

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CHIROPRACTIC - GENERAL RULES

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145(3), 16401, 16423, and 16431(3) of 1978 PA 368, MCL 333.16145(3), 333.16401, 333.16423, and 333.16431(3) et seq. and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2011-4, MCL 333.3101, 445.2001, 445.2011, and 445.2030)

R 338.12001 Definitions.

Rule 1. As used in these rules:

(a) "Adjustment apparatus" means a tool or device used to apply a mechanical force to correct or reduce subluxations, misalignments, and joint dysfunctions.

(b) "Analytical instruments" means instruments used in the detection and diagnosis of human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health.

(c) "Code" means 1978 PA 368, MCL 333.1101 et seq.

(d) "Nationally recognized standards" means that which is taught in a chiropractic educational program or postgraduate educational program that is accredited by the council on chiropractic education, commission on accreditation.

(e) "Physical measures" means procedures or techniques used to correct or reduce subluxations, misalignments, and joint dysfunctions.

(f) "Rehabilitative exercises" means the coordination of a patient's exercise program; the performance, ordering and use of tests; the performance of measurements; instruction and consultation; supervision of personnel; and the use of exercise and rehabilitative procedures, with or without assistive devices, for the purpose of correcting or preventing subluxations, misalignments, and joint dysfunctions.

(g) "Test" means a procedure that is ordered or performed for the purpose of detecting and diagnosing human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health.

History: 1982 AACS; 2006 AACS; 2011 AACS.

R 338.12002 Rescinded.

History: 1982 AACS; 1998-2000 AACS; rescinded 2011 MR 21. Eff. Nov. 2, 2011.

R 338.12003 Licensure by examination; requirements.

Rule 3. An applicant for a chiropractic license by examination shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall meet both of the following requirements:

(a) Have graduated from a program or institution of chiropractic that meets the educational standards in R 338.12006 and have final, official transcripts provided to the department from the educational institution.

(b) Have passed parts I, II, III, and IV of the national board examination that is conducted and scored by the national board of chiropractic examiners.

History: 1982 AACS; 1987 AACS; 1992 AACS; 2000 AACS; 2001 AACS; 2006 AACS; 2011 AACS.

R 338.12004 Licensure by endorsement; requirements.

Rule 4. (1) An applicant for a chiropractic license by endorsement shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant who satisfies the requirements of this rule, as applicable, shall meet the requirements of section 16186 of the code.

(2) If an applicant was first licensed in another state for 5 years or more immediately preceding the date of filing an application for a Michigan chiropractic license, then the applicant presumably meets the requirements of section 16186 of the code.

(3) If an applicant was first licensed in another state for less than 5 years immediately preceding the date of filing an application for a Michigan chiropractic license, then the applicant shall establish that the applicant passed parts I, II, III, and IV of the national board examination that is conducted and scored by the national board of chiropractic examiners.

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant's license shall be verified, on a form supplied by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as a chiropractor. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

History: 1982 AACS; 1987 AACS; 1998-2000 AACS; 2011 AACS.

R 338.12005 Examination; adoption and approval; passing score.

Rule 5. The board approves and adopts the national board examination in chiropractic that is conducted and scored by the national board of chiropractic examiners. The board adopts the passing score recommended by the national board of chiropractic examiners for the national board examination parts I, II, III, and IV.

History: 1982 AACS; 1987 AACS; 1998-2000 AACS; 2006 AACS; 2011 MR 21, Eff. Nov. 2, 2011.

R 338.12006 Educational program standards; adoption by reference.

Rule 6. (1) The board adopts by reference the standards of the council on chiropractic education, commission on accreditation, as specified in the publication entitled, "Standards for Doctor of Chiropractic Programs and Requirements for Institutional Status" January 2007. The standards are available from The Council on Chiropractic Education, 8049 N. 85th Way, Scottsdale, Arizona 85258 - 4321, or at the council's website at <http://www.cce-usa.org> at no cost. Copies of the standards are available for inspection and distribution at cost from the Board of Chiropractic, Bureau of Health Professions, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P. O. Box 30670, Lansing, Michigan 48909.

(2) Any chiropractic educational program that is accredited by the council on chiropractic education, commission on accreditation, qualifies as a chiropractic educational program approved by the board.

History: 1982 AACS; 1998-2000 AACS; 2006 AACS; 2011 MR 21, Eff. Nov. 2, 2011.

R 338.12007 Rescinded

History: 1982 AACS; 1998-2000 AACS.

R 338.12008 License renewal; continuing education.

Rule 8. (1) An applicant for renewal of a license to practice chiropractic shall have completed, in the 2-year period immediately preceding the application, 30 hours of continuing education in programs approved by the board.

(a) An applicant for renewal of a license to practice chiropractic under section 16201 of the code shall have completed in each renewal period, as part of the required hours of continuing education, all of the following:

(i) One continuing education hour on sexual boundaries.

(ii) One continuing education hour on ethics.

(iii) One continuing education hour on pain and symptom management.

(iv) Two continuing education hours on physical measures under MCL 333.16431(3). The continuing education hours required on physical measures shall be completed by attending a live, in-person program.

(v) Two continuing education hours on the performance and ordering of tests under MCL 333.16431(3). The continuing education hours required on the performance and ordering of tests shall be completed by attending a live, in-person program.

(b) Of the required hours of continuing education, not more than 15 continuing education hours may be in board-approved distance learning programs. For the purposes of this subrule, distance learning means any of the following:

(i) Approved continuing education courses, programs, or activities where the instructor and participant are apart and not able to immediately interact. Instruction takes place through media including, but not limited to, journal articles, manuals, CDs, DVDs, audio and video tapes, research projects, and Internet courses.

(ii) Approved continuing education courses where the instructor and participant are apart but are able to immediately interact and participant attendance is verified by the provider. This type of distance learning includes, but is not limited to, instruction presented through teleseminars and webinars.

(c) The board shall not approve for continuing education credit a distance learning program in which a participant performs a chiropractic manipulation or adjustment on another individual as part of the program.

(d) This subrule does not apply to licensees who have obtained their initial chiropractic license within the 2-year period immediately preceding the expiration date of the initial license.

(2) Submission of an application for renewal shall constitute the applicant's certification of compliance with this rule. An applicant for renewal shall retain documentation of meeting this rule for a period of 3 years from the date of applying for license renewal. Failure to comply with this rule shall be a violation of section 16221(h) of the code.

History: 2006 AACCS; 2011 AACCS.

R 338.12008a Continuing education; approval of programs; acceptable and unacceptable programs.

Rule 8a.(1) The board shall consider as board-approved continuing education, the successful completion of a course or courses offered for academic credit in a chiropractic school approved by the board under R 338.12006.

(2) The board shall consider both of the following as continuing education:

(a) Successful completion of a continuing education program offered by a chiropractic school approved by the board under R 338.12006. Effective June 1, 2012, a chiropractic school shall comply with the all of the following:

(i) Submit to the department the names, dates, and times of the programs that will be offered and the locations of the programs offered in this state. The school shall submit the information prior to the start of the academic year.

(ii) Submit any continuing education programs added after the beginning of the academic year to the department at least 90 days prior to the continuing education program being held.

(iii) Submit any additional information requested by the department or the board to ensure compliance with this rule.

(b) The board may grant 1 continuing education contact hour for each 50 to 60 minutes of program attendance, without limitation, at a continuing education program, which has been granted approval by another state's board of chiropractic.

(3) If a chiropractic school fails to comply with the requirements of subrule 2(a) of this rule, the board may require approval of continuing education programs under subrule (4) of this rule.

(4) The board shall consider requests for approval of continuing education programs by sponsors who submit applications on a form provided by the department. For purposes of this rule, 1 hour of continuing education is defined as 50 to 60 minutes of program attendance or participation in an activity. The board shall evaluate applications for approval based upon all of the following:

- (a) Programs have content outlines and schedules.
- (b) Sponsors provide a listing of program materials.
- (c) Sponsors provide information relative to the method for monitoring attendance, if applicable, or verifying completion of an activity.
- (d) Sponsors furnish evidence of program attendance or completion of an activity to participants.
- (e) Program instructors, presenters, developers, or authors demonstrate qualifications and knowledge in the subject matter.
- (f) Programs relate to the general subject area of the practice of chiropractic.

(5) Programs considered for approval under subrules (1) and (2) of this rule shall not receive credit for those portions of programs covering subject areas that include practice building, marketing, or financial advancement, with the exception of content that includes the laws, rules, regulations, or policies regarding insurance billing or documentation.

(6) The board may disapprove programs offered by institutions and organizations if the board determines that the programs offered by those institutions or organizations fail to demonstrate compliance with the legislative intent to further educate licensees on subjects related to the practice of chiropractic.

(7) A member of the board or his or her designee may attend a continuing education program and perform a random review to ensure compliance with this rule.

History: 1982 AACS; 1987 AACS; 1992 AACS; 1998-2000 AACS; 2006 AACS; 2011 MR 21, Nov. 2, 2011.

R 338.12008b Relicensure; requirements.

Rule 8b. (1) An applicant for relicensure may be relicensed under section 16201(3) and (4) of the code if the applicant meets either of the following requirements:

(a) Have completed, in the 3-year period immediately preceding the application for relicensure, 45 hours of continuing education in programs approved by the board that include all of the following:

- (i) Twenty-four continuing education hours on chiropractic adjusting techniques.
  - (ii) The required continuing education hours listed in paragraphs (i) to (v) of R 338.12008(1)(a).
  - (ii) Not more than 15 continuing education hours in board-approved distance learning programs.
- (b) Have been licensed as a chiropractor in another state of the United States during the 3-year period immediately preceding the application for relicensure.

(2) In addition to meeting the requirements of subrule (1) of this rule, an applicant's license shall be verified, on a form supplied by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as a chiropractor. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

History: 2011 AACS.

R 338.12009 Factors in assessing fines.

Rule 9. When a fine has been designated as an available sanction for a violation of section 16221 of the code, the board may take into consideration the following factors in assessing the fine:

- (a) The extent to which the licensee obtained financial benefit.
- (b) The willfulness of the conduct.
- (c) The public harm, actual or potential.
- (d) The cost incurred in investigating and proceeding against the licensee.

History: 1982 AACS; 2011 AACS.

R 338.12010 Adjustment apparatus; criteria for board approval.

Rule 10. Under section 16423 of the code, any adjustment apparatus approved by the board shall satisfy all of the following requirements:

(a) The apparatus shall be used for the practice of chiropractic as defined in section 16401(1)(e) of the code.

(b) The apparatus shall be used for the purpose of correcting or reducing subluxations, misalignments, and joint dysfunctions. The use of the apparatus may be included as, but not limited to, a part of a rehabilitative exercise program.

(c) The use of the apparatus shall be substantially equivalent to nationally recognized standards as defined in R 338.12001(d).

History: 1982 AACCS; 2011 AACCS.

R 338.12011 Analytical instruments; criteria for board approval.

Rule 11. Under section 16423 of the code, any analytical instruments approved by the board shall satisfy all of the following requirements:

(a) The instruments shall be used for the practice of chiropractic as defined in section 16401(1)(e) of the code.

(b) The instruments shall be used for the purpose of detecting and diagnosing human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health. The use of the instruments may be included as, but not limited to, a part of a rehabilitative exercise program.

(c) The use of the instruments shall be substantially equivalent to nationally recognized standards as defined in R 338.12001(d).

History: 1982 AACCS; 2011 AACCS.

R 338.12011a Tests; performance or ordering; requirements.

Rule 11a. Under section 16423 of the code, the performance, ordering or use of tests shall satisfy all of the following requirements:

(a) The performance and ordering of tests shall be for the practice of chiropractic as defined in section 16401(1)(e) of the code.

(b) The performance, ordering, or use of tests shall be for the purpose of detecting and diagnosing human conditions and disorders of the musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health. The performance and ordering of tests may be included as, but not limited to, a part of a rehabilitative exercise program.

(c) The performance and ordering of tests shall be substantially equivalent to nationally recognized standards as defined in R 338.12001(d).

History: 2011 AACCS.

R 338.12011b Performance of invasive procedure; requirements.

Rule 11b. Under sections 16401(2)(d) and 16423 of the code, a chiropractor may perform an invasive procedure if both of the following requirements are met:

(a) The invasive procedure is limited to an examination of the ears, nose, and throat.

(b) The purpose of the examination is to detect and diagnose human conditions and disorders of the musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health.

History: 2011 AACCS.

R 338.12012 Rescinded.

History: 1982 AACCS; 1996 AACCS.

R 338.12013 Rescission.

Rule 13. R 338.2201 to R 338.2225 and R 338.2241 of the Michigan Administrative Code, appearing on pages 2536 and 2537 of the 1979 Michigan Administrative Code, and page 135 of Quarterly Supplement No. 5 to the 1979 Michigan Administrative Code, are rescinded.

History: 1982 AACCS.

R 338.12014 Advertising.

Rule 14. (1) All licensees practicing chiropractic in this state shall use the word "chiropractic" or "chiropractor" or the initials "D.C." in conjunction with their names on all signs, letterheads, business cards, or similar items of identification.

(2) Any advertisement or advertising that does any of the following is considered by the board to be fraudulent, false, deceptive, or misleading:

- (a) Contains a misrepresentation of facts.
- (b) Is misleading or deceiving in its content or context.
- (c) Creates false or unjustified expectations of beneficial treatment or successful cures.
- (d) Fails to conspicuously identify the chiropractor or chiropractors referred to in the advertising as a chiropractor or chiropractors.
- (e) Contains any representation that identifies the chiropractic practice being advertised by a name that does not include the term "chiropractor" or "chiropractic" or the initials "D.C."
- (f) Appears in any classified directory, listing, or compendium under a heading which, when considered together with the advertisement, has the capacity or tendency to be deceptive or misleading with respect to the profession or professional status of the chiropractor.

History: 1987 AACCS; 2011 AACCS.

R 338.12015 Patient records.

Rule 15. (1) A licensee practicing chiropractic in this state shall maintain a legible patient record for each patient, which accurately reflects the licensee's evaluation and treatment of the patient. Entries in the patient record shall be made in a timely fashion.

(2) The patient record shall contain all of the following:

- (a) The name of the attending chiropractor.
- (b) The patient's full name, address, date of birth, sex, and other information sufficient to identify the patient.
- (c) The date of every entry in the patient record.
- (d) A patient record entry for an initial patient visit that includes all of the following:
  - (i) History, including description of presenting condition.
  - (ii) Physical evaluation.
  - (iii) Diagnostic studies, if applicable.
  - (iv) Diagnosis.
  - (v) Treatment or care provided.
- (e) A patient record entry for subsequent evaluations, treatments, or care provided that includes all of the following:
  - (i) Change in condition, if applicable.
  - (ii) Physical evaluation.
  - (iii) Treatment or care provided.

(f) If applicable, a referral to another health care provider.

(3) A licensee shall retain a patient record for at least 7 years from the date of the last chiropractic service for which a patient record entry is required. A licensee shall retain the patient record for a minor patient until 1 year after the minor patient reaches 18 years of age, even if this results in the record being retained for more than 7 years.

History: 2006 AACS; 2011 AACS.