

The Ohio State
Chiropractic Board's

Fall Newsletter



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Public Member

ADMINISTRATIVE RULES CHANGES

Included in this Newsletter is public notice of rules that the Board proposes to adopt, amend or rescind. The Board proposes these changes to enhance public protection as well as the practice of chiropractic in the state of Ohio. Rules changes directly affect YOU. If you have comments about the proposed rules you may attend the hearing to present your testimony or send written testimony to the Board office. This public hearing is your opportunity to be heard and to provide input!

To review the proposed changes, please visit our website or contact the Board office to request a printed copy.

You Can Waive or Reduce Copayments and Deductibles – Right?

WRONG! YOU ARE PROHIBITED BY LAW TO WAIVE OR REDUCE COPAYMENTS AND DEDUCTIBLES – unless the health benefit plan expressly allows a practice of that nature. If they do, waiver or reductions of deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator and you must have documentation of such consent.

The only exception to this prohibition is if your patient is an Ohio licensed chiropractic physician. Many licensees believe that they can reduce or waive these required payments based on a “hardship.” This is not true. Nowhere in the Chiropractic Practice Act is there any provision to offer “hardship waivers.”

The Board is experiencing an increase in the number of complaints of doctors waiving or reducing copayments and/or deductibles. If you are waiving or reducing copayments and/or deductibles you are putting your license in jeopardy of disciplinary action.

Pay Your Renewal Fees via Credit Card

We are pleased to continue to offer the option of paying license renewal fees via Visa or Mastercard.

Remember – if you pay via credit card you do not have to rely on the US Post Office to deliver your renewal application. The Board can accept your application via facsimile or email if you pay via credit card.

Last year over 25% of our licensees paid their renewal fee with a credit card.

Welcome New Board Member!

On May 13, 2008, Don T. Shaffer, D.C. of Englewood was appointed to the Board by Governor Strickland. Dr. Shaffer fills the position left vacant after the death of former Board member Dr. Earl Wiley of Cincinnati.



If you do not wish to attend the hearing – you may provide your testimony to the Board in writing. Written testimony will be accepted until 11:00 a.m. on December 11, 2008.



Notice of Public Rules Hearing

A public hearing will be held on December 11, 2008 at 11:00 a.m. in the Vern Riffe Center for Government and the Arts, 77 South High Street; 19th Floor, Room 1960, Columbus, Ohio for the purpose of adopting new administrative rules and amending and rescinding certain existing administrative rules. The hearing will be recorded at the expense of the Board.

Any person affected by the new proposed rules or any proposed rule amendment or rescission may:

- Appear and be heard in person, by the person's attorney, or both at the hearing on December 11, 2008;
- Present their positions, arguments, or contentions, orally or in writing;
- Offer and examine witnesses;
- Present evidence tending to show that the proposed rules, amendments, or rescissions, if adopted or effectuated, would be unreasonable or unlawful.

The Board will also permit persons affected by the new proposed rules or any proposed rule amendment or rescission to present their positions, arguments, or contentions in writing.

Written testimony must be received by December 11, 2008 by 11:00 a.m. to be included in the hearing record. You are not required to appear at the hearing if you choose to present your position, arguments or contentions in writing.

Upon closure of the hearing record, the Board will thoroughly review and consider all testimony. The Board may make changes to a rule based on testimony received. If the Board refiles a rule, a second public hearing notice is not required unless the change in the rule makes the rule inconsistent with the public hearing notice provided with the original rule filing.

Prior to the effective date of a new rule or amendment or rescission, the Board will make a reasonable effort to inform those affected by the rule or amendment. The method of notification will include posting the full text of the rules as adopted or amended on the Board's web site and by sending notification to all current licensees via regular mail. Any person or his or her attorney who provided evidence, oral testimony, and/or a written statement which was made part of the record of the public hearing will also receive notification by regular mail.

A synopsis of the new proposed rules and proposed rule amendments and rescissions are listed as follows. For detailed information on all changes, the full text of each rule is posted on the Board's website at www.chirobd.ohio.gov. Click on the link "Proposed New Rules and Rules Amendments and Rescissions." You may also contact the Board office for a full copy of the proposed new rules and rules amendments and rescissions.

Proposed New Rules

4734-6-08 Pre-Chiropractic Educational Requirements

Outlines the pre-professional education required of applicants for licensure.

4734-9-02 Advertising and Solicitation

Defines advertising and solicitation; requires disclaimer and disclosure for discounted goods or services; requires visual advertisements and solicitations to include chiropractic; chiropractor, doctor of chiropractic or chiropractic physician in at least 10 point font or its equivalent; reiterates the prohibition of waivers or reductions of copayments and deductibles as outlined in RC 4734.31; requires written solicitations to state "This is an advertisement. Your name and information were acquired from public documents. You

are under no obligation to respond to this information.” Requires telemarketers who leave recorded messages to comply with the provisions of the rule; requires telemarketers to advise prospects how their name and information were acquired and that they are under no obligation to respond to an offer made during the solicitation; prohibits telemarketers from contacting minors under the age of 18; prohibits offering cash, gift cards, tickets, dinners, prizes, coupons, free gifts, or items of similar value to patients or potential patients as an inducement to enter into or to continue care.

4734-10-06 Application and Requirements for Approval of Acupuncture Continuing Education Programs

Outlines the requirements to apply for Board-approval of acupuncture continuing education programs.

Proposed Rules Amendments

4734-1-02 Public Notice of Meetings

Removes the requirement that an annual meeting be held in September of each year.

4734-1-07 Committees and Advisory Groups

Removes language that committee and advisory group members are to be reimbursed for travel expenses since committee and advisory group members are not permitted by law to be reimbursed for such expenses.

4734-6-01 Application for Licensure

Implements the procedure for background checks in accordance with new law that went into effect March 28, 2008 and removes the requirement that applicants submit high school and undergraduate transcripts.

4734-6-02 Licensure by Endorsement

Implements the procedure for background checks in accordance with new law that went into effect March 28, 2008 and removes the requirement that applicants submit

high school and undergraduate transcripts.

4734-6-04 Preceptorships

To require that the preceptor maintain logbook records instead of the intern.

4734-8-04 Documentation and Record Keeping

Requires licensees who close their practice and the legal representative of licensees who die or become incapacitated to comply with the Board's Terminating the Doctor-Patient Relationship Rule (OAC Section 4734-8-07).

4734-8-07 Terminating the Doctor-Patient Relationship

Clarifies that it is the responsibility of the employing chiropractic physician to comply with the provisions of the rule.

4734-9-07 Billing Practices

Reiterates the prohibition of waivers or reductions of copayments and deductibles as outlined in RC 4734.31; prohibits offering any item of value to any individual for a patient referral, unless the referring individual is a patient of the chiropractic physician to whom the referral is made; prohibits offering cash, gift cards, tickets, dinners, prizes, coupons, free gifts, or items of similar value to patients or potential patients as an inducement to enter into or to continue care.

Proposed Rules Rescissions

4734-5-05 Renewing Approval of Chiropractic Educational Institutions or Programs

Removes the requirement that Board-approved chiropractic colleges apply for renewal of Board approval.

4734-6-08 Pre-Chiropractic Educational Requirements

Delete current rule and replace with new rule. See new proposed rule under “Proposed New Rules.”

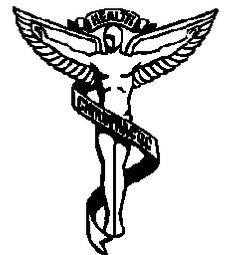
4734-9-02 Advertising and Solicitation

Delete current rule and replace with new rule. See new proposed rule under “Proposed New Rules.”

Get Involved!

On occasion the Board receives feedback from licensees regarding issues that are not within the Board's purview of public protection – such as insurance issues and IME complaints. To effectively address these issues, the Board encourages you to become a member of an organization that promotes and protects the chiropractic profession to deal with such concerns.

It is also important to establish a relationship with your State Senator and State Representative to keep them educated on issues that affect you and the chiropractic profession.



2009 Meeting/Exam Dates

January 29
 February 26*
 April 23
 June 11*
 August 27*
 October 22*
 December 3

*Jurisprudence Exam



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www.chirobd.ohio.gov



FY' 2008 Disciplinary Actions

Below is a synopsis of the Board's disciplinary actions for fiscal year 2008.

Conduct: Doctor admitted that he had a relationship with a patient that impaired his professional judgment and engaged in discussions of an intimate sexual nature with the patient that were not related to her legitimate needs. **Discipline:** Thirty days stayed suspension; 12 hours of CE in the topic of ethics and boundaries; take and successfully pass the NBCE Ethics and Boundaries Examination.

Conduct: Doctor convicted of one felony count of Workers' Compensation Fraud and one felony count of Forgery. **Discipline:** Two months active suspension; 12 hours of CE in the topic of documentation; two years probation.

Conduct: The doctor committed false, fraudulent, deceptive or misleading solicitation; failed to include chiropractic, chiropractor, doctor of chiropractic, chiropractic physician or the initials D.C. with his name; failed to include a disclaimer for gratuitous services offered; used the name of an office not registered with the Secretary of State; engaged in an ongoing professional relationship with a person who violated the Board's laws and rules. **Discipline:** Fifteen days active suspension; \$2,000 fine; doctor prohibited from employing telemarketer who made the solicitation call; all telemarketing calls to be recorded for one year.

Conduct: Doctor convicted of four felony counts of Rape and two felony counts of Gross Sexual Imposition.

Discipline: Permanent Revocation.

The Board refused license reinstatement and disciplined one former licensee based on the following:

Conduct: The doctor made false, fraudulent, or deceitful statements to the Board on his Application for

Reinstatement and his 2004 through 1994 license renewal applications; did not possess the character and fitness to practice chiropractic; and unable to practice chiropractic according to acceptable and prevailing standards of care by reason of mental illness and chemical dependency. **Discipline:** Reinstatement refused; license revoked for no less than five years; \$2,500 fine. This case is currently being appealed at the Franklin County Court of Common Pleas.

Social Networking Websites



By now most of you have probably heard of news stories of professionals who have been in the media spotlight for inappropriate language, images, or messages on social networking websites such as Facebook or MySpace. While your right to free speech certainly allows you to post the content of your choice on such pages, your patients and colleagues may also view the language, images, and messages you post. Remember - inappropriate content can be instantaneously shared and could result in irreparable damage to your professional image.

Do You Use Telemarketers?

The Board has no authority over individuals you employ to telemarket on your behalf. YOU are responsible for what is said during telephone solicitations. Nearly all complaints received by the Board regarding telemarketing allege that the telemarketer misled the patient during the solicitation. *During the past year the Board disciplined a licensee based on his telemarketer's contact with a prospective patient.* The licensee was ordered to serve an active fifteen day suspension, pay a \$2000 fine and tape record all telephone solicitations for one year – based solely on the actions of his telemarketer. Do not let your telemarketer put your license at risk!