

24.03.01 – RULES OF THE STATE BOARD OF CHIROPRACTIC PHYSICIANS

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Section 54-707, Idaho Code. (3-28-23)

001. SCOPE.

These rules govern the practice of chiropractic in Idaho. (3-28-23)

002. -- 009. (RESERVED)

010. DEFINITION.

01. Chiropractic Assistant. A chiropractic assistant is an individual functioning in a dependent relationship with a supervising chiropractic physician in the performance of any chiropractic practice. (3-28-23)

02. Chiropractic Intern. A chiropractic intern is defined as any individual who is presently enrolled in a school of chiropractic and is qualified to practice as an intern as established by the approved chiropractic program that the individual attends and who will function in a dependent relationship with a supervising chiropractic physician in the performance of chiropractic practice. (3-28-23)

03. Direct Personal Supervision. Direct Personal Supervision means that the licensed chiropractic physician is physically present in the clinic, is monitoring the activities of the supervisee, and is available to intervene, if necessary. (3-28-23)

04. Clinical Nutritional Practice. Clinical nutritional methods, without clinical nutrition certification, is defined as the clinical use, administration, recommendation, prescribing, selling, and distributing over-the-counter vitamins, minerals, botanical medicine, herbals, homeopathic, phytonutrients, antioxidants, enzymes, glandular extracts, peptides, amino acids, and durable and non-durable medical goods and devices.

011. -- 099. (RESERVED)

100. LICENSURE.

01. Qualifications. (3-28-23)

a. New applicants will meet the following requirements: (3-28-23)

i. Successful passage of all national boards administered at the time of application, or other examinations approved by the Board; (3-28-23)

ii. Graduation from a chiropractic school, college, or, or other programs as approved by the Board. (3-28-23)

b. Endorsement applicants will meet the following requirements: (3-28-23)

i. Successful passage of the national boards which were in effect at the time of graduation from chiropractic college, or other examinations approved by the Board; (3-28-23)

ii. Graduation from a program accredited by agency recognized by the U.S. Department of Education or other program approved by the Board; (3-28-23)

iii. Five (5) years of consecutive practice without discipline immediately prior to application and holds a current, valid license to practice in a state, territory, or district of the United States or Canada; (3-28-23)

02. Continuing Education. All licensees must comply with the following continuing education requirements: (3-28-23)

a. Applicants for renewal are required to complete a minimum of thirty-six (36) hours of continuing education within the preceding twenty-four (24) months, as approved by the Board. (3-28-23)

b. Each licensee is responsible for maintaining documentation verifying continuing education compliance.

c. The Board may waive the requirements of this rule for reasons of individual hardship including health or other good cause. The licensee should request the waiver in advance of renewal and must provide any information requested by the Board to assist in substantiating hardship cases. This waiver is granted at the sole discretion of the Board. (3-28-23)

d. Continuing education hours not claimed in the current renewal cycle may be claimed in the next renewal cycle. Hours may be carried forward from the immediately preceding cycle, and may not be carried forward more than one renewal cycle. (3-28-23)

e. A licensee is exempt from the continuing education requirements under this section for the period between the initial issuance of the original license and the first expiration date of that license. (3-28-23)

f. Approved continuing education courses are those courses, programs, and activities that are germane to the practice of chiropractic, as defined in Sections 54-704(1) and (2), Idaho Code, and meet the general requirements and content requirements of these rules, and are approved, sponsored, or provided by the following entities or organizations, or otherwise approved by the Board: (3-28-23)

i. A college or university accredited by a nationally recognized accrediting agency as recognized by the United States Department of Education;

ii. American Medical Association Physicians Recognition Award (AMA PRA) certified continuing education activities as certified by the American Medical Association (AMA) or other accreditors; (3-28-23)

iii. Providers of Approved Continuing Education (PACE); (3-28-23)

iv. Other courses may be approved by the Board based upon documentation submitted by the licensee on a board approved form.

03. Inactive License Status Renewal. (3-28-23)

a. An inactive license must be renewed biennially by submitting the established fee and renewal application. Inactive licenses not renewed will be canceled. (3-28-23)

b. All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing in Idaho. (3-28-23)

04. Return to Active Status of License Inactive for Six (6) or Fewer Years. An inactive license holder whose license has been inactive for six (6) or fewer years may convert from inactive to active license status by: (3-28-23)

a. Making written application to the Board on a form prescribed by the Board; (3-28-23)

b. Providing documentation to the Board showing successful completion within the previous twenty-four (24) months of the continuing education requirements for renewal of an active license; and (3-28-23)

c. Paying a fee equivalent to the difference between the current inactive fee and the active renewal fee. (3-28-23)

05. Return to Active Status of License Inactive for More Than Six (6) Years. An inactive license holder whose license has been inactive for more than six (6) years may convert from inactive to active license status by: (3-28-23)

a. Making written application to the Board on a form prescribed by the Board. (3-28-23)

b. Providing an account to the Board for that period of time during which the license was inactive and fulfilling requirements that demonstrate competency to resume practice. Those requirements may include, but are not limited to, education, supervised practice, and examination as determined by the Board. The Board may consider practice in another jurisdiction in determining competency. (3-28-23)

c. Paying a fee equivalent to the difference between the current inactive fee and the active renewal fee.

06. Practice Permits. Only one (1) permit may be issued under any circumstances to any individual. Such permit will be valid for a period not to exceed twelve (12) months: (3-28-23)

a. Temporary permits will be invalidated when an applicant has failed any attempted examination for licensure in this or any other state, territory, possession, or country more than once. Failure to sit for the next scheduled examination will invalidate the temporary permit and no further permits will be issued. (3-28-23)

b. Intern permits expire upon graduation.

101. -- 149. (RESERVED)

150. EDUCATION

01. Requirement for Approval. The Board will consider any college, domestic or foreign, which meets standards as determined by the Board and teaches accredited courses in all the subjects set forth in Sections 54-704(1) and 54-709(1)(b), Idaho Code.

151. -- 199. (RESERVED)

200. PRACTICE STANDARDS

01. Code of Ethics. Chiropractic physicians are responsible for maintaining and promoting ethical practice in accordance with the ethical principles set forth in Appendix A in these rules. (3-28-23)

02. Chiropractic Assistants. The chiropractic physician is responsible and liable for: (3-28-23)

a. Direct personal supervision; (3-28-23)

b. Any acts of the assistant in the performance of chiropractic practice; (3-28-23)

c. Proper training and capabilities of the chiropractic assistant before authorization is given to perform any chiropractic practice or patient education. (3-28-23)

03. Chiropractic Assistant Limitations. A chiropractic assistant must not: (3-28-23)

a. Manipulate articulations; (3-28-23)

b. Interpret diagnostic results for the patient; (3-28-23)

- c. Provide treatment advice to any patient. (3-28-23)
- 04. Chiropractic Interns.** The chiropractic physician is responsible and liable for: (3-28-23)
 - a. Direct personal supervision of the intern; (3-28-23)
 - b. Any acts of the intern in the performance of chiropractic practice; (3-28-23)
 - c. Determining that the intern possesses sufficient training and capabilities before authorization is given to perform any chiropractic practice. (3-28-23)
- 05. Chiropractic Intern Limitations.** A chiropractic intern must not: (3-28-23)
 - a. Perform any chiropractic practice independently, but must perform all such practice under the direct personal supervision of a licensed Chiropractic Physician; (3-28-23)
 - b. Provide diagnostic results or interpretations to the patient prior to consultation with the supervising Chiropractic Physician; (3-28-23)
 - c. Provide treatment advice to any patient without instructions from the supervising Chiropractic Physician. (3-28-23)

201. – 399. (RESERVED)

400. FEES.

All fees are non-refundable.

Fee Type	Amount (Not to Exceed)
Application	\$200
Original license	\$200
Annual renewal	\$200
Inactive license	\$150
Reinstatement of expired license	\$35
Reinstatement of inactive license	\$150
Temporary permit	\$150
Intern permit	\$150
Application for clinical nutrition certification	\$175
Original for clinical nutrition certification	\$175
Clinical nutrition certification renewal	\$175

(3-28-23)

401. -- 699. (RESERVED)

700. CLINICAL NUTRITION CERTIFICATION.

01. Expiration Date. Chiropractic physicians' clinical nutrition certification expires on the expiration date of their chiropractic license and must be issued biennially with the renewal of their license. The Board will waive the clinical nutrition certification fee in conjunction with the first timely renewal of the chiropractic license after initial clinical nutrition certification. (3-28-23)

02. Recertification in Clinical Nutrition Every Four (4) Years. After Initial certification in clinical nutrition, chiropractic physicians must recertify in clinical nutrition every four (4) years in order to maintain clinical nutrition certification. (3-28-23)

03. Recertification is in Addition to Required Biennial Continuing Education. A twelve (12) hour recertification course which includes both didactic education and practical review and practice of contemporary developments and best practices to maintain core competency in the practice of clinical nutrition as set forth in Section 54-716, Idaho Code, and Section 54-717, Idaho Code must be completed in addition to the biennial thirty-six (36) hours of continuing education required under Section 100.02.a prior to recertification. This recertification course must be approved by the board. (3-28-23)

04. Failure to Timely Recertify in Clinical Nutrition. Clinical nutrition certification not timely recertified in accordance with Section 706 expires and is canceled. (3-28-23)

701. OBTAINING AND INDEPENDENTLY ADMINISTERING CLINICAL NUTRITION PRESCRIPTION DRUG PRODUCTS.

A chiropractic physician with clinical nutrition certification as defined by Sections 54-704(4), 54-716 and 54-717, Idaho Code, may obtain and independently administer prescription drug products in the practice of chiropractic subject to the conditions below. (3-28-23)

01. Current Certification in Clinical Nutrition Required. Only chiropractic physicians who hold current certification in clinical nutrition by the Board may obtain and independently administer prescription drug products during chiropractic practice. To hold a current certification in clinical nutrition, a chiropractic physician must have an active unrestricted license to practice chiropractic. (3-28-23)

02. Prescription Drugs Products from the Formulary. A chiropractic physician with clinical nutrition certification may not obtain or administer a prescription drug product that is not listed in the chiropractic clinical nutrition formulary or otherwise prescribe, dispense, distribute, or direct a patient to use a prescription drug product except as allowed in Section 54-704(5), Idaho Code (3-28-23)

03. Practice Limited to Chiropractic Physicians with Clinical Nutrition Certification. Chiropractic interns, chiropractic assistants, holders of chiropractic temporary practice permits and others working under the authority or direction of a chiropractic physician may not perform any practice or function requiring clinical nutrition certification. (3-28-23)

702. CLINICAL NUTRITION FORMULARY.

Chiropractic physicians certified in clinical nutrition may obtain and independently administer, during chiropractic practice, only the prescription drug products listed in this chiropractic clinical nutrition formulary and subject to the provisions hereof. (3-28-23)

01. Chiropractic Clinical Nutrition Prescription Drug Formulary. Prescription drug products that may be used by chiropractic physicians with clinical nutrition certification are limited to the following: (3-28-23)

a. Vitamins: vitamin A, all B vitamins and vitamin C; (3-28-23)

b. Minerals: ammonium molybdate, calcium, chromium, copper, iodine, magnesium, manganese, potassium, selenium, sodium, and zinc; (3-28-23)

- c. Fluids: dextrose, lactated ringers, Plasma-Lyte, saline, and sterile water; (3-28-23)
- d. Epinephrine; and (3-28-23)
- e. Oxygen for use during an emergency or allergic reaction. (3-28-23)

02. Sources of Clinical Nutrition Prescription Drug Products. Prescription drug products listed in the chiropractic clinical nutrition formulary may be obtained only by a chiropractic physician with clinical nutrition certification and only from a source licensed under Chapter 17, Title 54, Idaho Code, that is a wholesale distributor, a manufacturer, a pharmacy, compounding pharmacy, or an outsourcing facility and from no other source. (3-28-23)

03. No Compounding of Prescription Drug Products. A chiropractic physician may not obtain or use in chiropractic practice a compounded drug product containing a prescription drug product that is not included in the chiropractic clinical nutrition formulary. (3-28-23)

04. Compliance with Federal and State Requirements. In addition to the requirements of the Idaho Chiropractic Practice Act and rules of the Board, chiropractic physicians must comply with all federal and state laws, rules and policies governing possession, storage, record keeping, use, and disposal of prescription drug products. (3-28-23)

703. -- 999. (RESERVED)

Appendix A – Chiropractic Physicians Code of Ethics

PREAMBLE

This code of ethics sets forth principles for the ethical practice of chiropractic. All chiropractic physicians are responsible for maintaining and promoting ethical practice and otherwise complying with the terms of this code of ethics. To this end, the chiropractic physician must act in the best interest of the patient. This code of ethics is binding on all chiropractic physicians.

1. Duty to Report

A. It is the duty of every licensee to notify the Board through the Division of Occupational and Professional Licenses of any violation of the Chiropractic Act or Board Rules if the licensee has personal knowledge of the conduct.

B. If a judgment is entered against a licensee in any court, or a settlement is reached on a claim involving malpractice exceeding fifty thousand dollars (\$50,000), a licensee must report that fact to the Board within thirty (30) days. The licensee may satisfy the provision of this subsection if he/she provides the Board with a copy of the judgment or settlement.

C. If convicted of a felony or a crime involving dishonesty, theft, violence, habitual use of drugs or alcohol, or sexual misconduct, the licensee must report that fact to the board within thirty (30) days following the conviction.

2. Advertising of Research Projects

If a licensee advertises any affiliation with a research project, he must make a written statement of the objectives, cost and budget of the project, and the person conducting the research. Such statements are to be made available at the request of the Board, to scientific organizations, and to the general public. The advertisement must indicate that it is for the purpose of clinical research. Any willful failure to comply with these requirements will be deemed false and deceptive advertising under **rule 450**. Licensees must comply with all state and federal laws and regulations governing research projects on humans, and will obtain “Institutional Review Board” (IRB) approval as established and set forth in the U.S. Code of Federal Regulations, Title 45, Part 46, Subpart A (45 CFR 46.101-46-

505).

3. Sexual Misconduct

The doctor-patient relationship requires the chiropractic physician to exercise utmost care that he or she will do nothing to exploit the trust and dependency of the patient. Sexual misconduct is a form of behavior that adversely affects the public welfare and harms patients individually and collectively. Sexual misconduct exploits the doctor-patient relationship and is a violation of the public trust. A chiropractic physician shall wait at least one (1) year (“waiting period”) following the termination of a professional doctor-patient relationship, before beginning any type of sexual relationship with a former patient.

For the purposes of this subsection, sexual misconduct is divided into sub-categories based upon the severity of the conduct:

A. Sexual Impropriety. Any behavior such as gestures, expressions, and statements which are sexually suggestive or demeaning to a patient, or which demonstrate a lack of respect for a patient's privacy.

B. Sexual Violation. Physician-patient contact of a sexual nature, whether initiated by the physician or the patient.

4. Prepaid Funds

A chiropractic physician shall promptly refund any unearned fees within thirty (30) days upon request and cancellation of the prepaid contract. A full accounting of the patient account shall be provided to the patient at the time of the refund or upon request.