

Rules of Department of Economic Development

Division 70—State Board of Chiropractic Examiners Chapter 2—General Rules

Title		Page
4 CSR 70-2.010	Definition of the Practice of Chiropractic (Rescinded November 11, 1982)	3
4 CSR 70-2.020	Diagnostic Procedures and Instruments	3
4 CSR 70-2.025	Use of X-rays	4
4 CSR 70-2.030	Adjunctive Procedures	4
4 CSR 70-2.031	Meridian Therapy/Acupressure/Acupuncture	5
4 CSR 70-2.033	Manipulation Under Anesthesia	7
4 CSR 70-2.040	Application for Licensure	7
4 CSR 70-2.045	Board-Approved Chiropractic Colleges	7
4 CSR 70-2.050	Examination	8
4 CSR 70-2.051	Application for Licensure (Rescinded December 31, 1990)	9
4 CSR 70-2.060	Professional Conduct Rules	9
4 CSR 70-2.065	Public Complaint Handling and Disposition	11
4 CSR 70-2.066	Post-Board Order Activity	14
4 CSR 70-2.070	Reciprocity	14
4 CSR 70-2.071	Transitional Renewal Fee (Rescinded January 12, 1984)	15
4 CSR 70-2.080	Annual License Renewal	15
4 CSR 70-2.081	Postgraduate Education	21
4 CSR 70-2.090	Fees	25
4 CSR 70-2.100	Professional Corporations	25

**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT**

**Division 70—State Board of
Chiropractic Examiners
Chapter 2—General Rules**

**4 CSR 70-2.010 Definition of the Practice
of Chiropractic**

(Rescinded November 11, 1982)

AUTHORITY: sections 331.100.2, RSMo Supp. 1981) and 536.023.3, RSMo 1978. Original rule filed Dec. 17, 1975, effective Oct. 13, 1978. Rescinded: Filed Dec. 9, 1981. Rescinded: Filed July 9, 1982, effective Nov. 11, 1982.

State ex rel. Gibson v. Missouri Board of Chiropractic Examiners (A), 365 SW2d 773 (Mo. App. 1963). Ear drops, vitamins and pills prescribed and administered by a chiropractor are “medicine”, the use of which is illegal and constitutes sufficient ground for revocation of chiropractic license. It is well known that many medicines are obtainable by the public without the necessity of having a prescription, and the fact that an item is obtainable by the public without prescription does not mean that it is not medicine or drug, the prescription and administration of which by a chiropractor is illegal. (Overturned by *Grogan et al. v. Hays et al.*, 639 SW2d 875 (Mo. App. 1982) and Senate Bill 520, 1980.)

Op. Atty. Gen. No. 56, Frappier (9-12-72). Chiropractor has authority to diagnose for the limited purpose of determining whether the particular treatment which s/he may legally render to a patient is proper treatment for the disease from which the patient is suffering. Chiropractor is permitted to take and evaluate for diagnostic purposes only X-rays of the human spinal column and other parts of the human body for the limited purpose of determining whether the disease or ailment is one s/he can treat and to determine the proper treatment.

Op. Atty. Gen. No. 239, Holt (11-10-70). Statutory provisions relating to the practice of professional physical therapy do not enlarge the scope of chiropractic practice to include the use of therapeutic devices. A person who performs professional physical therapy as described in section 334.500, RSMo (1969), not under the direction of a licensed physician, is practicing medicine in violation of section 334.010, RSMo (1969) regardless of whether s/he is a professional physical therapist or an unlicensed person. A chiropractor in describing him/herself to the public must do so by calling him/herself a doctor of chi-

ropractic if s/he uses the prefix “Doctor” or “Dr.” and in describing him/herself to the public may not insert the words “physiotherapy” or “physical therapy” after the word chiropractic so as to read “chiropractic physiotherapy” or “chiropractic physical therapy” (Withdrawn 6-14-84.)

Op. Atty. Gen. No. 55, Holt (3-18-69). That part of rule 16.4(b) (now 1 CSR 20-5.020) of the Personnel Advisory Board which provides that only physicians may verify certificates of sick leave for state employee is invalid, and to carry out the intention of the legislature the rule should also provide that a chiropractor is legally qualified to verify the certificate required for sick leave resulting from an illness s/he is legally authorized to treat.

Op. Atty. Gen. No. 148, Akers (5-2-68). A doctor of chiropractic is not a physician within the meaning of section 331.010, RSMo (1959). (Superseded by change of laws *City of St. Ann, et al. v. George D. Crump (A)*, 607 SW2d 706 (1980) and H.B. 667, 1987.)

Op. Atty. Gen. No. 32, Geekie (3-10-53). A licensed chiropractor is not permitted to employ physical therapy generally, this therapy including among other things the use of electrical or mechanical devices, except, however, section 331.010, RSMo (1949) does allow using that part of physical therapy involving manipulation of the spine by hand; chiropractors may use X-rays only to take and interpret such as an aid in diagnosis. Chiropractors cannot suggest, which is orally prescribing, vitamins for patients or advise with regard to patients’ diets. A chiropractor must use the term Doctor of Chiropractic or the letters D.C. after his/her name in describing him/herself to the public if s/he uses the prefix “Doctor” or “Dr.” before his/her name. (Withdrawn 6-14-84.)

**4 CSR 70-2.020 Diagnostic Procedures and
Instruments**

PURPOSE: This rule outlines the diagnostic procedures and instruments that may be used by a doctor of chiropractic in discharging his/her duty to his/her patients.

(1) The board will approve a diagnostic procedure or instrument only after the board determines that the diagnostic procedure or instrument has a sound scientific basis and is commonly taught by approved chiropractic colleges.

(2) Those diagnostic procedures presently approved by the board include, but are not limited to:

(A) Physical Examination.

1. Inspection, including the use of instrumentation such as an ophthalmoscope, otoscope, tongue-depressor, tape measure, thermometer, percussion hammer, pinwheel, sphygmometer, proctoscope, nervoscope, neurocalometer, neurodermagraph, electromyograph, heartometer, phonocardiograph, electrocardiograph, spirometer, vitalor, visual acuity charts, weight measurement scales, dermathermagraph, vasculizer, and routine orthopedic and neurologic procedures.

2. Palpation.

3. Auscultation, including the use of a stethoscope, tuning forks, audiograph and phonocardiograph;

(B) Radiographic Examination.

1. Motionless diagnostic X-ray study.

2. Fluoroscopy.

3. Cineradiography;

(C) Laboratory Examination.

1. Blood specimen.

2. Urine specimen.

3. Fecal specimen.

4. Sputum specimen; and

(D) Muscle testing with strength and endurance curves during isometric or isokinetic exercise, or both, mechanized or computerized evaluation with printout.

AUTHORITY: section 331.010, RSMo 1986.* This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. Amended: Filed July 5, 1978, effective Oct. 13, 1978. Rescinded and readopted: Filed July 9, 1982, effective Nov. 11, 1982. Amended: Filed April 18, 1989, effective July 13, 1989.

*Original authority: 331.010, RSMo 1939, amended 1969, 1982.

State ex rel. Gibson v. Missouri Board of Chiropractic Examiners (A), 365 SW2d 773 (Mo. App. 1963). Ear drops, vitamins and pills prescribed and administered by a chiropractor are “medicine”, such use of which is illegal and constitutes sufficient ground for revocation of chiropractic license. It is well known that many medicines are obtainable by the public without the necessity of having a prescription, and the fact that an item is obtainable by the public without prescription does not mean that it is not medicine or a drug, the prescription and administration of which by a chiropractor is illegal. (Overturned by *Grogan et al. v. Hays et al.*, 639 SW2d 875 (Mo. App. 1982) and Senate Bill 520, 1980.)

Op. Atty. Gen. No. 56, Frappier (9-12-72). Chiropractor is permitted to take and evaluate for diagnostic purposes only X-rays of the human spinal column and other parts of the human body for the limited purpose of determining whether the disease or ailment is one s/he can treat and to determine the proper treatment. Chiropractors are prohibited from employing any diagnostic tests or procedures which involve operative surgery or the administration or injection of any drug or medicine. Similarly proscribed are any procedures which are exclusively reserved to the fields of obstetrics, osteopathy, surgery or medicine.

Op. Atty. Gen. No. 239, Holt (11-10-70). Statutory provisions relating to the practice of professional physical therapy do not enlarge the scope of chiropractic practice to include the use of therapeutic devices. Licensed doctor of chiropractic is prohibited from prescribing and administering vitamins and food supplements to his/her patients. A person who performs professional physical therapy as described in section 334.500, RSMo (1969) not under the direction of a licensed physician is practicing medicine in violation of section 334.010, RSMo (1969) regardless of whether s/he is a professional physical therapist or an unlicensed person. Even though a chiropractor does not hold him/herself out as a professional or licensed physical therapist, s/he may not utilize physical therapy devices in his/her professional services. Booths at chiropractic conventions by vitamin, food supplement, ultrasound, diathermy, colon irrigator or other therapeutic device manufacturers and the holding of seminars and the mailing of literature to chiropractors for the promotion of such items is not in violation of Chapter 331, RSMo (1969) and section 561.660, RSMo (1969). (Withdrawn 6-14-84.)

Op. Atty. Gen. No. 32, Geekie (3-10-53). A licensed chiropractor is not permitted to employ physical therapy generally such therapy including among other things the use of electrical or mechanical devices, except, however, section 331.010, RSMo (1949) does allow using that part of physical therapy involving manipulation of the spine by hand; chiropractors may use X-rays only to take and interpret such as an aid in diagnosis. Chiropractors cannot suggest, which is orally prescribing, vitamins for patients or advise with regard to patients diet. (Withdrawn 6-14-84.)

4 CSR 70-2.025 Use of X-rays

PURPOSE: This rule advises chiropractic physicians concerning the use of X rays and overutilization.

(1) A chiropractic physician shall not overutilize or otherwise improperly use ionizing radiation. In order to avoid overutilization of ionizing radiation, a chiropractic physician shall observe the following guidelines:

(A) Routine radiography of any patient shall not be performed without due regard for clinical need;

(B) Any offer or advertising of free X-rays to actual or potential patients shall be accompanied by the statement—"if necessary"; and

(C) Repeat radiographic evaluation of the patient shall not be undertaken without significant observable clinical indication, as determined by the treating chiropractic physician. The significant observable indication required by this subsection shall not apply to reevaluations of the spinal subluxation complex. The spinal subluxation complex is determined to be a significant observable indication.

(2) The licensee must register the X-ray equipment with the Bureau of Radiological Health, Missouri Department of Health, P.O. Box 570, Jefferson City, MO 65102, (314) 751-6083 every two (2) years.

(3) The licensee must maintain X-ray equipment in compliance with state rules of the Missouri Department of Health.

(4) Violation of this rule is considered unprofessional conduct and is grounds for disciplinary action.

AUTHORITY: section 331.100.2, RSMo 1986.* Original rule filed April 16, 1990, effective June 30, 1990. Amended: Filed Feb. 4, 1991, effective July 8, 1991.

*Original authority: 331.100.2, RSMo 1939, amended 1949, 1969, 1980, 1981.

4 CSR 70-2.030 Adjunctive Procedures

PURPOSE: This rule outlines adjunctive procedures that may be used by doctors of chiropractic.

(1) Those adjunctive chiropractic procedures presently approved by the board include, but are not limited to:

- (A) Heat and heat-producing devices;
- (B) Ice and cooling packs;
- (C) Extension therapy; or

(D) Therapeutic exercise, muscle therapy, reflex techniques, and postural and structural supports.

AUTHORITY: section 331.010, RSMo 1986.* This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. Amended: Filed July 5, 1978, effective Oct. 13, 1978. Rescinded and readopted: Filed July 9, 1982, effective Nov. 11, 1982.

*Original authority: 331.010, RSMo 1939, amended 1969, 1982.

State ex rel. Gibson v. Missouri Board of Chiropractic Examiners (A), 365 SW2d 773 (Mo. App. 1963). Ear drops, vitamins and pills prescribed and administered by a chiropractor are "medicine", such use of which is illegal and constitutes sufficient ground for revocation of chiropractic license. It is well known that many medicines are obtainable by the public without the necessity of having a prescription, and the fact that an item is obtainable by the public without prescription does not mean that it is not medicine or a drug, the prescription and administration of which by a chiropractor is illegal. (Overturned by **Grogan et al. v. Hays et al., 639 SW2d 875 (Mo. App. 1982)** and Senate Bill 520, 1980.)

Op. Atty. Gen. No. 56, Frappier (9-12-72). Chiropractor is permitted to take and evaluate for diagnostic purposes only X-rays of the human spinal column and other parts of the human body for the limited purpose of determining whether the disease or ailment is one s/he can treat and to determine the proper treatment. Chiropractors are prohibited from employing any diagnostic tests or procedures which involve operative surgery or the administration or injection of any drug or medicine. Similarly proscribed are any procedures which are exclusively reserved to the fields of obstetrics, osteopathy, surgery or medicine.

Op. Atty. Gen. No. 239, Holt (11-10-70). Statutory provisions relating to the practice of professional physical therapy do not enlarge the scope of chiropractic practice to include the use of therapeutic devices. Licensed doctor of chiropractic is prohibited from prescribing and administering vitamins and food supplements to his/her patients. A person who performs professional physical therapy as described in section 334.500, RSMo (1969) not under the direction of a licensed physician is practicing medicine in violation of section 334.010, RSMo (1969) regardless of whether s/he is a professional physical therapist or an unlicensed person. Even

though a chiropractor does not hold him/herself out as a professional or licensed physical therapist, s/he may not utilize physical therapy devices in his/her professional services. Booths at chiropractic conventions by vitamin, food supplement, ultrasound, diathermy, colon irrigator or other therapeutic device manufacturers and the holding of seminars and the mailing of literature to chiropractors for the promotion of such items is not in violation of Chapter 331, RSMo (1969) and section 561.660, RSMo (1969). (Withdrawn 6-14-84.)

4 CSR 70-2.031 Meridian Therapy/Acupressure/Acupuncture

PURPOSE: This rule sets out the acceptable qualifications, procedures and continuing education requirements for the use of meridian therapy/acupressure/acupuncture (in this rule Meridian Therapy) by Missouri licensed chiropractors.

(1) When used in the rules of the board, the terms Meridian Therapy or acupressure or acupuncture shall mean methods of diagnosing and the treatment of a patient by stimulating specific points on or within the body by various methods including, but not limited to, manipulation, heat, cold, pressure, vibration, ultrasound, light, electrocurrent and short-needle insertion for the purpose of obtaining a biopositive reflex response by nerve stimulation.

(2) Acceptable practice and use of Meridian Therapy shall be limited to those methods and procedures that are commonly taught in chiropractic colleges having status with the Council on Chiropractic Education or are methods or procedures which have been approved by the board.

(3) In order to ensure that the public health and safety are protected and to maintain high standards of trust and confidence in the chiropractic profession and ensure the proper conduct of the chiropractic practice involving the use of Meridian Therapy, the requirements contained in this rule must be met prior to one engaging in therapeutic procedures or announcing the availability of therapeutic procedures to the public.

(A) Each licensee seeking to provide Meridian Therapy in any of its aspects shall obtain a certificate from the board, which shall indicate that the licensee has complied with the provisions of this rule and has met the minimum standards contained in this rule. The application for a certificate shall be on a form provided by the board.

(B) In addition to the other information required to be provided on the application, each applicant shall certify to the board that s/he has either—1) successfully completed at least one hundred (100) hours' training, of undergraduate or postgraduate or a combination of each, in the use and administration of Meridian Therapy, which training was presented by a college of chiropractic having status with the Council on Chiropractic Education or 2) successfully completed at least one hundred (100) hours' training in the use and administration of Meridian Therapy in a course of study approved by the board.

(C) In order to maintain a valid certificate in Meridian Therapy, a licensee who holds a certificate at the time of making his/her license renewal must certify annually to the board that s/he has completed a minimum of twelve (12) hours of postgraduate training, approved by the board, in Meridian Therapy.

(D) If a licensee allows his/her certification to lapse, the certification may be reactivated up to three (3) years after it has lapsed upon the presentation to the board of twelve (12) hours of postgraduate study in Meridian Therapy, acupuncture or acupressure for each year the certification was inactive or a maximum of thirty-six (36) hours. The postgraduate study must be a course approved by the board.

(E) If a licensee allows his/her certification to lapse for more than three (3) years the licensee shall comply with the requirements of subsection (3)(B) of this rule, providing the hours were not used to obtain the original certification.

(4) Any licensee who shall advertise or announce to the public in any communication or solicitation that s/he engages in or provides Meridian Therapy in any of its aspects without having first complied with this rule shall be deemed to have engaged in false, misleading or deceptive advertising.

(5) Sterilization of Nondisposable Needles and Disposition of Disposable Needles.

(A) Where nondisposable needles are used for acupuncture, the needles must be sterilized by—

1. Autoclave;
2. Dry heat sterilization; or
3. Ethylene oxide sterilization in accordance with directions of the manufacturer.

(B) Needles must be individually packaged for each patient. The individually packaged needles must either be discarded following patient treatment or sterilized according to the methods of sterilization listed in subsection (5)(A) when nondisposable needles are used.

(C) Needles must be disposed of according to Missouri and federal laws regarding disposal of infectious waste. In addition, all needles must be placed in rigid, leakproof and puncture resistant containers and sealed before disposal pursuant to 10 CSR 80-7.010. Noncorrosive needles must be used.

AUTHORITY: section 331.100.2, RSMo 1986. Original rule filed Jan. 5, 1987, effective April 11, 1987. Amended: Filed March 4, 1994, effective Aug. 8, 1994.*

**Original authority: 331.100.2, RSMo 1939, amended 1949, 1969, 1980, 1981.*



MISSOURI STATE BOARD OF CHIROPRACTIC EXAMINERS
**APPLICATION FOR CERTIFICATION IN
MERIDIAN THERAPY/ACUPRESSURE/ACUPUNCTURE**

FEE PAID? <input type="checkbox"/> YES <input type="checkbox"/> NO	DATE
---	------

INSTRUCTIONS

All information requested on this application must be **typewritten** or **printed**. Must be legible.
If more room is needed for any item below, attach a separate sheet of paper.

I hereby apply for a certification to practice Meridian Therapy/Acupressure/Acupuncture in the state of Missouri, and submit for consideration the following proofs as required by the Missouri laws governing the practice of Chiropractic, and by the Rules of the State Board of Chiropractic Examiners of Missouri.

1. NAME (PRINT NAME IN FULL, INCLUDING MIDDLE NAME AND MAIDEN NAME)	SOCIAL SECURITY NO.
2. PRESENT ADDRESS	TELEPHONE NO.
3. ARE YOU CURRENTLY LICENSED TO PRACTICE CHIROPRACTIC IN MISSOURI? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES ►	LICENSE NUMBER
4. LIST OTHER STATES WHERE YOU ARE CURRENTLY LICENSED OR HAVE BEEN.	<input type="checkbox"/> NONE
5. HAVE YOU HAD ANY COMPLAINTS FILED AGAINST YOU IN ANY STATE? (IF YES, EXPLAIN WHERE AND THE NATURE OF THE COMPLAINT.)	<input type="checkbox"/> YES <input type="checkbox"/> NO
6. HAVE YOU EVER VOLUNTARILY SURRENDERED A STATE LICENSE? (IF SO, STATE REASONS)	<input type="checkbox"/> YES <input type="checkbox"/> NO
7. LIST ANY PROBATION, SUSPENSION OR REVOCATION OF YOUR CHIROPRACTIC LICENSE IN ANY OTHER STATE.	<input type="checkbox"/> NONE
8. HAVE YOU EVER BEEN CHARGED, ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE, OR CONVICTED OF ANY CRIMINAL OFFENSE(S) IN MISSOURI, OR IN ANOTHER STATE, OR IN FEDERAL COURT (OTHER THAN MINOR TRAFFIC VIOLATIONS)? IF YES, ATTACH EXPLANATION STATING DATE AND PLACE OF CHARGE, PLEAS OR CONVICTION(S) AND THE NATURE OF SUCH OFFENSE(S).	<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby certify that I have met one or both of the following conditions for certification:

1. Successfully completed at least one hundred (100) hours of training, of undergraduate or postgraduate or a combination of each, in the use and administration of Meridian Therapy, which training was presented by a college of chiropractic having status with the Council on Chiropractic education or
2. Successfully completed at least one hundred (100) hours training in the use and administration of Meridian Therapy in a course of study approved by the board.

I further understand that in order to MAINTAIN a valid certificate in Meridian Therapy, I must annually, at the time of making my license renewal, submit proof to the board that I have completed a minimum of twelve (12) hours of postgraduate training, acceptable to the board, in Meridian Therapy.

Missouri Statutes 565.060 - False Official Statements. Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty may be guilty of a Class B misdemeanor.	SIGNATURE OF APPLICANT	DATE
--	------------------------	------

4 CSR 70-2.033 Manipulation Under Anesthesia

PURPOSE: This rule is to advise chiropractic physicians when they may perform manipulation under anesthesia.

(1) The Missouri State Board of Chiropractic Examiners places the following restrictions on chiropractic physicians who engage in the practice of chiropractic while the consumer of the chiropractic service is under anesthesia.

(2) A chiropractic physician may not engage in the practice of chiropractic while the consumer of the chiropractic service is under anesthesia, unless:

(A) The manipulation under anesthesia (MUA) is performed at a facility that is licensed by the Missouri Department of Health—Bureau of Hospital Licensing and Certification and approved by one (1) of the following: Joint Commission on Accreditation of Healthcare Organizations (JCAHO), American Osteopathic Association (AOA), Accreditation Association of Ambulatory Health Care (AAAHC), or Medicare; and

(B) The anesthetic, sedative or other drug is administered to the consumer by a licensed medical doctor or doctor of osteopathy who is a board-eligible or board-certified anesthesiologist or under the direct supervision of that professional; and

(C) The chiropractic physician has completed a certification course in MUA of not less than twenty-four (24) didactic academic hours and completed six (6) proctored MUA procedure as part of the certification course. The MUA certification course must be sponsored by a chiropractic college accredited by the Council of Chiropractic Education (CCE); and

(D) The chiropractic physician follows the appropriate protocol as adopted by rule by the Missouri State Board of Chiropractic Examiners; and

(E) The consumer of chiropractic service MUA has been evaluated by a medical doctor or doctor of osteopathy, who is familiar with MUA, prior to the MUA procedure who approves the procedure and the administration of the anesthesia.

(3) A chiropractic physician who violates this rule is guilty of unprofessional conduct in the practice of chiropractic.

(4) Nothing in this rule shall be construed as to require a facility licensed by the Missouri Department of Health—Bureau of Hospital Licensing and Certification or approved by

the JCAHO, AOA or AAAHC to grant allied hospital privileges to a chiropractic physician.

AUTHORITY: section 331.100.2, RSMo 1986.* Original rule filed March 4, 1994, effective Oct. 30, 1994.

*Original authority: 331.100.2, RSMo 1939, amended 1949, 1969, 1980, 1981.

4 CSR 70-2.040 Application for Licensure

PURPOSE: This rule states where to secure an application and how to complete the application and documentation required to accompany the application form provided by the executive director.

(1) Application for licensure shall be made on the application form provided by the board.

(2) Application forms may be obtained by writing the board's executive director at 3605 Missouri Boulevard, P.O. Box 672, Jefferson City, MO 65102-0672. A copy of the applicable statutory provisions and rules governing the practice of chiropractic shall be provided with the application.

(3) How to Complete the Application.

(A) All information requested on the application shall be either typewritten or handwritten legibly in black ink.

(B) All blanks shall be completed.

(C) Applicants should not use initials or nicknames on the application. If the applicant has no middle name, this should be indicated by placing NMN in the place where information is requested. If the applicant has an initial for the first or middle name, this should be indicated by adding the word ONLY following the initial.

(4) Items to accompany application for licensure by examination are—

(A) One (1) photograph as described in 4 CSR 70-2.050(3)(B);

(B) Application processing or examination fee in the form of a money order or cashier's check. Applicants shall pay the application processing fee if applying for licensure by examination (N.B.C.E. Part IV examination). The examination fee must accompany an examination application only in the event that the board administers its own practical examination. See 4 CSR 70-2.050(3)(A); and

(C) Two (2) sets of fingerprints and the fingerprinting fee.

(5) Items to accompany application for licensure by reciprocity are—

(A) One (1) photograph as described in 4 CSR 70-2.070(4);

(B) Reciprocity licensure fee in the form of a money order or cashier's check;

(C) Proof of practice as described in 4 CSR 70-2.070(5);

(D) Completed open-book jurisprudence examination;

(E) Copy of high school diploma or General Educational Development (GED) Certificate if applicant was licensed prior to preprofessional requirement; and

(F) Two (2) sets of fingerprints and the fingerprinting fee.

AUTHORITY: sections 43.543 and 331.100.2, RSMo 1994 and 331.030, RSMo Supp. 1998.* This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. Rescinded and readopted: Filed July 9, 1982, effective Nov. 11, 1982. Amended: Filed Sept. 12, 1983, effective Jan. 13, 1984. Amended: Filed Aug. 14, 1986, effective Nov. 13, 1986. Rescinded and readopted: Filed April 18, 1989, effective July 13, 1989. Rescinded and readopted: Filed Aug. 14, 1990, effective Dec. 31, 1990. Amended: Filed Sept. 13, 1995, effective March 30, 1996. Amended: Filed March 30, 1998, effective Sept. 30, 1998. Amended: Filed Aug. 12, 1999, effective Feb. 29, 2000.

*Original authority: 43.543, RSMo 1993; 331.030, RSMo 1939, amended 1945, 1947, 1949, 1969, 1981, 1988, 1993, 1995, 1997; and 331.100.2, RSMo 1939, amended 1949, 1969, 1980, 1981.

4 CSR 70-2.045 Board-Approved Chiropractic Colleges

PURPOSE: This rule defines the term board-approved chiropractic college and lists the approved chiropractic colleges.

(1) Under section 331.030, RSMo, the State Board of Chiropractic Examiners shall approve all chiropractic colleges having accredited status with the Commission on Accreditation of the Council on Chiropractic Education.

(2) The board will maintain a list of all approved chiropractic colleges which shall be available upon request. Board-approved chiropractic colleges are—

(A) Cleveland Chiropractic College—Kansas City, MO;

(B) Cleveland Chiropractic College—Los Angeles, CA;

(C) Life Chiropractic College—Marietta, GA;

(D) Life Chiropractic College—West—San Lorenzo, CA;

- (E) Logan College of Chiropractic—Chesterfield, MO;
- (F) Los Angeles College of Chiropractic—Whittier, CA;
- (G) National College of Chiropractic—Lombard, IL;
- (H) New York Chiropractic College—Glen Head, NY;
- (I) Northwestern College of Chiropractic—Bloomington, MN;
- (J) Palmer College of Chiropractic—Davenport, IA;
- (K) Palmer College of Chiropractic—West—Sunnyvale, CA;
- (L) Parker College of Chiropractic—Irving, TX;
- (M) Texas Chiropractic College—Pasadena, TX;
- (N) Western States College of Chiropractic—Portland, OR;
- (O) Canadian Memorial Chiropractic College—Toronto, Ontario, Canada; and
- (P) School of Chiropractic, Phillip Institute of Technology—Bundoora, Victoria, Australia.

AUTHORITY: sections 331.030, RSMo Supp. 1988 and 331.100.2, RSMo 1986. Original rule filed April 8, 1983, effective July 11, 1983. Amended: Filed April 10, 1986, effective July 11, 1986. Rescinded and readopted: Filed April 18, 1989, effective July 13, 1989.*

**Original authority: 331.030, RSMo 1939, amended 1945, 1947, 1949, 1969, 1981, 1988; and 331.100.2, RSMo 1939, amended 1949, 1969, 1980, 1981.*

4 CSR 70-2.050 Examination

PURPOSE: This rule explains examinations given by the State Board of Chiropractic Examiners, documentation required, deadlines, examination results, challenges and transcript language.

(1) All applicants for a certificate of registration shall pass all parts of the written examination administered by the National Board of Chiropractic Examiners (N.B.C.E.), including Parts I, II, III (the Written Clinical Competency Examination) and the elective section on Physical Therapy. Additionally, all applicants shall pass the regional/national practical examination (Part IV) administered by the N.B.C.E., and an examination over the Missouri statutes, rules and regulations. If the board determines that Part IV of the N.B.C.E. examination no longer meets the practical examination requirements under section 331.030.6, RSMo, or if the board determines for any reason that it should administer a practical examination, applicants

shall pass the practical examination administered by the board. The time and location of each examination may be obtained by writing the board's executive director.

(2) No person shall be entitled to take the N.B.C.E. Part IV examination, or the board's practical examination, except graduates of or senior students in board-approved chiropractic colleges. Senior students will not be permitted to sit for the N.B.C.E. Part IV examination, or the board's practical examination, unless that student expects to graduate within six (6) months of the examination date.

(3) For a senior student to be eligible to take the N.B.C.E. Part IV examination, or the board's practical examination, the following documentation is required:

(A) Completed application which has been completed in accordance with the requirements of 4 CSR 70-2.040 and examination or application processing fee;

(B) One (1) original, unretouched, black and white photograph of the applicant taken within the last six (6) months, showing the head and shoulders, front view, not to exceed two inches by two inches (2" x 2"), not a polaroid-type photograph;

(C) Official National Board of Chiropractic Examiners transcripts (Parts I and II); and

(D) A letter from the chiropractic college certifying the student's expected graduation date.

(4) The following documentation should be in the board office prior to licensure:

(A) The official chiropractic college transcript(s); and

(B) Official National Board of Chiropractic Examiners transcripts (Parts I, II, III, IV and the elective on Physiotherapy). A Part IV transcript is not required if the applicant is applying to take a practical examination administered by the board.

(5) Transcripts from foreign countries which are not in English shall have a certified English translation attached.

(6) If the candidate is applying for a practical examination to be administered by the board, the following procedures will apply:

(A) Before the examination, each applicant shall be given an identification number which shall be used during the examination. The candidate shall not be admitted to examination unless s/he is wearing the identification badge assigned to him/her;

(B) All candidates for the board's practical examination, regardless of assigned identification number, shall report to the examina-

tion site at the time designated on the schedule letter;

(C) Applicants may dress casually for the X-ray and jurisprudence examinations. Applicants shall dress professionally for the oral examination;

(D) While examinations are in progress, any applicant detected cheating, attempting to give aid or accepting aid from another shall be excluded from further examination and the applicant's examination papers, if any, rejected;

(E) Any applicant who fails any portion of the board's practical examination three (3) times shall be required to return to an accredited chiropractic college and successfully complete a semester of additional study in the failed subjects; and

(F) If a candidate fails the examination or any portion thereof and subsequently passes an examination in another state, then wishes to obtain a Missouri license by reciprocity, that candidate shall successfully pass the previously failed section(s) of the Missouri board's practical examination or the Special Purposes Examination for Chiropractic (SPEC) which is administered by the National Board of Chiropractic Examiners before a license will be granted.

(7) Requirements for a passing grade are—

(A) The applicant must achieve a composite score of seventy-five percent (75%) on the N.B.C.E. Part IV examination, or score seventy-five percent (75%) in each section of the board's practical examination; and

(B) The applicant will be required to retake only the failed section(s), if any, of the board's practical examination, upon payment of the reexamination fee.

(8) Notification of Examination Results if Taking a Practical Examination Administered by the Board.

(A) An applicant who receives a passing grade will be notified that s/he has passed but will not be advised of the score received.

(B) An applicant who fails to achieve a passing score will be advised of his/her failure and the numerical score.

(9) Examination Review or Challenges to Examination Questions. Any dispute, disagreement, difference of opinion or challenge to any examination question, the method of examination or any other matter concerning any examination administered by the board must be raised, in writing, at the time of the taking of the examination. Once the board's examination has been concluded, any dispute, disagreement, difference of opinion or challenge to the examination in any respect which

was not raised as provided in this rule will be deemed waived and will not be considered by the board.

(10) Retention of Answer Sheets. The board shall retain answer sheets of its practical and jurisprudence examinations on all applicants for a period of one (1) year from the date of an examination.

(11) Those candidates for licensure who have successfully completed the N.B.C.E. Part IV examination, or a practical examination administered by the board, and have not obtained their licenses to practice may do so within three (3) years from the date of the examination.

(A) If the license is not obtained within the three (3)-year period and the applicant has not been practicing chiropractic, the applicant shall be required to return to an accredited chiropractic college for a semester of additional study in the clinical subjects, file the proper application, pass the N.B.C.E. Part IV examination, or the board's practical examination, and pay the required fee(s).

(B) If the license is not obtained within the three (3)-year period and the applicant has been practicing chiropractic in another state, territory or District of Columbia, or in any foreign country, the applicant may file application for license by reciprocity under the provisions of 4 CSR 70-2.070.

AUTHORITY: sections 331.030, RSMo Supp. 1998 and 331.050 and 331.100.2, RSMo 1994. Original rule filed Dec. 17, 1975, effective Dec. 27, 1975. Rescinded and readopted: Filed July 9, 1982, effective Nov. 11, 1982. Amended: Filed April 8, 1983, effective July 11, 1983. Amended: Filed Sept. 12, 1983, effective Jan. 13, 1984. Amended: Filed April 10, 1986, effective July 11, 1986. Amended: Filed Aug. 14, 1986, effective Nov. 13, 1986. Rescinded and readopted: Filed May 15, 1987, effective Aug. 27, 1987. Amended: Filed Aug. 18, 1987, effective Nov. 12, 1987. Amended: Filed March 8, 1988, effective July 28, 1988. Amended: Filed Dec. 1, 1988, effective April 13, 1989. Rescinded and readopted: Filed April 18, 1989, effective July 13, 1989. Amended: Filed April 18, 1990, effective June 30, 1990. Amended: Filed Aug. 14, 1990, effective Dec. 31, 1990. Amended: Filed June 15, 1992, effective Jan. 15, 1993. Amended: Filed Aug. 26, 1993, effective April 9, 1994. Amended: Filed Jan. 24, 1996, effective July 30, 1996. Amended: Filed March 30, 1998, effective Sept. 30, 1998. Amended: Filed Aug. 12, 1999, effective Feb. 29, 2000.*

**Original authority: 331.030, RSMo 1939, amended 1945, 1947, 1949, 1969, 1981, 1988, 1993, 1995, 1997; 331.050, RSMo 1939, amended 1945, 1947, 1969, 1981, 1987; and 331.100.2, RSMo 1939, amended 1949, 1969, 1980, 1981.*

4 CSR 70-2.051 Application for Licensure (Rescinded December 31, 1990)

AUTHORITY: section 331.100.2, RSMo 1986. Original rule filed April 16, 1990, effective June 30, 1990. Rescinded: Filed Aug. 14, 1990, effective Dec. 31, 1990.

4 CSR 70-2.060 Professional Conduct Rules

PURPOSE: This rule explains the professional conduct of licensed chiropractic physicians.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Each licensed chiropractic physician shall notify the board of his/her professional address and immediately shall inform the board's executive director of any change of address.

(2) A chiropractic service may be considered routine for an individual practitioner if it has the following characteristics:

(A) It is performed frequently in the doctor's office;

(B) It is usually provided at a set fee;

(C) It is provided at little or no variance in technique; and

(D) It includes all professionally recognized components within generally accepted standards.

(3) Each licensed chiropractic physician shall inform the board of anyone who may be practicing chiropractic in Missouri without a license.

(4) A chiropractic physician, when presenting him/herself to patients and the public, is directed to determine as far as is reasonably possible and consistent with chiropractic procedures—

(A) The cause(s) of the patient's abnormalities or deformities; and

(B) Whether chiropractic treatments are reasonably likely to improve or assist in improving these abnormalities or deformities.

(5) A licensed chiropractic physician shall not—

(A) Increase charges when a patient utilizes a third-party payment program;

(B) Report incorrect treatment dates for the purpose of obtaining payments;

(C) Report charges for services not rendered; or

(D) Report incorrectly services rendered for the purpose of obtaining greater payment than s/he is entitled to.

(6) Advertisement or Solicitation.

(A) For the purpose of this rule, the terms "advertisement" and "solicitation" shall be defined as follows:

1. Advertisement—any form of public notice, regardless of medium, using a licensee's name, trade name or other professional designation of the licensee or chiropractic firm;

2. Solicitation—any form of request or plea, regardless of medium, used to entice or urge a person to use the services of a licensee or chiropractic firm;

3. A licensee may advertise or solicit through public media, such as a telephone directory, physician's directory, newspaper or other periodical, outdoor billboard, radio, television, or through direct mail advertising or solicitation distributed generally to persons not known to need chiropractic care of the kind provided by the chiropractor, if such advertisement or solicitation is in accordance with this section;

4. A licensee may initiate individual written communications, not involving personal or telephone contact, to persons known or likely to need chiropractic care of the kind provided by the licensee. All such individual written communications to persons known or likely to need chiropractic care of the kind provided by the licensee shall be labeled at the top of the first page with the word "SOLICITATION" and shall contain the following notice:

SOLICITATION. The determination of a need for chiropractic care and the choice of a chiropractor are extremely important decisions and should not be based solely upon advertisements, solicitations or self-proclaimed expertise. This notice is required by the Missouri State Board of Chiropractic Examiners.

5. A licensee may initiate personal contact, including telephone contact, with a person for the purpose of offering to provide chiropractic care subject to the provisions of subsection (6)(D) herein. Any such personal contact, including telephone contact, which is made on behalf of a licensee by any third party or parties, shall be deemed to be contact made directly by the licensee for purposes of compliance with these rules.

(B) Every advertisement or solicitation shall include the following:

1. The name of at least one (1) licensee responsible for its content and any potential violation of section 331.060, RSMo; and

2. The term “chiropractor,” “doctor of chiropractic,” “chiropractic physician,” or “D.C.”

(C) Advertisements and solicitations may contain:

1. The educational background of the licensee;

2. The basis on which fees are determined, including charges for specific services, so long as fees advertised remain effective for a reasonable time;

3. Available credit; and

4. Any other information that is not false, misleading or deceptive.

(D) A licensee shall not initiate an individual written communication under paragraph (6)(A)3. or personal contact, including telephone contact under paragraph (6)(A)5., if the licensee knows or reasonably should know that the physical, emotional, or mental state of the person makes it unlikely that the person would exercise reasonable judgment in employing the services of a chiropractor. A written communication sent and received or a personal contact directed to any person known to have been involved in an accident, if made within thirty (30) days after such accident, is presumed to be written at a time or made at a time when the writer knows or reasonably should know that the physical, emotional, or mental state of the person makes it unlikely that the person would exercise reasonable judgment in employing a chiropractor, unless such written communication or personal contact, including telephone contact, is directed to a close friend, relative or former patient.

(E) An advertisement or solicitation, as defined in this rule, shall not be false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed. False, misleading and/or deceptive shall include, but not be limited to, the following contents or omissions:

1. Any untrue statement;

2. Any matter, or presentation or arrangement of any matter, in a manner or format which is false, misleading or deceptive to the public;

3. Omission of any fact which under the circumstances makes the statement false, misleading or deceptive to the public;

4. Transmission in a manner which involves coercion, intimidation, threats or harassing conduct;

5. An attempt to attract patronage in a manner which castigates, impugns, disparages, discredits or attacks other healing arts and sciences or other chiropractic physicians;

6. Any self-laudatory statements;

7. Transmission to a person who has made known to the licensee a desire not to receive communication from the licensee; or

8. A statement or implication that a licensee is a specialist unless the licensee holds a current certificate as a specialist, issued by the Missouri State Board of Chiropractic Examiners, or unless the advertisement contains a notice that neither Missouri nor the Missouri State Board of Chiropractic Examiners reviews or approves certifying organizations or specialist designations for chiropractic physicians.

(F) The board presumes the following forms of advertising and/or solicitation to be false, misleading and/or deceptive and in violation of subsection (6)(E) of this rule:

1. An advertisement or solicitation which contains guarantees or warranties regarding the result of a licensee’s services;

2. An advertisement or solicitation which contains testimonials about or endorsements of a licensee, unless—

A. The advertisement or solicitation complies with subsection (6)(E) of this rule; and

B. The testimonial or endorsement is made by the person who actually received the services or who has personal knowledge as to the facts stated, excepting however, testimonials and endorsements may be made by paid actors so long as the advertisement or solicitation contains a notice stating that paid actors have been used;

3. An advertisement or solicitation which is transmitted at the scene of an accident or in route to a hospital, emergency care center or other health care facility;

4. Any advertisement or solicitation using the phrase “no out-of-pocket expense,” “we accept what your insurance will pay” or any similar statement prior to the retention of services that a payment made by an insurance carrier or other third party payor with copayment or deductible features will be accepted by the licensee as payment in full, unless the

advertisement shall also contain the following notice:

“This offer is only valid after the applicable insurance carrier or third party payor has been notified of the terms of the offer.”

The licensee will provide written notice disclosing the terms of such offer, agreement or waiver on any billing and/or third party claim.

(G) For the purpose of this rule, all required notices shall be at least ten (10) points in height if the advertisement or solicitation is written or printed and at least eighteen (18) point font if the advertisement or solicitation is made by means of television. Notices may be oral, if the form of advertisement or solicitation will not allow it to be in printed form.

(H) A licensee shall retain for two (2) years a true and correct copy or recording of any advertisement or solicitation made by written or electronic media along with a record of when and where it was used. Upon written request, the licensee shall make the copy or recording available to the board and, if requested, shall provide to the board evidence to support any factual or objective claim contained in the advertisement or solicitation.

(7) Chiropractic Practices Following Death of Chiropractic Physician or When a Chiropractic Physician Moves From City or Sells Practice. A chiropractic office shall not be closed until the board has been provided with information which in the board’s view is sufficient to assure the board that adequate measures have been taken by the licensee or licensee’s heirs to provide for the transfer of patient records, including X-rays, to either the patient or another health-care provider of the patient’s choosing or to assure the board that the patient does not desire the records delivered to him/her or another health-care provider.

(8) Death or Divorce of Licensee. Any person who acquires an interest in a chiropractic office as a result of the death or divorce of the licensee and who is not him/herself a licensee may continue to operate the chiropractic office for a period not to exceed six (6) months; provided, however, that the person must divest all interest in the business by the end of the six (6)-month period and that person shall not have any control over the methods of practice or the professional judgment of any licensee(s) employed by the chiropractic business. Nothing in this rule shall be construed to authorize any person not otherwise licensed under this chapter to engage in the practice of chiropractic in any form.

(9) The licensee should retain patient records for at least five (5) years.

(10) Medical Records to be Released to Patient, When, Exception, Fee Permitted, Amount, Liability of Provider Limited. Failure of the licensee to comply with section 191.227, RSMo shall be considered unprofessional conduct.

(11) Minimal Recordkeeping Standards.

(A) These standards apply to all licensed chiropractic physicians, chiropractic assistants and certified chiropractic technicians. These standards also apply to those examinations advertised at a reduced fee or free (no charge) service.

(B) Adequate patient records shall be legibly maintained. Initial and follow-up services (daily records) shall consist of documentation to justify care. If abbreviations or symbols are used in the daily recordkeeping, a key must be provided.

(C) All patient records shall include patient history, symptomatology, examination, diagnosis, prognosis and treatment.

(D) Provided the board takes disciplinary action against a chiropractic physician for any reason, these minimal clinical standards will apply. It is understood that these procedures are the accepted standard(s) and anything less than this shall be considered unprofessional conduct in the practice of chiropractic.

(12) Nutritional Evaluation.

(A) A nutritional evaluation which is in response to stimulation of the olfactory nerve receptors and those procedures including holding vitamins, minerals, herbs or any food or food product in the hand, laying vitamins, minerals, herbs or any food or food product on or near the skin and touching various areas of the skin, are unproven, could lead to errors in diagnosis and are potentially detrimental to the health of the patient being evaluated and is considered unprofessional conduct in the practice of chiropractic.

(B) Nutritional evaluation shall include history; type of dysfunction; laboratory tests, if necessary; physical diagnosis; and dietary inadequacies. Nutritional evaluation without these procedures is deemed unprofessional conduct.

(C) Nutritional evaluation which is in response to stimulation of the gustatory nerve receptors is not a diagnostic procedure but may be used as an adjunctive procedure when used in conjunction with subsection (11)(B).

(13) Any licensee who performs a chiropractic review under section 376.423, RSMo without having obtained a certification from the board or is not in compliance with 4 CSR

70-4 of the board's rules shall be deemed to have engaged in unprofessional conduct in the practice of chiropractic.

(14) Violation of the Health Care Payment Fraud and Abuse Act, *Missouri Revised Statutes* section 191.900 et seq. or the "anti-kickback" portions of the Medicare/Medicaid anti-fraud and abuse statute, 42 *United States Code* section 1320a-7b[b], by knowingly and willingly offering, paying, soliciting or receiving remuneration in order to induce business reimbursed under the Medicare or state administered health care programs will be considered unprofessional or improper conduct in the practice of chiropractic. Conduct will not be considered a violation of this rule, if the ownership or investment interest in such service meets the requirements of the "safe harbor" provisions of Title 42 *Code of Federal Regulations* part 1001.

AUTHORITY: section 331.100.2, RSMo 1994. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. Amended: Filed April 6, 1978, effective Aug. 11, 1978. Amended: Filed July 5, 1978, effective Oct. 13, 1978. Rescinded and readopted: Filed Dec. 9, 1981, effective April 11, 1982. Rescinded and readopted: Filed July 9, 1982, effective Nov. 11, 1982. Amended: Filed Sept. 12, 1983, effective Jan. 13, 1984. Amended: Filed June 11, 1985, effective Oct. 26, 1985. Rescinded and readopted: Filed April 18, 1989, effective July 13, 1989. Amended: Filed April 18, 1990, effective June 30, 1990. Amended: Filed Aug. 14, 1990, effective Dec. 31, 1990. Amended: Filed March 4, 1991, effective July 8, 1991. Amended: Filed Sept. 17, 1991, effective Feb. 6, 1992. Amended: Filed Dec. 3, 1991, effective April 9, 1992. Amended: Filed Jan. 23, 1992, effective June 25, 1992. Amended: Filed Feb. 4, 1992, effective June 25, 1992. Amended: Filed May 13, 1992, effective Jan. 15, 1993. Amended: Filed June 15, 1992, effective Jan. 15, 1993. Amended: Filed July 22, 1993, effective Jan. 31, 1994. Amended: Filed Dec. 21, 1995, effective June 30, 1996. Amended: Filed Nov. 6, 1996, effective May 30, 1997. Amended: Filed April 29, 1998, effective Nov. 30, 1998.*

**Original authority: 331.100.2, RSMo 1939, amended 1949, 1969, 1980, 1981.*

4 CSR 70-2.065 Public Complaint Handling and Disposition

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints by the board.

(1) The State Board of Chiropractic Examiners shall receive and process each complaint made against any licensee or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of Chapter 331, RSMo. Any member of the public, the profession or any federal, state or local official may make and file a complaint with the board. Complaints may be received from sources outside Missouri and will be processed in the same manner as those originating within Missouri. No member of the State Board of Chiropractic Examiners shall file a complaint with this board while that member holds that office, unless that member excuses him/herself from further board deliberations or activity concerning the matters alleged within that complaint. The executive director or any staff member of the board may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints should be mailed or delivered to the following address: Missouri State Board of Chiropractic Examiners, 3605 Missouri Blvd., P.O. Box 672, Jefferson City, MO 65102-0672. Complaints may be made based upon personal knowledge or upon information and belief, reciting information received from other sources.

(3) All complaints shall be made by affidavit sworn before a notary public or other authorized officer and fully shall identify the affiant by name and address. Complaints may be made on forms provided by the board and available upon request. Oral, telephone or written unsworn communications will not be considered or processed as complaints, but the person making these communications will be provided with a complaint form and requested to complete it and return it to the board in affidavit form. Any member of the administrative staff of the board may make and file a complaint based upon information and belief, in reliance upon oral, telephone or written communications received by the board, unless those communications are believed by that staff member to be false.

(4) Each complaint received under this rule shall be logged in a book maintained by the board for that purpose. The logbook shall contain a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation

whether the complaint resulted in its dismissal by the board or informal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This logbook shall be a closed record of the board.

(5) Each complaint recorded under this rule shall be acknowledged in writing. The acknowledgement shall state that the complaint is being referred to the board for consideration at its next regularly scheduled meeting. The complainant shall be informed in writing as to whether the complaint is being investigated, and later, as to whether the complaint is being dismissed by the board or is being referred to legal counsel for filing with the Administrative Hearing Commission. The complainant shall be notified of the ultimate disposition of the complaint, excluding judicial appeals, and shall be provided with copies of the decisions (if any) of the Administrative Hearing Commission and the board. The provisions of this section shall not apply to complaints filed by staff members of the board based on information and belief, acting in reliance on third-party information received by the board.

(6) The executive committee, composed of the president and secretary, of the board, from time-to-time and as it deems necessary, in consultation with the board's legal counsel and executive director, may direct the board's investigator to investigate any complaint before the complaint has been considered by the board. The executive director shall report any actions to the board.

(7) Both the complaint and any information obtained as a result of the investigation shall be considered a closed record and shall not be available for inspection by the general public. However, a copy of the complaint and any attachments to it shall be provided to any licensee who is the subject of that complaint, or his/her legal counsel, upon written request to the board, by the licensee.

(8) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission charging a licensee with any actionable conduct or violation, whether or not that complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the board and whether or not any public complaint has been filed with the board.

(9) The board interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the board and for those persons

or entities within the legislative and executive branches of government having supervisory or other responsibilities or control over the professional licensing boards. This rule is not deemed to protect, or inure to the benefit of, those licensees or other persons against whom the board has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of Chapter 331, RSMo.

AUTHORITY: section 4.16(6) of the Omnibus State Reorganization Act of 1974, Appendix B and section 331.100.2, RSMo 1986. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Rescinded and readopted: Filed Dec. 9, 1981, effective April 11, 1982. Amended: Filed Oct. 13, 1982, effective Feb. 11, 1983. Amended: Filed Sept. 12, 1983, effective Jan. 13, 1984. Amended: Filed Dec. 7, 1984, effective April 11, 1985. Amended: Filed June 7, 1985, effective Oct. 26, 1985. Amended: Filed Dec. 3, 1990, effective April 29, 1991. Amended: Filed April 1, 1992, effective Sept. 6, 1992.*

**Original authority: 331.100.2, RSMo 1939, amended 1949, 1969, 1980, 1981.*



STATE OF MISSOURI
 BOARD OF CHIROPRACTIC EXAMINERS
UNIFORM COMPLAINT REPORT

RETURN TO ▶ STATE BOARD OF CHIROPRACTIC EXAMINERS
 3605 MISSOURI BLVD
 POST OFFICE BOX 672
 JEFFERSON CITY, MO 65102-0672

USE BLACK INK ONLY

Missouri Statutes 565.060 — False Official Statements Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty may be guilty of a Class B misdemeanor. **TYPE OR PRINT**

YOUR NAME (FIRST MIDDLE, INITIAL, LAST)	TELEPHONE (BUSINESS) ()	TELEPHONE (HOME) ()
ADDRESS (STREET, CITY, STATE, ZIP CODE)		YOUR OCCUPATION
CONTACT (OTHER THAN YOURSELF) NAME (FIRST, MIDDLE, INITIAL, LAST)		TELEPHONE ()

SUBJECT OF COMPLAINT

NAME (OF PERSON AND/OR COMPANY)

ADDRESS (STREET, CITY, STATE, ZIP CODE)

TELEPHONE NUMBER ()	OCCUPATION	LICENSE NO. (IF KNOWN)
-------------------------	------------	------------------------

1. HAVE YOU CONTACTED SUBJECT CONCERNING COMPLAINT? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, GIVE DATE ▶ _____	4. ARE THERE DOCUMENTS ATTACHED? <input type="checkbox"/> YES <input type="checkbox"/> NO
2. HOW LONG HAVE YOU KNOWN PERSON COMPLAINED ABOUT? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, GIVE DATE ▶ _____	5. ARE THERE DOCUMENTS TO FOLLOW? <input type="checkbox"/> YES <input type="checkbox"/> NO
3. ARE THERE DOCUMENTS INVOLVED? <input type="checkbox"/> YES <input type="checkbox"/> NO	6. HAVE YOU CONTACTED AN ATTORNEY? <input type="checkbox"/> YES <input type="checkbox"/> NO
7. HAS A LAWSUIT BEEN FILED? <input type="checkbox"/> YES <input type="checkbox"/> NO	

NAME OF PRIVATE ATTORNEY (IF APPLICABLE)

ADDRESS

TELEPHONE NUMBER
()

WITNESSES - FULL NAME	ADDRESS

GIVE FULL DETAILS OF YOUR COMPLAINT (Include facts, details, dates. Please attach copies of all bills, documents, records, correspondence, and contracts. Use additional sheets if necessary)

MUST BE SIGNED IN PRESENCE OF NOTARY	SIGNATURE OF COMPLAINANT ▶	
	STATE OF	COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF 19	
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES
NOTARY PUBLIC NAME (TYPED OR PRINTED)		USE RUBBER STAMP IN CLEAR AREA BELOW.

FOR OFFICE USE ONLY

COMPLAINT NO	COMPLAINT DATE	TYPE OF COMPLAINT	COMPLAINT ACK	SENT TO ATTORNEY	SENT TO BOARD	REFERRED TO INVEST
REFERRED TO ATTORNEY	REF TO ADM HEARING	DISPOSITION	DISPOSITION DATE	ADVISED OF DISPOSITION	APPEAL DATE	DISPOSITION

MO 419-0975 (5-91) **DISTRIBUTION: WHITE/CANARY-STATE BOARD OF CHIROPRACTIC EXAMINERS PINK-COMPLAINANT**

4 CSR 70-2.066 Post-Board Order Activity

PURPOSE: This rule outlines activities subsequent to disciplinary action against license holders by the State Board of Chiropractic Examiners.

(1) The Missouri State Board of Chiropractic Examiners shall publish or cause to be published all disciplinary actions regarding licenses, including the name of the licensee, the license number, any terms of suspension or probation, or other disciplinary action whether by consent or order, in any professional journal read by licensed chiropractors practicing in Missouri, in any newspaper of general circulation, in any newsletter published by the State Board of Chiropractic Examiners, or in any of these publications.

(2) The Missouri State Board of Chiropractic Examiners shall publicize the terms of a probationary agreement, including the name of the licensee, the license number and a summary of the complaint, in any journal read by licensed chiropractors practicing in Missouri or in any newspaper of general circulation, or in any newsletter published by the board, if the board determines, in its discretion, that this publication is necessary to protect the health and safety of the public.

(3) Any licensee whose license to practice chiropractic has been revoked or suspended shall—

(A) Surrender his/her license to the Missouri State Board of Chiropractic Examiners. When a suspension is ordered, the license shall be held by the Missouri State Board of Chiropractic Examiners for the duration of the suspension;

(B) Refrain from misrepresenting the status of his/her license to practice chiropractic to any patient or to the general public; and

(C) Refrain from maintaining a physical presence in any office organized to practice chiropractic in Missouri during the period of suspension.

(4) Any licensee whose license to practice chiropractic in Missouri has been revoked or suspended for a period of one (1) year or more in length shall—

(A) Notify regular patients of the suspension or revocation by mail within one (1) month after the effective date of the suspension or revocation;

(B) Remove any telephone listings identifying him/her as one licensed to practice chiropractic in Missouri;

(C) Remove his/her name from any sign, door, stationery or advertising material iden-

tifying him/her as one licensed to practice chiropractic in Missouri; and

(D) Refrain from addressing the public in any manner which may suggest that s/he is licensed to practice chiropractic in Missouri.

(5) The Missouri State Board of Chiropractic Examiners may impose any other reasonable and nonarbitrary requirement which, in its discretion, may be necessary to enforce an order of suspension or revocation.

(6) Any violation of a suspension order or a post-order requirement shall constitute grounds for the Missouri State Board of Chiropractic Examiners to impose further suspension or to revoke the licensee's license to practice chiropractic.

(7) Any violation of a probationary agreement shall constitute grounds for the Missouri State Board of Chiropractic Examiners to impose a further period of probation, a period of suspension or to revoke the licensee's license to practice chiropractic, unless the probationary agreement expressly provides otherwise.

(8) When any disciplinary sanctions have been imposed under Chapter 331, RSMo against any licensee, or if at any time the licensee removes him/herself from Missouri, ceases to be licensed currently as provided by Chapter 331, RSMo or fails to keep the Missouri State Board of Chiropractic Examiners advised of his/her current place of business or residence, the time of his/her absence, unlicensed status or unknown whereabouts shall not be considered or taken as part of the time of the discipline so imposed.

AUTHORITY: section 331.100.2, RSMo 1986.* Original rule filed June 11, 1985, effective Oct. 26, 1985. Amended: Filed April 10, 1986, effective July 11, 1986.

*Original authority: 331.100.2, RSMo 1939, amended 1949, 1969, 1980, 1981.

4 CSR 70-2.070 Reciprocity

PURPOSE: This rule states the requirements and procedures for obtaining a license by reciprocity.

(1) A person licensed to practice chiropractic in any other state may be licensed to practice in this state by complying with the provisions of Chapter 331, RSMo and the board's regulations.

(2) Application for licensure by reciprocity shall be made on a form provided by the board and completed in accordance with the requirements of 4 CSR 70-2.040.

(3) Application forms may be obtained by writing the board's executive director at 3605 Missouri Boulevard, P.O. Box 672, Jefferson City, MO 65102-0672. A copy of the applicable statutory provisions and rules governing the practice of chiropractic shall be provided with the application.

(4) The following documentation must be received by the board before a license will be issued:

(A) An original, unretouched, black and white photograph of the applicant taken within the last six (6) months, showing the head and shoulders, front view, not to exceed two inches by two inches (2" x 2");

(B) A completed open-book jurisprudence examination;

(C) Official chiropractic college transcript(s);

(D) Official National Board of Chiropractic Examiners transcript(s), if any;

(E) Satisfactory evidence that the applicant has practiced continuously for at least one (1) year immediately preceding the filing of the application;

(F) Copy of the law and rules of the state from which applicant is reciprocating at the time the applicant was licensed;

(G) Certification of licensure/endorsement, including examinations taken and grades obtained in each examination, from all states in which applicant is or has been licensed; and

(H) Completed application and reciprocity license fee.

(5) Satisfactory evidence that applicant continuously has practiced for at least one (1) year immediately preceding the filing of the application shall be, but is not limited to—

(A) Notarized letters from at least two (2) other chiropractic physicians or health care professionals in the community where applicant has been or is still practicing;

(B) Notarized letters from at least two (2) patients in the community where applicant has been or is still practicing;

(C) Notarized letters from at least two (2) community leaders, clergy or attorneys in the community where applicant has been or is still practicing; or

(D) Copies of Schedule C of the federal income tax return for the past two (2) years.

(6) When a chiropractic physician obtains a Missouri license by reciprocity, the licensee shall submit proof of having obtained the

required postgraduate education hours prior to the first renewal period.

(7) Applicants for licensure by reciprocity shall submit the completed open-book jurisprudence examination with the application. This should be completed in black ink or typewritten.

(8) When applicant is seeking Missouri licensure by reciprocity and the state from which applicant is seeking to reciprocate does not allow equivalent reciprocal licensing of Missouri licensees, or if that state's requirements for securing a chiropractic license are not equivalent to the requirements of this state for licensure, the board may, in its discretion, require the applicant to successfully complete the Special Purposes Examination for Chiropractic (SPEC) administered by the National Board of Chiropractic Examiners.

AUTHORITY: sections 331.030, RSMo Supp. 1998 and 331.100.2, RSMo 1994. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. Rescinded and readopted: Filed July 9, 1982, effective Nov. 11, 1982. Amended: Filed Sept. 12, 1983, effective Jan. 13, 1984. Amended: Filed March 8, 1984, effective July 12, 1984. Amended: Filed Aug. 14, 1986, effective Nov. 13, 1986. Rescinded and readopted: Filed April 18, 1989, effective July 13, 1989. Amended: Filed April 18, 1990, effective June 30, 1990. Amended: Filed Aug. 13, 1990, effective Dec. 31, 1990. Amended: Filed Dec. 3, 1991, effective April 9, 1992. Amended: Filed March 30, 1998, effective Sept. 30, 1998. Amended: Filed Aug. 12, 1999, effective Feb. 29, 2000.*

**Original authority: 331.030, RSMo 1939, amended 1945, 1947, 1949, 1969, 1981, 1988, 1993, 1995, 1997 and 331.100.2, RSMo 1939, amended 1949, 1969, 1980, 1981.*

4 CSR 70-2.071 Transitional Renewal Fee (Rescinded January 12, 1984)

AUTHORITY: sections 331.070 and 620.101.105(2), RSMo Supp. 1981. Original rule filed Feb. 9, 1982, effective May 13, 1982. Rescinded: Filed Sept. 12, 1983, effective Jan. 12, 1984.

4 CSR 70-2.080 Annual License Renewal

PURPOSE: This rule clarifies license renewal requirements.

(1) Any person in full- or part-time practice of chiropractic annually shall renew that license. Annual renewal, by statute, is contin-

gent upon the licensee having completed the mandatory hours of postgraduate study (continuing education) successfully.

(2) To renew a chiropractic license in 1998 and each year after that, the required number of continuing education hours shall be twenty-four (24)—with four (4) hours in diagnostic imaging, four (4) hours in differential or physical diagnosis, or both, and four (4) hours in emergency procedures or boundary training, or both, and every three (3) years this four (4) hours shall be in Human Immunodeficiency Virus (HIV) or infectious diseases and twelve (12) hours of the doctor's choice.

(3) Every currently licensed chiropractic physician shall obtain, during each continuing education reporting period, the required number of continuing education hours (herein "C.E. credits") in the appropriate categories noted in section (2) of this rule.

(4) At least twelve (12) of the twenty-four (24) C.E. credits required for renewal of a license beginning in 1998 and each year after that must be credit hours earned by attending formal continuing education programs which meet the requirements of 4 CSR 70-2.081(1). The twelve (12) C.E. credits earned by attending formal continuing education programs shall be four (4) hours credit in diagnostic imaging; four (4) hours in differential or physical diagnosis, or both; and four (4) hours in boundary training or emergency procedures, or both. Beginning in the year 2000 and every third year thereafter, the four (4) hours of continuing education in boundary training or emergency procedures must be replaced with training in HIV or other infectious diseases. No more than twelve (12) C.E. credits can be earned during each reporting period through other continuing education experiences, and nothing herein shall be construed to require that licensees obtain any portion of their C.E. credits through such other continuing education experiences. Other continuing education experiences shall be categorized as general studies unless preapproved by the board and meets the requirements of section 331.050.1, RSMo and board rule 4 CSR 70-2.081(2). The board defines other continuing education experiences as follows:

(A) Meetings. Registered attendance at relevant professional meetings which include, but are not limited to, national, regional, state and local professional association meetings and open meetings of the State Board of Chiropractic Examiners. To earn C.E. credits in this category, roll call must be taken and recorded in the official minutes of the meeting. A maximum of six (6) C.E. credit hours

are allowable in this category during each continuing education reporting period but no more than two (2) C.E. credits shall be earned per meeting. If the meeting is less than two (2) hours in duration, C.E. credits will be granted for actual attendance time but in increments of not less than one (1) hour. If the meeting has a duration of ninety (90) minutes, C.E. credits may be granted for one and one-half (1.5) hours;

(B) Publications. Books and/or articles published by licensee in professional books, national or international journals, or periodicals. A maximum of six (6) C.E. credits are allowable in this category during each continuing education reporting period. Publications must be relevant to chiropractic to qualify for C.E. credits under this rule;

(C) Presentations. Chiropractic physicians teaching an approved postgraduate course may receive C.E. credits for teaching the course providing the instructor's name was submitted with the course content when requesting approval of the course;

(D) Home Study. Self-study of professional material including relevant books, journals, periodicals, videos, tapes, and other materials and preparation of relevant lectures and talks to public groups. C.E. credits will be granted at the rate of one (1) hour for reading a national or international journal or periodical and four (4) hours for reading a book. To qualify for C.E. credits under this category, the journal, periodical or book must be related to the clinical practice of chiropractic; and

(E) Individual Study. Relevant chiropractic courses subscribed via the internet or by other electronic means. Individual study may also be classified as formal continuing education if the program is approved by the board in advance and meets the requirements of 4 CSR 70-2.081(1) and (2).

(5) The continuing education reporting period shall begin each year on January 1 and end on December 31. C.E. credits earned after December 31 shall apply to the next reporting cycle unless the licensee pays the continuing education penalty fee. Payment of the continuing education penalty fee will entitle a licensee to earn C.E. credits after December 31 but by no later than the following February 28. A renewal license will not be issued until all renewal requirements have been met. If the licensee pays the continuing education penalty fee for C.E. credits earned late, those hours shall not be applied to the next reporting cycle. A licensee who has failed to obtain and report, in a timely fashion, the requisite number of C.E. credits shall not engage in the practice of chiropractic unless an extension is obtained pursuant to section (8) of this rule.

(6) For the license renewal due on December 31, 1998, and each subsequent renewal thereafter, the licensee shall report the number of C.E. credits earned during the continuing education reporting period on a continuing education report form provided by the board. The continuing education report form shall be mailed, or faxed, directly to the board office on or before December 31 of each year, or as soon thereafter as possible but by no later than the end of the renewal period (February 28). The licensee shall not submit the actual record of C.E. attendance to the board except in the case of a board audit.

(7) Each licensee shall maintain full and complete records of all C.E. credits earned for the two (2) previous reporting periods in addition to the current reporting period. Formal C.E. credit hours shall be documented by the sponsor of the approved continuing education program and provided to the licensee within thirty (30) days from the date of the program. The licensee is responsible for maintaining that record of attendance as set forth in 4 CSR 70-2.081(6). C.E. credits earned through other continuing education experiences shall be documented by the licensee and such documentation shall contain, at a minimum, the number of hours earned and these hours shall be separated in the various categories defined in section (4) of this rule. The board may conduct an audit of licensees to verify compliance with the continuing education requirement. Licensees shall assist the board in its audit by providing timely and complete responses to the board's inquiries. A response is considered timely if received in the board office within thirty (30) days of a written request by the board for such information.

(8) A licensee who cannot complete the requisite number of C.E. credits because of personal illness, military service or other circumstances beyond the licensee's control which the board deems to be sufficient to impose an insurmountable hardship may apply for an extension of time to complete the continuing education requirements. Any extension of time to complete the continuing education requirements will be granted solely in the discretion of the board. The licensee must make a written application for extension of time prior to the December 31 deadline for completion of the continuing education requirement. The licensee shall provide full and complete written documentation of the grounds supporting the reasons for which an extension is sought. A licensee who requests an extension of time to complete the requisite hours of continuing education shall not engage in the active practice of chiropractic until the board grants the

licensee's request for extension and the licensee receives express written authorization to do so.

(9) The board shall not grant C.E. credit to any licensee for attending a continuing education course if the licensee attended a subsequent course on the same subject matter during the same continuing education reporting period.

(10) Chiropractic physicians holding a Missouri license, but not practicing in Missouri, may use the approved continuing education hours required of the state in which they practice for license renewal, without prior approval, provided that the continuing education requirement is met and provided that the continuing education falls within the definition set forth in 4 CSR 70-2.081. If the state in which the chiropractic physician is practicing does not have continuing education requirements for renewal or relicensure, the out-of-state chiropractic physician must earn the requisite number of continuing education hours required in Missouri and the hours shall be approved by the Missouri board or offered by a college of chiropractic accredited by the Council on Chiropractic Education (CCE).

(11) Retired and Totally Disabled Licensees.

(A) Doctors of chiropractic who are age sixty-two (62) or older or who are totally disabled, as certified by their attending physician, on the renewal date and who have retired from the active practice of chiropractic and are not practicing chiropractic or engaging in activity which constitutes the practice of chiropractic, may apply to the board for waiver of the continuing education requirements and renewal of their licenses at a reduced fee. The application must be made on the form provided by the board and must be accompanied by the affidavit(s), also provided by the board.

(B) Any renewal certificate or license issued by the board in accordance with this rule will be stamped with the words "RETIRED. NOT VALID FOR ACTIVE PRACTICE."

(C) Any licensee who receives a renewal certificate or license in accordance with this rule who then desires to practice chiropractic or engage in activity which constitutes the practice of chiropractic must submit evidence of having earned the requisite number of C.E. credits approved by the board during the twelve (12) months immediately preceding the request for an active license. Provided, however, that any licensee whose license has not been active for three (3) or more years must return to an accredited chiropractic col-

lege for a semester of additional study and pass a practical examination approved by the board.

(D) When a licensee whose license has been placed on retired or total disability status desires to obtain an active license and has already paid the reduced fee for the license renewal, the licensee will be required to pay the difference between the reduced fee and the renewal fee to have an active license until the next renewal period.

(12) In order for the board to consider waiving the continuing education requirement for license renewal, all requests for waivers due to illness must be accompanied by a written statement from a practitioner of the healing arts stating the diagnosis, prognosis and length of time the chiropractic physician will be unable to practice or attend an educational program. Waivers due to illness may be granted only to a licensee who has suffered a personal illness or personal disability of a nature as to prevent him/her from engaging in the active practice of chiropractic for at least the majority of the continuing education reporting period.

(13) Reactivations of Licenses of Missouri Residents.

(A) An application for license renewal, received from a Missouri resident in the board office less than three (3) years after the renewal deadline, will be reactivated upon payment of the reactivation and renewal fees, a statement of why s/he failed to renew his/her license and proof of having met the continuing education requirements during the preceding twelve (12)-month period.

(B) An application for license renewal from a Missouri resident received in the board office more than three (3) years after the renewal deadline will be reactivated after the applicant has returned to an accredited chiropractic college for a semester of additional study in the clinical subjects, passed a practical examination approved by the board, and upon the payment of the reactivation and renewal fees.

(14) Reactivations of Licenses of Nonresidents.

(A) An application for license renewal received from a nonresident in the board office less than three (3) years after the renewal deadline will be reactivated upon the payment of the reactivation and renewal fees, a statement of why s/he failed to renew his/her license and proof of having met the continuing education requirements during the preceding twelve (12)-month period.