



NEWSLETTER

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IMPORTANT NEWS

The Board frequently hears from licensees that they don't read the documents and materials the Board mails to them. Please take the time to review this Newsletter in its entirety. The Board only mails documents containing information ALL LICENSEES NEED TO KNOW.

If You Have Questions... Please Ask!

In order for you to remain compliant with the Board's laws and rules, it is imperative that you review them thoroughly, paying particular attention to any new or amended rules. Please visit our website frequently to learn of any updates that you should know about.

If you should have any questions about the Board's laws and rules, do not hesitate to contact the Board office at oscb.chirobd@chr.state.oh.us. Your inquiry will be forwarded to the appropriate staff member for reply.



ACUPUNCTURE ADVERTISING

For those licensees whom possess a certificate to practice acupuncture from the Board, please keep in mind that you are prohibited from representing or advertising the terms acupuncturist, licensed acupuncturist, L.Ac., Diplomate of Acupuncture (NCCAOM), Dipl. Ac. (NCCAOM) or National Board Certified in Acupuncture (NCCAOM).

TENS Units and the Home Medical Equipment Law

It has recently come to the Board's attention that licensees may be selling and/or renting TENS units without possessing a Home Medical Equipment (HME) license. The Ohio Respiratory Care Board regulates the HME law that requires licensure in order to sell or rent home medical equipment which includes TENS units.

If you are selling or renting TENS units without an HME license, the Board recommends that you cease doing so immediately. To do otherwise puts you at risk for civil penalties, fines and criminal prosecution.

If you'd like information on how to obtain an HME license, please visit the Respiratory Care Board's website at www.respiratorycare.ohio.gov or you may contact their HME Manager, Marcia Tatum, at Marcia.tatum@rcb.state.oh.us.

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CONTINUING EDUCATION NEWS

Chiropractic CE Requirements

36 hours each biennium of which 1.5 hours must be on the topic of ethics and/or professionalism.

If you actively Practice in Ohio: You must earn 24 hours of in state CE from programs posted on the Board's website CE list. The remaining 12 hours may be earned in state, out of state or via electronic learning so long as the sponsor and topic are acceptable.

If you do not actively practice in Ohio: You may earn all required 36 hours in state, out of state, or via electronic learning so long as the sponsor and topic are acceptable.

Acupuncture CE Requirements

12 hours each biennium. You may earn hours in any format – in state, out of state or via electronic learning so long as the sponsor and topic are acceptable.

Keep in Mind

- ❖ Practice management companies are not approved CE sponsors.
- ❖ For profit businesses are not approved CE sponsors.
- ❖ Vendors/sales reps are not approved CE sponsors or providers.
- ❖ Practice management is not an acceptable CE topic.
- ❖ Training conducted in your office is not acceptable CE (unless formally sponsored by an approved sponsor and meets the Board's CE requirements).
- ❖ Reading journals or publications is not acceptable.
- ❖ Double check the sponsorship and claims made by CE providers – some providers are a scam.

What is Acceptable CE?

- ☑ Any program posted on the Board's website.
- ☑ Any out of state program or electronic learning program for which both of the below apply:

1. The Program is Sponsored by:

- Chiropractic College
- Hospital
- Non-profit Association
- Academic Health Institution

2. The Program is on One or More of These Topics:

- Clinical Diagnosis & Examination Procedures
- Diagnostic Imaging
- Neurology
- Nutrition
- Public Health, Hygiene, Sanitation
- Manipulation and Adjusting Procedures
- Physiological Therapeutics
- Orthopedics
- Acupuncture
- Electrodiagnostics
- Emergency Procedures
- Principles and Practice
- Philosophy
- Laboratory Procedures
- Anatomy
- Physiology
- Rehabilitative Procedures/Exercise
- Ethics/Boundaries
- Staff Development and Training*
- Documentation
- Risk Management
- Ethics/Professionalism
- Laws and Rules of the Board
- * May not include marketing, patient retention strategies, etc.

CE Deadline

The renewal deadline for all chiropractic and acupuncture licenses is March 31, 2014. You have until this date to earn your required CE hours in order to renew your license.

LAWS AND RULES UPDATE

RULES CHANGES

Provisions in the CE rules are changing and may affect you. Highlights include:

- If you do not actively practice in Ohio, you may now earn your required hours in state, out of state or via electronic learning. This means you do not have to earn in state CE hours if you live in Ohio but do not actively practice in Ohio. (If you actively practice in Ohio whatsoever, you are required to earn at least 24 of your required 36 CE hours in Ohio.)
- New electronic learning definition: Electronic learning includes, but is not limited to, CD, DVD, MP3 audio programs, video programs, internet programs and virtual education opportunities that provide a certificate of attendance/completion. **Electronic learning does not include reading journals or publications in any format.**
- CE Instructors: If you teach a program for CE credit and it is sponsored by a Board-approved CE sponsor, you may now claim the number of hours you teach towards your biennial CE requirement without pre-approval from the Board.
- College credit: If you earn college credit in a health related topic through an accredited academic institution, you may now claim up to 36 hours of CE credit per biennium. In order to claim the required 1.5 hours of ethics and/or professionalism, the course(s) must include an ethics and/or professionalism component.
- Acupuncture CE: For those who possess an acupuncture certificate, you may now earn all of your required 12 hours in state, out of state or via electronic learning.

UPCOMING CHANGES

As required by law, the Board must review each of its rules every five years to determine if the rule should continue or be amended or rescinded.

The following rules are up for review and **proposed for amendment:**

Payment of Fees
Board-Approved Chiropractic Educational Institutions & Programs
License for Voluntary Public Service
Quality Intervention Program
Unlicensed Supportive Personnel
Examination and Prescription Protocols
Universal Precautions
Sexual Misconduct
Signage and Display of License
Professional Ethics
Conduct Following Action Against a Licensee
Application for Acupuncture Certificate

The following rules are up for review, but **no amendments are proposed:**

Addresses of Licensees
Board Consideration of Sanctions
Fine Schedules
Ownership of Chiropractic Practices
Confidentiality
Fee Splitting
Acupuncture Referral

To view the rules and any proposed amendments, please visit the Board's website at www.chirobd.ohio.gov and click on "Proposed Laws & Rules Changes" under the "Laws and Rules" link. **Please visit this link frequently to keep up to date on rules changes and Public Rules Hearings notifications.**

Compliance

The Board typically addresses non-compliance issues in one of two ways - proactively based upon a doctor's inquiry, or reactively in response to a complaint. While either method will usually result in compliance, being proactive by consulting with the Board can save time and money.

The most common non-compliance issue the Board encounters is advertising and solicitation. To assist with compliance, the Board staff is happy to review marketing materials such as telemarketing scripts, web and Facebook pages, newspaper, radio or telephone advertisements, and office signs. Just fax or email your drafts and our Paralegal will review them and let you know of any potential violations. Our Paralegal can also help you with questions with issues such as patient records transfers and releases, terminating the doctor-patient relationship, etc.

For those who end up with a non-compliance issue, you'll receive a written letter from the Board. While it's concerning to receive these letters, they are simply a formal tool to assist you with compliance and are kept confidential by the Board. The letter will let you know what the issue of non-compliance is and why, and give you an opportunity to correct it. The Board staff will work with you to help you understand and correct the issue.

Many licensees have had to discontinue using advertising, have signs remade, re-record radio and TV advertisements, etc. due to a non-compliance issue. One email or phone call to the Board office can save you time and money and can prevent you from doing something that could potentially get you disciplined.

Please contact our Paralegal, Kendra, with any of your questions about compliance. Keep in mind that the Board cannot offer legal advice and we can only answer questions about things that are specifically addressed in our laws and rules. Kendra may be reached at:

kendra.hudson@chr.state.oh.us

Staff Members Taking X-Rays?

The Ohio Department of Health requires any individual who performs radiologic procedures on humans to hold a valid Ohio radiologic license. (Licensed chiropractic physicians are exempt) **Unlicensed individuals are even prohibited from positioning patients and setting the technique factors.** Permitting unlicensed individuals to perform radiologic procedures puts you in jeopardy of sanctions by the Ohio Department of Health as well as by the Board.

Dept. of Health Contact Information:

Telephone: (614) 752-4319 | **Fax:** (614) 466-0381

E-mail: BRadiation@odh.ohio.gov

Expert Witnesses

The Board is looking for licensees to qualify as expert witnesses to utilize for reviewing confidential complaints involving standard of care issues. Experts must enter into a contract with the Board and be willing to review files, provide written reports, meet with the Board staff and/or attorney, and testify against licensees in a public hearing when necessary.



If you are interested, please submit your curriculum vitae to the Board office and specify your number of years of practice experience, educational background and details of any previous experience testifying.

MASSAGE THERAPISTS

LMTs are prohibited from applying ultrasound, diathermy, electrical neuromuscular stimulation or substantially similar modalities. Allowing, directing, or supervising an LMT to perform these modalities puts your license, as well as the LMT's license, at risk for disciplinary action.

Social Media Advertising

Please keep in mind that all forms of advertising and solicitation must comply with the Board's Advertising and Solicitation Rule. This includes social networking sites such as Facebook and Twitter and deal of the day sites such as Groupon. The Advertising and Solicitation rule is available on the Board's website under the Laws and Rules drop down menu.