

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 744

Short Title: Reasons to Discipline Chiropractors.

(Public)

Sponsors: Senators Odom and Soles.

Referred to: Judiciary I/Constitution

April 17, 1995

A BILL TO BE ENTITLED

AN ACT TO AMEND THE VARIOUS GROUNDS FOR DISCIPLINE OF PRACTITIONERS OF CHIROPRACTIC BY THE STATE BOARD OF CHIROPRACTIC EXAMINERS.

The General Assembly of North Carolina enacts:

Section 1. G.S.90-154(b) reads as rewritten:

"(b) ~~The~~ Any one of the following ~~are~~ is grounds for disciplinary action by the Board under subsection (a):

- (1) Advertising services in a false or misleading ~~manner;~~ manner.
- (2) Conviction of a felony or of a crime involving moral ~~turpitude;~~ turpitude.
- (3) ~~Addiction or severe dependency upon to alcohol or any other drugs which endangers the public by impairing a chiropractor's ability to practice safely;~~ drug that impairs the ability to practice safely.
- (4) Unethical conduct ~~in the practice of the profession as defined in G.S. 90-154.2.~~
- (5) ~~Negligence or incompetence in the practice of chiropractic;~~ Negligence, incompetence, or malpractice in the practice of chiropractic.
- (6) ~~Committing an act or acts constituting malpractice in the practice of chiropractic;~~

- 1 (7) Not rendering acceptable care in the practice of the profession as
2 defined in G.S. 90-154.3.
- 3 (8) ~~Engaging in a course of lewd~~ Lewd or immoral conduct in connection
4 with the delivery of chiropractic services to a patient; toward a patient.
- 5 (9) ~~Committing a fraudulent act or acts or engaging in fraudulent conduct in~~
6 ~~connection with the delivery of or charging for chiropractic services;~~
7 Committing or attempting to commit fraud, deception, or
8 misrepresentation for financial gain.
- 9 (10) ~~Offering to accept or accepting payment for services rendered by~~
10 ~~assignment from any third party payor after offering to accept or~~
11 ~~accepting whatever the third party payor covers as payment in full, if the~~
12 ~~effect of the offering or acceptance is to eliminate or give the~~
13 ~~impression of eliminating the need of payment by an insured of any~~
14 ~~required deductions applicable in the insured's policy;~~
- 15 (11) ~~Submitting to any third payor a claim for a service or treatment without~~
16 ~~also providing upon request a copy of the claim to the insured;~~
- 17 (12) ~~Reducing or offering to reduce, rebating or offering to rebate,~~
18 ~~discounting or offering to discount to an insured any payment, by the~~
19 ~~insured's third party payor to the licensee, for services or treatments~~
20 ~~rendered under the insured's policy;~~
- 21 (13) ~~Advertising any reduced or discounted fees for services or treatments or~~
22 ~~advertising any free services or treatments without prominently stating~~
23 ~~in the advertisement the licensee's usual fee for the service or treatment~~
24 ~~which is the subject of the discount, rebate, or free offering;~~
- 25 (14) ~~Submitting to any third party payor a claim for a service or treatment at~~
26 ~~a greater or an inflated fee or charge than the usual fee the licensee~~
27 ~~charges for that service or treatment when the service or treatment is~~
28 ~~rendered without third party reimbursement;~~
- 29 (15) ~~Advertising a fee or charge for a service or treatment which is different~~
30 ~~from the fee or charge the licensee submits to third party payors for that~~
31 ~~service or treatment;~~
- 32 (16) ~~Violating the provisions of G.S. 90-154.1.~~
- 33 (17) Physical, mental, or emotional infirmity of such severity as to impair the
34 ability to practice safely.
- 35 (18) Violating the provisions of G.S. 90-151 regarding the extent and
36 limitation of license.
- 37 (19) Concealing information from the Board or failing to respond truthfully
38 and completely to an inquiry from the Board concerning any matter
39 affecting licensure.
- 40 (20) Failing to comply with a decision of the Board that is final."
- 41 Sec. 2. G.S. 90-154.1 is repealed.
- 42 Sec. 3. G.S. 90-154.3 reads as rewritten:
- 43 "§ 90-154.3. Acceptable practice. care in the practice of chiropractic.

1 ~~Acceptable care in the practice of chiropractic shall include:~~

2 ~~(1) The usual and customary methods as taught in recognized chiropractic~~
3 ~~colleges for:~~

4 ~~a. Examination and diagnosis;~~

5 ~~b. The use of chiropractic adjustive procedures;~~

6 ~~c. Physiological therapeutic agents;~~

7 ~~d. Diagnostic radiology; and~~

8 ~~e. The maintenance of records sufficient to substantiate the patient's~~
9 ~~progress in the reestablishment and promotion of health in a~~
10 ~~hygienic manner.~~

11 ~~(2) The maintenance of the office, premises and equipment in a clean,~~
12 ~~sanitary, safe, and adequate condition.~~

13 ~~Any and all care rendered which is not in accordance with the foregoing is unacceptable~~
14 ~~care. Nothing in this section shall be deemed to alter the lawful scope of the practice of~~
15 ~~chiropractic as defined in G.S. 90-143.~~

16 (a) It shall be unlawful for a doctor of chiropractic to examine, treat, or render any
17 professional service to a patient that does not conform to the standards of acceptable care.

18 (b) The Board of Chiropractic Examiners may adopt rules that establish and define
19 standards of acceptable care.

20 (c) For any aspect of the practice of chiropractic for which the Board has not
21 defined the standard of acceptable care, the standard of acceptable care shall be the usual
22 and customary method as taught in recognized chiropractic colleges.

23 (d) Nothing in this section affects the scope of the practice of chiropractic in
24 accordance with the provisions of G.S. 90-151 regarding extent and limitation of license."

25 Sec. 4. This act becomes effective October 1, 1995.