



NEWSLETTER

August 2016

Members of the Board

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The Board has determined dry needling does not constitute the practice of acupuncture. An Ohio licensed chiropractic physician may perform dry needling without possessing an acupuncture certificate so long as he or she has achieved education, training, and experience to perform the technique. Licensees must perform dry needling in accordance with the prevailing standard of care and follow the universal precautions outlined in Board Rule 4734-8-08. See page 4 for information about education, training and experience and standard of care.



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.)

You can also use this address change form to provide your email address to the Board. The Board will be migrating to a paperless licensure and renewal system and you will be required to provide an email address at that time.

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FREE Online CE!



You can earn the required 2 hours of Board mandated CE FREE! Visit the Board’s website at www.chirobd.ohio.gov and click on the links under ANNOUNCEMENTS to earn 1 hour of Laws and Rules CE and 1 hour of Human Trafficking CE.



Contact Us!



Send your questions, comments, concerns, etc. to: oscb.chirobd@chr.state.oh.us

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



Certified Chiropractic Clinical Assistants

The Certified Chiropractic Clinical Assistant (CCCA) is a program of the Federation of Chiropractic Licensing Boards (FCLB) that provides national training standardization for those who assist chiropractic physicians in the provision of therapeutic procedures. Program Details:

Eligibility:

- At least 18 years of age
- High school diploma or equivalent
- Good moral character

Initial Fees:

- \$150 (includes exam, certificate, badge, and first year of registration)

Education:

- 24 hours from a PACE provider -OR-
- 24 hours from another provider (subject to review) -OR-
- 2,000 hours of experience

Exam:

- Online Exam (Created by the NBCE)

First Year:

- Earn 300 hours of practical clinical experience

Renewal:

- Every two years
- 6 hours of CE required

Benefits of CCCA certification:

- ✓ Establishes uniform standards for CAs
- ✓ Enhances the knowledge of CAs
- ✓ Provides verifiable credentials and accountability
- ✓ Improves public protection.

CCCA Certification does not permit CAs to take x-rays.

Please visit the Federation of Chiropractic Licensing Board's website at www.fclb.org and click on the [Chiro Assistants](#) tab to learn more about the CCCA program and to download the CCCA Candidate Handbook.



CCCA information is provided for information purposes only. Chiropractic Assistant licensure is not required nor is it being contemplated.

License Required to take X-Rays*

The Ohio Department of Health requires any individual who performs radiologic procedures, including positioning patients and setting the technique factors, to hold a valid Ohio radiologic license.

*Licensed chiropractic physicians are exempt from x-ray licensure.

Dept. of Health Contact Information:

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

E-mail: BRadiation@odh.ohio.gov

REMINDER



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 care when not on the premises.



IDENTIFY YOURSELF!

The Board is seeing an increase in advertising that does not clearly reveal it is on behalf of a chiropractic physician.

Most common reasons licensees commit this violation:

1. Intentional concealment;
2. Unaware of the advertising requirements;
3. Believe they are not practicing chiropractic due to advertising for non-typical chiropractic services;
4. Think they are exempt from the Board's advertising rules because they possess a license, certificate or degree from a private entity or another state.

None of these reasons are defensible. **You must clearly reveal you are a chiropractor in all advertising.** *One of the following terms must be included in all advertisements and used in such a manner that the reader or listener understands they will receive services from a chiropractor:*

- **chiropractic**
- **doctor of chiropractic**
- **chiropractor**
- **chiropractic physician**

Do not put your license in jeopardy of disciplinary action – clearly let the consumers of Ohio know your professional license status in all forms of advertising.



Weight loss plans are regulated by the state of Ohio. You must operate within your scope of practice AND you must identify yourself as a chiropractic physician in any weight loss advertisement or solicitation.

PREPAYMENT PLANS

The Board investigates many complaints involving prepayment for services and finds that most prepayment plans do not fully comply with the requirements of the prepayment plan rule. If you accept prepayment for services, please review [Board Rule 4734-9-11](#) thoroughly to ensure your plan is compliant.



If you advertise through Groupon, Living Social, or similar marketing vendors you may be violating the Board's fee splitting rule.

Fee splitting examples:

-  Paying for advertising or marketing services by sharing a specified portion of your professional fees collected from a consumer with the vendor providing the advertising or marketing services;
-  Advertising or marketing services via social coupons if you allow the social site to:
 1. collect your professional fees from the consumer;
 2. retain a defined percentage or portion of the revenue collected as payment for the coupon marketing services provided, and;
 3. remit to you the remainder of the amount collected.

Fee splitting is a complicated topic that not only may violate the Board's law, but may also violate federal law. If you have questions or concerns about fee splitting, please consult with legal counsel. The Board cannot provide legal advice or legal guidance to licensees.

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EDUCATION, TRAINING AND EXPERIENCE

It is each licensee's responsibility to have the education, training and experience necessary to perform their duties within the scope of practice. To make up for any lack of education in a particular area for which you wish to practice, conduct diligent research to seek out educational opportunities from appropriate educational providers so that you can practice within the standard of care.

Standard of Care

All licensees are required to practice within the prevailing standard of chiropractic care - failure to do so can result in disciplinary action. Standard of chiropractic care is not legally defined in Ohio law. Below are excerpts from an article published in *Dynamic Chiropractic* that explains standard of care:

The term "standard of care" does not represent guidelines; nor does it represent a "paint by numbers" or "cookbook" methodology.

The legal definition of the chiropractic standard of care may vary slightly from state to state, but the essential concept is: "What a (licensed) prudent, competent doctor of chiropractic in the same region would do in the same or similar circumstances." The chiropractic standard of care represents conduct that has been established with scientific, empirical, and/or clinical evidence. Consensus opinions including such factors as how widely used the form of treatment is, where it is taught, and how appropriate it is for the condition(s) upon which it is utilized are considered. Case law can be applied to help legally define specific aspects of the standard of care.

Ideally, the standard of care represents the safest and most efficacious realm within which a chiropractor should conduct himself or herself professionally.

Michael Kohler, DC, CCSP, QME, Chiropractic's Standard of Care (2005, September 27) Retrieved from:

<http://www.dynamicchiropractic.com/mpacms/dc/article.php?id=50405>

WOULD YOUR DOCUMENTATION WITHSTAND THE BOARD'S SCRUTINY?



Unfortunately, not likely.

The Board reviews hundreds of patient files a year for complaints and investigations. Rarely do these records meet today's documentation standards. In most instances the investigation reveals no findings against the doctor EXCEPT for documentation issues. Common violations include:

- ✗ Illegible records
- ✗ Incomplete records
- ✗ Lack of detail (such as where treatment or therapy applied)
- ✗ Unintelligible records (particularly when using EMR software)
- ✗ Duplicate notes for multiple visits
- ✗ Records do not reflect the treating physician
- ✗ Too infrequent, or no re-evaluations
- ✗ No comprehensive patient history
- ✗ Patient vitals not recorded

Do not place your license in jeopardy over documentation issues. Review your procedures and take the necessary action to bring your records up to standard.

UNDERSTANDING THE NEW CE REQUIREMENTS

Comprehensive information and FAQs are posted on the Board's website about the new CE requirements.

Please visit the Board's website and click on the Continuing Education tab to learn what you need to do to earn acceptable CE to renew your license in 2018.

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