The Board no longer gives a practical licensing examination, but applicants are required to submit the appropriate documentation and meet deadlines. The deadline for applications is 30 days prior to the jurisprudence examination. With thoughtful planning an applicant can meet the deadlines and become licensed as soon as possible.

- Application deadline is 30 days prior
- A complete and notarized application.
- A complete fingerprint card.
- Official transcript sent directly from the chiropractic college or a letter stating the anticipated date of graduation on or before the jurisprudence examination.
- Official transcript sent directly from the National Boards for NBCE Parts I-IV.
- Verifications of licensure in good standing from other states.

Preceptorship Training

The Board of Chiropractic Examiners allows board approved licensed doctors to act as preceptors to chiropractic students and recent unlicensed graduates serving as externs. There are rules that regulate the program and there are some restrictions. Below is a summary of the rules that govern the program.

EXTERN

- The extern must wear a nametag that identifies he/she as an extern; he/she cannot advertise or identify themselves as “Doctor” or as practicing chiropractic except as a student/extern.
- Any patient the extern adjusts must sign the Board approved consent form prior to treatment.
- Externs are allowed to adjust only when the preceptor doctor is in the room.
- Externs are not allowed to do, perform, assist or order any physiotherapy or acupuncture treatments.
- Externs cannot take any x-rays, unless he/she is a student at a Chiropractic College during their externship.

PRECEPTOR

- The preceptor is responsible for submitting evaluation reports and patient consent forms
- Must have been practicing continuously for the immediately preceding three years and at least one year in Arizona.
- Have no disciplinary actions against his/her license.

Continuing Education

The Board has received numerous inquiries as to which seminars are acceptable to meet the 12 hour continuing education requirement. The course does not require approval by the Board if the provision of the statute and rule are met. If your course does not meet the provisions, you may submit the resume of the instructor and a detailed syllabus for each course with a request that the Board approve your course for continuing education credits.

The provisions that must be met in order to qualify for continuing education credit are:

- Each credit hour must be on one or more of the following topics:
 - Anatomy
 - Physiology
 - Bacteriology
 - Symptomatology
 - Diagnosis, including physical, clinical, x-ray and laboratory subjects
 - Chiropractic orthopedics
 - Principles of chiropractic and adjusting
 - Neurology
 - Chemistry including biochemistry and nutrition
 - Public health and hygiene
 - Chiropractic spinal analysis
 - Acupuncture and physiotherapy
 - (sexual misconduct and personal boundaries training is considered to fit within the above listed topics)

AND – one of the following

- The course is taught by a faculty member of an accredited college or university in the United States.
- The course is taught at or sponsored by an accredited college or university in the United States.
- The course has been approved by a vote of the State of Arizona, Board of Chiropractic Examiners in an open meeting and is on record in the meeting minutes as approved.
- By teaching a post-graduate course on one of the topics listed above as a faculty member of a Council in Chiropractic Education accredited chiropractic college.

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