

Introduced by

Industry, Business and Labor Committee

(At the request of the State Board of Chiropractic Examiners)

1 A BILL for an Act to amend and reenact sections 43-06-01, 43-06-02, 43-06-04, 43-06-04.1,
2 43-06-05, 43-06-08, 43-06-09, 43-06-10.1, 43-06-11, 43-06-13, 43-06-15, ~~43-06-16~~, 43-06-16.1,
3 and 43-06-18 of the North Dakota Century Code, relating to the state board of chiropractic
4 examiners and the practice of chiropractic; and to repeal sections 43-06-10 and 43-06-12 of the
5 North Dakota Century Code, relating to the state board of chiropractic examiners and the
6 practice of chiropractic.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** Section 43-06-01 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **43-06-01. Definitions.**

11 In this chapter, unless the context or subject matter otherwise requires:

12 1. "Approved and accredited doctor of chiropractic program" means a doctor of
13 chiropractic program approved by the board and accredited by a board-approved
14 entity, such as the council on chiropractic education or its successor or equivalent.

15 2. "Board" means the state board of chiropractic examiners.

16 ~~2-3.~~ "Certified chiropractic clinical assistant" means an individual certified by the board who
17 in accordance with section 43-06-16.1 assists with basic health care duties in the
18 practice of chiropractic under the supervision of a licensed doctor of chiropractic in
19 good standing with the board.

20 ~~3-4.~~ a. "The practice of chiropractic" includes:

21 (1) The examination, evaluation, and diagnosis by means including x-ray, other
22 appropriate diagnostic imaging, clinical laboratory procedures, or pertinent
23 examinations taught by chiropractic colleges accredited by the council on
24 chiropractic education or its successor or equivalent;

- 1 (2) The treatment of patients by means of the adjustment or manipulation of the
2 spinal column, the vertebral articulations, the appendicular skeleton not
3 excluding the skull, and of any displaced tissue of any kind or nature;
- 4 (3) The practice of physiotherapy, electrotherapy, or hydrotherapy;
- 5 (4) All other procedures, treatments, and interventions taught by chiropractic
6 colleges accredited by the council on chiropractic education or its
7 successor;
- 8 (5) The rating and reporting of any permanent impairment of function and the
9 providing of professional opinions regarding any matter included in this
10 definition of practice of chiropractic as set out herein; and
- 11 (6) Delegation of basic health care duties in the practice of chiropractic to a
12 certified chiropractic clinical assistant.
- 13 b. The practice of chiropractic does not include prescribing for, removal of, or
14 administering to any person any medicine or drug to be taken internally which is
15 now or hereafter included in materia medica, nor performing any surgery, except
16 as is provided in this section, nor practicing obstetrics.
- 17 5. "Telehealth" means the use of electronic communications to provide and deliver
18 chiropractic related information and chiropractic services, including chiropractic related
19 information and services, over any distance. Telehealth encompasses chiropractic
20 care and chiropractic promotion activities, including education, advice, reminders,
21 interventions, and the monitoring of interventions.

22 **SECTION 2. AMENDMENT.** Section 43-06-02 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **43-06-02. Who exempt from the provisions of this chapter.**

25 This chapter does not apply to:

- 26 1. Chiropractors from the District of Columbia, or other states, territories, or countries
27 who are in actual consultation in this state.
- 28 2. ~~Students duly enrolled in a college of chiropractic approved and accredited by the~~
29 ~~council on chiropractic education, or its successor or equivalent, who have completed~~
30 ~~chiropractic studies and who are continuing their training under a preceptorship~~
31 ~~program and performing the duties of an intern under the supervision of a chiropractor~~

1 licensed in the state of North Dakota who has received approval to supervise such
2 internship by the board and said students having received approval to participate in
3 such internship by the board and by the chiropractic college or university.

4 3. A graduate of any approved and accredited college of chiropractic who has for the first
5 time made application for license by examination to practice chiropractic in the state of
6 North Dakota, and who, under the supervision of a North Dakota licensed chiropractor,
7 performs the duties of an intern, provided that a supervising chiropractor has certified
8 to the board that the graduate is of good character and competent chiropractic ability.
9 The enrolled in an approved and accredited doctor of chiropractic program, who qualify
10 for the preceptorship program. Under this exception:

11 a. The student shall perform the duties of an intern under the supervision of a
12 chiropractor licensed in the state of North Dakota.

13 b. The student and the licensed chiropractor shall meet the requirements
14 established for the preceptorship by an approved and accredited doctor of
15 chiropractic program and must be approved by the program and by the board.

16 3. A graduate of a program who has not completed the examination requirements in
17 section 43-06-10.1 who applies for a graduate internship under this exception:

18 a. The graduate, under the supervision of a North Dakota licensed chiropractor,
19 shall perform the duties of an intern.

20 b. The graduate shall submit an initial application for North Dakota licensure.

21 c. The graduate must be sponsored by a chiropractor with a current and valid North
22 Dakota license in good standing, including no active complaints, with at least
23 three years of experience.

24 d. The graduate and the license holder shall provide proof of malpractice insurance.

25 e. The graduate intern authorization granted by the board terminates within fifteen
26 months from the date issued by the board.

27 4. Nothing in this chapter is to be construed to impinge upon the practice of medicine by
28 a physician and surgeon or an osteopathic physician and surgeon who has adequate
29 training in the use of manipulative and adjustive procedures of the spine and
30 appendicular skeleton.

1 5. A chiropractor who is licensed in another jurisdiction of the United States or
2 credentialed to practice chiropractic in another country if that chiropractor is teaching,
3 demonstrating, or providing chiropractic in connection with teaching or participating in
4 an educational seminar in the state for no more than sixty days in a calendar year.

5 6. A chiropractor who is licensed in another jurisdiction of the United States or
6 credentialed to practice chiropractic in another country if that chiropractor is practicing
7 chiropractic in North Dakota as a member of the health care team for a sports, cultural,
8 or performing arts group. Treatment may only be performed on members of the team
9 or group the chiropractor is traveling with, for no more than sixty days in a calendar
10 year.

11 **SECTION 3. AMENDMENT.** Section 43-06-04 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **43-06-04. Board of chiropractic examiners - Members - Term of office.**

- 14 1. Each member of the board shall qualify by taking the oath of office required of civil
15 officers and shall hold office for a term of five years and until the member's successor
16 is appointed and qualified. The terms of office of the members of the board must be so
17 arranged that only one term expires on the thirty-first day of August of any year except:
18 a. Every fifth year, the governor shall appoint a doctor of chiropractic and a certified
19 chiropractic clinical assistant to the board.
20 b. ~~Two years~~One year after the appointments in subdivision a, the governor shall
21 appoint a doctor of chiropractic and a consumer member to the board.
22 2. A member may not serve for more than two consecutive five-year terms.
23 3. If a member of the board is absent from two consecutive regular meetings, the board
24 may declare a vacancy. Vacancies on the board must be filled by appointment by the
25 governor.

26 **SECTION 4. AMENDMENT.** Section 43-06-04.1 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **43-06-04.1. Powers and duties of board.**

- 29 1. The board shall administer the provisions of this chapter and the administrative rules
30 of the board relating to the practice of chiropractic. ~~‡~~The board has all powers, rights,
31 and duties as provided in chapter 28-32.

- 1 2. The board shall verify the qualifications of applicants for licenses to practice
2 chiropractic and of applicants for certification to practice as a certified chiropractic
3 clinical assistant. ~~‡The board~~ shall examine and renew the licenses or certification of
4 duly qualified applicants.
- 5 3. The board shall regulate the practice of chiropractic and shall enforce the provisions of
6 this chapter and the rules of the board. The board shall investigate complaints of
7 violations and cause the prosecution of persons violating the provisions of this chapter
8 or the administrative rules of the board. The board may impose a civil penalty not
9 exceeding ten thousand dollars per violation as a result of the disciplinary
10 proceedings.
- 11 4. The board may appoint a peer review committee and employ ~~such~~ personnel and
12 incur ~~such~~ expenses as may be necessary for the performance of the board's duties
13 and the enforcement of this chapter.
- 14 5. The board may inspect upon probable cause, at all reasonable times, any chiropractic
15 office or place where chiropractic services are performed.
- 16 6. The board may set fees for licensure and renewal.
- 17 7. The board may adopt and amend ~~administrative rules and regulations~~, consistent with
18 ~~the provisions of~~ this chapter governing the practice of chiropractic and the diagnosis
19 and treatment of patients, the enforcement of this chapter, and proper performance of
20 ~~its~~the board's duties, including:
- 21 a. A code of ethical conduct governing the practice of chiropractic.
- 22 b. Requirements, standards, and examinations to determine the intellectual,
23 educational, scientific, technical, and professional qualifications of applicants for
24 license or certification.
- 25 c. Matters pertaining to the content and conduct of examination.
- 26 d. Matters pertaining to the operation and registration of chiropractic facilities.
- 27 e. Matters pertaining to the practice and certification of chiropractic specialties by
28 licensed doctors of chiropractic.
- 29 f. The quantity, type, and character of postgraduate study to be done by any
30 licensee in order to comply with ~~the provisions of~~ this chapter.

1 g. Set policies and procedures on what constitutes professional or unprofessional
2 conduct.

3 h. Any other rules or regulations as may be necessary to give this chapter full force
4 and effect.

5 **SECTION 5. AMENDMENT.** Section 43-06-05 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **43-06-05. Meetings of board - When held - Place of meeting - Quorum - Officers - Seal**
8 **- Compensation - Expenses - How paid.**

9 The board shall hold regular meetings twice yearly at approximate six-month intervals and
10 such special meetings as ~~the board~~ may deem necessary. The meetings shall must be held at
11 such places as the board may designate. ~~Three~~Four members of the board constitute a
12 quorum. At the first meeting of the board of each calendar year, the members of the board shall
13 elect from their membership a president, vice president, and secretary-treasurer. Each shall
14 hold office for one year and until a successor is elected and qualified. The board shall have a
15 seal and may adopt appropriate rules necessary to carry out the provisions of this chapter. A
16 member of the board shall receive compensation in an amount to be fixed by regulation of the
17 board for each day or portion thereof of a day spent in the discharge of duties, such mileage as
18 is provided by section 54-06-09, and must be reimbursed for actual and necessary expenses
19 incurred in the discharge of official duties in accordance with section 44-08-04. In addition to the
20 compensation, expenses, and mileage, the secretary-treasurer of the board is entitled to
21 receive such salary as must be fixed by a resolution of the board adopted at a regular meeting.

22 **SECTION 6. AMENDMENT.** Section 43-06-08 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **43-06-08. License required - Application - Examination required - Fee.**

25 ~~No~~A person may not practice chiropractic in this state unless that person has a license from
26 the state board of chiropractic examiners. ~~Any~~A person who desires a license shall apply to the
27 board and submit to an examination. ~~Each applicant shall present with the application a diploma~~
28 ~~from a college of chiropractic accredited by the council on chiropractic education or its~~
29 ~~successor or equivalent, or a photocopy of the same, or a certificate from the college stating~~
30 ~~that the applicant is a student in good standing in the student's last trimester, and proof that the~~
31 ~~applicant has the required qualifications. The board may allow an applicant to take the~~

1 ~~examination during the period that the applicant is attending the applicant's last trimester but~~
2 ~~may not issue a license until the applicant has graduated and has provided the board with a~~
3 ~~diploma as provided in this section. Before beginning the examination, the applicant shall pay:~~

4 1. Apply to the board;

5 2. Submit an official transcript of successful completion of all required examinations;

6 3. Submit an official transcript and diploma from an approved and accredited doctor of
7 chiropractic program. The applicant may submit an application while the applicant is
8 enrolled in the applicant's last term but the board may not issue a license until the
9 applicant has graduated and has provided the board with an official transcript and
10 diploma as provided in this section; and

11 4. Pay to the board a fee, to be determined by the board from time to time, of an amount
12 not to exceed five hundred dollars.

13 **SECTION 7. AMENDMENT.** Section 43-06-09 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **43-06-09. Chiropractor - Qualifications.**

16 An applicant for ~~examination~~licensure to practice chiropractic in this state ~~shall~~must have a
17 degree ~~from~~ or a certificate proving enrollment~~be enrolled~~ in the last ~~trimester~~term of college
18 ~~received from~~at an approved and accredited college of chiropractic. ~~An approved and~~
19 ~~accredited college of chiropractic within the meaning of this chapter is a college of chiropractic~~
20 ~~that is approved by the board and accredited by the council on chiropractic education or its~~
21 ~~successor or equivalent~~doctor of chiropractic program.

22 **SECTION 8. AMENDMENT.** Section 43-06-10.1 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **43-06-10.1. National board examination.**

25 The board ~~may in its discretion~~shall accept all parts of the national board examination ~~in lieu~~
26 ~~of part of an examination for a license, or its successor or equivalent,~~ providing all other
27 requirements are met.

28 **SECTION 9. AMENDMENT.** Section 43-06-11 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **43-06-11. License - When issued - Who issues - Title used by licensed chiropractor.**

2 A license to practice chiropractic in this state must be issued by the board to an applicant
3 who has submitted proof of the required qualifications and passed the required examination.
4 ~~No~~A license to practice chiropractic may not be granted except upon the affirmative vote of at
5 least ~~three of the members~~a quorum of the board. A licensed chiropractor may use the title
6 doctor of chiropractic, chiropractor, chiropractic physician, or D.C.

7 **SECTION 10. AMENDMENT.** Section 43-06-13 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **43-06-13. Term of license - Renewal - Fee - Requirements.**

- 10 1. A license to practice chiropractic in this state is valid for one year ~~only~~ and must be
11 renewed on or before the first day of September of each year.
- 12 2. A renewal applicant shall pay a fee for renewal of a license. The fee for renewal of a
13 license ~~must~~shall be determined by the board from time to time, but may not exceed
14 five hundred dollars.
- 15 3. The board shall establish by rule the number of hours necessary for annual continuing
16 education. ~~Before it issues a renewal license, the board shall require each applicant~~
17 ~~who has a license to practice in this state to attend a postgraduate course sponsored~~
18 ~~by a college of chiropractic, accredited by the council on chiropractic education, or its~~
19 ~~successor or equivalent, a health-related seminar sponsored by an equally accredited~~
20 ~~college or university, a medical seminar qualifying for continuing education credits, or~~
21 ~~an educational program arranged by the North Dakota chiropractic association and~~
22 ~~approved by the board.~~
- 23 4. The board shall establish by rule the accepted programs for the annual continuing
24 education requirement.
- 25 5. A license ~~which~~that has not been renewed, as a result of nonpayment of annual
26 registration fees required by this chapter or as a result of the failure by the licensee to
27 attend the required annual continuing education, may be reinstated ~~upon payment to~~
28 ~~the board of the amount of renewal fees then in default or by certification that the~~
29 ~~required continuing education has been completed after the expiration of the previous~~
30 ~~license~~by procedure adopted by the board in administrative rules. In either case, the

1 board may charge an additional administrative fee to be fixed by the board at the time
2 of consideration of the reinstatement, not to exceed four hundred dollars.

3 6. In addition to the payment of fees, the board, after an investigation, may require a
4 chiropractor whose license has not been renewed to submit to a re-examination as to
5 the applicant's qualifications to practice chiropractic before the applicant is reinstated,
6 if the board in the exercise of ~~its~~the board's discretion finds and determines ~~that~~ the
7 best interests of the public and the applicant will be served thereby.

8 **SECTION 11. AMENDMENT.** Section 43-06-15 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **43-06-15. Grounds for denial of licensure, revocation, or suspension of license or**
11 **other action of the board - Sworn Signed written statement - Investigation - Hearing.**

12 1. The board may deny an application for licensure and may revoke, suspend, or take
13 such other action as provided in this section regarding the license of any chiropractor
14 in this state who:

- 15 a. Has a mental or physical condition such that the person is unable to safely
16 engage in the practice of chiropractic.
- 17 b. Has been declared incompetent or seriously mentally ill by a court of competent
18 jurisdiction and thereafter has not been declared competent or released from
19 supervision.
- 20 c. Is suffering from alcoholism or drug addiction which endangers the public by
21 impairing the chiropractor's ability to practice safely.
- 22 d. Procured the license to practice by fraud or mistake.
- 23 e. Has engaged in unprofessional or dishonorable conduct, including false or
24 misleading advertising, rendering excessive or inappropriate treatment, or
25 charging unconscionable fees.
- 26 f. Has been convicted of a crime involving ~~moral turpitude~~sexual misconduct,
27 infliction of physical harm or bodily injury to another individual, corruption,
28 dishonesty, illegal possession or distribution of drugs, or any crime that would
29 affect the person's ability to practice as a licensed chiropractor. A copy of the
30 record of conviction or plea of guilty or nolo contendere is conclusive evidence.

- 1 g. Has aided, assisted, or enabled any unlicensed person to practice chiropractic
2 contrary to this chapter or rule of the board.
- 3 h. Has engaged in the practice of abortion.
- 4 i. Has made use of any advertising statement of a character tending to deceive or
5 mislead the public.
- 6 j. Has failed to maintain a chiropractic facility in safe and sanitary conditions.
- 7 k. Has incurred a disciplinary action, suspension, or revocation in another
8 jurisdiction; has surrendered a license while a disciplinary complaint was pending
9 in another jurisdiction; or has entered a settlement agreement to avoid or resolve
10 a disciplinary complaint in another jurisdiction as a result of acts similar to acts
11 described in this section or rule of the board. A certified copy of the ~~suspension or~~
12 ~~revocation~~ board order in the other jurisdiction is conclusive evidence.
- 13 l. Has committed any violation of the provisions of this chapter ~~and~~, the code of
14 ethics, or rules as adopted by the board, including the failure to submit for
15 physical or mental examination or to provide information as required by the
16 board.
- 17 m. Has practiced chiropractic while the license to practice was suspended or
18 revoked.
- 19 n. Has, while under probation, violated ~~its~~ the terms of probation.
- 20 o. Has failed to properly supervise a certified chiropractic clinical assistant or who
21 has delegated duties to a certified chiropractic clinical assistant which are beyond
22 the assistant's education or training or which are beyond the scope of practice of
23 a certified chiropractic clinical assistant.
- 24 2. Any person, health care facility, business, or organization is immune from civil liability
25 or criminal prosecution for submitting a ~~sworn~~ signed written statement and other
26 reports and information to the board under subsection 5 or for otherwise reporting to
27 the board violations or alleged violations under this chapter. The reports are not public
28 records.
- 29 3. Members of the board and persons employed by the board or engaged in the
30 investigation or prosecution of violations and in the preparation and management of
31 charges of violations of this chapter on behalf of the board, including members of any

1 peer review committee, are immune from civil liability and criminal prosecution for any
2 actions, transactions, or publications in the execution of, or relating to, their duties
3 under this chapter.

4 4. A doctor of chiropractic who is the subject of an investigation by, or on behalf of, the
5 board shall cooperate fully with the investigation. Cooperation includes responding
6 fully and promptly to any question raised by, or on behalf of, the board relating to the
7 subject of the investigation and providing copies of patient records or any pertinent
8 information requested by the board, to assist the board in ~~its~~the board's investigation.

9 5. Any person, including a member of the board, may file a signed written statement and
10 other reports and information with any member of the board against a licensed
11 chiropractor charging the chiropractor with any of the offenses or conditions set forth in
12 subsection 1, ~~which.~~ The statement must set forth a specification of the charges.
13 When the statement has been filed, the board shall make an investigation as provided
14 by subsection 6.

15 6. When the statement and other reports and information have been filed, the board shall
16 notify the licensed chiropractor of the allegations and ~~shall thereafter make an~~
17 ~~investigation for the purpose of determining~~shall investigate to determine whether the
18 allegations in the statement constitute a basis for further proceedings. The
19 investigation must be conducted in such manner and at such time and place as in the
20 judgment of the board will best ascertain the facts. The board may appoint a peer
21 review committee. The board, in order to pursue the investigation, ~~has the power~~
22 ~~to~~may subpoena and examine witnesses and records, including patient records, and
23 ~~to~~ copy, photograph, or take samples. ~~#~~The board may require the licensed
24 chiropractor to give statements under oath, to submit to a physical or mental
25 examination, or both, by a physician or physicians and other qualified evaluation
26 professionals selected by the board if it appears to be in the best interests of the public
27 that this evaluation be secured. The board may examine and review any relevant
28 medical or psychological records, including test results and x-rays relative to the
29 examination or treatment of the licensed chiropractor. A written request from the board
30 constitutes authorization to release information. The medical or psychological
31 information is not public record.

- 1 7. If, based on the investigation or report from a peer review committee, the board has
2 reasonable cause to believe that there is a basis for further proceedings, the board
3 shall prepare a complaint and serve ~~it~~the complaint, along with a notice of hearing, on
4 the licensed chiropractor and thereafter proceed with a hearing on the matter under
5 chapter 28-32. All hearings must be held in Bismarck ~~at the state capitol~~ unless the
6 board and the licensed chiropractor agree otherwise.
- 7 8. After the hearing, the board, under section 28-32-39, shall make and give notice of
8 ~~its~~the board's determination or decision as to whether the offenses charged have been
9 committed or the conditions charged do not exist. If the finding is in the negative, the
10 board shall dismiss the charges. If the finding is in the affirmative, the board shall:
- 11 a. ~~Revoke~~Shall revoke the license;
- 12 b. ~~Suspend~~Shall suspend the licensee's right to practice for a period not to exceed
13 one year;
- 14 c. ~~Suspend its~~Shall suspend the board's judgment of revocation on terms and
15 conditions determined by the board;
- 16 d. ~~Place~~Shall place the licensee on probation; or
- 17 e. ~~Take~~Shall take any other disciplinary action which the board in ~~its~~the board's
18 discretion considers proper, including the ordering of an adjustment to a patient's
19 bill or refund of ~~such an~~ amount previously paid, including reasonable interest
20 from the date of the order, to a patient or payer of any unconscionable fees for
21 chiropractic services.
- 22 f. In addition to the actions imposed in subdivisions a through e, ~~the board~~ may:
- 23 (1) Require payment of all costs of proceedings resulting in a disciplinary
24 action, including administrative costs, investigation costs, attorney's fees,
25 peer review committee costs, witness costs and fees, the costs of the
26 offices of administrative hearings services, and court costs.
- 27 (2) Impose a civil penalty not exceeding ten thousand dollars for each separate
28 violation, to deprive the chiropractor of any economic advantage gained by
29 reason of the violation found and to reimburse the board for the cost of the
30 investigation and proceedings.

1 9. In cases of revocation, suspension, or probation, the board shall record the facts of the
2 case and all actions of the board.

3 10. On the expiration of a term of suspension, the licensee must be reinstated by the
4 board if the chiropractor applies to the board and furnishes evidence, satisfactory to
5 the board, that the licensee is then of good character and conduct or restored to good
6 health and ~~that~~ the licensee has not practiced chiropractic during the term of
7 suspension and is competent to practice in this state. If the evidence fails to establish
8 those facts to the satisfaction of the board, the board may require the applicant to
9 submit to an examination in accordance with ~~sections 43-06-08 through 43-06-12~~this
10 chapter or shall proceed to hearing on revocation with notice as provided in
11 subsection 7.

12 11. Any licensed chiropractor may take corrective action or voluntarily relinquish the
13 chiropractor's license to the board before a formal order of the board on such terms
14 and conditions as may be agreed by the licensed chiropractor and the board.

15 ~~SECTION 12. AMENDMENT. Section 43-06-16 of the North Dakota Century Code is~~
16 ~~amended and reenacted as follows:~~

17 ~~43-06-16. Duties of chiropractor.~~

18 ~~1. Every licensed chiropractor practicing in this state shall:~~

19 ~~1. a. Observe all state and municipal regulations relating to the control of contagious~~
20 ~~and infectious diseases.~~

21 ~~2. b. Sign death and birth certificates.~~

22 ~~3. c. Sign certificates pertaining to public health.~~

23 ~~4. d. Report to the proper health officer in the manner required of licensed physicians.~~

24 ~~2. A licensed chiropractor practicing in this state may perform a preparticipation~~
25 ~~evaluation for participation in sports.~~

26 ~~3. All certificates signed by a chiropractor licensed to practice in this state are of the~~
27 ~~same force and effect as those signed by other licensed physicians.~~

28 **SECTION 12. AMENDMENT.** Section 43-06-16.1 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **43-06-16.1. Certified chiropractic clinical assistant.**

2 1. A person may not practice as a certified chiropractic clinical assistant or claim to be a
3 chiropractic assistant without certification from the board. The fee for initial certification
4 is fifty dollars. The board may grant a temporary certification to an initial applicant who
5 is waiting for a criminal history background check to be completed. This temporary
6 certification expires automatically upon the applicant receiving a regular certification or
7 being notified the application has been denied.

8 2. To be certified to practice as a certified chiropractic clinical assistant, an applicant
9 ~~must~~shall provide evidence satisfactory to the board the applicant:

10 a. Graduated from high school, or holds a graduate equivalency degree.

11 b. Is at least eighteen years of age.

12 c. Successfully completed the certified chiropractic clinical assistant program and
13 examination by the federation of chiropractic licensing boards. ~~However,~~
14 ~~applicants for initial certification before March 1, 2018, and who have verified~~
15 ~~employment of two thousand hours as a chiropractic assistant within the three~~
16 ~~years before August 1, 2017, and submitted evidence of passing the certified~~
17 ~~chiropractic clinical assistant examination by the national board of chiropractic~~
18 ~~examiners via the federation of chiropractic licensing boards, qualify for~~
19 ~~certification without meeting the coursework requirement of the program.~~

20 d. ~~Is of good moral character and submits documentation of good moral character~~
21 ~~as prescribed by the board, including criminal records review~~Successfully
22 completed a criminal history record check as authorized by section 43-06-11.1.

23 e. Completed an application in a manner and form provided by the board.

24 f. Paid all applicable fees relative to the application process as determined by the
25 board.

26 g. Received practical experience to the extent required to demonstrate competency
27 to safely provide patient care pertinent to the chiropractic office at which the
28 certified chiropractic clinical assistant is employed.

29 3. A certified chiropractic clinical assistant who is certified in another jurisdiction may
30 apply for certification. The applicant shall provide evidence satisfactory to the board
31 the applicant:

- 1 a. Has current practice privilege in good standing as a certified chiropractic clinical
2 assistant or equivalent granted by at least one jurisdiction with requirements
3 similar to or greater than the ~~requirement~~requirements of this board; and
- 4 b. Presented to the board current documentation that any practice privilege granted
5 by another jurisdiction as a certified chiropractic clinical assistant or equivalent
6 has not been suspended, revoked, or otherwise restricted for any reason except
7 nonrenewal.
- 8 4. A minimum passing examination score of ~~seventy-five percent~~result is required to
9 obtain certification. ~~The examination must be provided by the national board of~~
10 ~~chiropractic examiners via the federation of chiropractic licensing boards or a~~
11 ~~board-approved examination~~The board may accept a chiropractic clinical assistant
12 program examination such as the federation of chiropractic licensing board-certified
13 chiropractic clinical assistant program examination or its board-approved successor or
14 equivalent.
- 15 5. The fee for renewal of the certification is fifty dollars per year and must be set by the
16 board from time to time. ~~Certificate renewal is~~A certificate in this state is valid for one
17 year and must be renewed on or before March first of every year.
- 18 a. A certified chiropractic clinical assistant shall obtain ~~six~~three hours of continuing
19 education every ~~two years~~year after the initial certification to renew certification.
20 These hours must be a program or seminar approved by providers of approved
21 continuing education, ~~a seminar sponsored by the North Dakota chiropractic~~
22 ~~association and approved by the board,~~ or a seminar approved for continuing
23 education by another state's board of chiropractic examiners or equivalent, or a
24 seminar otherwise approved by the board. Proof of meeting continuing education
25 requirements must be submitted with the certified chiropractic clinical assistant's
26 renewal application ~~on the even-numbered years after initially receiving~~
27 ~~certification.~~
- 28 b. For an applicant who first receives initial certification between ~~January~~December
29 first of the year immediately before renewal and March first, the certification is
30 deemed to be automatically renewed on March first for an additional year without
31 payment of an additional renewal fee.

- 1 6. A certified chiropractic clinical assistant must be under the direct supervision of a
2 North Dakota licensed chiropractor in good standing with the board. Direct supervision
3 means the oversight provided by the chiropractor over the clinical services performed
4 by a certified chiropractic clinical assistant, and requires the chiropractor to be on the
5 premises at all times and readily available to instruct the certified chiropractic clinical
6 assistant throughout the performance of the clinical services.
- 7 7. The certified chiropractic clinical assistant may assist the chiropractor in patient care
8 involving physiotherapy, electrotherapy, hydrotherapy, chiropractic rehabilitative
9 therapy, administrative processes, and other activities as needed to assist in the
10 practice of chiropractic. The certified chiropractic clinical assistant may perform
11 delegated duties commensurate with the certified chiropractic clinical assistant's
12 education and training, but may not evaluate, interpret, design, or modify established
13 treatment programs of chiropractic care or violate any statute. Certified chiropractic
14 clinical assistants may not participate in clinical decisionmaking, render manipulative
15 chiropractic care, create or change the course of a chiropractic treatment plan, or
16 represent themselves as independent health care providers. A certified chiropractic
17 clinical assistant may not perform medical imaging unless also licensed under
18 chapter 43-62 ~~or upon meeting an exception from that chapter.~~
- 19 8. The board may deny certification of an applicant, or may revoke, suspend, or take
20 other appropriate disciplinary or corrective action regarding the certification of any
21 certified chiropractic clinical assistant who:
- 22 a. Has a mental or physical condition that renders the individual unable to safely
23 engage in patient care.
- 24 b. Has been declared incompetent by a court.
- 25 c. Is suffering from alcoholism or drug addiction that endangers the public by
26 impairing the certified chiropractic clinical assistant's ability to practice safely.
- 27 d. Procured the certification to practice by fraud or mistake.
- 28 e. Has engaged in unprofessional or dishonorable conduct.
- 29 f. Has been convicted of a crime involving ~~moral turpitude~~ sexual misconduct,
30 infliction or physical harm or bodily injury to another individual, corruption, or

- 1 dishonesty which would affect the certified chiropractic clinical assistant's ability
2 to safely engage in patient care.
- 3 g. Has aided or assisted a noncertified individual to practice as a certified
4 chiropractic clinical assistant.
- 5 h. Has made advertising statements that are deceiving or misleading to the public.
- 6 i. Has had disciplinary action taken in another jurisdiction.
- 7 j. Has committed any violation of regulations regarding chiropractic found in this
8 chapter or rules adopted by the board.
- 9 k. Has practiced as a certified chiropractic clinical assistant while the certification
10 was suspended or revoked.
- 11 l. Is found ~~guilty of~~ to have committed unprofessional conduct ~~that,~~ which includes:
- 12 (1) Willfully harassing, abusing, or intimidating a patient either physically or
13 verbally.
- 14 (2) Any conduct that has endangered or is likely to endanger the health or
15 safety of the public.
- 16 (3) Conviction of a crime related to the qualification of a certified chiropractic
17 clinical assistant.
- 18 (4) Conviction of a felony or any offense involving ~~moral turpitude~~ sexual
19 misconduct, infliction of physical harm or bodily injury to another individual,
20 dishonesty, or corruption.
- 21 (5) Conviction of violating any law or regulation concerning the dispensing or
22 administration of narcotics, dangerous drugs, or controlled substances.
- 23 (6) Knowingly making or signing any false certificates related to the chiropractic
24 care administered.
- 25 (7) Participation in any act of fraud.
- 26 (8) Except as required by law, the unauthorized disclosure of any information
27 about a patient revealed or discovered during the course of examination or
28 treatment.
- 29 (9) Delegating professional responsibilities to a person that is not certified to
30 provide the services.

1 (10) Initiating or engaging in any sexual conduct, sexual activities, or sexualizing
2 behavior involving a current patient even if the patient attempts to sexualize
3 the relationship, except when the patient is the certified chiropractic clinical
4 assistant's spouse or significant other.

5 9. Disciplinary procedures will be conducted in accordance with chapter 28-32, with the
6 following provisions:

7 a. Complaints must be filed and signed in written form or may be considered by the
8 board on ~~its~~the board's own motion.

9 b. The board shall notify the certified chiropractic clinical assistant and the employer
10 regarding any complaints filed. Full and timely cooperation is required in the
11 investigation.

12 c. The board may appoint a peer review committee at ~~its~~the board's discretion. The
13 peer review committee has the same authority as a peer review committee
14 appointed under section 43-06-14.1.

15 d. If the board finds probable cause to impose disciplinary action, the board shall
16 prepare a complaint and serve ~~it~~the complaint to the certified chiropractic clinical
17 assistant and employer.

18 10. Certification is not required for individuals who solely perform administrative activities
19 of a nonclinical nature.

20 **SECTION 13. AMENDMENT.** Section 43-06-18 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **43-06-18. State's attorney to enforce law.**

23 The state's attorney of each county in this state shall enforce section 43-06-19 and
24 prosecute all violations ~~thereof~~of this section, and the ~~secretary-treasurer~~executive director of
25 the board, under the direction of the board, shall aid in the enforcement of this chapter.

26 **SECTION 14. REPEAL.** Sections 43-06-10 and 43-06-12 of the North Dakota Century
27 Code are repealed.