

STATE OF CALIFORNIA
Arnold Schwarzenegger, Governor

BOARD OF CHIROPRACTIC EXAMINERS



Rules and Regulations

**Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833-2931**

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These regulations are contained in Title 16 of the California Code of Regulations, Division 4, beginning at Section 301. While every effort is made to assure that the information on this Web site is current, always refer to the [California Code of Regulations](#) to guarantee the most current information.

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Article 1. General Provisions

§301. Tenses, Gender and Number.

For the purpose of the rules and regulations contained in this chapter, the present tense includes the past and future tenses, and the future, the present; the masculine gender includes the feminine, and the feminine, the masculine; and the singular includes the plural, and the plural, the singular.

§302. Practice of Chiropractic.

(a) Scope of Practice.

(1) A duly licensed chiropractor may manipulate and adjust the spinal column and other joints of the human body and in the process thereof a chiropractor may manipulate the muscle and connective tissue related thereto.

(2) As part of a course of chiropractic treatment, a duly licensed chiropractor may use all necessary mechanical, hygienic, and sanitary measures incident to the care of the body, including, but not limited to, air, cold, diet, exercise, heat, light, massage, physical culture, rest, ultrasound, water, and physical therapy techniques in the course of chiropractic manipulations and/or adjustments.

(3) Other than as explicitly set forth in section 10(b) of the Act, a duly licensed chiropractor may treat any condition, disease, or injury in any patient, including a pregnant woman, and may diagnose, so long as such treatment or diagnosis is done in a manner consistent with chiropractic methods and techniques and so long as such methods and treatment do not constitute the practice of medicine by exceeding the legal scope of chiropractic practice as set forth in this section.

(4) A chiropractic license issued in the State of California does not authorize the holder thereof:

(A) to practice surgery or to sever or penetrate tissues of human beings, including, but not limited to severing the umbilical cord;

(B) to deliver a human child or practice obstetrics;

(C) to practice dentistry;

(D) to practice optometry;

(E) to use any drug or medicine included in materia medica;

(F) to use a lithotripter;

(G) to use ultrasound on a fetus for either diagnostic or treatment purposes; or

(H) to perform a mammography.

(5) A duly licensed chiropractor may employ the use of vitamins, food supplements, foods for special dietary use, or proprietary medicines, if the above substances are also included in section 4057 of the Business and Professions Code, so long as such substances are not included in materia medica as defined in section 13 of the Business and Professions Code.

The use of such substances by a licensed chiropractor in the treatment of illness or injury must be within the scope of the practice of chiropractic as defined in section 7 of the Act.

(6) Except as specifically provided in section 302(a)(4), a duly licensed chiropractor may make use of X-ray and thermography equipment for the purposes of diagnosis but not for the purposes of treatment. A duly licensed chiropractor may make use of diagnostic ultrasound equipment for the purposes of neuromuscular skeletal diagnosis.

(7) A duly licensed chiropractor may only practice or attempt to practice or hold himself or herself out as practicing a system of chiropractic. A duly licensed chiropractor may also advertise the use of the modalities authorized by this section as a part of a course of chiropractic treatment, but is not required to use all of the diagnostic and treatment modalities set forth in this section. A chiropractor may not hold himself or herself out as being licensed as anything other than a chiropractor or as holding any other healing arts license or as practicing physical therapy or use the term “physical therapy” in advertising unless he or she holds another such license.

(b) Definitions.

(1) Board. The term “board” means the State Board of Chiropractic Examiners.

(2) Act. The term “act” means the Chiropractic Initiative Act of California as amended.

NOTE: The Chiropractic Initiative Act of California is listed in West's Annotated California Codes following section 1000 of the Business and Professions Code, and in Deering's California Codes Annotated as an appendix to the Business and Professions Code.

(3) Duly licensed chiropractor. The term “duly licensed chiropractor” means any chiropractor in the State of California holding an unrevoked certificate to practice chiropractic, as that term is defined in section 7 of the Act, that has been issued by the board.

§303. Filing of Addresses.

Each person holding a license to practice chiropractic in the State of California under any and all laws administered by the board shall file his proper and current place of practice address of his principal office and, where appropriate, each and every sub-office, with the board at its office in Sacramento and shall immediately notify the board at its said office of any and all changes of place of practice address, giving both his old and his new address within 30 days of change.

§304. Discipline by Another State.

The revocation, suspension, or other discipline by another state of a license or certificate to practice chiropractic, or any other health care profession for which a license or certificate is required, shall constitute grounds for disciplinary action against a chiropractic licensee or grounds for the denial of chiropractic licensure of an applicant in this state.

§305. Procedure in Disciplinary Proceedings.

All proceedings relating to the refusal to grant, suspension or revocation of a license to practice chiropractic, or for the reissuance or reinstatement of a license which has been suspended or revoked, or for the disciplining of licensees in any manner, shall be conducted in accordance with the provisions of Section 11500 et seq. of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

§306. Delegation of Certain Functions.

The power and discretion of the board to receive and file accusations; issue notices of hearing, statements to respondent, statements of issues, subpoenas, and subpoenas duces tecum; receive and file notices of defense; set and calendar cases for hearing; certify and deliver or mail copies of decisions; and perform other functions necessary to expedite the business of the board in connection with the conduct of the proceedings mentioned in Section 305 hereof in accordance with the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, are hereby delegated to the Executive Officer.

§306.2. Persons Not Employees Hired Under Contract with the Board.

If a person, not a regular employee of the board, is hired or is under contract to provide expertise or to perform investigations for the Board of Chiropractic Examiners in the evaluation of the conduct of a licensee or administration of a board examination, and such person is named as a defendant in a civil action directly resulting from opinions rendered, statements made, investigations conducted or testimony given, the board shall provide for representation required to defend the defendant in that civil action. The board shall not be liable for any judgment rendered against that person. The Attorney General shall be utilized in those civil actions.

§306.3. Investigators; Authority to Inspect Premises.

The board or its designee may inspect the physical premises of any chiropractic office during regular business hours.

§307. Refund of Fees.

The board is not authorized or permitted by law to return any portion of the license application fee of a qualified applicant.

§308. Display of License.

(a) Each person holding a license shall display a current active license in a conspicuous place in the licensee's principal office or primary place of practice.

(b) Any licensed Doctor of Chiropractic with more than one place of practice shall obtain from the Board a Satellite Office Certificate for each additional place of practice. Said certificate must be renewed annually.

(c) A licensed Doctor of Chiropractic must display in a conspicuous place a current active Satellite Office Certificate at the office for which it was issued.

No licensed Doctor of Chiropractic shall display any chiropractic license, certificate or registration, which is not currently active and valid.

Article 2. Practice of Chiropractic

§310. Change of Name.

Any licensee who shall change his name according to the law, shall, within 10 days of such change, reregister his name with the Executive Officer of the board by submitting to the board office a written statement of the change and evidence of legal documentation.

§310.1. Replacement License.

Any licensee shall be entitled to a replacement license if his original license is lost, stolen or mangled, or upon written request and legal documentation of name change. Each request for a replacement license must be accompanied by a nonrefundable fee of \$25.00, and signed written statement as to the circumstances of loss of said license, or the return to the board office of the mangled license.

§310.2. Use of Title by Unlicensed Persons.

No person shall engage in the practice of chiropractic, as defined in Section 302, without holding a license which is in an active status, issued by the Board. Any person who advertises or promotes, in any manner, the words “doctor” or “chiropractor”, the letters, prefixes or suffixes “Dr.” or “D.C.”, or any other word, title or letters indicating or implying that he or she is engaged in the practice of chiropractic, or who represents or holds himself or herself out as a doctor of chiropractic without having, at the time of so doing, a valid, unrevoked, or unsurrendered license, is in violation of the Chiropractic Initiative Act.

§311. Advertisements.

Constructive educational publicity is encouraged, but the use by any licensee of advertising which contains misstatements, falsehoods, misrepresentations, distorted, sensational or fabulous statements, or which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons, constitutes grounds for the imposition of any of the following disciplinary penalties:

- (a) Suspension of said licensee's right to practice in this State for a period not exceeding one (1) year.
- (b) Placing said licensee upon probation.
- (c) Taking such other action, excepting the revocation of said licensee's license, in relation to disciplining said licensee as the board in its discretion may deem proper.

§311.1. Chiropractic Specialties.

For purposes of the Department of Industrial Relations' Qualified Medical Evaluator Eligibility regulations (Division of Workers' Compensation, Title 8, California Code of Regulations, Section 12), the board recognizes only those specialty boards that are recognized by the American Chiropractic Association or the International Chiropractors Association.

§312. Illegal Practice.

Unlicensed individuals are not permitted to diagnose, analyze, or perform a chiropractic adjustment. An “unlicensed individual” is defined as any person, including a student or graduate of a chiropractic institution, who does not hold a valid California chiropractic license. An exemption is hereby created for student doctors participating in board approved preceptorship programs.

The permitted activities of unlicensed individuals are as follows:

(a) Unlicensed individuals may take the history of a patient. However, this activity is separate from the consultation which at all times must be conducted by the licensed doctor.

(b) Unlicensed individuals may conduct standard neurological, orthopedic, physical and chiropractic examinations, except they may not perform such examinations which require diagnostic or analytic interpretations nor may they render a conclusion either verbally or in writing regarding the patient's physical condition. As an example, unlicensed individuals may not perform evaluations of heart or lung soundings. Such individuals shall be at all times under the immediate and direct supervision of a licensed Doctor of Chiropractic.

“Immediate and direct supervision” means the licensed Doctor of Chiropractic shall be at all times on the premises where the examinations are being conducted. The licensed Doctor of Chiropractic shall be responsible for the verification of the recorded findings and will be solely responsible for rendering a conclusion based on the findings.

(c) Unlicensed individuals may administer physical therapy treatments as an adjunct to chiropractic adjustment, provided the physical therapy treatment is conducted under the adequate supervision of a licensed Doctor of Chiropractic.

Adequate supervision shall include all of the following:

(1) The doctor shall be present in the same chiropractic facility with the unlicensed individual at least fifty percent of any work week or portion thereof the said individual is on duty unless this requirement has been waived by the board. The doctor shall be readily available to the said individual at all other times for advice, assistance and instruction.

(2) The doctor shall initially examine and prepare a written treatment program for a patient prior to the providing of physical therapy treatment by the unlicensed individual.

(3) The doctor shall provide periodic reevaluation of the treatment program and of the individual's performance in relation to the patient. “Periodic reevaluation” shall mean at least once every thirty days the patient is under active care.

(4) The doctor shall perform and record an evaluation of the patient and his or her response to treatment at the termination thereof.

(d) Unlicensed individuals may mark X-ray films administered by a Doctor of Chiropractic. “Marking X-rays” is defined as drawing and measuring between reference points and making angular and linear measurements. Unlicensed individuals are not permitted to make any diagnostic conclusions or chiropractic analytical listings, and the licensed doctor is responsible for any pathological entities covered or obstructed by the markings.

(e) Unlicensed individuals may not administer X-rays unless they hold a valid X-ray technician certificate from the Department of Health Services, or participate under the direct supervision of a licensed Doctor of Chiropractic in a training program approved by that department and set forth in Section 25668.1 of the California Health and Safety Code. This prohibition, set forth in Section 30403 of Title 17 of the California Administrative Code includes the following activities:

(1) Positioning of patient;

(2) Setting up of X-ray machines;

(3) Pushing a button;

(4) Developing of films. The Department of Health Services has determined that unlicensed individuals may develop X-ray film if that is their sole radiologic responsibility.

Unlicensed individuals who exceed the permitted scope of practice set forth in this regulation shall be in violation of Section 15 of the Chiropractic Act and shall be prohibited from applying for a California chiropractic license for such time as may be determined by the board. Student doctors participating in board approved preceptorship programs are not to be considered “unlicensed individuals” when working in said program.

§312.1. Ownership of a Chiropractic Practice.

No unlicensed individual may own a chiropractic practice regardless of the form in which the practice is established (individual ownership, partnership, corporation, etc.). This does not preclude a layperson from owning the facilities in which the practice is conducted, and the equipment provided. It does prohibit a layperson from being in a position of making and/or influencing decisions relating to diagnosis, or treatment of patients which are matters requiring chiropractic licensure.

§312.2. Ownership of Practice upon the Death or Incapacity of a Licensee.

In the event of the death of a chiropractic licensee, or the legal declaration of the mental incompetency of the licensee to practice, the unlicensed heirs or trustees of the chiropractor must dispose of the practice within six (6) months. At all times during that period the practice must be supervised by a licensed chiropractor. The board will consider a petition to extend this period if it is submitted within four (4) months after the death or the declaration of incompetence of the licensee, including identification of any extenuating circumstances that will prevent compliance.

§313. Inducing Student to Practice Chiropractic.

No licensee of chiropractic in the State of California shall offer or cause to be offered to a student or prospective student of chiropractic any promise or inducement, either written or verbal, which may induce said student or prospective student to believe he or she, during the freshman, sophomore, junior or senior years, or within the time that he or she shall be a student in, and/or before graduation from chiropractic school or college, and/or before receiving a license from the board, may be legally employed in any chiropractic private office, or chiropractic school or college, to practice chiropractic, with or without compensation, and no student shall accept or rely upon any such promise or understanding except that junior or senior

students only may, for professional instruction, be assigned to regular clinic practice, during regular clinic hours, in the clinic conducted upon the premises of a regularly incorporated chiropractic school or college, and then only when said clinic is in charge of a duly licensed chiropractor as clinic instructor. This section does not apply to students and doctors who participate in preceptorship programs sponsored by chiropractic institutions holding status with the Council on Chiropractic Education or seeking such status. Violation of this rule by any student shall be deemed to be also a violation of Section 312 hereof.

§314. Law Violators.

It shall be the duty of every licensee to notify the Executive Officer or his or her designee of any violation of the act, or of these rules and regulations, in order that the board may take appropriate disciplinary action.

§315. Mental Illness.

(a) Administrative Adjudication. The proceedings under this regulation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(b) Psychiatric Examinations. When reasonable cause exists that a person holding a license under this Act is mentally ill to the extent that it may affect his ability to conduct with safety to the public the practice authorized by such license, the board may order the license holder to be examined by one or more physicians specializing in psychiatry designated by the board. The report of such persons shall be made available to the license holder and may be received as direct evidence in a proceeding conducted pursuant to subsection (c) of this regulation.

(c) Probation, Suspension, etc., in Event of Mental Illness; Reinstatement. If a license holder has been found to be mentally ill by one or more physicians specializing in psychiatry designated by the board, the results of which indicates that such illness does effect his ability to conduct, with safety, the practice authorized by his license, the board may take action, in accordance with subdivision (a) of this regulation, by any one of the following methods:

- (1) Placing him on probation.
- (2) Suspending his right to practice for a period not exceeding one year.
- (3) Revoking his license.
- (4) Taking such other action in relation to his license as the board in its discretion deems proper.

The board shall not restore such license to good standing until it shall receive competent evidence, from one or more physicians specializing in psychiatry, designated by the board, of the absence or control of the condition which caused its action and until it is satisfied that with due regard to the public interest the licensee's right to practice may be safely reinstated.

Before reinstating such a person, the board may require the person to pass an oral or written examination, or both, to determine his present fitness to resume his practice.

(d) Conditions of Reinstatement. In setting aside action taken under subsection (c) of this regulation, the board may impose terms and conditions to be followed by the license holder after

his license has been reinstated. The authority of the board to impose terms and conditions includes, but is not limited to, the following:

(1) Requiring the license holder to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board.

(2) Requiring the license holder to submit to a complete diagnostic examination by one or more physicians appointed by the board. If the board requires the certificate holder to submit to such an examination, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians of the license holder's choice.

(3) Setting any other requirement the board in its discretion deems proper.

§316. Responsibility for Conduct on Premises.

(a) Every licensee is responsible for the conduct of employees or other persons subject to his supervision in his place of practice, and shall insure that all such conduct in his place of practice conforms to the law and to the regulations herein.

(b) Where a chiropractic license is used in connection with any premises, structure or facility, no sexual acts or erotic behavior involving patients, patrons or customers, including, but not necessarily limited to, sexual stimulation, masturbation or prostitution, shall be permitted on said premises, structure or facility.

(c) The commission of any act of sexual abuse, sexual misconduct, or sexual relations by a licensee with a patient, client, customer or employee is unprofessional conduct and cause for disciplinary action. This conduct is substantially related to the qualifications, functions, or duties of a chiropractic license.

This section shall not apply to sexual contact between a licensed chiropractor and his or her spouse or person in an equivalent domestic relationship when that chiropractor provides professional treatment.

§317. Unprofessional Conduct.

The board shall take action against any holder of a license who is guilty of unprofessional conduct which has been brought to its attention, or whose license has been procured by fraud or misrepresentation or issued by mistake.

Unprofessional conduct includes, but is not limited to, the following:

(a) Gross negligence;

(b) Repeated negligent acts;

(c) Incompetence;

(d) The administration of treatment or the use of diagnostic procedures which are clearly excessive as determined by the customary practice and standards of the local community of licensees;

- (e) Any conduct which has endangered or is likely to endanger the health, welfare, or safety of the public;
- (f) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license;
- (g) Conviction of a crime which is substantially related to the qualifications, functions or duties of a chiropractor;
- (h) Conviction of any offense, whether felony or misdemeanor, involving moral turpitude, dishonesty, physical violence or corruption. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if such conviction was of an offense involving moral turpitude, dishonesty, physical violence or corruption.
A plea or verdict of guilty, or a plea of nolo contendere is deemed to be a conviction within the meaning of the board's disciplinary provisions, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code. The board may order a license to be suspended or revoked, or may decline to issue a license upon the entering of a conviction or judgement in a criminal matter.
- (i) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.
- (j) The violation of any of the provisions of law regulating the dispensing or administration of narcotics, dangerous drugs, or controlled substances;
- (k) The commission of any act involving moral turpitude, dishonesty, or corruption, whether the act is committed in the course of the individual's activities as a license holder, or otherwise;
- (l) Knowingly making or signing any certificate or other document relating to the practice of chiropractic which falsely represents the existence or nonexistence of a state of facts;
- (m) Violating or attempting to violate, directly or indirectly, or assisting in or abetting in the violation of, or conspiring to violate any provision or term of the Act or the regulations adopted by the board thereunder;
- (n) Making or giving any false statement or information in connection with the application for issuance of a license;
- (o) Impersonating an applicant or acting as a proxy for an applicant in any examination required by the board for the issuance of a license or certificate;
- (p) The use of advertising relating to chiropractic which violates section 17500 of the Business and Professions Code;

(q) The participation in any act of fraud or misrepresentation;

(r) Except as may be required by law, the unauthorized disclosure of any information about a patient revealed or discovered during the course of examination or treatment;

(s) The employment or use of persons known as cappers or steerers to obtain business;

(t) The offering, delivering, receiving or accepting of any rebate, refund, commission, preference, patronage, dividend, discount or other consideration as compensation or inducement for referring patients to any person;

(u) Participation in information or referral bureaus which do not comply with section 317.1 of the regulations;

(v) Entering into an agreement to waive, abrogate, or rebate the deductible and/or co-payment amounts of any insurance policy by forgiving any or all of any patient's obligation for payment thereunder, when used as an advertising and/or marketing procedure, unless the insurer is notified in writing of the fact of such waiver, abrogation, rebate, or forgiveness in each such instance.

In all insurance billings where a waiver of a deductible or a co-payment is intended as an advertising and/or marketing procedure, the chiropractor's statement and insurance billing shall contain the following statement:

I/WE WAIVE CO-PAYMENT AND/OR DEDUCTIBLES. IT IS MY/OUR INTENTION TO DO THE FOLLOWING: (Indicate one choice below)

BILL THE PATIENT \$_____ AFTER RECEIPT FROM YOU OF \$_____ .

WAIVE ANY FURTHER PAYMENT FROM THE PATIENT AFTER RECEIPT FROM YOU OF \$_____ .

IN CASES WHERE PREDETERMINATION OF INSURANCE BENEFITS IS NOT POSSIBLE, I/WE PROVIDE THE FOLLOWING WRITTEN EXPLANATION OF MY/OUR BILLING INTENTIONS: _____

(w) Not referring a patient to a physician and surgeon or other licensed health care provider who can provide the appropriate management of a patient's physical or mental condition, disease or injury within his or her scope of practice, if in the course of a diagnostic evaluation a chiropractor detects an abnormality that indicates that the patient has a physical or mental condition, disease, or injury that is not subject to appropriate management by chiropractic methods and techniques. This subsection shall not apply where the patient states that he or she is already under the care of such other physician and surgeon or other licensed health care provider who is providing the appropriate management for that physical or mental condition, disease, or injury within his or her scope of practice.

(x) The offer, advertisement, or substitution of a spinal manipulation for vaccination.

(y) [Reserved]

(z).[Reserved]

§317.1. Chiropractic Referral Services.

Chiropractic referral services shall conform to the following:

(1) A referral bureau shall be made up of at least five doctors, each of whom does not have fiduciary relationship one to the other, with one participating office representing no more than 20 percent of the bureau's available practitioners. The board will consider any extenuating circumstances which will prevent a service from complying with these requirements;

(2) An application shall be filed with the board office which has been approved by the board, and properly identifies the service, structure and members;

(a) A nonrefundable application fee of \$25.00 shall be submitted with the referral service application.

(3) A telephone number shall be for a separate answering service;

(4) The answering service of the bureau shall refer the caller to the next doctor on the list on a rotating basis. The following are exceptions:

(a) A request for a specialist;

(b) Geographic considerations;

(c) Request for services in a language other than English.

(5) Records on each referral shall be kept and include the following:

(a) Date of referral;

(b) Name and address of patient;

(c) Name and address of doctor referred to.

(6) When a 24-hour emergency referral service is offered, a member of the group shall be available.

§317.5. Investigation and Enforcement Costs; Payment by Licentiate.

(a) In any order in resolution of a disciplinary proceeding before the Board of Chiropractic Examiners, the board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the Chiropractic Initiative Act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

(b) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the board bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

(c) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The board may reduce or eliminate the cost award, or remand to the administrative law judge where the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

(d) Where an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licentiate to pay costs.

(e) In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(f)(1) Except as provided in paragraph (2), the board shall not renew or reinstate any license of any licentiate who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licentiate who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.

(g) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs.

(h) Nothing in this section shall preclude the board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

§318. Chiropractic Patient Records/Accountable Billings.

(a) Chiropractic Patient Records. Each licensed chiropractor is required to maintain all active and inactive chiropractic patient records for five years from the date of the doctor's last treatment of the patient. Active chiropractic records are all chiropractic records of patients treated within the last 12 months. Chiropractic patient records shall be classified as inactive when there has elapsed a period of more than 12 months since the date of the last patient treatment.

All chiropractic patient records shall be available to any representative of the Board upon presentation of patient's written consent or a valid legal order. Active chiropractic patient records shall be immediately available to any representative of the Board at the chiropractic office where the patient has been or is being treated. Inactive chiropractic patient records shall be available upon ten days notice to any representative of the Board. The location of said inactive records shall be reported immediately upon request.

Active and inactive chiropractic patient records must include all of the following:

(1) Patient's full name, date of birth, and social security number (if available);

(2) Patient gender, height and weight. An estimated height and weight is acceptable where the physical condition of the patient prevents actual measurement;

(3) Patient history, complaint, diagnosis/analysis, and treatment must be signed by the primary treating doctor. Thereafter, any treatment rendered by any other doctor must be signed or initialed by said doctor;

(4) Signature of patient;

(5) Date of each and every patient visit;

(6) All chiropractic X-rays, or evidence of the transfer of said X-rays.

(b) Accountable Billings. Each licensed chiropractor is required to ensure accurate billing of his or her chiropractic services whether or not such chiropractor is an employee of any business entity, whether corporate or individual, and whether or not billing for such services is accomplished by an individual or business entity other than the licensee. In the event an error occurs which results in an overbilling, the licensee must promptly make reimbursement of the overbilling whether or not the licensee is in any way compensated for such reimbursement by his employer, agent or any other individual or business entity responsible for such error. Failure by the licensee, within 30 days after discovery or notification of an error which resulted in an overbilling, to make full reimbursement constitutes unprofessional conduct.

§318.1. Standard of Care Regarding Manipulation Under Anesthesia (MUA).

(a) Manipulation Under Anesthesia (MUA) may only be performed in either:

(1) A hospital that is licensed by the California Department of Public Health Licensing and Certification Program; or

(2) An ambulatory surgery center that is licensed by the California Department of Public Health Licensing and Certification Program and that is either:

(A) Operating pursuant to section 1248.1 of the Health and Safety Code or

(B) Accredited by an agency approved by the Medical Board of California pursuant to Chapter 1.3 of Division 2 of the Health and Safety Code (commencing with section 1248).

(b) Notwithstanding subsection (a), above, MUA shall not be performed in a mobile van as defined in subdivision (h) of section 1248.1 of the Health and Safety Code.

(c) MUA may only be performed if the patient is administered anesthesia by a California licensed physician and surgeon or other health care provider authorized under California law to administer anesthesia.

(d) MUA may only be performed following an appropriate prior examination of the patient by a California licensed physician and surgeon.

(e) The chiropractor may not direct, instruct, interfere, or make any orders to the physician and surgeon or other health care provider who is administering and maintaining the anesthesia.

(f) MUA shall be performed by two licensed and competent chiropractors. The “primary chiropractor” shall formulate the chiropractic portion of the MUA treatment plan and shall be responsible for performing the chiropractic manipulation for that procedure. The “second chiropractor” shall insure that all movements are accomplished with patient care and safety as his or her primary focus and shall assist the “primary chiropractor” when necessary. The chiropractic portion of MUA is limited to techniques within the scope of practice of a chiropractor.

(g) For the purpose of this section, the primary chiropractor and the second chiropractor may not be involved in nor interfere with the physician and surgeon or other health care provider in the discharge of the patient following the MUA procedure.

(h) Failure by a chiropractor to follow the standard of care contained in this section when performing MUA shall constitute unprofessional conduct.

(i) “Manipulation Under Anesthesia” or “MUA” means the manipulation by a licensed chiropractor of a patient who is sedated by the administration of anesthesia by a physician and surgeon or other health care provider who is legally authorized to administer anesthesia.

§319. Free or Discount Services.

Licenseses may advertise that they will perform certain designated routine professional services free or at a discount if such advertising claims are truthful. However, no charge shall be made for any other professional services rendered or commodities provided to a patient during any office visit in which free or discounted services are offered or provided unless, prior to the accrual of any charges, the patient shall have been informed of the cost of such additional services and/or commodities and shall have agreed to pay for them.

For the purposes of this section, no separate charge shall be made for the professional evaluation of diagnostic tests or procedures which are provided free or without cost, or at a discount, whether such professional evaluation is made at the time of the initial office visit or at any later time.

Article 3. Application for License to Practice Chiropractic

§320. Temporary Permits or Licenses.

The California law does not provide for the granting of temporary permits or licenses.

§321. Application for License.

An Application for a License to Practice Chiropractic shall be submitted on an application form (No. 09A-1 (Rev. 9/92)) prescribed and provided by the board, and titled Application for License to Practice Chiropractic, accompanied by such evidence, statements, or documents as are therein required, and filed with the board at its office in Sacramento, with the required nonrefundable application fee of one hundred dollars (\$100.00).

§322. Age of Applicant.

No applicant under the age of twenty-one (21) years of age shall be admitted to examination before the board for licensure to practice chiropractic in California.

§323. Reciprocity. Interpretation of Section 9 of the Act.

The board makes the following interpretation of Section 9 of the Act which states candidates for licensure are considered to have fulfilled the requirement of reciprocity if they provide the documentation required by the board showing the following:

(a) Graduation from a board approved chiropractic college, and completion of the minimum number of hours and subjects as were required by California law at the time the applicant's license was issued.

(b) Equivalent successful examination in each of the subjects examined in California in the same year as the applicant was issued a license in the state from which he is applying.

(c) They must hold a valid and up-to-date license from the state from which they are reciprocating.

(d) The state from which they are licensed will reciprocate with California.

(e) The board reserves the right to require any additional education or examination for reciprocity.

(f) A nonrefundable application fee of \$25.00.

(g) A fee, as set forth in Section 5 of the Act, if licensure is granted.

(h) Five (5) years of chiropractic practice.

§325. Denial of License Application; Issuance of Probationary License.

The board may refuse a license to any applicant for any of the grounds enumerated in Business and Professions Code Section 480. The board may, in its sole discretion, issue a probationary license to any such applicant who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

(a) Medical, psychiatric, or psychological evaluation.

(b) Continuing medical, psychiatric, or psychological treatment.

(c) Restriction of practice.

(d) Continuing participation in a board-approved rehabilitation program.

(e) Abstention from the use of alcohol or drugs.

(f) Random blood and or urine testing for alcohol or drugs.

(g) Compliance with all laws and regulations.

§325.1. License Reapplication.

A person whose application for licensure was denied upon any of the grounds specified in Section 10(b) of the Act or Business and Professions Code section 480 may reapply after a period of not less than two years has elapsed from the date of the denial letter.

A person whose application for licensure was denied and proceeded in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code may reapply for licensure two years form the effective date of the decision.

§326. Criteria for Rehabilitation.

(a) When considering the denial of a license, the Board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license, will consider the following criteria:

(1) The nature and severity of the act(s) or offense(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) Whether the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of a license on the grounds that a licensee has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his or her present eligibility for a license, will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) Evidence, if any, of rehabilitation submitted by the licensee.

Article 4. Approved Schools and Qualifications of Applicants

§330. Application for Approval.

An application for approval on a form provided by the Board, shall be filed with the Board at its principal office in Sacramento and addressed to the Secretary of the State Board of Chiropractic Examiners. Such application shall be on file at least six months prior to any inspection.

§331.1. Approval and Eligibility.

(a) A school which initially meets the requirements of these rules shall be first provisionally approved. No school will be finally approved until a provisional program has been in operation for at least two years.

(b) No school shall be provisionally approved until it shall present competent evidence of its organizational and financial ability to attain the minimum educational requirements set forth by these rules and institutional goals set forth in its application.

(c) No school shall be provisionally approved unless there is a reasonable need for such school in the geographical area in which it is proposed to locate.

(d) No school shall be provisionally approved until competent evidence of compliance with the requirements of Section 29023(a)(2) of the Education Code is filed with the Board.

§331.2. Inspection and Survey.

(a) No school shall be approved, provisionally or finally, until it has been inspected by the Board or its duly authorized representative, including but not limited to the Council on Chiropractic Education, and is found to be in compliance with the rules herein set forth.

(b) Each school shall permit to the Board or its authorized representatives unhampered opportunity to inspect the school's facilities, interview its entire faculty and management, examine student, teaching, grading, performance and graduation records, and inspect and audit, for cause, at the school's expense, the financial and corporate records.

§331.3. Supervision.

(a) Every approved school shall be under the supervision of a full-time president, dean, or other executive officer who shall carry out the objective and program of the school. Said officer shall have a minimum of two years experience in school administration prior to his appointment, or its equivalent in training.

(b) The president, dean, or other executive officer shall render a report annually, covering topics such as student enrollment, number and changes in faculty and administration, changes in the curriculum, courses given, and the projections for future policy. Said annual report shall be filed with the Board within one month following the end of the academic year.

(c) It shall be the duty of the president, dean, or other executive officer to obtain from each faculty member, prior to the beginning of the semester or school year, an outline and time schedule for each subject of the course. He shall approve such outlines and determine from time to time if they are being observed. A copy of this outline and a schedule of classes, showing the day and hour of presentation and the instructor shall be filed with the Board within three (3) weeks after the beginning of the term.

(d) The dean shall maintain a record of the teaching load of each member of the staff in terms of classes taught, supervision, student counseling, committee work, and other assigned activities.

(e) A permanent file of all class schedules, beginning with those as of the date of the school's approval shall be maintained by the dean. These shall be available for inspection and comparison with the courses described in the relative catalogs.

(f) Schedules must be kept up to date and posted on a bulletin board available for student inspection.

§331.4. Financial Management.

The college shall keep accurate financial records and shall file an annual financial report including a profit and loss statement as well as an asset and liability statement prepared and signed by a qualified accountant. Said financial report shall be filed with the Board within three (3) months following the end of the school's fiscal year.

§331.5. Records.

There shall be maintained a good system of records, showing conveniently and in detail, the attendance, discipline, grades and accounts of the students, by means of which an exact knowledge can be obtained regarding each students work. A personal file must be maintained for each student containing his admission credentials, photographs and other identifying personal items. Fireproof storage must be provided for the safekeeping of records.

§331.6. Catalog.

The school shall issue, at least biennially, a catalog setting forth the character of the work which it offers, and said catalog shall be filed with the Board. The content and format shall follow the usual pattern of professional school catalogs, and shall contain the following information:

(a) A list of its trustees, president, dean and other administrative officers and members of the faculty with their respective qualifications;

(b) Courses set forth by department, showing for each subject its content, value in term, semester hours, or credit hours;

(c) Entrance requirements, conditions for academic standing and discipline, such as attendance, examinations, grades, promotion and graduation;

(d) Matriculation, tuition, laboratory, graduation and special fees, and estimated costs of books, instruments, dormitory and board; and

(e) Descriptions of the library, audio-visual facilities, laboratories and clinic facilities setting forth at least the minimum requirement hereinafter set forth in rules.

(f) No school will be accepted or retained in good standing which publishes in its catalog or otherwise, any misrepresentation regarding its curriculum, faculty or facilities for instruction.

§331.7. Calendar.

Each school may elect to use the semester, trimester or four-quarter term system.

A school calendar shall designate the beginning and ending dates of terms or semesters, the vacation periods and legal holidays observed, and the dates for semester and final examinations. The recitation or lecture period shall be not less than 50 minutes in length. The school may operate on a five or six-day week or any combination thereof, but the total number of hours of instruction shall be not less than 30 hours nor more than 35 hours per week. The total number of hours provided for each complete student's course, leading to the degree of Doctor of Chiropractic, shall be not less than 4,400 hours distributed over four academic years of nine months each.

§331.8. Faculty.

All faculty members shall meet the standards of the Council on Chiropractic Education.

§331.9. Student Faculty Ratio.

(a) The full-time equivalent student-faculty ratio shall be at least one full-time professor to every fifteen (15) students enrolled in the school.

(b) A full-time professor is one who devotes a minimum of 38 hours per week to his academic duties.

(c) The maximum enrollment for any class in laboratory or clinical work shall be limited to the number which may, by Board standards, sufficiently be trained with the equipment and facilities available in such laboratory clinic.

(d) All classes and laboratory sessions, including clinics, shall be conducted under the presence and supervision of a full-time professor.

(e) There shall be one instructor for each twenty-five (25) students in the laboratory and/or clinic courses.

§331.10. Faculty Organization.

(a) A faculty shall be organized by departments. Regularly scheduled meetings of the full faculty shall be had to provide a free exchange of ideas concerning:

(1) The content and scope of the curriculum;

(2) The teaching methods and facilities;

- (3) Student discipline, welfare and awards;
- (4) Faculty discipline and welfare;
- (5) Committee reports and recommendations;
- (6) Recommendations for the promotion and graduation of students;
- (7) Administration and educational policies; and
- (8) Recommendations to the administrative officers and to the trustees.

(b) The dean shall appoint the following standing committees of which he shall be a member ex officio: admissions and credentials, curriculum, clinic, laboratories, library and examinations, grades and records.

§331.11. Scholastic Regulations.

(a) Admission.

(1) Each school shall have a committee on admissions and credentials. The admission of students shall be in the hands of a responsible officer who is a member of the committee and his decision shall be subject to the approval of the committee.

(2) No applicant shall be admitted to any school until he has been personally interviewed for the purpose of determining his character, scholastic aptitude, mental and physical fitness to study and practice. When a great geographic distance precludes personal interview, the same information, supported by affidavits and photographs, may be substituted for the personal interview.

(3) Documentary evidence of preliminary education must be obtained and kept on file. All transcripts of other schools must be obtained directly from such schools.

(4) It is strongly recommended by the Board that an entrance examination compiled and administered by recognized testing agencies (e.g., A.C.T., S.A.T.) be required of all students prior to matriculation in order to prove their ability to do college level work.

(b) Date of Matriculation. No student shall be matriculated at a later date than one week immediately following the advertised date of the commencement of the school term.

(c) Qualifications of Students. No student shall be matriculated in an approved school unless he is of good moral character and is without major physical deficiencies, except as provided in Section 8.1 of the Act.

(d) Professional Education. Students shall not be matriculated in any school approved by the board unless they possess, and submit to the school upon their application for matriculation, either:

(1) A diploma from a standard high school or other institution of standard secondary school grade evidencing completion by the student of a four (4) year course, or

(2) A certificate from the board stating that the student has submitted proof, satisfactory to the board, of education equivalent in training power to a high school course. The certificate shall bear a date prior to the applicant's matriculation date in any school approved by the board.

(3) A student who seeks admission in any school approved by the Board after November 3, 1976, shall be subject to the following: The candidate must have completed, with a satisfactory scholastic record, at least 60 semester hours or an equivalent number of quarter hours in prechiropractic subjects at a college listed in the U.S. Office of Education "Education Directory--Higher Education." The specific prechiropractic subjects and hour requirements shall be in accordance with the standards adopted by the Council on Chiropractic Education.

(e) Advanced Standing.

(1) Applicants for admission to advanced standing shall be required to furnish evidence to the school:

(A) That they can meet the same entrance requirements as candidates for the first year class;

(B) That courses equivalent in content and quality to those given in the admitting school in the year or years preceding that to which admission is desired have been satisfactorily completed;

(C) That the work was done in a chiropractic college acceptable to the committee on admissions of the college; and

(D) That the candidate has a letter of recommendation from the dean of the school from which transfer is made.

(2) Credits for work done in colleges of liberal arts and sciences will be allowed based on the regulations of the Council on Chiropractic Education.

(3) Credits for basic science subjects on the professional level shall be in accordance with the provisions of the regulations of the Council on Chiropractic Education.

(4) A student desiring to re-enter the college after a lapse in attendance of one or more years shall fulfill the entrance requirements applying to the class which he seeks to enter. Students whose education was interrupted by service in the armed forces are exempt from this requirement.

(5) For all such students admitted to advance standing there will be, therefore, on file with the registrar the same documents as required for admission to the first-year class and in addition a certified transcript of work completed, together with a letter of honorary dismissal from the college from which transfer was made.

(6) No candidate for a degree shall be accepted for less than one full academic year of resident study.

(f) Attendance. In order to obtain credit for a course, a student shall have been present in class at least 90 percent of the time and shall have received a passing letter grade. When the absence exceeds 10 percent, the student shall be automatically dropped from the class.

If the absences have been due to illness or other excusable reasons and if evidence of these reasons can be submitted, the student may apply for readmission through the dean's office and may be given credit for attendance upon the recommendation of his instructor and completion of course requirements.

Students shall be required to spend the last academic year of the course in residence in the college which confers the degree.

(g) Promotion.

(1) Promotion from one school term to another should be by recommendation of the instructors and consent of the committee on credentials or other similar committee. The decision should be based upon careful evaluation of the student's attendance, application, conduct and grades in quizzes and examinations. In other words, the final standing of the student in each subject shall be based upon the composite judgment of the responsible instructors in that department, and not solely upon the result of written examinations.

(2) A student failing in any subject in a school term should be required to repeat the subject.

(h) Requirements for Graduation. The requirements for admission to the school shall have been fulfilled and the candidate, in addition to scholastic qualitative requirements, shall have completed a minimum quantitative requirement of 4,400 hours of instruction in four academic years of nine months each. The last year shall have been spent in the school granting the degree. The candidate shall have complied with all the regulations of the school and be recommended for the degree by the faculty.

(i) Special (Graduate of An Approved Chiropractic School) or Unclassified Subject. Persons so registered may not be a candidate for a degree. If they desire to become candidates, they shall satisfy the usual requirements for admission as well as the degree requirement. No work done under this classification will be accepted for credit beyond 90 days from the date of matriculation. Holders of a valid chiropractic degree are exempt from this requirement.

(j) Degree. The degree conferred for completion of professional undergraduate work shall be Doctor of Chiropractic (D.C.).

§331.12.1. Curriculum.

All applicants for the Board Examination who matriculated into a chiropractic college prior to the passage of Proposition 15 (November 3, 1976) shall fulfill the requirements of this section.

(a) Course of Study. The school shall have established curriculum which indicates objectives, content and methods of instruction for each subject offered.

(b) Required Hours and Subjects. The school shall offer, and shall require for graduation, a course of not less than 4,000 academic hours extended over a period of four school terms of not less than nine months each. Such course shall include the minimum educational requirements set forth in Section 5 of the Act. The minimum number of hours required in the basic subjects shall be as follows:

Anatomy including embryology (minimum of 480 hours), histology (minimum of 160 hours), and dissection (minimum of 160 hours)	800 hours
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Physiology	320 hours
Biochemistry, inorganic and organic chemistry	320 hours
Pathology (minimum of 280 hours), bacteriology (minimum of 160 hours), and toxicology (minimum of 40 hours)	480 hours
Public health, hygiene and sanitation, and first aid	120 hours
Diagnosis (minimum of 480 hours), pediatrics (minimum of 40 hours), psychiatry (minimum of 40 hours), dermatology, syphilology and serology (minimum of 40 hours), and X-ray (minimum of 120 hours)	720 hours
Obstetrics and gynecology	120 hours
Principles and practice of chiropractic (minimum of 960 hours), physiotherapy (minimum of 120 hours), and dietetics (minimum of 40 hours)	1,120 hours

(c) Subject Presentation. Laboratory teaching with actual student participation must be included in anatomy, dissection, histology, chemistry, physiology, bacteriology, pathology.

The classes shall be presented in a proper sequence so that the normal shall be presented first before the abnormal is to be considered (i.e., the student must learn anatomy, chemistry and physiology before he is taught pathology and diagnosis). The subject presentation should be of a nature and depth comparable to that found at State colleges in equivalent courses.

ANATOMY: Includes gross anatomy, dissection, embryology, and histology with particular emphasis on neurology.

PHYSIOLOGY: To include the physiology of blood and lymph, circulation, respiration, excretion, digestion, metabolism, endocrines, special senses and nervous system.

CHEMISTRY: To include inorganic and organic chemistry, physical chemistry, the chemistry of foods, digestion and metabolism.

PATHOLOGY AND BACTERIOLOGY: Pathology to include general and special pathology. Bacteriology to include parasitology and serology.

PUBLIC HEALTH AND HYGIENE AND SANITATION: To include sanitary and hygienic procedures, First Aid, prevention of disease and Public Health Department regulations.

DIAGNOSIS: To include physical, clinical, laboratory and differential diagnosis; pediatrics, geriatrics, dermatology, syphilology, psychology, psychiatry and roentgenology (technique and interpretation).

OBSTETRICS AND GYNECOLOGY: To include the standard routine diagnostic procedures, and clinical and laboratory examinations.

PRINCIPLES AND PRACTICE OF CHIROPRACTIC, DIETETICS, PHYSIOTHERAPY, AND OFFICE PROCEDURE: To include history and principles of chiropractic, spinal analysis, adjustive techniques and orthopedics.

NUTRITION: To include dietetics and clinical nutrition, including primary and secondary nutritional deficiencies.

PHYSIOTHERAPY: To include the theory, principles and use of the standard recognized physiotherapy equipment and procedures.

OFFICE PROCEDURE: To include private office and case management, the writing and completion of reports and forms for insurance claims, and the provisions, rules and regulations of the Chiropractic Act.

(d) **Additional Hours and Subjects.** The school, if it desires, may offer and may require for graduation, course of more than 4,000 hours. Such additional hours may be in elective subjects.

(e) **Clinics.** Each student shall be provided with actual clinical experience in the examining, diagnosing, and treatment of patients. Said clinical experience shall include spinal analysis, palpation, chiropractic philosophy, symptomatology, laboratory diagnosis, physical diagnosis, X-ray interpretation, postural analysis, diagnostic impressions, and adjusting of various articulations of the body, psychological counseling, dietetics and physical therapy. Individual case files on each patient together with a record of dates and treatments given and student treating shall be kept and available to the board for inspection.

§331.12.2. Curriculum.

All applicants for licensure shall be required to comply with this section in order to qualify for a California chiropractic license.

(a) **Course of Study:** Every school shall have a curriculum which indicates objectives, content and methods of instruction for each subject offered.

(b) **Required Hours and Subjects:** Each applicant shall offer proof of completion of a course of instruction in a Board-approved chiropractic college of not less than 4,400 hours which includes minimum educational requirements set forth in Section 5 of the Act. The course of instruction completed by the applicant shall consist of no less than the following minimum hours, except as otherwise provided:

Group I	Anatomy, including embryology, histology and human dissection	616 hours
Group II	Physiology (must include laboratory work)	264 hours
Group III	Biochemistry, clinical nutrition, and dietetics	264 hours
Group IV	Pathology, bacteriology, and toxicology	440 hours
Group V	Public health, hygiene and sanitation, and emergency care	132 hours
Group VI	Diagnosis, including E.E.N.T. and serology, dermatology and sexually transmitted diseases, geriatrics, X-ray interpretation, and neurology	792 hours
Group VII	Obstetrics, gynecology, and pediatrics	132 hours

Group VIII Principles and practice of chiropractic to include chiropractic technique, chiropractic philosophy, orthopedics, X-ray technique, and radiation protection	430 hours
Clinic, including office procedure	518 hours
Physiotherapy	120 hours
Psychiatry	32 hours

Electives 660 hours

Total 4,400 hours

(c) Subject Presentation: Laboratory teaching with actual student participation shall be included in human dissection, histology, chemistry, physiology, bacteriology, pathology, X-ray and physiotherapy. Each school shall have and use at least one phantom or equivalent equipment for X-ray class and other courses as may be necessary for adequate teaching.

Classes shall be presented in proper academic sequence. Each student shall be taught micro and gross anatomy, human dissection, and physiology before pathology; biochemistry before or concurrent with physiology; and diagnosis before or concurrent with the study of pathology. Clinic hours shall be taken only after a student completes all hours in or concurrently with diagnosis.

(1) ANATOMY: To include gross anatomy, human dissection, embryology and histology.

(2) PHYSIOLOGY: To include the physiology of blood and lymph, circulation, respiration, excretion, digestion, metabolism, endocrines, special senses and nervous system.

(3) BIOCHEMISTRY AND NUTRITION: Biochemistry to include the chemistry of foods, digestion, and metabolism. Nutrition to include dietetics and clinical nutrition in the prevention and treatment of illnesses.

(4) PATHOLOGY AND BACTERIOLOGY: Pathology to include general and special pathology. Bacteriology to include parasitology and serology.

(5) PUBLIC HEALTH, HYGIENE, SANITATION AND EMERGENCY CARE: To include sanitary and hygienic procedures, First Aid, minor surgery, prevention of disease, and Public Health Department regulations.

(6) DIAGNOSIS: To include physical, clinical, laboratory and differential diagnosis; E.E.N.T., geriatrics, serology, dermatology, syphilology, roentgenology (technique and interpretation) and the rules and regulations of the Radiologic Technology Certification Committee of the State Department of Health Services.

(7) OBSTETRICS, GYNECOLOGY AND PEDIATRICS: To include the standard routine diagnostic procedures and clinical and laboratory examinations.

(8) PRINCIPLES AND PRACTICE OF CHIROPRACTIC, DIETETICS, PHYSIOTHERAPY, AND OFFICE PROCEDURE: To include history and principles of chiropractic, spinal analysis, adjustive technique of all articulations of the body, orthopedics and patient counseling in curriculum subject matters.

(9) **PHYSIOTHERAPY:** To be eligible for licensure, each applicant must furnish proof satisfactory to the Board of successful completion of the required 120 hours of physiotherapy course work and additional clinical training in which the theory, principles and use of the standard recognized physiotherapy equipment and procedures were demonstrated to and used by the applicant. This shall include a minimum of thirty (30) patient office visits in which physiotherapy procedures are performed by the student on their own clinic patients. If physiotherapy course work is not offered by the chiropractic college where the student matriculated, the required instruction and clinical training in physiotherapy may be completed at another Board-approved chiropractic college, provided such course is a regular credit course offered primarily to matriculated students.

Physiotherapy course work not completed prior to graduation from chiropractic college may be fulfilled by course work taken subsequent to graduation at a Board-approved chiropractic college in conjunction with clinical training in physiotherapy offered by that college. Such course work and clinical training must be regular credit course work and clinical training offered primarily to matriculated students.

(10) **OFFICE PROCEDURE:** To include private office and case management, the writing and completion of reports and forms for insurance claims, and the provisions, rules and regulations of the Chiropractic Act, and the Radiologic Technology Certification Committee of the State Department of Health Services.

(d) **Additional Hours and Subjects:** It is recommended that a school offer elective subjects, including chiropractic meridian therapy, counseling, hypnotherapy and biofeedback. The school may offer and require for graduation courses of more than 4,400 hours.

(e) **Clinics:** Each student shall be provided with actual clinical experience in the examining, diagnosing, and treatment of patients. Such clinical experience shall include spinal analysis, palpation, chiropractic philosophy, symptomatology, laboratory diagnosis, physical diagnosis, X-ray interpretation, postural analysis, diagnostic impressions, and adjusting of various articulations of the body, psychological counseling and dietetics. Individual case files on each patient together with a record of dates and treatments given and student treating shall be kept and available to the board for inspection.

Clinical hours, as described in this section, including those relating to physiotherapy, must be completed in a clinic operated or supervised by a chiropractic college.

Each student shall be required to complete, as a minimum for graduation, the following:

(1) Twenty-five (25) physical examinations of which at least ten (10) are of outside (not student) patients.

A physical examination shall include an evaluation of all vital signs, case history, orthopedic and neurological testing.

Students shall also have practical clinical laboratory training, including twenty-five (25) urinalyses, twenty (20) complete blood counts (CBCs), ten (10) blood chemistries, and thirty (30) X-ray examinations. Students shall perform ten (10) proctological and ten (10) gynecological examinations. Proctological and gynecological examinations may be performed on a phantom approved by the Board. Gynecological and proctological examinations not completed prior to graduation may be completed after graduation at a Board-approved chiropractic college.

(2) Students shall perform a minimum of two hundred and fifty (250) patient treatments (visits), including diagnostic procedures, chiropractic adjustive technique and patient evaluation.

(3) Written interpretation of at least thirty (30) different X-ray views, either slide or film, while a senior in the clinic, in addition to other classroom requirements which shall include the spinal column, all other articulations of the body, and soft tissue.

(4) Minimum of five hundred eighteen (518) hours of practical clinical experience (treating patients in the clinic).

§331.12.3. Eligibility to Take Board Examination.

To be eligible to take the board examination, each applicant for licensure must furnish proof satisfactory to the Board of meeting all licensure requirements.

§331.13. Physical Facilities.

(a) General: Each school shall own, or enjoy the assured use of a physical plant large enough to accommodate classrooms, lecture rooms, laboratories, a clinic, a library and administrative and faculty offices. Each school shall meet and maintain the standards and requirements established by or under the authority of the laws of the State of California governing educational institutions and all applicable city and county ordinances wherein the school is located and shall maintain competent evidence of such compliance, for examination by the Board.

(b) Administrative Offices: The administrative offices shall provide adequate office space for faculty members.

There shall be space available for faculty conferences.

All furnishings shall be serviceable and functional and there shall be sufficient office equipment, subject to Board approval, to efficiently manage the business of the school.

There shall be fireproof storage for all records and documents required by the Chiropractic Initiative Act, statute, or regulations.

All administrative offices shall meet the standards and requirements incorporated by subparagraph (a) above.

(c) Classrooms: There shall be sufficient number and size of classrooms to separately accommodate the graded classes in 1st, 2nd, 3rd and 4th year classes. No two or more subjects shall be taught in the same classroom simultaneously. No two or more student classes (1st, 2nd, 3rd and 4th year) shall be taught in the same classroom simultaneously.

Classrooms shall be located where there is quiet and freedom from interruption and distraction.

All classrooms shall be furnished with audio-visual aids appropriate to the subject matter being taught, and desks and chairs or tablet armchairs. There shall be effective shades to darken rooms equipped with visual projection apparatus.

All classrooms shall meet the standards and requirements incorporated by subparagraph (a) above.

(d) Laboratories: Laboratories shall be well lighted and ventilated and shall be equipped for the practical work in human dissection, histology, chemistry, physiology, bacteriology, pathology, laboratory diagnosis, roentgenology, physiotherapy and chiropractic technique.

Anatomy and pathology laboratories shall contain standard equipment. No more than ten (10) students shall be assigned per table. Sinks should be equipped with wrist action or foot pedal valves, and supplied in a sufficient number. Human cadavers and specimens for individual and small group demonstrations shall be supplied. If human cadavers are not available, or state law prohibits their use, schools must obtain prior written approval from this Board.

Microscopic laboratories shall have one microscope and one desk light for each two (2) students in the class.

Chiropractic technique laboratories shall be equipped with one chiropractic adjusting table for every four (4) students in the class.

Actual student experience with X-ray phantom or equivalent for all areas of the body shall be necessary.

Additionally, all laboratories shall meet the standards and requirements incorporated in subparagraph (a) above.

(f) Teaching Aids and Equipment: For the subject of physiotherapy there shall be sufficient generally recognized equipment for classroom and clinic purposes (to include sine galvanic, ultrasound, diathermy, ultraviolet, heat, cold, percussion, and transaction). For the practical work and physical diagnosis students shall be required to own the ordinary and usual diagnostic instruments, including, but not limited to, thermometers, stethoscopes, sphygmomanometers, oto-ophthalmoscope examination sets, and orthopedic-neurological examination instruments. Each school shall own and teach the use of the current standard diagnostic instruments and a list of same shall be made available to the Board upon request. For classroom demonstration and visual education aids, each school shall own charts, mannequins, skeletons, bone collections, anatomical and embryological models, stereopticons, balopticons, micro-projections, and video players or similar projection equipment. The film and slide library shall be constantly augmented by the addition of new material.

(g) Library: A library shall be provided for the use of the student body. The minimum requirements for a library are:

(1) Operation of the library shall be under the direct supervision of a full-time librarian holding a degree in library science.

(2) The library shall be open to students a minimum of eight (8) hours per day. It shall have room available for study purposes to accommodate at least ten (10) percent of the enrolled students at one time. Hours shall be posted.

(3) The library volumes shall be cataloged, using a generally accepted system.

(4) The library shall consist of a minimum of 5,000 volumes of which 2,000 shall be less than ten years of age. Only cataloged scientific volumes which are of interest to the published

curriculum of the school can be counted as library volumes. Unbound journals and periodicals shall not be counted in determining compliance with this rule.

(5) Each school shall conduct a program of student orientation as to the use of the library and class assignments involving the use of the library.

(h) Clinic: Each school shall operate a general out-patient clinic where the senior students will obtain actual experience, practical knowledge and skill in:

(1) Diagnosis, including physical examination, palpation, spinal analysis, clinical pathological, laboratory findings, X-ray, and tentative and working diagnoses.

(2) Adjustive technique, dietetics, and psychotherapy for the care or prevention of disease in accordance with Section 7 of the Act.

Such a clinic shall at all times be under the supervision of a clinician who meets the standards of the Council on Chiropractic Education.

The minimum requirements of a clinic are:

(A) A reception room with a minimum seating capacity for ten (10) persons.

(B) A minimum of five (5) patient dressing rooms that are equipped with at least curtains to ensure privacy.

(C) An administration area wherein at least one full-time secretary shall be located and patient files shall be maintained.

(D) A minimum of one (1) office for each faculty member supervising the clinic with a minimum of two (2) such offices.

(E) Separate lavatories for men and women with a minimum of one (1) each.

(F) A minimum of one (1) physical examination room for every ten (10) students concurrently present and enrolled in the clinic.

(G) A minimum of one (1) chiropractic adjusting table for every five (5) students performing adjustments on clinic patients with a minimum of five (5) such tables.

(H) A minimum of one (1) X-ray examination room that is equipped with at least one (1) X-ray machine that has a capacity of no less than 125 KV plus 300 M.A. There shall also be an X-ray developing room that is equipped with the appropriate and necessary film processing equipment as required by the Board. This room may be an area within the X-ray procedure room or shall be located in the immediate area in the same building of such X-ray procedure room. A list of minimal X-ray equipment which shall be used must be obtained from the Board.

(I) A lab room equipped with a sterilization facility, unless waived in writing by the Board.

(J) In addition to the requirements of section 331.12(e), each student's work, conduct, reliability and personality shall be evaluated in writing by his or her supervising teacher and such

evaluation shall become a part of the student's record and shall be available for inspection by the Board.

(i) Operation and Maintenance of the Physical Plant. In addition to the requirement of subparagraph (a) above, each school shall operate and maintain all physical equipment in good repair.

Lockers shall be available for student use.

§331.14. Quality of Instruction.

Nothing herein contained shall constitute any limitation or restriction upon the power of the Board to refuse to approve, or to disapprove, any school if in the opinion of the Board the quality of instruction is not sufficiently high to meet the objective of the State Chiropractic Act or these rules.

§331.15. Violations or Failure to Comply.

(a) Any violation of these rules, or failure to comply with them, shall be grounds to revoke approval of any school, and to refuse approval to any school, or to any applicant.

(b) If any school provisionally approved or approved by the Board undergoes fundamental changes in its administration, organization or stated objectives, provisional approval or approval shall be suspended until such time as the Board again appraises the institution.

Such changes include but are not limited to change in ownership of the school or its assets or noncompliance with Section 29032(a)(2) of the Education Code.

(c) In the event an approved school or a school applying for provisional approval fails to maintain or meet the required standards, the institution will be given a bill of particulars and granted 60 days to comply; in the event such corrections are not made within said time, the institution will be removed from the approved list or denied provisional approval.

(d) Institutions rejected or removed from the approved list may apply for reconsideration or reinstatement in accordance with Rule 331.

§331.16. Definition of Board.

Whenever the Board is used in this article, it shall mean the Board of Chiropractic Examiners unless otherwise indicated.

Article 5. Examinations

§340. Examinations.

The examination shall be administered a minimum of two (2) times each year. It shall be held in a location accessible to the applicants; and it shall be administered in a manner which maintains the validity and reliability of the examination, and provides on-site anonymity to the applicants.

The examination shall be conducted in a manner to assure a reasonable expectation of the fair and impartial evaluation of the applicants' knowledge, and their ability to practice chiropractic in the best interests of the public health and welfare.

§341. Other Articles Forbidden.

During the examination, no applicant will be permitted to have in his possession any paper or object other than the examination questions, examination paper, pencil supplied by the board, and a watch. Further, an applicant is forbidden from wearing any jewelry which includes rings, tie clasps, belt buckles and bracelets which identifies an applicant with a particular chiropractic association, philosophy, or school.

§342. Conduct During Examination.

No applicant will be permitted to communicate in any way with any other applicant, nor will he be permitted to question any examiner in reference to or interpretation of the questions under consideration. Applicants must rely solely upon their own judgment as to the meaning of each question, and on their own knowledge of the subject in answering. Any disturbance on the part of the applicant will disqualify said applicant and he will be required to leave the examination room.

§343. Basis of Questions.

All examination questions shall be with respect to the subject listed in Groups 1 to 8, inclusive, set forth in Sections 331.12.1, 331.12.2, and 331.12.3 of these rules. They shall be based upon material contained in standard textbooks approved by the board.

§344. Cheating.

Any person, who upon good cause shown, is suspected of cheating shall be ousted from the examination and, upon a finding that said person did, in fact, cheat on that exam, said person will be denied further examination for a period of at least one year thereafter. Notice of such action against an individual caught cheating shall be submitted to all state chiropractic boards.

§345. Retention of Papers.

Examination papers will be retained by the board for one year and destroyed at the end of that time.

§346. Interpretation of Part of Section 6(c) of the Act.

The board makes the following interpretation of that part of Section 6(c) of the Act which states that: “Any applicant failing to make the required grade shall be given credit for the branches passed, and may, without further costs, take the examination at the next regular examination on the subjects in which he failed.”

Candidates are considered to have failed a subject if they receive a grade in that subject of less than seventy-five percent (75%).

If first-time applicants, or retake applicants considered as first-time applicants by this section, having taken the examination and failed to receive the grade as required in Section 6(c),

(a) do not take the examination in the failed branches as required by the board, at the next regular examination, or

(b) fail to obtain grades sufficient to bring the general average to at least seventy-five percent (75%), or receives less than sixty percent (60%) in more than two subjects in which examined (grades in the subjects credited the previous examination are to be included in determining such general average), or

(c) fail to receive a 75 percent (75%), or better, on each part of the practical examination, then the credit allowed in the branches passed in the first examination shall lapse.

If, thereafter, candidates desire to reapply, they shall renew their application together with an additional application license fee, and shall be examined in the same manner and to the same extent as though they had not previously taken any examination.

§348. Failure to Appear for Examination.

An applicant for a license to practice chiropractic who fails to appear for examination within one year after being first qualifying therefor shall be considered to have abandoned his application and shall forfeit the license fee paid in connection therewith. If such person thereafter applies for a license, he shall be required to establish his eligibility for such license in the same manner as an original applicant in accordance with the provisions of the act and the regulations of the board in effect at the time the new application is filed.

§349. Interpretation of Section 6(d) of the Act.

(a) For applicants applying for licensure through June 30, 1996, the board makes the following interpretation of Section 6(d) of the Act which states:

“An applicant having fulfilled the requirements of Section 5 and paid the fee thereunder, and having obtained a diplomate certificate from the National Board of Chiropractic Examiners, may offer such certificate together with a transcript of grades secured in said national board examination, and the California Board of Chiropractic Examiners may accept same in lieu of all or a portion of the California board examination as determined by the board.”

(1) To be considered by the board, proof of status with the National Board of Chiropractic Examiners must be submitted to the board's office in compliance with application instructions and postmarked on or before the final filing date designated by the board.

(2) Applicants with National Board status who fail the board examination, under the provisions of Section 346 must retake the entire written and practical examinations of the board.

(3) Effective January 1, 1996: Prior to being scheduled for the practical portion of the California board examination, the applicant must show proof of either National Board status or successful completion of the entire written portion of the California licensure examination.

(4) National Board status means attainment of passing scores on the National Board Parts I, II, III, and Physiotherapy examinations.

(b) For applicants applying for licensure on or after July 1, 1996, the Board makes the following interpretation of Section 6(d) of the Act which states:

“An applicant having fulfilled the requirements of Section 5 and paid the fee thereunder, and having obtained a diplomate certification from the National Board of Chiropractic Examiners, may offer such certificate together with a transcript of grades secured in said national board examination, and the California Board of Chiropractic Examiners may accept same in lieu of all or a portion of the California board examination as determined by the board.”

(1) To be eligible for the California Chiropractic Board examination, proof of status with the National Board of Chiropractic Examiners must be submitted to the board's office in compliance with application instructions and postmarked on or before the final filing date designated by the board.

(2) All applicants for licensure must show proof of National Board status, and successful scores for the California Chiropractic Board examination, which may cover California laws and regulations governing the practice of chiropractic, and/or other subjects as taught in chiropractic schools or colleges.

(3) Applicants who fail components of the California Chiropractic Board examination after two attempts must, under the provisions of Section 346, retake all of the California Chiropractic Board examination.

(4) The National Board of Chiropractic Examiners examination Parts I, II, III, IV, and Physiotherapy, and the California Chiropractic Board examination shall constitute the California board licensure requirement.

(5) National Board status means attainment of passing scores on the National Board Parts I, II, III, IV, and Physiotherapy examinations.

(6) The California Chiropractic Board examination means the examination developed by the Board of Chiropractic Examiners or an agency designated by the board. This California Chiropractic Board examination shall cover California laws and regulations governing the practice of chiropractic, and/or other subjects as taught in chiropractic schools or colleges, and must be taken after the candidate has graduated from chiropractic college.

§354. Successful Examination.

Notwithstanding Section 312, applicants who are notified in writing by the Board of the successful completion of the Board examination, may immediately commence the practice of chiropractic in California pending the receipt of their certificate.

Article 6. Continuing Education

§355. Renewal and Restoration.

(a) Commencing with the renewal period for 1973, each licensee and each applicant for restoration of a license forfeited for failure to renew shall, as a condition to renewal or restoration of his license and in addition to paying the annual renewal fee of one hundred fifty dollars (\$150.00) or restoration fee of double the annual renewal fee as provided by section 12 of the Act (California Business and Professions Code section 1000-12), submit proof that he has completed within the past 12 months a course of continuing education approved by the board on a form (No. 09RA-1 (8/91) provided by the board titled Renewal Application. The Renewal Application as provided by the board will indicate the current year of renewal.

(b) In lieu of submitting the proof of completion of continuing education required under subsection (a) above, any such licensee or applicant may submit a statement, which shall be verified or certified under penalty of perjury, that he or she will not engage in the practice of Chiropractic within the State of California during the period for which renewal or restoration is sought unless he or she first completes an approved course of continuing education and submits proof thereof to the board; and that he or she understands that failure to do so will constitute grounds for the suspension or revocation of his or her license. A license that has expired for failure to renew may be renewed at any time within three years after the expiration date. If no application is received within three years, the Board shall cancel the license.

(c) To restore a cancelled license, the person must submit to the Board's office, in compliance with the application instructions, an application for restoration, pay a fee of twice the annual amount of the renewal fee, and provide evidence of Board-approved continuing education, as specified in California Code of Regulations, section 356, for each 12-month period in which the license was cancelled. Continuing education required to restore a cancelled licensed must be commenced and completed during the 12-month period immediately preceding the request for restoration.

(d) Licenses for doctors of chiropractic which heretofore expired on the last day of December each year will henceforth expire on the last day of the birth month of the licensee in each year.

To facilitate the conversion to the birthdate renewal system for doctors of chiropractic, licenses that expire on December 31, 1991 will be renewed for periods from seven (7) to eighteen (18) months. The fee to be paid shall be that determined by multiplying 1/12 of the renewal fee by the number of months of licensure in accord with the following schedule. All fees shall be rounded to the nearest whole dollar.

Licensees Born In	Will Be Licensed for The Period	Months of Licensure
January	January 92-January 93	13
February	January 92-February 93	14

March	January 92-March 93	15
April	January 92-April 93	16
May	January 92-May 93	17
June	January 92-June 93	18
July	January 92-July 92	7
August	January 92-August 92	8
September	January 92-September 92	9
October	January 92-October 92	10
November	January 92-November 92	11
December	January 92-December 92	12

This will be a one time reduction or increase, effective January 1992 all licenses will be annually renewed on a birthdate renewal system.

This subsection shall remain in effect until June 30, 1993, and on such date is repealed.

§355.1. Continued Jurisdiction of a License.

The suspension, expiration, or forfeiture by operation of law of a license issued by the board, or its suspension, or forfeiture, by order of the board or by order of a court of law, or its surrender without the written consent of the board shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

§355.2. Inactive License.

A licensed chiropractor may apply to the board to request that his or her license be placed on inactive status. An inactive license shall be renewed during the same time period at which an active license is renewed. The renewal fee for a license in an inactive status shall be the same fee assessed for renewal of an active license. Licensees holding an inactive license shall be exempt from continuing education requirements.

The holder of an inactive license shall not engage in the practice of chiropractic during the time the license is inactive.

Licensees on inactive status who have not committed any acts or crimes constituting grounds for discipline may submit a written request for an active license and the following:

(a) Evidence of board-approved continuing education for each 12-month period or portion thereof the license was inactive. The continuing education must be taken prior to the request for activation and shall comply with California Code of Regulations section 356; or

(b) If practicing in another state, provide proof of licensure and continuing education from that state for each 12-month period the license was inactive in California.

§356. Course Content.

(a) All doctors engaged in active practice, whether on a full-time or part-time basis, shall complete a minimum of twelve (12) hours per licensing year of continuing education courses approved by the board.

The board shall consider for approval the application of any continuing education course which conforms to the criteria below and is sponsored by a board approved continuing education provider.

A continuing education course may contain more than twelve (12) hours of approved subject material. Any twelve (12) approved hours may be selected for continuing education credit, provided, however, the same course may not be attended more than once for credit within that licensing year, and four (4) hours of every twelve (12) hours selected for continuing education credit must be in the subject area of adjustive technique. The four (4) hours in adjustive technique may be satisfied by lecture and demonstration.

The basic objectives and goals of continuing education are the growth, maintenance of knowledge and competency, the cultivation of skills, and greater understanding, with a continual striving for excellence in chiropractic care and the improvement in the health and welfare of the public.

(b) Each course approved by the board must present subject material directly related to the concepts of chiropractic principles and practice including diagnostic procedures, patient care and management. The board recommends special attention be given to the following:

(1) Principles of practice of chiropractic and office procedures including, but not limited to:

(A) Chiropractic treatment and adjustment technique, including physiotherapy, nutrition and dietetics;

(B) Examination and diagnosis or analysis including physical, laboratory, orthopedic, neurological and differential;

(2) Radiographic technique and interpretation involving all phases of roentgenology as permitted by law;

(A) Study of the methods employed in the prevention of excessive radiation and safety precautions to the patient;

(3) Postgraduate studies including, but not limited to, subjects contained within groups one through six of Section 5 of the Chiropractic Initiative Act;

(4) Insurance procedures and reporting.

§356.5. Continuing Education Provider Approval, Duties and Responsibilities.

(a) In order to become and remain eligible for approval by the board as a continuing education provider, each provider must comply with provisions (b)(1) through (b)(10) of this section and provisions of section 357. Failure to comply with these provisions may result in the withdrawal of approval of the provider by the board. A provider that has had its approval withdrawn by the board shall not be eligible to provide continuing education credit until the board reinstates the provider. A provider that has lost approval may reapply to the board for approval as a continuing education provider after a period of suspension established by the board at the time that approval is withdrawn not to exceed two years.

(b) Each continuing education provider shall:

(1) Make written application to the board for approval as a continuing education provider, and also provide to the board a written mission statement that outlines the provider's continuing education objectives and declares the provider's commitment to conform to the standards set forth in this section. Applications for approval shall be submitted to the board office at least 30 days prior to a scheduled board meeting. Providers with applications that are incomplete will be notified of the deficiencies in writing within three weeks from the date of receipt. Complete applications will be reviewed at the scheduled board meeting and notification of the board's decision will be provided in writing within two weeks following the board meeting;

(2) Have engaged in the business of providing education to licensed health care professionals consisting of no less than one course in each year of a five year period immediately preceding the date of application for approval by the board as a continuing education provider;

(3) Designate a person responsible for overseeing all continuing education activities of the provider and provide written notification to the board identifying that individual;

(4) Use teaching methods that ensure student comprehension of the subject matter and concepts being taught;

(5) Establish and maintain procedures for documenting completion of courses, retain attendance records for at least four (4) years from the date of course completion, and furnish the board with a roster of persons completing the course, including the name and state chiropractic license number of each course participant, within sixty (60) days of course completion. Failure to submit the list of course participants within sixty (60) days of course completion may be grounds for withdrawal or denial of course approval;

(6) Be responsible for maintaining full-time monitoring of course attendance. If any participant's absence from the room exceeds ten (10) minutes during any one hour period, credit for that hour shall be forfeited and such forfeiture shall be noted in the provider's attendance report submitted to the board as required in subsection (b)(5) of this section.

It shall further be the responsibility of the provider to see that each person in attendance is in place at the start of each course period. Failure to maintain proper attendance monitoring procedures may be grounds for withdrawal or denial of course approval;

(7) Ensure availability to course participants of meeting rooms, study aids, audiovisual aids, and self-instructional materials designed to foster learning and ensure student comprehension of the subject matter and concepts being taught;

(8) Disclose in any continuing education course advertising if expenses of the program are underwritten or subsidized by any vendors of goods, supplies, or services;

(9) Inform the board immediately of any event that may affect the provider's approval as a continuing education provider by the board;

(10) Inform the board in writing immediately of any change to the course that would affect the date, time or location when or where the course will be held.

§357. Approval of Continuing Education Courses.

(a) The application for approval of a continuing education course shall be submitted to the board office at least 45 days prior to the date of the course and shall include a nonrefundable application fee of \$50.00 and any other documentary information required by the board pursuant to section 356. The application fee for ongoing postgraduate courses presented by chiropractic institutions accredited by the Council on Chiropractic Education (C.C.E.) is due upon initial receipt of the application for approval, regardless of the number of course meetings in one calendar year. Courses with schedules continuing into a second calendar year must submit a new application for the second year if continuing education credit hours are to be offered for that year. The new application for the second year must contain the required fee (\$50.00).

If a course meets the criteria of the board, the board shall notify the provider when a course has been approved.

Mention of such approval shall be included in announcements of the program and the printed program itself as follows: "Approved by the California State Board of Chiropractic Examiners for license renewal."

(b) Any board member, or members, or board designee shall have the right to inspect or audit any approved chiropractic course in progress.

(c) The board, may, after notification and an opportunity to be heard, withdraw approval of any continuing education course, and shall immediately notify the provider of such action.

§358. Exemptions and Reduction of Requirement.

(a) All doctors of chiropractic specifically exempted from, or obtaining a reduction in continuing education requirements include the following:

(1) Inactive licentiates;

(2) New licentiates in the year of initial licensure;

(3) Teachers. A full-time teacher, as defined by C.C.E. regulation, shall be exempt from the required hours until no longer engaged in full-time chiropractic teaching.

(4) Lecturers. A lecturer shall be given two hours credit for each hour of actual lecturing at a recognized course. Credit for the same course presentation shall be granted only once during each year.

(5) If a doctor is unable to attend a continuing education course due to ill health, credit may be granted by the board upon request for documented completion of twelve (12) hours of recorded or videotaped approved continuing education course work. Such an exemption request must be made prior to the date that the required continuing education must be completed and in writing to the board's office and must also be accompanied by an attending doctor's statement.

The licensee shall send to the board's office a signed affidavit affirming he or she has completed twelve (12) hours of approved continuing education tapes and must provide the board with the names and dates of the approved continuing education courses comprising the lecture tapes.

(6) Commissioners on Examination. Commissioners on Examination who administer the practical examination at least twelve (12) hours annually shall be exempt from the continuing education requirement in the years they act as Commissioners on Examination.

(7) Active Board Members. Professional board members who have served one full year on the Board of Chiropractic Examiners shall be exempt from the continuing education requirement in each year of board member service.

§359. Revoked or Suspended Licenses.

Any person making application for reinstatement or restoration of a license which has been revoked or suspended may be required, as a part of the relief granted, to complete an approved course of continuing education, or to complete such study or training as the board may require.

§360. Continuing Education Audits.

The Board shall conduct random audits to verify compliance with Continuing Education requirements of active licensees. Licensees shall retain documents of completion issued to them at the time of attendance of Board-approved Continuing Education courses for a period of four years and shall forward such proof to the Board upon request.

Licensees who fail to retain documents of completion shall obtain duplicate documents, from Board-approved Continuing Education providers, who shall issue duplicates only to licensees whose names appear on the providers' rosters of course attendees. The documents of completion shall be clearly marked "duplicate" and shall contain the licensees' names and license numbers, as well as providers' names, course approval numbers, dates of attendance, and hours earned.

Licensees who furnish false or misleading information to the Board regarding their Continuing Education hours shall be subject to disciplinary action.

Article 7. Chiropractic Corporations

§367.1. Citation of Rules.

These rules may be cited and referred to as "Chiropractic Corporation Rules." They are subject to amendment, modification, revision, supplement, repeal, or other change by appropriate action in the future.

§367.2. Definitions.

As used in this Article:

(a) "Board" means the State Board of Chiropractic Examiners.

(b) "Licensed person" means a natural person who is duly licensed under the provisions of the Chiropractic Act to render the same professional services as are or will be rendered by the professional corporation of which he is, or intends to become, an officer, director, shareholder or employee.

(c) "Certificate of Registration" means a certificate of registration as a chiropractic corporation.

(d) “Professional services” means rendering professional services as a chiropractor.

§367.3. Professional Relationships, Responsibilities, and Conduct Not Affected.

Nothing in the laws or rules relating to chiropractic corporations alters the duties and responsibilities of a licensed person to and professional relationships with his clients and others; nor do such laws or rules in any way impair the disciplinary powers of the State Board of Chiropractic Examiners over licensed persons; nor do such laws or rules impair any other law or rule pertaining to the standards of professional conduct of licensed persons.

§367.4. Office for Filing.

All applications for a Certificate of Registration and any of the documents or reports required by these rules or by law to be filed with the board shall be filed with the principal office of the board in Sacramento.

§367.5. Application, Review of Refusal to Approve.

(a) An applicant corporation shall file with the board an application for Certificate of Registration on a form furnished by the board, which shall be signed and verified by an officer of the corporation who is a licensed person and be accompanied by a nonrefundable application fee in the amount of one hundred dollars (\$100).

(b) The board, within a reasonable time after an application for registration is submitted to it, shall either approve the application and issue a Certificate of Registration or refuse to approve the application and notify the applicant corporation of the reasons therefor.

(c) The board may delegate to its executive secretary, or other official or employee of the board, its authority under Section 1051, Business and Professions Code, to review and approve applications for registration and to issue Certificates of Registration.

(d) Any applicant corporation whose application has been disapproved by the board may request a hearing pursuant to Government Code Section 11504. The hearing shall be conducted pursuant to the Administrative Procedure Act (Government Code Sections 11502-11528).

(e) No applicant corporation shall hold itself out or engage in nor shall it render any professional services unless and until a Certificate of Registration has been issued.

§367.6. Requirements for Issuance of Certificate of Registration.

A Certificate of Registration shall be issued if the board or the person delegated by it finds that the affairs of the applicant will be conducted in compliance with law and the rules and regulations of the board.

§367.7. Name of Corporation.

(a) The name of the corporation and any name or names under which it may be rendering professional services shall contain and be restricted to the name or the last name of one or more of its present, prospective, or former shareholders, and include the word “Chiropractic,” and the

word “Corporation” or wording or abbreviations denoting corporate existence, limited to one of the following: “Corp”; “Incorporated”; “Inc.”; “Professional Corporation”; “Prof. Corp.”

§367.8. Security for Claims Against a Chiropractic Corporation.

(a) When a chiropractic corporation provides security by means of insurance for claims against it by its patients, the security shall consist of a policy or policies of insurance insuring the corporation against liability imposed upon it by law for damages arising out of claims against it by its patients arising out of the rendering of, or failure to render, chiropractic services by the corporation an amount for each claim of at least \$50,000 multiplied by the number of employed licensed persons rendering such chiropractic services and an aggregate maximum limit of liability per policy year of at least \$150,000 multiplied by the number of such employees, provided that the maximum coverage shall not be required to exceed \$150,000 for each claim and \$450,000 for all claims during the policy year, and provided further that the deductible portion of such insurance shall not exceed \$5,000 multiplied by the number of such employees.

(b) All shareholders of the corporation shall be jointly and severally liable for all claims established against the corporation by its patients arising out of the rendering of, or failure to render, chiropractic services up to the minimum amounts specified for insurance under subsection (a) hereof except during periods of time when the corporation shall provide and maintain insurance for claims against it by its patients arising out of the rendering of, or failure to render chiropractic services. Said insurance, when provided, shall meet the minimum standards established in subsection (a) above.

§367.9. Shares: Ownership and Transfer.

(a) The shares of a chiropractic corporation may be issued only to a licensed person and may be transferred only to a licensed person or to the issuing corporation.

(b) Where there are two or more shareholders in a chiropractic corporation and one of the shareholders:

(1) Dies, or

(2) Becomes a disqualified person as defined in Section 13401(d) of the Corporations Code, for a period exceeding ninety (90) days, his or her shares shall be transferred to a licensed person or to the issuing chiropractic corporation, on such terms as are agreed upon. Such transfer shall occur not later than six (6) months after any such death and not later than ninety (90) days after the date he or she becomes a disqualified person. A person disqualified by license suspension or revocation shall notify the Board when his or her shares are transferred. In the event that a person becomes disqualified by death, the representative of the deceased shareholder shall notify the Board of the transfer of the deceased shareholder’s shares.

(c) A corporation and its shareholders may, but need not, agree that shares sold to it by a person who becomes a disqualified person may be resold to such person if and when he again ceases to become a disqualified person.

(d) The restrictions of subsection (a) and, if appropriate, subsection (b) of this section shall be set forth in the corporation's bylaws or articles of incorporation.

(e) The share certificates of a chiropractic corporation shall contain either:

(1) An appropriate legend setting forth the restriction of subsection (a), and where applicable, the restriction of subsection (b), or

(2) An appropriate legend stating that ownership and transfer of the shares are restricted and specifically referring to an identified section of the bylaws or articles of incorporation of the corporation wherein the restrictions are set forth.

§367.10. Certificate of Registration; Continuing Validity; Reports.

(a) A Certificate of Registration shall continue in effect until it is suspended or revoked. Such certificate may be suspended or revoked for any of the grounds permitted by law.

(b) Each chiropractic corporation shall file a special report, on a form provided by the Board, within 30 days of any change of the officers, directors, shareholders, employees rendering professional services, and articles of incorporation.

(c) Each special report filed hereunder shall be accompanied by a filing fee of five dollars (\$5).

Article 8. Conflict of Interest Code

NOTE: It having been found, pursuant to Government Code Section 11409(a), that the printing of the regulations constituting the Conflict of Interest Code is impractical and these regulations being of limited and particular application, these regulations are not published in full in the California Code of Regulations. The regulations are available to the public for review or purchase at cost at the following locations:

BOARD OF CHIROPRACTIC EXAMINERS
3401 FOLSOM BOULEVARD, SUITE B
SACRAMENTO, CA 95816-5354

FAIR POLITICAL PRACTICES COMMISSION
428 J STREET, SUITE 800
SACRAMENTO, CA 95814

ARCHIVES
SECRETARY OF STATE
1020 "O" STREET
SACRAMENTO, CA 95814

The Conflict of Interest Code is designated as Article 8 of Division 4 of Title 16 of the California Code of Regulations, and consists of sections numbered and titled as follows:

Article 8. Conflict of Interest Code

Section 375. General Provisions
Appendix

Article 9. Enforcement and Discipline

§384. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400, et seq.), the board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines and Model Disciplinary Orders" [revised October 21, 2004] which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the board in its sole discretion determines that the facts of the particular case warrant such a deviation--for example: the presence of mitigating factors; the age of the case; evidentiary problems.

§386. Fraud

Any proposed decision or decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee has a second separate conviction for fraud, shall contain an order of revocation, which shall not be stayed.

§ 389. Letter of Admonishment.

(a) The Executive Officer, or his or her designee, may issue a letter of admonishment to a licensee for failure to comply with any provision of the Act, statute or regulations governing the practice of chiropractic.

(b) The letter of admonishment shall be in writing and shall describe in detail the nature and facts of the violation, including a reference to the Act, statute or regulation violated and may contain an order of abatement.

(c) The letter of admonishment shall be served upon the licensee personally or by certified United States mail at the licensee's address of record with the board. If the licensee is served by certified United States mail, service shall be effective upon deposit in the United States mail.

(d) The letter of admonishment shall inform the licensee that within 30 days of the date of the letter the licensee may do either of the following:

(1) Submit a written request for an office conference to the Executive Officer of the board to contest the letter of admonishment.

(A) Upon a timely request, the Executive Officer, or his or her designee, shall hold an office conference with the licensee or the licensee's legal counsel or authorized representative. Unless so authorized by the Executive Officer, or his or her designee, no individual other than the legal counsel or authorized representative of the licensee may accompany the licensee to the office conference. Upon request and approval by the Executive Officer or his or her designee, the licensee may participate in the office conference by telephone.

(B) Prior to or at the office conference, the licensee may submit to the Executive Officer declarations and documents pertinent to the subject matter of the letter of admonishment.

(C) The Executive Officer, or his or her designee, may affirm, modify, or withdraw the letter of admonishment. Within 14 calendar days from the date of the office conference, the Executive Officer, or his or her designee, shall personally serve or send by certified United States mail to the licensee's address of record with the board a written decision. This decision shall be deemed the final administrative decision concerning the letter of admonishment.

(D) Within thirty days of service or mailing of the written decision, the licensee shall comply with the letter of admonishment and, if the letter of admonishment contains an order of abatement, the licensee shall submit documentation to the Executive Officer documenting compliance with the order.

(2) Comply with the letter of admonishment and, if the letter of admonishment contains an order of abatement, the licensee shall submit documentation to the Executive Officer documenting compliance with the order.

§390. Issuance of Citations and Fines.

(a) The Executive Officer of the board or his or her designee may issue a citation containing an order to pay a fine between \$100 and \$5,000 and an order of abatement against a licensee for any violation of the Act or the California Code of Regulations or any laws governing the practice of chiropractors. A citation may be issued without the assessment of a fine, when determined by the Executive Officer or his or her designee.

(b) Each citation shall be in writing and shall describe with particularity the nature and facts of each violation specified in the citation, including a reference to the law or regulation alleged to have been violated.

(c) The citation shall be served upon the cited person either personally or by certified United States mail.

§390.1. Criteria to Be Considered.

In the issuance of any citation, the following factors shall be considered:

(a) Nature and severity of the violation.

(b) Length of time that has passed since the date of the violation.

(c) Consequences of the violation, including potential or actual patient harm.

(d) History of previous violations of the same or similar nature.

(e) Evidence that the violation was willful.

(f) Gravity of the violation.

(g) The extent to which the cited person has remediated any knowledge and/or skill deficiencies which could have injured a patient.

§390.3. Citations for Unlicensed Practice.

The Executive Officer or his/her designee may issue a citation against any unlicensed person who is acting in the capacity of a licensee under the jurisdiction of the board and who is not otherwise exempt from licensure. Each citation may contain an order of abatement fixing a reasonable period of time for an abatement and an order to pay a fine not to exceed \$5,000 for each violation. Any sanction authorized for activity under this section shall be separate from and in addition to any other civil or criminal remedies.

§390.4. Contested Citations.

(a) The citation shall inform the licensee that if he/she desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board within 30 calendar days of the date of issuance of the citation. Hearings shall be held pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) In addition to requesting a hearing provided for in subdivision (a) of this section, the cited person may, within 14 calendar days after service of the citation, submit a written request for an informal conference with the Executive Officer.

(c) The Executive Officer or his/her designee shall, within 30 calendar days from receipt of the written request, hold an informal conference with the person cited and/or his/her legal counsel or authorized representative.

(d) The Executive Officer or his/her designee may affirm, modify or dismiss the citation, at the conclusion of the informal conference. A written decision stating the reasons for the decision shall be mailed to the cited person and his/her legal counsel, if any, within 14 calendar days from the date of the informal conference. This decision shall be deemed to be a final order with regard to the citation issued.

(e) If the citation is dismissed, the request for a hearing shall be deemed withdrawn. If the citation is affirmed or modified, the cited person may, in his/her discretion, withdraw the request for a hearing or proceed with the administrative hearing process.

§390.5. Compliance with Citation/Order of Abatement.

(a) Orders of abatement may be extended for good cause. If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his/her control after the exercise of reasonable diligence, the person cited may request an extension of time from the Executive Officer or his/her designee in which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) When a citation or order of abatement is not contested or if the order is appealed and the person cited does not prevail, failure to abate the violation within the time allowed or pay the fine that is imposed, if one was, shall constitute a violation and a failure to comply with the citation or order of abatement.

(c) Failure to timely comply with an order of abatement or pay a fine that is imposed is unprofessional conduct and may result in disciplinary action being taken by the board.

§390.6. Notification to Other Boards and Agencies.

The issuance and disposition of a citation shall be reported to other chiropractic boards and other regulatory agencies. A licensee's compliance with an order of abatement or payment of a fine based on the finding of a violation may only be disclosed to the public as satisfactory resolution of the matter.