Back To Chiropractic
CE Seminars ~ Ethics & Technique

**Ethics**
8:00 ⇒ 9:40

**Technique**
9:50 ⇒ 11:30
11:40 ⇒ 1:20

**Neurology**
2:20 ⇒ 4:00
4:10 ⇒ 5:50
6:00 ⇒ 7:50
Marcus Strutz, DC
Life Chiropractic College West Graduate
June 1996, Summa Cum Laude

Professor Life Chiropractic College West, 1997-2002

- Spinal Biomechanics (authored course manual)
- Physiotherapy Rehab (authored course manual)
- Physiotherapy Modalities (authored course manual)
- X-Ray Physics (authored course manual)
- Philosophy I
- Philosophy V - Practice Management
- Microbiology Lab
- Systemic Physiology Lab
- Private Practice, 2000-2013 Mendocino/Ft Bragg, CA
- CE Seminars, 2002-present:
  Technique, Wellness (Pt Ed), Physiotherapy, History Taking & Physical Examination Procedures
- Ghost Writer Practice Management, 2007-present
- National Board Review Instructor, 1999-2000
  Dr. Irene Gold & Dr. John Donofrio
- Middle School Teacher Math & Science, 1989-1993
- Racquetball Club Pro & Weight Trainer
  Walnut Creek, 1982-1987
- Father: Amuel Strutz DC Palmer Grad 1961
Prepare to Laugh & Learn

YOU DON'T STOP LAUGHING BECAUSE YOU GROW OLD. YOU GROW OLD BECAUSE YOU STOP LAUGHING.
Don’t Be The Jerk

YOU’RE A JERK!

THE JERK STORE Called

THEY’RE RUNNING OUT OF YOU!
Massage Therapists need license in California. Minimum of 500 hours & pass Board Exam, as of January 1\textsuperscript{st} 2017
Ethics & Law: 2 Hours Required
CE Certification NOTICE

In accordance with the Chiropractic Board of Professional Regulation/Rules/Statue for CE Credit for all states:

If attendee is ABSENT from the room during CE time for more than 10 minutes during any one hour period, CREDIT FOR THAT HOUR WILL BE FORFIETED.

Rules
1. You can....
2. You can’t....
3. You can....
4. You can’t
THE CHIROPRACTIC OATH

In accordance with the law of nature, that law which God has prescribed to all men; and in consequence of my dedication to getting the sick well by the application of that law, I promise and swear to keep, to the best of my ability and judgment, the following oath:

I will observe and practice every acknowledged rule of professional conduct in relation with my profession, my patient, my colleague, and myself.
THE CHIROPRACTIC OATH

I will keep an open mind regarding the progress of my profession, provided that these progressions shall be confined within the boundaries of the chiropractic science, philosophy, and art.

I will serve my patient to the best of my ability, violating neither his confidences nor his dignity, and in my association with patients I shall not violate that which is moral and right.
THE CHIROPRACTIC OATH

I shall regard and refer to my fellow chiropractor with honor, giving credit where it is due.

I shall improve my knowledge and skill, firm in my resolution to justify the responsibility which the degree of Doctor of Chiropractic symbolizes and imposes.

To all this, I pledge myself, knowing these ideals are prescribed by the dictates of reason alone.
Why Ethics & Law?

college teachers 58%
clergy 58%
policemen 54%
journalists 26%
business executives 18%
lawyers 18%
stockbrokers 17%
senators 15%
insurance salesmen 13%
HMO managers 12%
car salesmen 7%

Gallup poll 1,009 US adults, 2006
I AM NOT STAYING OUT OF TROUBLE, I AM JUST CAREFUL NOT TO GET CAUGHT.

I went to DC college for 12 quarters,
3 years at a cost of $________
& the last thing I want to do is jeopardize my license!
EVERYONE ELSE IS DOING IT

Just because other DC’s are doing this or that does not make it okay or legal. This is a very dangerous attitude to take. Often when we get out of school we learn from a successful practicing DC & assume they are doing everything correctly. Be careful & be sure.
Often at DC seminars you will see & hear a group of DC’s discussing a legal or ethical issue. There will be 3 or 4 sharing their thoughts about what is right & wrong. In just a few minutes there is a consensus & the decision has been made. You may be listening in & it sounds good with you. Often it is the most confident DC whose point is considered correct, but we don’t really know.

BE CAREFUL!
EVEN WORSE... GUESSING
IGNORANCE IS BLISS CONCEPT

The DC says, “I don’t know & it will be okay.”
Or “I think this is correct.”
This is certainly dangerous as ignorance of the law
is not a defense. So you are in court...
Get informed, get the right answers.

Ignorance is bliss, imperfect knowledge is
dangerous, perfect knowledge is power
DON’T BE AFRAID TO ASK, BE AFRAID OF NOT ASKING!

Find out the correct answer & sleep well!
Call the Board or the insurance company.
Get the legal explanation in writing.
Be 100% sure.
If it is grey, stay away!

This is a great idea.
Activity: See if you can list the Board’s list of the Top 11 violations committed by DCs. Of these which ones are due to a patient filing a complaint or lawsuit against the DC?
TOP ENFORCEMENT VIOLATIONS
1. Insurance Fraud:
   — Double billing
   — Billing for service not rendered
   — Up coding
   — Excessive treatment
TOP ENFORCEMENT VIOLATIONS
2. Unlicensed Practice:
— Practicing after license expired
— Failing to promptly renew
— Aiding and abetting unlicensed individuals

Dr. Fred Courtney, one of many jailed chiropractors for “Practicing Medicine Without a License”
— Los Angeles, CA.
Circa 1921
The Board Website
COURTESY NOTICE

RE: CH 2015-12189

Dear Dr.

The Board of Chiropractic Examiners (Board) received your response to a Continuing Education (CE) Audit. You did not complete the required CE hours prior to your expiration date of November 30, 2014. This is a courtesy notice. However, if this occurs again, the Board may issue a citation against your license. This case has been closed with merit and will remain on file.

Completion of a Board-approved continuing education seminar taken within 12 months prior to your expiration date is a requirement for the annual renewal of your chiropractic license, pursuant to California Code of Regulations section 371.

To help ensure that your license is issued to you in a timely manner:

1) Keep your practice address current with the Board, as required by California Code of Regulations section 303.

2) Complete your required continuing education within 12 months prior to your current renewal period.

3) Submit your renewal form and fee prior to your expiration date.

If you have questions regarding the renewal of your license, please contact the Board at (916) 263-5355 or visit our website for further information.

Sincerely,

Beckie Rust
Associate Analyst
Compliance Unit
www.chiro.ca.gov
Licensees

To find an individual, select a license type from the list below. The information is updated five days a week (Monday through Friday). The following information will help you narrow down your search:

- Enter the first or last name in the fields provided.
- If entering the license number in the field provided, do not enter the prefix for a license number (DC). Enter numbers only.
- If the person you are seeking is not in the license category type, select another category type.
- The information you are accessing regarding chiropractic licenses, corporation certificates, and referral services is maintained by the Department of Consumer Affairs (DCA). The information on the DCA's website pertains to Board records; however, the brief summaries offered are not intended as substitutes for the actual decisions and orders issued by the Board of Chiropractic Examiners.

SEARCH:
- Chiropractor Licenses
- Satellite Certificates
- Corporation Certificates
- Referral Services
Chiropractor Licenses

License Search

To find an individual, select a license type from the list below. The information is updated five days a week (Monday through Friday). The following information will help you narrow down your search:

- Enter the first or last name in the fields provided.
- If entering the license number in the field provided, do not enter the prefix for a license number (DC). Enter numbers only.
- If the person you are seeking is not in the license category type, select another category type.
- The information you are accessing regarding chiropractic licenses, corporation certificates, and referral services is maintained by the Department of Consumer Affairs (DCA). The information on the DCA's web site pertains to Board records; however, the brief summaries offered are not intended as substitutes for the actual decisions and orders issued by the Board of Chiropractic Examiners.

SEARCH:
- Chiropractor Licenses
- Satellite Certificates
- Corporation Certificates
- Referral Services
Input Your Name

License Search for Chiropractors

Click here for search instructions
Enter query criteria (omit apostrophies when entering a name)
If using a first name search, you must also choose a county, city or type in a last name (not first name by itself) and click on the button below that states "Match any part of Name".

This information is updated Monday through Friday. Last updated: MAY-19-2016

| Last Name: | Strutz |
| First Name: | Marcus |
| Initial: | |
| Match any part of Name | |
| OR | License Number: |
| AND/OR | City: Fort Bragg |
| County: | |
| Records displayed each time? | 50 |

Find Clear Main Page Help
Search Results for Chiropractors

This information is updated Monday through Friday - Last updated: MAY-19-2016

To see all the information for a licensee, click on the highlighted name. This will also include disciplinary actions if any are present.

<table>
<thead>
<tr>
<th>Name</th>
<th>Type</th>
<th>Number</th>
<th>Status</th>
<th>Address</th>
<th>City</th>
<th>Zip</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>STRUTZ MARCUS S</td>
<td>DC</td>
<td>24928</td>
<td>VALID</td>
<td>33000 NW 1</td>
<td>FORT BRAGG</td>
<td>95437</td>
<td>MENDOCINO</td>
</tr>
</tbody>
</table>

Record 1

First Previous

Disclaimer

All information provided by the Department of Consumer Affairs on this web page, and on its other web pages and internet sites, is made available to provide immediate access for the convenience of interested persons. While the Department believes the information to be reliable, human or mechanical error remains a possibility, as does delay in the posting or updating of information. Therefore, the Department makes no guarantee as to the accuracy, completeness, timeliness, currency, or correct sequencing of the information. Neither the Department, nor any of the sources of the information, shall be responsible for any errors or omissions, or for the use or results obtained from the use of this information. Other specific cautionary notices may be included on other web pages maintained by the Department. All access to and use of this web page and any other web page or internet site of the Department is governed by the Disclaimers and Conditions for Access and Use as set forth at California Department of Consumer Affairs’ Disclaimer Information and Use Information.
# My CE Seminar Records

**Name:**

**My Relicensing Period:**

<table>
<thead>
<tr>
<th>CE Provider Name</th>
<th>Course Title</th>
<th>Date Taken</th>
<th>Live</th>
<th>Online</th>
<th>Course Code</th>
<th>Category</th>
<th>Instructor</th>
<th>Hours</th>
<th>Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Requirements:** 24hrs per year, 12 must be taken at a Live Seminar. Maximum of 12hrs can be taken Online. Must take 2 hrs of Ethics & Law each year, live or online. Must take 4hrs of Tech or Billing or History & Exam each year, live or online.

---

**Board of Chiropractic Examiners**  
901 P Street, Suite 142A  
Sacramento, California 95814  
[www.dca.ca.gov](http://www.dca.ca.gov)

**T** (916) 263-2355  
**F** (916) 327-0039  
**TT/TDD** (800) 735-2929  
**Consumer Complaint Hotline** (866) 543-1311

---

**Category**

A) **Mandatory**

Ethics and Law, History Taking and Physical Examination Procedures

Chiropractic Adjustive Technique or Chiropractic Manipulation Techniques, Proper and Ethical Billing and Coding

---

B) **Other Courses Related to Chiropractic**

Philosophy of chiropractic, instruction in basic sciences, diagnostic testing procedures and differential diagnosis, pain management theory, physiotherapy, manipulation under anesthesia, special population care, adverse event avoidance, pharmacology, cardiopulmonary resuscitation, principles of practice, wellness, rehabilitation, public health

---

C) **Other (Describe)**

Provide separate attachment
TOP ENFORCEMENT VIOLATIONS

3. Sexual Misconduct:
   — Erotic behavior
   — Inappropriate touching
   — Sexual contact or having sexual relations with a patient, client, customer, or employee

How to prevent:
1. Have new pt watch you adjust others first.
2. Have someone else in the room or open adjusting format.
3. Trust your instinct, refuse care to... refer out.
TOP ENFORCEMENT VIOLATIONS

4. Excessive Treatment:
— Treatment beyond what is reasonable/necessary or within the standard of care
— Failure to document necessity (conduct a thorough exam, diagnose the condition, implement a treatment plan, and conduct follow-up exams to assess progress)
TOP ENFORCEMENT VIOLATIONS

5. Violation(s) involving Drugs/Alcohol:
   — DUI
   — Possession or use of any illicit drugs
   — Practicing while impaired
   — Prescription medication abuse
TOP ENFORCEMENT VIOLATIONS

6. Conviction of a crime(s):
   — Theft
   — Domestic violence
   — DUI
   — Vandalism
TOP ENFORCEMENT VIOLATIONS

7. False and/or misleading Advertising:
   — Sensational claims
   — No “D.C.” after chiropractor’s name
   — Fraud/misrepresentation
TOP ENFORCEMENT VIOLATIONS
8. Beyond Scope of Practice:
— Performing surgical procedures
— Furnishing/prescribing controlled substances
— Claiming to treat/cure cancer
TOP ENFORCEMENT VIOLATIONS

9. Negligence/Incompetence:
   — Physical harm to patient
   — Failure to exercise appropriate standard of care
TOP ENFORCEMENT VIOLATIONS
10. Fail to release Pt records within 15 days of request:
   — Includes requests from pt, pt attorney, pt representative, insurance co, or BCE representatives
TOP ENFORCEMENT VIOLATIONS

11. Payment for Referrals:
   — Discounts
   — Cash/gift cards
   — Free services
Chiropractic Check List

Make sure you are not breaking any laws & representing the profession of Chiropractic in a manner that would make your colleagues proud!

1. Initial intake form. Review the form make sure it has all the necessary information including date & signature.

2. Informed consent. Make sure you have it, that it is signed and dated by each patient and your malpractice company approves the form.

3. HIPAA compliant. Make sure you have it, that it is signed and dated by each patient and your malpractice company approves the form.

4. SOAP notes. Make sure you have them for each patient and that they are complete and decipherable by you in a court of law, (if it comes to that).

5. Proper documentation. Notes: history & exam that support your course of action and billing. Again must be decipherable by you in a court of law.

6. Advertising. Read through all your ads (website too). Be sure DC is after your name,(not physician) and that no one can interpret your ad as saying you will cure anything.

7. Malpractice & general liability insurance up to date.

8. DC License. Current & valid, complete CE by the end of your birthday month.

9. Check the TOP ENFORCEMENT VIOLATIONS & Rules & Regulations and be sure you are on the right side of the law!
What are you promising patients?
Can you say I will prevent cancer? NO!
Can you say here are the aspects of health we will measure? See wellness presentation.
Outrageous Claims?

Never say you prevent something, rather use the idea of decreasing risk. Testimonials & supportive peer reviewed literature posted in your office are really effective!
Refer a Friend! Legal or illegal?

As a small business, we rely on customer referrals. Please share this offer with a friend. Refer a Friend & Enter a Raffle to Receive $400!

- Redemption Code: abc-123
- Expires 4/30/16
- 1 Referral equals 1 Ticket in the raffle. As this voucher is offered free of charge, it is not valid for cash value or other redemption value. Other restrictions may apply: call for details.

Illegal!
Prepay! Legal or illegal?

Escrow account only necessary if DC can not refund out of pocket.

Have signed contract contingency plan if patient wants to stop care. Prorate care; all possibilities are okay as long as it is in the contract.

If pt becomes a WC/PI case contract stops, and then resumes one the WC/PI case ends.

Legal
Fee Schedules!

Decide how much you want to get paid per hour. Then divide that out as a time element for the given billing code.
Waive Co-pays! Legal or illegal?

You CAN waive co-pays.

You can NOT advertise it unless you contact and inform insurance companies.

Advertisement includes your website.
Waiving or Discounting Copays or Deductibles

May waive or discount govt copays or deductibles if:

- Not offered as part of any advertisement or solicitation;
- Do not routinely waive copays or deductibles; and
- Waive or discount after
  - good faith determination that the beneficiary is in financial need, or
  - unable to collect after reasonable collection efforts.

(42 USC 1320a-7a(i)(6); 42 CFR 1003.101; see also Adv. Op. 12-16)

- Document factors such as local cost of living; patient’s income, assets and expenses; patient’s family size; scope and extent of bills.
The following represents fees for license renewals

(a) Annual license renewal for active and inactive licenses: $250

(b) License restoration for forfeited and cancelled licenses: double the annual renewal fee

(c) Inactive to active status license renewal: same as the annual license renewal fee
24 HOUR CE REQUIREMENTS

Must complete by the end of your birthday month. Finish early to avoid practicing without a license!

24 hours a year, with a maximum of 12 hours online

24 hours of CE required within the following categories:
• Board of Chiropractic Examiners approved classes
• Courses may be repeated within same licensure year
• Earn up to 12hrs of distance learning per licensure year
• Technique is NOT required but is an option, see below
• No more than 24 hours of CE may be earned in a calendar year
• Ineligible courses: financial management, income generation, practice building, collections, self-motivation and patient recruitment
24 HOUR CE REQUIREMENTS

6 of the 24 hours must include:
(can be taken live or online)

- Two hours of ethics and law
- Four hours in one of the following topics:
  - Chiropractic adjustive or manipulation tech
  - History taking and physical exam procedures
  - Proper and ethical billing and coding
Chiropractic Service Template
The Big Idea!
Scope of Practice

(1) A duly licensed chiropractor may manipulate and adjust the spinal column and other joints of the human body and in the process thereof a chiropractor may manipulate the muscle and connective tissue related thereto.
(2) As part of a course of chiropractic treatment, a duly licensed chiropractor may use all necessary mechanical, hygienic, and sanitary measures incident to the care of the body, including, but not limited to, air, cold, diet, exercise, heat, light, massage, physical culture, rest, ultrasound, water, and physical therapy techniques in the course of chiropractic manipulations and/or adjustments.
(3) Other than as explicitly set forth in section 10(b) of the Act, a duly licensed chiropractor may treat any condition, disease, or injury in any patient, including a pregnant woman, and may diagnose, so long as such treatment or diagnosis is done in a manner consistent with chiropractic methods and techniques and so long as such methods and treatment do not constitute the practice of medicine by exceeding the legal scope of chiropractic practice as set forth in this section.
(4) A chiropractic license issued in the State of California does not authorize the holder thereof:

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

B) to deliver a human child or practice obstetrics.

C) to practice dentistry

D) to practice optometry

E) to use any drug or medicine included in materia medica.
F) to use a lithotripter.

G) to use ultrasound on a fetus for either diagnostic or treatment purposes; or to perform a mammography.

(5) A duly licensed chiropractor may employ the use of vitamins, food supplements, foods for special dietary use, or proprietary medicines, if the above substances are also included in section 4057 of the Business and Professions Code, so long as such substances are not included in materia medica as defined in section 13 of the Business and Professions Code.
(6) Except as specifically provided in section 302(a)(4), a duly licensed chiropractor may make use of X-ray and thermography equipment for the purposes of diagnosis but not for the purposes of treatment. A duly licensed chiropractor may make use of diagnostic ultrasound equipment for the purposes of neuromuscular skeletal diagnosis.
(7) A duly licensed chiropractor may only practice or attempt to practice or hold himself or herself out as practicing a system of chiropractic. A duly licensed chiropractor may also advertise the use of the modalities authorized by this section as a part of a course of chiropractic treatment, but is not required to use all of the diagnostic and treatment modalities set forth in this section. A chiropractor may not hold himself or herself out as being licensed as anything other than a chiropractor or as holding any other healing arts license or as practicing physical therapy or use the term “physical therapy” in advertising unless he or she holds another such license.
You can’t use any laser in the practice of chiropractic which hasn’t been properly approved or cleared by the United States Food and Drug Administration (FDA).
303. FILING OF ADDRESSES

Each person holding a license to practice chiropractic in the State of California under any and all laws administered by the board shall file his proper and current place of practice address of his principal office and, where appropriate, each and every sub-office, with the board at its office in Sacramento and shall immediately notify the board at its said office of any and all changes of place of practice address, giving both his old and his new address within 30 days of change.
The board or its designee may inspect the physical premises of any chiropractic office during regular business hours.
Each person holding a license shall display a current active license in a conspicuous place in the licensee’s principal office or primary place of practice.

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

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

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

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

No unlicensed individual may own a chiropractic practice regardless of the form in which the practice is established (individual ownership, partnership, corporation, etc).

This does not preclude a layperson from owning the facilities in which the practice is conducted, and the equipment provided. It does prohibit a layperson from being in a position of making and/or influencing decisions relating to diagnosis, or treatment of patients which are matters requiring chiropractic licensure.
What Is The Public Perception?

Chiropractors perform many exams & adjustments that pts are unfamiliar with, be sure to explain as you go! (verbalize your routine spinal assessment ~ AK, leg checks, palpation etc.)
Let Them Know What You’re Doing!

1. What you’re about to do
2. Why you’re doing it
3. What you’re looking for
4. What you found
5. What it means
6. What you’re going to do about it
7. What are your expectations
RESPONSIBILITY FOR CONDUCT ON PREMISES

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

(b) Where a chiropractic license is used in connection with any premises, structure or facility, no sexual acts or erotic behavior involving patients, patrons or customers, including, but not necessarily limited to, sexual stimulation, masturbation or prostitution, shall be permitted on said premises, structure or facility.
(c) This section shall not apply to sexual contact between a licensed chiropractor and his or her spouse or person in an equivalent domestic relationship when that chiropractor provides professional treatment.
UNPROFESSIONAL CONDUCT

- The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license;

- Conviction of a crime which is substantially related to the qualifications, functions & duties of a chiropractor
Chiropractic Patient Records. Each licensed chiropractor is required to maintain all active and inactive chiropractic patient records for five years from the date of the doctor's last treatment of the patient unless state or federal laws require a longer period of retention. Active chiropractic records are all chiropractic records of patients treated within the last 12 months. Chiropractic patient records shall be classified as inactive when there has elapsed a period of more than 12 months since the date of the last patient treatment.
Active & inactive pt records must include all of the following:

- Pt's full name, date of birth, and social security number (if available);
- Patient gender, height and weight. An estimated height and weight is acceptable where the physical condition of the patient prevents actual measurement.
Patient history, complaint, diagnosis/analysis, and treatment must be signed by the primary treating doctor. Thereafter, any treatment rendered by any other doctor must be signed or initialed by said doctor;

Signature of patient;

All chiropractic X-rays, or evidence of the transfer of X-rays

Signed written informed consent as specified in Section 319.1.
- X-Rays: Must keep for 7 yrs from discharge date
- Written records- Must be kept for 5 yrs following the last date of treatment
- Statute of limitations for malpractice against DC’s is 1 years
STORY TIME

- Triple bill insurance M-W-F
- Changing billing codes just to get paid
- Triple bill x-ray 3 views
- Unreadable x-ray; no retake
- X-ray & exam pts naked
- Multiple DUI’s same day

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

A licensed DC shall verbally and in writing inform each pt of the material risks of proposed care. “Material” shall be defined as a procedure inherently involving known risk of serious bodily harm. The chiropractor shall obtain the patient's written informed consent prior to initiating clinical care. The signed written consent shall become part of the pt's record. A violation of this section constitutes unprofessional conduct and may subject the licensee to disciplinary action.
319.1. INFORMED CONSENT

Must include the following:

- Explanation of procedures used in office (chiropractic, x-ray, physiotherapy) & benefits
- Consequences of NOT getting this care
- Alternatives to chiropractic
- Risks of procedures used in office
PROPER TITLES

- Dr. Brian Johnson
- Dr. Brian Johnson, Chiropractic Physician
- Dr. Brian Johnson, Chiropractor
- Dr. Brian Johnson, DC
- Brian Johnson, DC

Are there any problems in the above examples?
Anyone who advertises or promotes (uses) the terms “Dr.” or “D.C.” or anything implying or indicating they are a chiropractor must have a valid, unrevoked, and unsurrendered license.

Any chiropractor using the term “Dr.” or “Doctor” must put either “D.C.” or “Chiropractor” after their name.

Physician, not allowed in CA.
UNPROFESSIONAL CONDUCT

- Breach of confidentiality – unauthorized disclosure of a patient’s information
- HIPPA federal rules – Do they apply to you?
  Only applies to “covered entities.”
  Covered entities are those doctors, facilities, or billing services that use any form of electronic billing (e.g. email, computerized fax).
How can you be NOT subject to HIPPA rules?
Don’t do any electronic billing
Fax bills only with a conventional phone line
Child abuse

- Suspected child abuse must be reported with 36 hours to either the police, sheriff, or child protective services

Elder and dependent adult abuse

- Elder = age 65 or older
- Dependent adult = age 18-64
DC’s Mandatory Reporters

Required for any of physical abuse, abandonment, abduction, isolation, financial abuse, neglect, or other treatment resulting in physical harm or mental suffering

- Must be reported in writing within 2 days to either police/sheriff or adult protective services/county welfare
- No liability for good faith reporting
UNPROFESSIONAL CONDUCT

- Use of cappers or steerers to obtain business.
- Offering, giving, receiving, or accepting anything as compensation for referring pts to any person.
- Waiving, abrogating, or rebating insurance deductibles and/or co-pays when used as an advertising and/or marketing procedure, UNLESS the insurance co. is informed of each occurrence of this in writing.
FREE AND DISCOUNTED SERVICES

- Truthful advertising of free or discounted services is permissible.
- No charge for other services on the same day as free or discounted services UNLESS the patient has been informed of the cost and has consented to payment of them.
Gift cards are considered "Unprofessional Conduct" (subject to license revocation) to do the following:

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

- If, in the course of normal business, a small, nominal gift is given (Christmas, for example) as a thank you to customers that year is permissible.
It is a grey area to give a gift card **AFTER** somebody refers someone to you.

It is definitely wrong to tell anyone **IN ADVANCE** that you send a thank you gift card when someone refers a patient. This would come into play if the doctor were accused by the board and then investigators from the board go out and start talking to a bunch of the doctor's patients to find out if they were aware in any way that the doctor will send you a thank you gift card when you refer a patient.
California Business & Professions Code Section 650 prohibits the offer, or acceptance by a chiropractor, of any commission, discount, or other consideration as compensation or inducement for referring patients, clients, or customers to any person, irrespective of the practitioner’s membership, proprietary interest or co-ownership in or with that person. Section 650 is the law typically used to prosecute chiropractors who form relationships with marketers, attorneys, and other referral sources and who have structured the compensation in such a way as to “pay for referrals.”

The following all constitute “fee for referrals” that violate Section 650:
GROUPO AND SOCIAL MEDIA DISCOUNTS

Many DCs contract with Groupon and its’ competitors to sell certificates for adjustments, exams, x-rays and massages.

Here are examples of some deals:

- Consultation, exam, digital x-rays, three chiropractic adjustments, and a 30-minute massage for $99 ($325 value)
- $28 for an exam and treatment plus a 60-minute massage or a 2nd treatment ($175 value)
- $49 for three chiropractic visits ($610 value)
Despite the variety of services offered, these programs all have two things in common:

(1) the DC is offering a significant discount – 92% in the third example, and

(2) the chiropractor is sharing the income from each certificate sale – usually around 50% – with the website. While we are unaware of any state board taking action against a licensee for a Groupon-style offering, we believe these programs could create significant civil and criminal liability for California chiropractors.
- A DC hires a marketer, pays that person $100 per person for each new patient referred to the office.
- A DC hires a marketer, and pays that person 10% of the revenue generated from treatment provided to patients referred by the marketer to the DC.
- A lawyer seeks to be paid $500 for each new patient the lawyer refers to the DC’s office.
Medicare’s Anti-Kickback Statute criminalized the payment of kickbacks for patient referrals. Subsequent laws expanded it to all federal pay programs. Kickbacks include “any remuneration,” a very broad definition, which includes coupons. The Office of the Inspector General issued a “Special Fraud Alert” regarding ads offering “discounts” given to Medicare beneficiaries. Then a “Special Advisory Bulletin” appeared on offering inducements to Medicare beneficiaries. Essentially, it said a provider could not offer a patient anything worth more than $10, and combined $50 in a year for multiple gifts.
Eventually, we expect the Board to adopt a regulation, or the Legislature to pass legislation, that explicitly prohibits the use of these deals. We recommend that DCs DO NOT use these types of marketing campaigns as they could violate Section 650 and could constitute insurance fraud.
ETHICS & LAW

- Chiropractic Scope of Practice
  - Things you MUST do
  - Illegal things you should NOT do

- Board Investigations, Malpractice & Crimes
  - BCE is required to protect “the public”
  - You can be sued for Professional Negligence
  - Jail time for certain offenses that occur in chiropractic offices
ETHICS & LAW

- Reporting Abuse
  - Child Abuse & Neglect
  - Elder or Dependent Adult Abuse
302(a) Scope of Practice.

(6) Except as specifically provided in section 302(a)(4), a duly licensed chiropractor may make use of X-ray and thermography equipment for the purposes of diagnosis but not for the purposes of treatment. A duly licensed chiropractor may make use of diagnostic ultrasound equipment for the purposes of neuromuscular skeletal diagnosis.
A duly licensed chiropractor may only practice or attempt to practice or hold himself or herself out as practicing a system of chiropractic. A duly licensed chiropractor may also advertise the use of the modalities authorized by this section as a part of a course of chiropractic treatment, but is not required to use all of the diagnostic and treatment modalities set forth in this section. A chiropractor may not hold himself or herself out as being licensed as anything other than a chiropractor or as holding any other healing arts license or as practicing physical therapy or use the term "physical therapy" in advertising unless he or she holds another such license.
§311. Advertisements. Constructive educational publicity is encouraged, but the use by any licensee of advertising which contains misstatements, falsehoods, misrepresentations, distorted, sensational or fabulous statements, or which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons, constitutes grounds for the imposition of any of the following disciplinary penalties:
(a) Suspension of said licensee's right to practice in this State for a period not exceeding 1 year. 
(b) Placing said licensee upon probation.
(c) Taking such other action, excepting the revocation of said licensee's license, in relation to disciplining said licensee as the board in its discretion may deem proper.
The California Board of Chiropractic Examiners accused a, DC of using misleading advertising and practicing beyond chiropractic's legal scope. The challenged claims include:

- The best way to help children who have an ear infection is to boost their immune system through the use of homeopathic remedies.
- Children vaccinated against childhood diseases are more likely to contract those diseases as an adult.
Chiropractic adjustments help the immune system function at 100% capacity.

The complaint (shown below) also challenged DC's use of homeopathic remedies, flower remedies, homeopathic consulting, fertility/infertility counseling, allergy testing, bioenergetics testing, hair analysis, functional nutrition, and other services that fall outside the scope of Chiropractic practice.
WHEREFORE, Complainant (Exec. Director of the BCE) requests that a hearing be held on the matters herein alleged and that, following the hearing, the Board of Chiropractic Examiners issue a decision:

1. Revoking or suspending Chiropractor License

2. Ordering, DC to pay the Board of Chiropractic Examiners the reasonable costs of the investigation and enforcement of this case pursuant to Title 16, California Code of Regulations, section 317.5;
3. Taking such other and further action as deemed necessary & proper.

CATHERINEA. HAYES
Executive Director
Board of Chiropractic Examiners
State of California
Complainant
CHIROPRACTIC ADVERTISING

Jan 28, 2009: Citation Issued

CCR 302.(a) EXCEED SCOPE OF PRACTICE
CCR 311. ADVERTISEMENTS
CCR 317.(p) ADVERTISING VIO 17500 B&P
CCR 317.(q) PARTCPATN IN
   FRAUD/MISREPRESNT

June 2, 2009: Citation Paid In Full

CCR 302.(a) EXCEED SCOPE OF PRACTICE
CCR 311. ADVERTISEMENTS
CCR 317.(p) ADVERTISING VIO 17500 B&P
CCR 317.(q) PARTCPATN IN
   FRAUD/MISREPRESNT
So, one way to help a child who has an ear infection is to boost their immune defenses. This may be done by eliminating all refined sugar and dairy products, and reduce high fat foods. Make sure they get lots of fiber in the form of fruits, vegetables, and grains. A vitamin/mineral supplement may be considered to get adequate vitamins A, C, E, and B complex, as well as, zinc and chromium. Essential fatty acids, such as flax oil, help to enhance immunity. Golden seal is a natural antibiotic; use it with Echinacea, an herbal immune system booster.
Homeopathy, while not accredited in California, may be used to encourage the body to fight the infection. Remedies are based on symptoms and are best administered by a Homeopathic practitioner. A common Homeopathic remedy is Belladonna when the ear ache comes on suddenly and is hot and throbbing.

One commonly utilized homeopathic treatment used to alleviate ear pain is to warm some garlic oil, oregano oil, mullein oil, or a combination, and using a dropper, put some in the ear.
CHIROPRACTIC ADJUSTMENTS allow for proper alignment of the cranium and the vertebrae in the neck, reduce accompanying muscle spasms, allow lymph drainage, and restore the proper nerve supply needed for optimum functioning of the structures in the head and neck, including the ear canal. Subluxations, or misalignments of the spine, may reduce the healing capacity of the body. Chiropractic adjustments may allow the body to self-heal by allowing full expression of the nervous system, which controls many of the bodily functions.
One commonly utilized homeopathic treatment used to alleviate ear pain is to warm some garlic oil, oregano oil, mullein oil, or a combination, and using a dropper, put some in the ear.
CHIROPRACTIC ADJUSTMENTS allow for proper alignment of the cranium and the vertebrae in the neck, reduce accompanying muscle spasms, allow lymph drainage, and restore the proper nerve supply needed for optimum functioning of the structures in the head and neck, including the ear canal. Subluxations, or misalignments of the spine, may reduce the healing capacity of the body. Chiropractic adjustments may allow the body to self-heal by allowing full expression of the nervous system, which controls many of the bodily functions.
SECTION 317: UNPROFESSIONAL CONDUCT

- Gross Negligence
- Repeated Negligent Acts
- Incompetence
- “Clearly Excessive” treatments or diagnostic tests
- Conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any drug or alcoholic beverage
- The unauthorized disclosure of any information about a patient…
The offering, delivering, receiving or accepting of any rebate, refund, commission, preference, patronage, dividend, discount or other consideration as compensation or inducement for referring patients to any person.
Waive, abrogate or rebate the deductible and/or co-payment amounts of any insurance policy by forgiving any or all of any patient’s obligation for payment thereunder, **when used as an advertising and/or marketing procedure**, unless the insurer is notified in writing of the fact of such waiver, abrogation, rebate or forgiveness in each instance...
Not referring a patient to a physician and surgeon or other licensed health care provider who can provide the appropriate management of a patient’s physical or mental condition, disease or injury within his or her scope of practice, if in the course of a diagnostic evaluation a chiropractor detects an abnormality that indicates that the patient has a physical or mental condition, disease, or injury that is not subject to appropriate management by chiropractic methods and techniques…

The offer, advertisement or substitution of a spinal manipulation for vaccination
Most incompetence is NOT KNOWING WHAT IS WRONG WITH YOUR PT…

- Failure to diagnose brain concussions
- Failure to diagnose torn spine ligaments
- Failure to procure the proper treatment for both of these COMMON injuries
HEMET: DC accused of sexual battery

Police arrested a 46-year-old Hemet DC Nov 20, 2012. DC was booked on suspicion of sexual battery and penetration with a foreign object. Police will also refer case to the State Medical Board. His bail was set at $500,000.

He was taken into custody at 11 a.m. at his business.
“COMPETENT” EXAMS & RE-EXAMS

- Perform a Consultation
- Examine EVERY Symptom
- Diagnose every Symptom & Exam Result
- Make a Treatment Plan for EVERY Diagnosis
REPORTING ABUSE

Licensed DCs in California MUST Report

+ Child Abuse & Neglect
  (Calif. Penal Code 11165-11174.3)

+ Elder or Dependent Adult Abuse
  (Calif. Welfare & Institutions Code 15600)
Child Abuse Includes:

- Physical Injury inflicted by “other than accidental means” on a child
- Child Sexual Abuse
  - Sexual Assault
    - Sex acts with children
    - Intentional masturbation in the presence of children
- Child molestation
REPORTING ABUSE

- Sexual Exploitation
- Preparing, selling or distributing pornographic materials involving children
- Performances involving obscene sexual conduct
- Child Prostitution
HOW TO REPORT ABUSE

How Much Do You Need to Know or Believe?

- “Known” Child Abuse
- “Reasonably Suspected” Child Abuse
- “Reasonably Suspected” Child Neglect

Who Do You Report To?

- Any Police or Sheriff Department (except school police or security)
- County Probation Department
- County Welfare Department
How do you report to police?

- “Immediately” by telephone, and
- “Within 36 hours” in writing (mail, fax or electronic)
- Include in your written report any “non-privileged” information/evidence

Can I go to JAIL for NOT reporting?

- YES! Up to 6 months (misdemeanor) and/or
- $1,000 fine
- Hmmm... a misdemeanor on your record
- Could the BCE discipline you or remove your license?
Penal Code 11165.1?

(a) "Sexual assault" means conduct in violation of one or more of the following sections: Section 261 (rape), subdivision (d) of Section 261.5 (statutory rape), 264.1 (rape in concert), 285 (incest), 286 (sodomy), subdivision (a) or (b), or paragraph (1) of subdivision (c) of Section 288 (lewd or lascivious acts upon a child), 288a (oral copulation), 289 (sexual penetration), or 647.6 (child molestation).
California DC overhears his/her pt on a cell phone while standing outside the exam room door…

- Pt is a parent who calls his child by name (which the DC knows is his daughter)
- Pt says, “Let’s not tell mom about our game”

Must the DC report Child Abuse?

- Standard is “knows” or “reasonable suspicion”
- “Reasonable” means what would the average, reasonable person think of what you overheard
California Chiropractor sees a child with

- Bruises
- “Defensive” Bruises (forearms)
- Backside or buttocks
California Chiropractor sees a child with
+ Neck injury
+ Back injury
+ Arm injury

Does the story add up?
+ Multiple/different stories about how child is hurt
+ You suspect injury “not accidental”
+ X-ray room is a good place to ask child “how it happened” (very casually, please…)
WHAT ABOUT “ELDER” ABUSE?

- Any Mandated Reporter who
  - In his or her professional capacity, or
  - Within the scope of his or her employment
  - Has observed or has knowledge of an incident
  - That reasonably appears to be:
    - Physical abuse
    - Abandonment
    - Abduction
    - Isolation
    - Financial abuse
    - Or neglect
  - OR… is TOLD by an elder or dependent adult…
DO NOT HAVE TO REPORT WHEN...

- If you are TOLD by an elder if:
  + No “independent” evidence that corroborates story
  + Elder has been diagnosed with dementia or a mental illness, or is under court ordered conservatorship

- Failure to report Elder Abuse
  + Is a misdemeanor
  + Up to 6 months in jail
  + Up to $1,000 fine (or both jail and fine)
That's all Folks!