

Title 17. Professions, Occupations, and Businesses

Chapter XX. Arkansas State Board of Chiropractic Examiners, Department of Health, State Board of Health

Subchapter A. Generally

Part 110. Arkansas State Board of Chiropractic Examiners Rules

Subpart 1. Generally

17 CAR § 110-101. Definitions.

As used in this part:

(1) "Board" means the Arkansas State Board of Chiropractic Examiners; and

(2) "Rules" means those:

(A) Acts, statements, or definitions by which the chiropractic profession is governed or regulated in:

(i) Conduct;

(ii) Actions; or

(iii) Practice; and

(B) Procedures by which the Arkansas State Board of Chiropractic Examiners:

(i) Exercises its authority and responsibility; and

(ii) Conducts its affairs.

Authority. Arkansas Code § 17-81-206.

Subpart 2. Applications for State Board Examinations and Licensure

17 CAR § 110-201. Preprofessional education requirements.

(a) **Two-year college requirements after July 1, 1971.** The Arkansas State Board of Chiropractic Examiners construes Arkansas Code § 17-81-305(a)(2) to mean that the two (2) years of preprofessional college study in the field of science shall not be less than sixty (60) semester hour credits (or its equivalent in quarter hours) toward

a degree and be successfully completed in a recognized liberal arts college or university, thirty (30) hour credits of which shall be in one (1) or more of the pure science subjects, such as:

- (1) Biology;
- (2) Zoology;
- (3) Chemistry;
- (4) Mathematics; or
- (5) Other like subjects.

(b) The board shall not accept less than a "C" average in preprofessional college.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-202. Approved chiropractic education.

(a) **Approved colleges of chiropractic.** All applicants for examination for licensure to practice chiropractic in the State of Arkansas who have matriculated at a chiropractic college after September 1, 1971, must present evidence of having been graduated from a chiropractic college having status with the accrediting commission of the Council on Chiropractic Education, or similar criteria as determined by, and at the discretion of, the Arkansas State Board of Chiropractic Examiners.

(b) The Arkansas State Board of Chiropractic Examiners adopts clinical competency guidelines similar to CCE quantitative assessment delineations.

(c) The Arkansas State Board of Chiropractic Examiners may disapprove any college whose academic requirements appear to be deficient in the basic science or diagnostic fields.

(d) The Arkansas State Board of Chiropractic Examiners will not accept for examination any person who is not adequately trained in basic diagnostic methods and related fields, including the field of roentgenology.

(e)(1) An applicant must possess a valid National Board of Chiropractic Examiners certificate to include Parts I and II and the Physiological Therapeutics elective section and, on and after January 1, 1990, possess a valid National Board of Chiropractic

Examiners certificate to include Parts I, II, and III and the Physiological Therapeutics elective section and include one hundred twenty (120) classroom hours of physiological therapeutics.

(2) On or after July 1, 2016, an applicant must possess a valid National Board of Chiropractic Examiners certificate to include Parts I, II, III, and IV and Physiological Therapeutics elective section and include one hundred twenty (120) hours of physiological therapeutics.

(3) The Arkansas State Board of Chiropractic Examiners accepts the National Board of Chiropractic Examiners' recommended passing score of 375.

(f) An approved applicant will be permitted to sit for the Arkansas State Board of Chiropractic Examiners' examination provided the applicant's date of graduation from chiropractic college precedes the date of the next regularly scheduled examination by no more than six (6) months.

(g) Nothing in this provision shall be construed to supersede the current Arkansas Chiropractic Practices Act, Arkansas Code § 17-81-101 et seq., which invests the Arkansas State Board of Chiropractic Examiners with the responsibility for approval of any college that is authorized by law to issue the doctorate degree in chiropractic.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-203. Application to the board for examination or licensure.

(a) Applicants responsible for complete credentials.

(1) It shall be the responsibility of the applicant to furnish the necessary credentials as the Arkansas State Board of Chiropractic Examiners deems necessary or as required by law.

(2) Submission of credentials does not mean automatic acceptance for examination.

(b) The Arkansas State Board of Chiropractic Examiners shall waive the initial license application fee if the applicant:

(1) Is receiving assistance through the:

- (A) Arkansas Medicaid Program;
 - (B) Supplemental Nutrition Assistance Program;
 - (C) Special Supplemental Nutrition Program for Women, Infants, and Children;
 - (D) Temporary Assistance for Needy Families Program; or
 - (E) Lifeline Assistance Program;
- (2) Was approved for unemployment within the last twelve (12) months; or
- (3) Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

(c)(1) All credentials other than the National Board of Chiropractic Examiners Part IV score must be in the hands of the Director of the Arkansas State Board of Chiropractic Examiners, with a postmark and or electronic receipt from the National Board of Chiropractic Examiners, no later than forty-five (45) days before the intended examination date.

(2) The National Board of Chiropractic Examiners Part IV score must be in the hands of the director, with the postmark and or electronic receipt from the National Board of Chiropractic Examiners, no later than seven (7) days before the examination date.

(3) Incomplete applications will not be considered and will be returned by the director with the notation "Application Incomplete".

(d) The Arkansas State Board of Chiropractic Examiners' decision at the time of the credentials survey shall be final for that examination.

(e)(1) Effective January 1, 2008, every person applying for a license issued by the Arkansas State Board of Chiropractic Examiners shall provide written authorization to the Arkansas State Board of Chiropractic Examiners to allow the Identification Bureau of the Division of Arkansas State Police to release the results of a criminal history background check to the Arkansas State Board of Chiropractic Examiners.

(2) Each applicant shall:

(A) Complete a state fingerprint card in the presence of a law enforcement officer; and

(B) Have that officer sign the card, giving:

- (i) His or her jurisdiction;
- (ii) The date; and
- (iii) His or her badge number.

(3) The applicant shall be responsible for payment of all fees associated with the background check.

(f) Each applicant will be notified by the Arkansas State Board of Chiropractic Examiners as to his or her acceptability for examination by notice mailed not more than fourteen (14) days after the Arkansas State Board of Chiropractic Examiners has met to review and pass on said applicants.

(g) Upon denial for cause, the applicant shall have the right to petition the Arkansas State Board of Chiropractic Examiners for a hearing to prove his or her qualifications, with the burden of proof at such hearing to rest with the applicant.

(h) If the Arkansas State Board of Chiropractic Examiners deems it necessary, it may, at any time prior to licensure, require the applicant to supply to the Arkansas State Board of Chiropractic Examiners' satisfaction such further information or documents necessary to establish the applicant's qualifications.

(i) The Arkansas State Board of Chiropractic Examiners shall grant a license to an applicant who fulfills the Arkansas requirements for licensure and is a person who holds a federal I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a "work permit".

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-204. Transfer of license.

A doctor of chiropractic who has continuously held an active license in good standing in another state or jurisdiction for a period of five (5) years may apply for transfer of license and licensure in Arkansas at the Arkansas State Board of Chiropractic Examiners' option on an individual basis and by a majority vote, provided the doctor:

- (1) Submits an application to the Arkansas State Board of Chiropractic Examiners;
- (2) Has passed either the:
 - (A) National Board of Chiropractic Examiners Part IV Examination; or
 - (B) National Board of Chiropractic Examiners SPEC;
- (3) Has passed the Arkansas State Board of Chiropractic Examiners' Arkansas jurisprudence examination;
- (4) Has attended the Arkansas State Board of Chiropractic Examiners' New Doctor Orientation Session or agrees to attend the next scheduled session and does in fact attend the session; and
- (5) Complies with all other requirements for maintaining a license in Arkansas and no other reason exists that would warrant a suspension or revocation of licensure, including CIN-BAD review.

Authority. Arkansas Code § 17-81-206.

Codification Notes. "SPEC" means the Special Purposes Examination for Chiropractic exam.

"CIN-BAD" means the Chiropractic Information Network - Board Action Databank.

17 CAR § 110-205. Licensure for military veterans.

(a) As used in this section:

(1) "Automatic licensure" means the granting of occupational licensure without an individual's having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by this part; and

(2) "Uniformed service veteran" means a former member of the uniformed services of the United States discharged under circumstances other than dishonorable.

(b) The Arkansas State Board of Chiropractic Examiners shall grant automatic licensure to an individual who is the holder in good standing of a license with a similar

scope of practice issued by another state, territory, or district of the United States and is:

(1) A uniformed service member stationed in the State of Arkansas;
(2) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

(3) The spouse of a:
(A) Person under subdivision (b)(1) or (b)(2) of this section;
(B) Uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; or

(C) Uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

(c) The board shall grant such automatic licensure upon receipt of all the below:

(1) Payment of the initial licensure fee;
(2) Evidence that the individual holds a license with a similar scope of practice in another state; and

(3) Evidence that the applicant is a qualified applicant under subsection (b) of this section.

(d) The expiration date of a license for a deployed uniformed service member or spouse will be extended for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(e) A full exemption from continuing education requirements will be allowed for a deployed uniformed service member or spouse until one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-206. Prelicensure criminal background check waiver request.

(a) If an individual has been convicted of an offense listed in Arkansas Code § 17-3-102(a) or (e), the Arkansas State Board of Chiropractic Examiners may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by an:

- (1) Affected applicant for a license; or
- (2) Individual holding a license subject to revocation.

(b) The board may grant a waiver upon consideration of the following, without limitation:

- (1) The age at which the offense was committed;
- (2) The circumstances surrounding the offense;
- (3) The length of time since the offense was committed;
- (4) Subsequent work history since the offense was committed;
- (5) Employment references since the offense was committed;
- (6) Character references since the offense was committed;
- (7) Relevance of the offense to the occupational license; and
- (8) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

(c) A request for a waiver, if made by an applicant, must:

- (1) Be in writing; and
- (2) Accompany the completed application and fees.

(d) The board will:

- (1) Respond with a decision in writing; and
- (2) State the reasons for the decision.

(e) An appeal of a determination under this section will be subject to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-207. Reciprocity.

(a) **Required qualifications.** An applicant applying for reciprocal licensure shall meet the following requirements:

(1)(A) The applicant shall hold a substantially similar license in another United States jurisdiction.

(B) A license from another state is substantially similar to an Arkansas chiropractic license if the other state's licensure qualifications require:

(i) Completion of not less than a minimum of sixty (60) semester credit hours of college education to include a minimum of thirty (30) semester credit hours in the field of science; and

(ii) Possession of a valid Doctor of Chiropractic degree from a chiropractic institution whose requirements include:

(a) A course of instruction of not less than:

(1) Four (4) years of nine (9) academic months each; or

(2) Four thousand four hundred (4,400) fifty-minute resident class hours; and

(b) One hundred twenty (120) classroom hours of physiological therapeutics.

(C) The applicant shall hold his or her occupational licensure in good standing.

(D) The applicant shall not have had a license revoked for:

(i) An act of bad faith; or

(ii) A violation of law, rule, or ethics.

(E) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;

(2) The applicant shall be sufficiently competent in the practice of chiropractic; and

(3) Practice management, ethics, and jurisprudence, physical/clinical diagnosis, chiropractic examination procedures, chiropractic adjusting and manipulation, X-ray interpretation, and chiropractic philosophy.

(b) **Required documentation.**

(1) An applicant shall submit:

- (A) A fully executed application;
- (B) The required fee; and
- (C) The documentation described below.

(2) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:

(A)(i) Evidence of current and active licensure in that state.

(ii) The Arkansas State Board of Chiropractic Examiners may verify this information:

(a) Online if the jurisdiction at issue provides primary source verification on its website; or

(b) By telephone to the other state's licensing board; and

(B)(i) Evidence that the other state's licensure requirements match those listed in subdivision (a)(1)(B) of this section.

(ii) The Arkansas State Board of Chiropractic Examiners may verify this information:

(a) Online; or

(b) By telephone to the other state's licensing board.

(3) To demonstrate that the applicant meets the requirements in subdivisions (a)(1)(C) – (a)(1)(E) of this section, the applicant shall provide the Arkansas State Board of Chiropractic Examiners with:

(A) The names of all states in which the applicant is currently licensed or has been previously licensed; and

(B)(i) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant:

(a) Has not had his or her license revoked for the reasons listed in subdivision (a)(1)(D) of this section; and

(b) Does not hold a license on suspended or probationary status as described in subdivision (a)(1)(E) of this section.

(ii) The Arkansas State Board of Chiropractic Examiners may verify this information:

(a) Online if the jurisdiction at issue provides primary source verification on its website; or

(b) By telephone to the other state's licensing board.

(4) As evidence that the applicant is sufficiently competent in the field of chiropractic, an applicant shall:

(A) Pass parts I, II, III, and IV and the physiological therapeutics section of the National Board of Chiropractic Examiners exam, as well as the Arkansas State Board of Chiropractic Examiners' jurisprudence exam; and

(B) Submit one (1) letter of recommendation from a licensed chiropractor who has been licensed five (5) or more years.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-208. Temporary and provisional license.

(a) The Arkansas State Board of Chiropractic Examiners shall issue a temporary and provisional license immediately upon receipt of the:

(1) Application;

(2) Required fee; and

(3) Documentation required under 17 CAR § 110-207(b)(2)(A) and (b)(2)(B).

(b) The temporary and provisional license shall be effective for at least ninety (90) days or until the Arkansas State Board of Chiropractic Examiners makes a decision on the application, unless the Arkansas State Board of Chiropractic Examiners determines that the applicant does not meet the requirements in 17 CAR § 110-207(a)(1), (a)(2), and (a)(3), in which case the temporary and provisional license shall be immediately revoked.

(c) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

Authority. Arkansas Code § 17-81-206.

Subpart 3. Procedures for Arkansas State Board of Chiropractic Examiners Jurisprudence Examinations

17 CAR § 110-301. Generally.

(a) All applicants for licensure shall be required to take and pass the Arkansas State Board of Chiropractic Examiners jurisprudence examination.

(b) The exam may be provided online, through the National Board of Chiropractic Examiners.

Authority. Arkansas Code § 17-81-206.

Subpart 4. Professional Conduct

17 CAR § 110-401. Aiding unlicensed practitioners.

(a) It is considered unprofessional conduct as described in Arkansas Code § 17-81-313(a)(6) for any licensee of the Arkansas State Board of Chiropractic Examiners to aid or abet in the practice of chiropractic within the State of Arkansas, any person:

(1) Not licensed in this state; or

(2) Whose license to practice chiropractic is under suspension or revocation.

(b) The practicing of chiropractic within the State of Arkansas as a partner, agent, or employee of, or in any other manner in joint venture with a person not licensed to practice chiropractic by this state, or any person whose license to practice chiropractic has been suspended or revoked shall be deemed unprofessional conduct.

(c) Nothing in this section is intended to prohibit or prevent professional affiliation in any legitimate manner with duly licensed or registered institutions, hospitals, or nursing homes, or the practicing of chiropractic in association with other healthcare professionals who are themselves duly licensed or registered by this state.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-402. Unprofessional acts.

The following acts or activities by a licensee of the Arkansas State Board of Chiropractic Examiners are considered to constitute unprofessional conduct and grounds for disciplinary action:

- (1) Fraud in procuring a license;
- (2) The performance of any action designed to or likely to deceive, defraud, or harm the public;
- (3) Violating any rule or law or being party to or aiding and abetting the violation of the rules of the board or the laws of the State of Arkansas regulating the practice of chiropractic;
- (4) The intentional or negligent use of any false, fraudulent, or forged statement, writing, or document, or the use of any fraudulent, deceitful, dishonest, or immoral practice in connection with any:
 - (A) Of the licensing requirements for the practice of chiropractic in Arkansas; or
 - (B) Communication with the board office;
- (5) Conviction of a felony for violations of any law of:
 - (A) The State of Arkansas;
 - (B) Another state; or
 - (C) The United States;
- (6) Habitual intoxication or personal use of unprescribed controlled or habit-forming drugs;
- (7) Practicing chiropractic while any impairment of judgment or ability exists due to the use of alcohol or other drugs that prevent the rendering of competent professional services;
- (8) Violating any term of probation or suspension;

(9) Abandoning or neglecting a patient under and in need of immediate professional care without making suitable arrangements for the continuation of such care and, if need be, by another chiropractic physician, or the abandoning of a professional group or solo practice;

(10) Failing to exercise appropriate supervision over persons who are authorized to render certain services under the supervision of the licensed professional;

(11) Willfully making or filing a false report, whether it be an insurance report, death certificate, work excuse, or any other report dealing with public health, or willfully impeding or obstructing such filing of accurate data;

(12) Using the word "doctor" in offering to perform professional services without also indicating the profession in which the licensee holds a doctorate;

(13)(A) Direct solicitation that is false, misleading, or deceptive by agents of the licensee or knowingly soliciting a patient that is already a patient of another chiropractic physician.

(B) Nothing herein is intended to prohibit public relations or advertising by the chiropractic physician or by their use of public relations or advertising firms;

(14) Negligent or reckless practice, or intentional misapplication of practice, regardless of the degree of injury to the patient;

(15) Failure to keep accurate records that reflect the diagnosis and treatment of individual patients;

(16)(A) Sexual misconduct.

(B) Sexual violation comprises physician-patient sex, whether initiated by the patient or not, and engaging in any conduct with a patient that is sexual, or may be reasonably interpreted as sexual, including, but not limited to:

(i) Sexual intercourse;

(ii) Oral-to-oral contact except CPR;

(iii) Touching breasts, genitals, or any sexualized body part for any purpose other than appropriate examination by treatment or where the patient has refused or has withdrawn consent; and

(iv) Encouraging the patient to masturbate in the presence of the physician or masturbation by the physician while the patient is present.

(C) Sexual impropriety comprises:

(i) Any behavior, gestures, or expressions that are seductive or sexually demeaning to a patient of normal sensibilities;

(ii) Inappropriate procedures, including, but not limited to:

(a) Disrobing or draping practices that reflect a lack of respect for the patient's privacy; and

(b) Deliberately watching a patient dress or undress instead of providing privacy for disrobing;

(iii) Subjecting a patient to an examination in the presence of students, chiropractic assistants, or other parties without the explicit consent of the patient or when touching of genitals without the use of gloves;

(iv) Inappropriate comments about or to the patient, including, but not limited to:

(a) Making sexualized or sexually demeaning comments to a patient;

(b) Making comments about potential sexual performance during an examination or consultation, except when the examination or consultation is pertinent to the issue of sexual history or sexual likes or dislikes when not clinically indicated for the type of consultation; and

(c) Making a request to date;

(v) Initiation by the physician of conversation regarding the sexual problems, preferences, or fantasies of the physician; and

(vi) Kissing of a sexual nature;

(17) [Reserved.];

(18) Nothing herein is intended to prohibit public relations or advertising by chiropractic physicians or by their use of public relations advertising firms as provided for under 17 CAR § 110-402(13) and 17 CAR § 110-501 et seq.;

(19)(A) Paying or promising to pay, or leading any person to reasonably believe that they would receive any consideration or anything of value in an attempt to induce such person or minor under such person's guardianship or parental control to present to the office of a chiropractic physician as a new patient, or if already a patient, in connection with any incident of injury that is or may be the basis of an insurance claim.

(B) This provision explicitly includes inducements made through an agent, procurer, contractor, or employee.

(C) This provision does not prohibit informing members of the public that a chiropractic physician provides transportation for treating patients;

(20) Failure to conform to the universal precautions for preventing the transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure prone invasive procedures; and

(21) Failure to respond as required to any communication duly served by the board upon a licensee.

Authority. Arkansas Code § 17-81-206.

Codification Notes. "CPR" means cardiopulmonary resuscitation.

17 CAR § 110-403. Misrepresentation, fraud, deception.

Any of the following claims made by a doctor of chiropractic, either directly or indirectly, may constitute deception, fraud, misrepresentation, or be misleading:

(1) Claims that a chiropractic physician's professional qualifications differ from his or her actual qualifications;

(2) Claims that a chiropractic physician is affiliated with any institution, organization, or individual, if the misrepresentation is not fact;

(3) The use of any title, other than that designated by law or rule, to identify one as a chiropractic physician; or

(4) False, deceptive, or misleading claims relating to professional qualifications or credentials.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-404. Improper charges, fraud.

(a) Improper charges constitute a form of fraudulent and deceptive practice.

(b) Without limiting the definition of improper charges, the following may be considered improper:

(1) Increasing charges when a patient utilizes a third-party payment program;

(2) Reporting incorrect treatment dates for the purpose of obtaining payments;

(3) Reporting charges for services not rendered;

(4) Incorrectly reporting services rendered for the purpose of obtaining payment that is greater than that to which he or she is entitled;

(5)(A) Announcing to the public, individually or through advertising, marketing, or public relations efforts, prior to the rendition of services, that payment made by an insurance carrier or a third-party payer with copayment or deductible features will be accepted by the licensee as payment in full, or reduced payment, unless if, at the time the billing is made, licensee discloses such agreement, services rendered, and the amount billed for each service to both the patient and insurance carrier or third-party payer.

(B) This disclosure must be made on the face of the statement, or on a label affixed to the statement, by type printed or stamped in legible characters of at least ten (10) points in height.

(C) Provided, however, that this section shall not prohibit a discount, credit, or reduction of charges provided under an agreement between the holder of a license and:

(i) An insurance company, health service corporation, or health maintenance organization licensed under the laws of this state;

- (ii) Governmental third-party payment program; or
 - (iii) Self-insurance program organized, managed, or funded by a business entity for its own employees or labor organization for its members;
- (6) Raising fees for the purpose of overcoming the deductible provision of an insurance contract; and
- (7)(A) Overutilization of practice.
- (B) This is construed to be treatment that is excessive in quality or quantity to the needs of the patient, it being recognized that individual patients require varying and specifically individual treatment programs.

Authority. Arkansas Code § 17-81-206.

Subpart 5. Advertising by Chiropractic Physicians

17 CAR § 110-501. Generally.

(a) Advertising by chiropractic physicians should be dignified, ethical, and professional, not necessarily limited to, but preferably of an educational or informative nature or as a statement of basic fees.

(b) Chiropractic physicians have the sole responsibility over the employees or agents hired, including those hired for advertising/marketing purposes.

(c) Advertising/marketing by doctors of chiropractic:

(1) Should conform to professional standards; and

(2) Shall be truthful and not:

(A) Misleading;

(B) Deceptive;

(C) Fraudulent; or

(D) Dishonest.

(d)(1) Advertising of X-ray services restricted.

(2) Unnecessary exposure to X-rays or other ionizing radiation is considered by all reputable health agencies and organizations to be potentially hazardous to the public.

(3) Lay persons generally lack the technical knowledge to determine the need for X-ray examination and must rely upon the training, knowledge, and judgment of the attending physician.

(4) The Arkansas State Board of Chiropractic Examiners therefore considers it to be unprofessional and not in the public interest for chiropractic physicians to overutilize X-ray services.

(5) Advertising free X-ray services without explanation of need or otherwise implying indiscriminate use of X-radiation is prohibited.

(e) Misleading the public by advertising/marketing or otherwise publicizing a list of various diseases as being universally curable is prohibited.

(f) Limitations to advertising/marketing free or reduced charges.

(1) The offering by doctors of chiropractic in advertisements or other solicitations to the public of initial services at no charge or at reduced charges shall be considered misleading or untruthful if, at the time of such advertised no-charge or reduced-charge visit, charges are made to the patient's account for services not specified in such advertisement or solicitation and that are provided on the same visit or same day and are hidden to the patient or not explained in advance to the patient.

(2) The patient and any other person responsible for payment has the right to refuse to pay or cancel payment or be reimbursed for payment for any service, examination, or treatment that is performed as a result of and within seventy-two (72) hours of responding to advertising for free service examination or treatment unless before any service, examination, or treatment is provided that patient and any other person responsible for payment enters into a written agreement consenting to be charged for said:

(A) Service;

(B) Examination; or

(C) Treatment.

(3) Nothing in this subsection is meant to prohibit or restrict the rendering of emergency or acute care provided the above restrictions are observed.

(g) Any person licensed by the board may not state or imply by media or printed matter that said licensee is practicing any procedures not included in the Arkansas Chiropractic Practices Act, Arkansas Code § 17-81-101 et seq.

(h)(1) No person licensed by the board may state or imply by any advertising or printed matter that said licensee is practicing any other licensed, regulated, or recognized profession unless said licensee is actually qualified and, where required, licensed or registered to practice such other profession.

(2) **Example.** A licensee may not list "physical therapy" unless said individual is also licensed as a registered physical therapist.

(i) **Limitations to advertising series treatments.**

(1) All healthcare professions recognize that:

(A) Treatment needs vary for different conditions; and

(B) Treatment plans must be individualized according to the specific needs of each patient.

(2)(A) The board therefore interprets it to be deceptive advertising for a chiropractic physician to advertise or otherwise solicit for patronage in any manner that:

(i) States or implies a standardized approach for different conditions;

or

(ii) Otherwise may be construed to imply that a standard of care is being offered that is either below or in excess of that actually required by the patient.

(B) **Example.** An advertisement reading similar to "20 treatments for \$xx.xx" might be considered overutilization of care for a simple muscle strain.

(j) **Testimonial advertising.**

(1) The use of testimonials, whether single or in groups, summaries of type of treatment, or examples of treatment as used in the advertiser's office carry with them an implication that the conditions described in the advertisement have been or will be helped by the practitioner.

(2) Therefore, before an advertisement is produced, distributed, or displayed, a practitioner who requests from a patient a testimonial to the treatment or modalities used by the practitioner must obtain written consent and have a signed release form from the patient to be kept in the patient's file.

(3) The patient has the right to review the advertisements that use the patient's statements, likeness, or case summaries before the advertisements are released for production, distribution, or displaying.

(4) Statements made by patients that are untruthful or misleading may not be used even if the patient made the statements.

(k) Telephone communication, including advertising/marketing.

(1)(A) Any agent, procurer, contractor, or employee communicating with a prospective patient on behalf of a chiropractic physician shall disclose how the agent, procurer, contractor, or employee obtained the prospective patient's information.

(B) The agent, procurer, contractor, or employee must communicate:

(i) His or her legal name;

(ii) The name of the particular chiropractic physician on whose behalf the communication is being made; and

(iii) That he or she is an agent, procurer, contractor, or employee of the particular chiropractic physician.

(C) Unless such communication of the agent, procurer, contractor, or employee is true and evidence of the same is on file with the board, the agent, procurer, contractor, or employee shall not state that he or she practices or is employed as an attorney, an insurance adjuster, a chiropractor, and is not employed in the fields of:

(i) Law;

(ii) Health care;

(iii) Law enforcement;

(iv) Private investigation; or

(v) Insurance.

(2) When direct in-person solicitation is made by an agent, procurer, contractor, or employee of the chiropractor, in addition to the requirements set forth in subsection (k) of this section, the agent, procurer, contractor, or employee shall:

(A) Show the person being solicited a photo ID with their legal name and the name of the chiropractic physician on whose behalf the solicitation is being made; and

(B)(i) Dispense a professional card bearing his or her legal name, and the name, address, and telephone number of the licensed chiropractic physician on whose behalf the solicitation is being made.

(ii) Such professional card shall be:

(a) Provided to the person being solicited at the beginning of the encounter; and

(b) Left with the person regardless of whether the person being solicited accepts the solicitation request.

(3)(A) The licensee employing an agent, procurer, contractor, or employee for purposes of soliciting new patients shall file, in a format approved by the board, a registration form that includes the procurer's full legal name, permanent home address, and business and/or personal telephone number solely used for client communication purposes, a copy of the procurers' driver's license or state-issued photo ID, and a copy of their written contract before the procurer acts on the chiropractor's behalf.

(B)(i) Each procurer registration shall terminate on December 31.

(ii) The chiropractic physician shall register each procurer annually.

(iii) The chiropractor is required to provide the board with updated procurer registration information should any of it change during the year.

(iv) All registered phone numbers and pictures of the procurers will be made public on the board's website to be as transparent as possible.

(v) The chiropractic physician is responsible to the board for the content of the contact, including prohibited statements made or required statements not made, as well as for any action that is foreseeable in a telephone or in-person encounter.

(C)(i) Telephone solicitation/marketing of victims of accidental injury and that are conducted on behalf of chiropractic physicians shall be made in substantial conformance to a written script that is considered by the board to have been specifically approved by the chiropractic physician.

(ii) The chiropractic physician shall be required to maintain such scripts for a period of two (2) years following their utilization.

(iii) Scripts are to be made available for review upon request by the board or its designee.

(D)(i) Agents, procurers, contractors, or employees of chiropractic physicians who solicit victims of accidental injury shall keep a log of all solicitation calls made, including at minimum the:

(a) Name and phone number of the person being solicited; and

(b) Date and time of the phone call.

(ii) These logs shall be kept for a period of five (5) years.

Authority. Arkansas Code § 17-81-206.

Subpart 6. Professional Practices

17 CAR § 110-601. Temporary licenses.

(a) Temporary licensee requirements and privileges.

(1)(A) Credentials shall include:

(i) A completed approved application, including all necessary validated documents;

(ii) A final chiropractic college diploma from a chiropractic school or college holding status with the Council on Chiropractic Education or similar standards as provided in 17 CAR § 110-202(a); and

(iii) Such other information as the Arkansas State Board of Chiropractic Examiners deems necessary.

(B) Applicant must complete a jurisprudence examination before approval for a temporary license will be granted.

(2)(A) The temporary license to practice shall expire at the next scheduled examination.

(B) The license is:

(i) Not to exceed six (6) months; and

(ii) Renewable by majority vote of the Arkansas State Board of Chiropractic Examiners.

(3)(A) After a temporary license holder has received approval from the Arkansas State Board of Chiropractic Examiners, he or she may perform any acts or practices that a licensed Arkansas chiropractor may do, as long as it is under the supervision of the supervising chiropractor, who must remain on the premises when these acts or practices are being performed.

(B) Acts 1971, No. 706, Arkansas Code §§ 17-81-101 – 17-81-314.

(4) Upon satisfactory evidence being submitted to the Arkansas State Board of Chiropractic Examiners as to an applicant's ability and integrity and when no regular examination will be held within thirty (30) days from the date of an application for a temporary license, the board may, if approved by at least two-thirds (2/3) of the membership of the Arkansas State Board of Chiropractic Examiners, issue to the applicant a permit to practice until the next regular meeting of the Arkansas State Board of Chiropractic Examiners.

(5) If any temporary license holder is found practicing outside the scope of this certification, the sponsoring doctor and the temporary license holder will be subject to application of Arkansas Code §§ 17-81-313 and 17-81-314.

(b) Supervising doctor's requirements.

(1) The supervising doctor must have an active chiropractic license of three (3) years or longer.

(2) The supervising doctor must not have had any disciplinary action levied against him or her by any board in the past five (5) years.

(3) This supervising doctor may have no more than two (2) temporary license holders under his or her direct supervision at one (1) time.

(c) The Arkansas State Board of Chiropractic Examiners may, at its discretion, issue a temporary license to a doctor of chiropractic who holds a current license in another state, to practice in Arkansas until his or her next scheduled examination and exempt him or her from any supervisory requirement, pursuant to this subsection.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-602. Chiropractic aides.

(a) The chiropractic aide may not render any diagnosis, submit treatment plans to patients, or in any other way assume responsibility for the management of patient care.

(b) The chiropractic aide may not render any manipulative adjustment treatment or spinal mobilization.

(c) The chiropractic aide may perform specific testing procedures and/or adjunctive therapeutics under the order, direction, and responsibility of the supervising doctor.

(d)(1) Chiropractic aides must obtain a radiologic technologist license through the Department of Health to perform X-rays.

(2) The Consumer-Patient Radiation Health and Safety Act, Acts 1999, No. 1071, requires that individuals who use radioactive materials or medical equipment emitting or detecting ionizing radiation on human beings for diagnostic or therapeutic purposes be licensed to do so.

(e)(1) In lieu of obtaining a radiologic technologist license under subsection (d) of this section, chiropractic aides may obtain certification through the American Chiropractic Registry of Radiologic Technologists (ACRRT) program upon successfully completing a course of instruction consisting of didactic classroom hours and examination.

(2) The course must be recommended by the Arkansas State Board of Chiropractic Examiners.

(3) ACRRT recertification requires a minimum of six (6) hours of continuing education administered by a state or national organization approved by the board for this purpose.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-603. Continuing education.

(a)(1) In compliance with provisions of the Arkansas Chiropractic Practices Act, Arkansas Code § 17-81-101 et seq., each licensed doctor of chiropractic practicing in this state must submit to the Arkansas State Board of Chiropractic Examiners each year evidence of having satisfactorily completed not less than twenty-four (24) hours of continuing education, acquired during the preceding twelve (12) months, at some approved:

- (A) College of chiropractic; or
- (B) Approved educational seminar.

(2) This may include specific courses of instruction, including up to twelve (12) hours of preapproved videotaped education, with on-site board member supervision, pertinent to the practice of chiropractic, or courses conducted by the board.

(b) Courses or seminars conducted by colleges holding status with the Council on Chiropractic Education (CCE), or those courses or seminars sponsored by state or national associations will generally be approved, provided that both the course content and the instructional staff are in compliance with CCE and the board's criteria.

(c) Courses or seminars taught in conjunction with, or in association with, and not sponsored and managed by an approved college or association, with their regular faculty and post-graduate instructors, will not be approved.

(d) Itinerant or for-profit courses or those conducted by commercial enterprises will not be approved unless conducted by an association approved by the board for the teaching of scientific courses pertaining to the profession.

(e) Approval of continuing education programs that are not approved by the Council on Chiropractic Education nor conducted by approved chiropractic colleges or state or national organizations shall meet the following criteria:

- (1) To allow for a maximum of twelve (12) credit hours;
- (2) Courses or programs must be approved by the board in advance;
- (3) The course, program, or seminar must be conducted by a recognized and reputable:
 - (A) School;
 - (B) University;
 - (C) Hospital;
 - (D) Organization; or
 - (E) Interdisciplinary organization;
- (4) Speakers or lecturers must be recognized as having expertise in the field of study;
- (5) Course work must be at the physician level;
- (6) Content of the program must be:
 - (A) Scientific;
 - (B) Recognized by reputable authorities as having validity; and
 - (C) Related to the practice of chiropractic;
- (7)
 - (A) The program or seminar must not be offered by a group or commercial enterprise that primarily promotes specific products, services, or equipment.
 - (B) A commercial enterprise may request approval of a seminar, but the course contents and lecturer's expertise would be carefully scrutinized;
- (8)
 - (A) Approval of a course is for a one-year period, and reapplication must be made each year.
 - (B) Approval may be withdrawn at any time if intent of the law and rule of the board are not complied with; and
- (9) If a commercial enterprise requests approval by the board, it must consent to permit attendance at the seminar by an investigative committee of the board at no cost to the board, including travel and other necessary expenses.

(f) All continuing education courses must have prior approval by the board before credit can be given.

(g) **Continuing education sponsor processing fee.** In addition to meeting the requirement set forth for approval of continuing education programs, sponsors shall remit a five-dollar processing fee per every credit hour of instruction for each seminar per subject material, per calendar year to be submitted with the information required for program approval.

(h) Distance-based learning courses offered by electronic media in audio and/or visual format, such as through the internet, that otherwise comply with this part may be approved by the board if the course meets the following criteria:

(1) The sponsor, organization, or participant must have preapproval through the regular continuing education process for the State of Arkansas;

(2)(A) The course must be test and time monitored to ensure active participation by the licensee.

(B) The internet education provider should provide a mechanism for verifying participation in the course; and

(3) A maximum of twelve (12) distance-based learning credit hours may be submitted by a licensee during each licensing period.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-604. Interpretation of terminology.

As used in this part:

(1) "Analysis" is construed by the Arkansas State Board of Chiropractic Examiners to mean and encompass the gathering and sorting out of certain physiological data, whether of a whole or a material substance, or any matter of thought, whether from history gathering to help determine the nature of disease, injury, deformity, or any other abnormality whatsoever, an examination of symptoms, lesions, of body fluids and tissues for the purpose of diagnosis of any disease process, injury, or abnormality of human beings;

(2)(A) "Diagnosis" is understood by the Arkansas State Board of Chiropractic Examiners to mean the use of scientific and skillful methods to establish the cause and nature of a sick person's:

- (i) Disease;
- (ii) Malady;
- (iii) Injury; or
- (iv) Deformity.

(B) It encompasses the:

- (i) Evaluation of the history;
- (ii) Signs and symptoms present;
- (iii) Laboratory data; and
- (iv) Use of special tests, such as X-rays or other analytical

instruments;

(3)(A) "Examination" is understood by the Arkansas State Board of Chiropractic Examiners to be the act or process of examining the body to determine the presence or absence of disease or injury or to arrive at a diagnosis.

(B) It encompasses, but is not limited to, historical, physical, clinical, chemical, electrical, or roentgenological means necessary to arrive at a diagnosis or analysis of any malady or abnormality of human beings.

(C) It does not include incisive surgery;

(4)(A) Ownership of X-rays, photographs, and medical records.

(B) The Arkansas State Board of Chiropractic Examiners confirms judicial decisions that X-rays, photographs, and medical records belong to the doctor, clinic, or institution originating such records (*McGarry v. J.A. Mercier Co.*, 272 Mich. 501, 262 N.W. 296 (1935)); and

(5)(A) "Supportive procedures" means those procedures that do not conflict with the Arkansas Chiropractic Practices Act, Arkansas Code § 17-81-101 et seq., and that aid the chiropractic physician in removing interference with the transmission or expression of nerve force in the human body for the purpose of restoration and maintenance of health.

(B) The option to use supportive procedures shall be left to the judgment of the individual chiropractic physician and shall not be required.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-605. Acupuncture.

(a) A chiropractic physician licensed to practice chiropractic pursuant to the Arkansas Chiropractic Practices Act, Arkansas Code § 17-81-101 et seq., shall be entitled to practice acupuncture as part of chiropractic practice upon completion of one hundred (100) onsite hours training in acupuncture/meridian therapy from a college accredited by the Council on Chiropractic Education.

(b) Prior to any chiropractic physician engaging in the practice of acupuncture/meridian therapy, said physician shall be required to submit to the Arkansas State Board of Chiropractic Examiners a certificate of completion of one hundred (100) hours of instruction in acupuncture/meridian therapy.

(c) Each holder of an acupuncture certification under the provisions of this section shall be privileged to use the following titles:

- (1) Certified in acupuncture; or
- (2) Certified acupuncturist.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-606. License renewal, continuing education, and forfeiture.

(a)(1) Each Arkansas chiropractic license expires on December 31 of each year.

(2) If the license renewal fee is not postmarked by December 31 with a completed Renewal License Application and attachment of proof of continuing education, the license shall automatically expire and be forfeited.

(b)(1) The renewal fee must accompany all Renewal License Applications.

(2) License renewal will not occur without receipt of the prescribed fees.

(3) Beginning with the renewal fee for the December 2014 renewals for in-state active licensees shall be two hundred fifty dollars (\$250).

(4) Renewals for in-state inactive licensees shall be one hundred dollars (\$100).

(5) Renewals for out-of-state active licensees shall be one hundred twenty-five dollars (\$125).

(c)(1) An individual who submits a Renewal License Application more than sixty (60) days after the license expiration date is subject to all requirements governing new applicants under the Arkansas Chiropractic Practices Act, Arkansas Code § 17-81-101 et seq.

(2) The Arkansas State Board of Chiropractic Examiners may grant extensions for the continuing education requirement and/or late license renewal based upon the board's opinion that extreme circumstances prevented timely license renewal.

(3) It is illegal to practice in Arkansas with a forfeited license.

(d) Beginning September 1, 2014, the license renewal period will begin annually on September 1 and will be open until December 31 of the same year.

Authority. Arkansas Code §§ 17-81-206, 17-81-311.

17 CAR § 110-607. Animal chiropractic.

Any chiropractor licensed in this state and certified by the American Veterinary Chiropractic Association or the equivalent thereof may perform chiropractic upon animals according to Arkansas Code § 17-101-307.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-608. Preceptorship program.

(a) The Arkansas State Board of Chiropractic Examiners may establish a chiropractic student preceptorship program with an approved chiropractic college to

allow students in the final clinical phase of training to practice under the direct, on-site supervision of a chiropractor licensed in this state.

(b) A student from a chiropractic college accredited by the Council on Chiropractic Education is eligible to be involved in a chiropractic student preceptorship program.

(c) The board shall approve a chiropractic student preceptorship program if:

(1) The chiropractic student preceptorship program meets standards for consumer protection as established by the Council on Chiropractic Education, as the standards existed on January 1, 2019;

(2) The chiropractic student preceptorship program is an established component of the curriculum offered by a board-approved chiropractic college;

(3) A chiropractic student who participates in the chiropractic student preceptorship program has met all requirements for graduation from the chiropractic college except for the completion of the chiropractic student preceptorship program;

(4) The chiropractic college retains ultimate responsibility for student learning and evaluations during the chiropractic student preceptorship program;

(5) A chiropractor serving as a preceptor in the chiropractic student preceptorship program shall supervise no more than one (1) chiropractic student for the duration of a given preceptorship period; and

(6)(A) The chiropractic college shall assign the chiropractic student to another chiropractor and notify the board of the preceptorship cancellation if a preceptor agreement is canceled for any reason.

(B) The notification to the board shall include the reason for the cancellation of the preceptorship.

(d) A chiropractic student preceptorship program is not considered approved by the board until the chiropractic college receives a written letter of approval from the board.

(e) A chiropractor who serves as a preceptor in the chiropractic student preceptorship program shall:

(1) Have graduated from an institution that is accredited by a chiropractic accrediting agency that is recognized by the United States Department of Education and the Council for Higher

Education Accreditation or an equivalent international accrediting agency;

(2) Apply to participate in the chiropractic student preceptorship program in writing on forms furnished by the board;

(3)(A) Carry malpractice insurance with a minimum liability limit of one million dollars (\$1,000,000) to three million dollars (\$3,000,000).

(B) In a federal facility, federal laws regarding malpractice and tort claims shall apply;

(4) Have a full, unrestricted license for the practice of chiropractic in this state with a minimum of five (5) years of active practice of chiropractic in this or another state;

(5) Not have any disciplinary actions filed with the board or with the licensure board of another state within the last five (5) years;

(6) Not be on the exclusion list published by the United States Department of Health and Human Services Office of the Inspector General regarding exclusion from participation in federal healthcare programs such as Medicare; and

(7) Have been approved for an adjunct faculty appointment to the chiropractic college approved by the board.

(f)(1) A chiropractic student in the chiropractic student preceptorship program may:

(A) Assist a chiropractor in the performance of duties that are lawful and ethical, including without limitation:

(i) Physical examinations;

(ii) Patient consultations;

(iii) X-ray examinations;

(iv) Chiropractic manipulative therapy;

(v) Physical therapeutics; and

(vi) Other physician-level services as determined by the preceptor;

and

(B)(i) Participate in the formation of a differential diagnosis and plan of care while under the supervision of the chiropractor.

(ii) However, a chiropractic student shall not sign insurance forms or any forms that require the signature of a chiropractor.

(2)(A) All activities and duties performed by a chiropractic student shall be under the direct, on-site supervision of a chiropractor.

(B) The chiropractor shall be liable for the care of the patients.

(3) A chiropractic student:

(A) Shall wear facility-approved badges that identify the chiropractic student as a student; and

(B) Shall not use the title "doctor".

(4) A stipend may be offered by a facility to a chiropractic student for his or her services under the chiropractic student preceptorship program.

Authority. Arkansas Code §§ 17-81-206, 17-81-209.

Subpart 7. Rules of Procedure

17 CAR § 110-701. Board may investigate complaints.

The Arkansas State Board of Chiropractic Examiners shall have the right and responsibility, as provided by law, to investigate complaints, allegations, or suspicions of violations of the Arkansas Chiropractic Practices Act, Arkansas Code § 17-81-101 et seq., or of this part.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-702. Method for hearings.

(a) All hearings before the Arkansas State Board of Chiropractic Examiners shall be conducted according to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., with the following additions.

(b) **Notice.**

(1)(A) Except as provided in subsection (c) of this section, whenever the board contemplates taking disciplinary action, it shall serve a written notice upon the licensee at least thirty (30) days before the action is taken.

(B) This thirty-day requirement may be waived upon agreement of both parties.

(2)(A) The notice shall:

- (i) Include a statement of the facts or conduct upon which disciplinary action is contemplated;
- (ii) Inform the licensee of his or her right to a hearing; and
- (iii) State the time and place where the hearing is scheduled.

(B) The notice shall also inform the licensee that:

- (i) Continuances will be granted only for good cause; and
- (ii) If the licensee fails to appear at the hearing and has not obtained a continuance, then the board may conduct the hearing in the licensee's absence.

(3) The notice shall be:

(A) Issued in the board's name; and

(B) Signed by the:

- (i) President of the Arkansas State Board of Chiropractic Examiners;
- (ii) Director of the Arkansas State Board of Chiropractic Examiners; or
- (iii) Board's attorney.

(4)(A) The notice shall be served either personally by registered or certified mail addressed to the licensee's current business address on file with the board.

(B) If personal service is used, it may be proven by affidavit or testimony of the server and shall be deemed served on the date delivered.

(C) When service is by mail, it shall be deemed served on the date borne by the return receipt showing:

- (i) Delivery;
- (ii) Refusal; or
- (iii) Inability to deliver.

(c) **Emergency action.** Notwithstanding subsection (b) of this section, if the board finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action, which proceedings shall be promptly instituted and determined.

(d) **Continuances.** A continuance shall be granted only for good cause.

(e) **Failure to appear.** If a licensee, after being served notice, fails to appear at the time and place where the hearing is scheduled and has not obtained a continuance, then the board may conduct the proceedings without the licensee being present.

(f) **Presiding officer.**

(1) The President of the Arkansas State Board of Chiropractic Examiners shall be the presiding officer at all hearings, except if the president is unavailable, then a majority of the board members present shall select a presiding officer from among themselves present.

(2) A hearing officer may be appointed by the director to act as an impartial hearing officer at any disciplinary hearing.

(3) The presiding officer shall have power to:

(A) Issue subpoenas;

(B) Administer oaths and affirmations;

(C) Maintain order;

(D) Rule on all questions arising during the proceedings;

(E) Permit discovery by deposition or otherwise;

(F) Hold conferences for the settlement or simplification of issues;

(G) Make or recommend decisions; and

(H) Generally regulate and guide the course of the pending proceeding.

(g) **Decisions.**

(1) A final decision shall be in writing or stated in the record.

(2) It shall include findings of fact and conclusions of law, separately stated.

(3) Parties shall be served either personally or by mail with a copy of any decision or order within a reasonable time.

(h) **Authority of board.**

(1) If the information contained in the complaint states matters that are not under the authority of the board, or that would not constitute a violation if proven, the board may take no action.

(2) Notice shall be given to the complainant and the licensee that the complaint has been reviewed with the determination that no action is warranted by the board.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-703. Informal disposition of complaints.

As provided by the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., nothing contained herein shall prohibit informal disposition of complaints or allegations by settlement, consent, or agreement of parties.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-704. Complaint handling procedures.

(a) Complaints against chiropractic physicians may be made by letter, in person, or by telephone call to the:

- (1) President of the Arkansas State Board of Chiropractic Examiners;
- (2) Secretary of the Arkansas State Board of Chiropractic Examiners; or
- (3) Director of the Arkansas State Board of Chiropractic Examiners.

(b)(1) All complaints shall be logged in a special record, which shall be updated as necessary to indicate the current status of all complaints.

(2)(A) The subject of the complaint will receive notification and a copy of the complaint.

(B) He or she will be given ten (10) days to submit a response in writing to the Arkansas State Board of Chiropractic Examiners' office.

- (3) Failure of the subject of any and all complaints to cooperate:

(A) May be considered unprofessional conduct; and

(B) Will be taken into consideration by the board's investigator and board's attorney.

(c)(1) Said complaints may be investigated by one (1) or more of the board members or agents of the board.

(2) Informal disposition may be attempted by settlement, consent, agreement, or for lack of sufficient probable cause if, in the opinion of the board, such disposition is warranted by the circumstances.

(d)(1) Any and every complaint making out a prima facie case shall be presented to and reasonably disposed of by the board, giving due consideration to sufficient and necessary time to investigate and consider the complaint.

(2) Upon completion of an investigation, the designated board investigator and board's attorney together shall determine whether a disciplinary hearing shall be scheduled to resolve the issue.

(e) Disciplinary hearings may be conducted either on the board's own motion or based on a written complaint if a violation of the Arkansas Chiropractic Practices Act, Arkansas Code § 17-81-101 et seq., has been discovered.

(f) All complaints not investigated and all complaints investigated but determined to not substantiate the charges shall be reported to the board quarterly.

(g)(1) If the information contained in the complaint states matters that are not under the authority of the board, or that would not constitute a violation if proven, the board may take no action.

(2) Notice shall be given to the complainant and the licensee that the complaint has been reviewed with the determination that no action is warranted by the board.

(h)(1) Notwithstanding any of the foregoing, any complaint received by the board that involves a procurer, as defined in Arkansas Code § 17-81-107(a)(1), imperatively requires immediate action and special handling.

(2) For all such complaints, the following provisions shall apply:

(A)(i) If the complaint is not received in writing, as set forth in subsection (a) of this section, the person receiving the complaint shall without delay reduce the complaint to writing, stating at minimum:

(a) The date;

(b) The name, address, and phone number of the person making the complaint;

(c) The name of the allegedly offending licensee and/or procurer;

(d) A fair summary of the facts upon which the complaint is based; and

(e) Any demand for relief or specific request for an act of the board.

(ii) A complaint reduced to writing is for all purposes the equivalent of a complaint received in writing;

(B) Each written complaint shall be signed by the person receiving the complaint and distributed without delay to the:

(i) President of the board;

(ii) Secretary or executive secretary;

(iii) Investigating officer; and

(iv) Attorney for the board;

(C)(i) Within three (3) business days of the distribution of such complaint, the board shall initiate the service of notice upon the licensee in accordance with 17 CAR § 110-702(b)(1) – (4).

(ii) A copy of the complaint and any additional information in custody of the board may, in the discretion of the board, be provided to the appropriate law enforcement agency for investigation and possible prosecution pursuant to Arkansas Code §§ 5-37-505 and 5-37-506;

(D) The notice of complaint shall provide the licensee with a copy of the written complaint as distributed, and shall advise the licensee that:

(i) The complaint that has been made against the licensee involves a procurer;

(ii) His or her response to the complaint is due within ten (10) business days of service; and

(iii) A copy of the notice of complaint and any supporting documents may be provided to the appropriate law enforcement agency for investigation and appropriate action; and

(E) Upon receipt of the response of the licensee, the date of the response is noted, and the response shall be distributed without delay to the president of the board, the secretary or executive secretary, the investigating officer, and the attorney for the board.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-705. Amendments to rules.

These rules and definitions may be modified, added to, or deleted as deemed appropriate by the Arkansas State Board of Chiropractic Examiners in the method prescribed for such changes by the laws of the State of Arkansas.

Authority. Arkansas Code § 17-81-206.

17 CAR § 110-706. Annual/renewal fee.

(a) The annual renewal fee for a license issued by the Arkansas State Board of Chiropractic Examiners shall be two hundred fifty dollars (\$250).

(b) If a license automatically expires and becomes forfeited pursuant to Arkansas Code § 17-81-311 for failure to timely pay the annual renewal fee, the license may be reinstated by the board upon payment of the delinquent fee due and a penalty of two hundred dollars (\$200) for reinstatement, in addition to satisfying the board in compliance with the education requirements.

Authority. Arkansas Code §§ 17-81-206, 17-81-311.