



NEWSLETTER

November 2015

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Keep the Board Updated

If you have any changes to your home or business contact information, please visit our website to file your change online (click on the **Licensees** drop down menu to access the form.)

It is particularly important that you maintain a current email address with the Board to ensure you are kept up to date on future communications about many upcoming changes!

Records Release

Providing copies of patient records upon receipt of a signed written request is required by law (see Ohio Revised Code Section 3701.74 on the web at: <http://codes.ohio.gov/orc/3701.74>).

You may not withhold release of patient records due to an account balance, lien, complaint, etc.

You are permitted to charge a fee for costs for copies and services related to the copies. Ohio Revised Code Section 3701.741 outlines the fees you may charge and can be found on the web at <http://codes.ohio.gov/orc/3701.741>.

**License Renewal Deadline is
March 31, 2016
Renewal Applications will be
Available by February 1, 2016**

www.chirobd.ohio.gov

Contact Us!



Send your questions, comments, concerns, etc. to the Board's email address:

oscb.chirobd@chr.state.oh.us

Your communication will be forwarded to the appropriate staff member for reply.

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SCOPE OF PRACTICE

The Board continues to encounter licensees performing procedures that are NOT within the scope of chiropractic practice. We are also noticing doctors attempting to circumvent the scope of practice by delegating to unlicensed individuals or by obtaining a "license" from national and/or private entities.

If something is not within the scope of practice, you cannot perform the service, nor may you delegate the procedure to an unlicensed staff member.

"Licenses" obtained by entities other than recognized licensing boards in Ohio, are neither recognized nor valid in the state of Ohio and do not permit you to practice outside of your scope of practice.

Not only can licensees who practice outside their scope be disciplined by the Board, they also risk criminal prosecution by other licensing boards should the procedure fall within that Board's scope of practice.

The following is not within the scope of chiropractic practice in Ohio:

Laser cellulite reduction
Hair removal/Hair restoration
Cosmetic/Esthetic Procedures

Facial Rejuvenation
Hyperbaric Chambers, Hyperbaric Oxygen Therapy
Oxygen Concentrators
(this list is not all inclusive)

If you are unsure about a new procedure, a new device, etc. please contact the Board office to determine if it is within your scope of practice before you commit to a purchase, contract, or training.

oscb.chirobd@chr.state.oh.us

DRY NEEDLING



Several years ago the question of whether or not dry needling was within the scope of chiropractic was reviewed by the Board. It was determined that a chiropractor must possess an acupuncture certificate in order to perform dry needling in the state of Ohio.

Due to continued inquiries regarding this technique and the many legal battles surrounding it across the country, the Board has requested a formal opinion from the Ohio Attorney General to determine if dry needling constitutes the practice of acupuncture in the state of Ohio.

An Attorney General Opinion is an official statement of the Attorney General's views on a legal question and will guide future actions of the Board in regard to dry needling.

A summary of the subject matter of the Board's request is published in the Ohio State Bar Association Report and posted on the Requests for Opinions page on the Attorney General's website. Parties interested in the Request are invited to submit comments or analysis to the AG's Opinions Section by way of letter, memorandum, or other written format. **Please do not send comments or analysis to the Board office.**

To view the Board's Opinion Request, or to provide comments or analysis, please visit the Ohio Attorney General's webpage at: <http://www.ohioattorneygeneral.gov/About-AG/Service-Divisions/Opinions/Opinions-Requested>. (Scroll down to find the Board's request dated 9/15/15.)

How is Scope of Practice Determined?

Scope of practice determinations are made in consultation with legal counsel and by researching current law, reviewing the scope of practice of other professions, and surveying what is taught in the curriculum of chiropractic colleges.



Supervision of CAs (Unlicensed Personnel)

The Board's Unlicensed Personnel Rule (4734-8-02) **requires a chiropractic physician to be on the premises** when services are provided by a CA or other unlicensed individual. Chiropractors are not permitted to issue "standing orders" or be "available by telephone" or otherwise direct services be performed when the doctor is not on the premises.

Specifically, the following **cannot** be performed by a CA or other unlicensed individual without a chiropractic physician on the premises:

- (1) Taking measurements for height, weight, blood pressure, respiration, pulse, and temperature.
- (2) Recording observable signs and symptoms.
- (3) Collecting bodily fluids for diagnostic purposes.
- (4) Applying hot and/or cold packs.
- (5) Applying mechanical traction.
- (6) Applying electrical stimulation.
- (7) Applying vasopneumatic devices.
- (8) Applying diathermy.
- (9) Applying therapeutic ultrasound.
- (10) Exercise instruction and supervision of exercise activities.
- (11) Supervision of therapeutic procedures.
- (12) Assist patients to safely perform activities related to the development of strength and endurance.
- (13) Other services or procedures as deemed appropriate by the Board.

View Board Rule 4734-8-02 at:
<http://codes.ohio.gov/oac/4734-8-02>



Concussion Management

Board Rule 4734-8-09 is scheduled to become effective November 19, 2015. The rule outlines concussion management requirements for treating the general population and permits only those licensees who possess one of the following credentials to assess and clear youth sports athletes:

- Diplomate in chiropractic neurology recognized by the American Chiropractic Neurology Board (DACNB);
- Diplomate in chiropractic sports medicine recognized by the American Chiropractic Board of Sports Physicians (DACBSP);
- Certified chiropractic sports physician recognized by the American Chiropractic Board of Sports Physicians AND listed on the American Chiropractic Board of Sports Physicians National Concussion Registry (CCSP/ACR).

Please follow the Board's website for upcoming FAQs and information regarding concussion management. It will include links to helpful resources including the Consensus Statement on Concussion in Sport issued by the 4th International Conference on Concussion in Sport held in Zurich, November 2012, for which each licensee must follow when treating youth sports participants.

Treating Animals

Treating a medical condition of an animal is the practice of veterinary medicine. Ohio Chiropractors may treat animals, but only by referral of an Ohio licensed veterinarian who must maintain medical supervision of the animal.

There are criminal penalties for practicing on animals without an appropriate referral. If you have any questions about practicing on animals, please contact the Ohio Veterinary Medical Licensing Board at:

info@ovmlb.state.oh.us

A Brief Guide to the Rule Making Process

Many of you have probably noticed that the Board sends email communications regarding proposed new rules or changes to existing rules. Stakeholders (ie., licensee, student, college, consumer, etc) receive these communications because the rule may affect them. Below is a guide to understand these communications so that you may participate in the rule making process.

There are two instances for which the Board initiates the rule making process – either because a rule is due to be reviewed every fifth year, or because the Board wishes to adopt a new rule, amend a rule, or rescind a rule. Regardless of the reason the Board initiates the rule making process, if the rule affects a stakeholder the procedures are the same.

There are four primary procedures in the rules process.

1. Early Stakeholder Input

When the Board initiates the rules process you will receive an email communication notifying you which rule the Board is considering. This is an early outreach to seek input on what, if anything, the Board should do with the rule. The Board will consider the feedback received prior to drafting the rule for adoption, amendment or rescission.

2. Comment to the Common Sense Initiative Office (CSIO)

Once the Board prepares a formal draft of a proposed rule, you will receive a second email from the Board notifying you of the Board's intended action with the rule. This notification includes a Business Impact Analysis form that describes the impact of the rule and provides you an opportunity to comment on the proposed rule. ***As a licensee, this step in the rule making process is the most important and provides you the best opportunity to affect a proposed rule.***

The CSIO will carefully review the rule and the comments received and many times acts as a “mediator” between the Board and stakeholders to come to a resolution regarding issues of interpretation, disagreement, etc. The CSIO will make a recommendation to the Board regarding the proposed rule. Once the recommendation from the CSIO is received, the Board will review the recommendation and make any changes necessary to the rule. The Board must abide by the CSIO's recommendation on a rule.

3. The Board Holds a Hearing

You will next receive an email advising you of the date and time scheduled for the Board's formal hearing on the rule and you may submit written testimony or appear in person to testify. At the conclusion of the hearing the Board will consider all testimony and vote to file the rule as originally presented, or may change the rule based upon testimony received.

4. JCARR Hearing

The Joint Committee on Agency Rule Review (comprised of 5 Representatives and 5 Senators) will hold a hearing on the Board's proposed rule. Anyone may testify before JCARR. Upon conclusion of the JCARR hearing, the Board may file the rule for formal adoption unless otherwise advised by JCARR. To be added to the JCARR notification list, you may register at:

<http://www.jcarr.state.oh.us/about-jcarr/jcarr-mailing-list;jsessionid=c9c63af210a4273d4be5b7f22d2b?o>

This article is intended to highlight how you can best participate in the rule making process. The process is very lengthy and complicated and cannot be fully explained in this brief article. If you have any questions regarding the rule making process, please do not hesitate to contact the Board office.

Chiropractic Licenses and Acupuncture Certificates must be renewed by March 31, 2016

Chiropractic CE Requirements

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

If you actively practice in Ohio whatsoever: 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 (in addition to the 36 hours required to renew your chiropractic license). You may earn the hours 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 legitimacy of sponsorship and claims made by CE providers.

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 following apply:

1. The Program is Sponsored by One of the following:

- 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, 2016. You have until this date to earn your required CE hours in order to renew your license.

EXCITING CHANGES IN 2016!

NEW CE REQUIREMENTS Scheduled to be Effective April 1, 2016

The Board has been hard at work drafting new CE requirements and is excited to announce that much of the great input received from the profession has been incorporated into the new proposed rules. The Board will hold its public hearing on the rules early next year. Watch your email for updates!

HIGHLIGHTS OF THE NEW RULES

- No in-state earning requirement.
- No limit on out of state or online CE hours.
- Chiropractors who simultaneously hold an acupuncture certificate only required to earn 36 hours to renew both licenses.
- Removes the requirement that the Board approve CE sponsors.
- 2 hours of Board mandated CE on any combination of: ethics and professionalism/ human trafficking awareness/laws and rules of the Board.
 - The Board will offer free online laws and rules CE.
 - Resources for free online Human Trafficking Awareness CE will be posted on the Board's website.



Look for future publications and emails regarding these exciting changes and visit our website for updates and FAQs next year!

Consumer Complaints

The Board receives numerous complaints regarding licensee misconduct each year, many of which could have been avoided had the doctor communicated more clearly, and in many cases more civilly, with the patient. Although most complaints are resolved without disciplinary action, there are many things you can do to avoid the stress of having a complaint filed against you:

 **Improve Interpersonal and Communication Skills**
Establish a good rapport with your patients. Train your staff to be conscientious to each patient's needs.

 **Ensure Patients Understand Forms**
Ensure that your patients fully understand each form they sign. Take time to explain each form *before* the patient signs it.

 **Resolve Financial Conflict**
Many patients are surprised or confused by their bill. Inform your patients of your fees upfront and take the time to answer and explain any billing inquiries.

 **Education**
Explain all techniques and procedures. Many healthcare consumers have misconceptions about chiropractic.

 **Solicitation**
Ensure your solicitation practices conform to the Board's laws and rules. Many consumers complain about misleading advertisements and solicitations.

 **Documentation**
Document each patient encounter clearly and legibly. Familiarize yourself with the CPT codes you utilize to ensure proper coding.

QUESTIONS?

CONTACT US AT:

oscb.chirobd@chr.state.oh.us