L A W S
AND
R U L E S  o f  P R A C T I C E
F O R
C H I R O P R A C T I C
I N
L O U I S I A N A

Edited and compiled by the

LOUISIANA STATE BOARD OF CHIROPRACTIC EXAMINERS
8621 Summa Avenue
Baton Rouge, LA 70809
(225) 765-2322
FAX: (225) 765-2640
Email: lsbce@eatel.net
Website: www.lachiropracticboard.com

Mark B. Kruse, D.C.
President

Patrick S. Clawson, D.C.

Kelly B. Faircloth, D.C.
Vice-President

John L. Murphy, D.C.

Dwayne L Burch, D.C.
Secretary-Treasurer

Joseph A. Stagni, D.C.

Patricia A. Oliver
Executive Director

R. Buckley VanBreemen, D.C.
# TABLE OF CONTENTS

## TITLE 37: PROFESSIONS AND OCCUPATIONS

### CHAPTER 36. CHIROPRACTORS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2801. Definitions</td>
<td>1</td>
</tr>
<tr>
<td>2802. Board of chiropractic examiners</td>
<td>3</td>
</tr>
<tr>
<td>2803. Organization of board; quorum; meetings; records; rules and regulations</td>
<td>4</td>
</tr>
<tr>
<td>2804. Powers and duties of the board</td>
<td>4</td>
</tr>
<tr>
<td>2805. Requirement for license; penalty; qualifications; examinations; issuance of license</td>
<td>6</td>
</tr>
<tr>
<td>2806. Interns, qualifications, requirements</td>
<td>7.1</td>
</tr>
<tr>
<td>(blank)</td>
<td></td>
</tr>
<tr>
<td>2808. Reciprocity licenses</td>
<td>8</td>
</tr>
<tr>
<td>2809. Fees</td>
<td>8</td>
</tr>
<tr>
<td>2810. Renewal of license</td>
<td>9</td>
</tr>
<tr>
<td>2811. Recordation of license</td>
<td>10</td>
</tr>
<tr>
<td>2812. Statistical certification</td>
<td>11</td>
</tr>
<tr>
<td>2813. Other annual license taxes not required</td>
<td>11</td>
</tr>
<tr>
<td>2814. Waiver of renewals while in the military service</td>
<td>11</td>
</tr>
<tr>
<td>2815. Display of license or certification</td>
<td>11</td>
</tr>
<tr>
<td>2816. Suspension or revocation of license; causes; hearing</td>
<td>11</td>
</tr>
<tr>
<td>2817. Special provisions; use of x-ray; retention of records</td>
<td>13</td>
</tr>
<tr>
<td>2818. Exceptions and rights</td>
<td>14</td>
</tr>
<tr>
<td>2819. Louisiana State Board of Chiropractic Examiners; chiropractic scholarships; creation</td>
<td>14</td>
</tr>
<tr>
<td>2820. Scholarships; funding</td>
<td>14</td>
</tr>
<tr>
<td>2821. Scholarships; amount, number</td>
<td>14</td>
</tr>
<tr>
<td>2822. Eligibility for scholarship</td>
<td>15</td>
</tr>
<tr>
<td>2823. Application consideration; evaluation; preference</td>
<td>15</td>
</tr>
<tr>
<td>2824. Contract for scholarship; contingent</td>
<td>15</td>
</tr>
<tr>
<td>2825. Return to practice</td>
<td>16</td>
</tr>
<tr>
<td>2826. Failure to comply; remittance; death cancellation; disability</td>
<td>16</td>
</tr>
<tr>
<td>2827. Repayment not required</td>
<td>16</td>
</tr>
<tr>
<td>2828. Chiropractic assistants performing chiropractic x-ray functions; certification; requirements; penalties</td>
<td>17</td>
</tr>
<tr>
<td>2829. Reciprocity certification</td>
<td>17</td>
</tr>
<tr>
<td>2830. Certain persons employed as chiropractic assistants</td>
<td>17</td>
</tr>
<tr>
<td>2830.1-.7 (blank)</td>
<td>18-22</td>
</tr>
</tbody>
</table>

10/01 i
TITLE 46: PROFESSIONAL AND OCCUPATIONAL STANDARDS
PART XXVII: CHIROPRACTORS

Chapter 1. Practice and Procedure
101. Authority ........................................23
103. Domicile of Board, Time of Meeting,
      Special Meetings ..............................23
104. Rules of Order ..................................23
105. Written Examinations ..........................23
106. Definitions .....................................23
107. Adopting, Amending, or Repealing Rules ....24
109. Commencement of Hearings ....................24
111. Notice of Hearing ..............................24
113. Disposition of Complaint ....................24
115. Appearance .....................................24
117. Default in Appearing ..........................24
119. Hearing Procedure .............................24
121. Board's Decision ..............................25
123. Rehearings ....................................25
125. Recording of Hearing .........................25
127. Judicial Review of Decision ..................26

Chapter 3. Professional Conduct
301. Use of Steel Balls ..............................26
302. Surrogate Muscle Testing .....................26
303. Notification of Address ......................26
304. HIV/HBV Precautions ........................26
305. Change of Address .............................26
306. Itemized Patient Billing ......................26
307. Advertising Practices ........................27
308. Disclosures in Advertising ..................28
309. Future Care ....................................29
310. Accident Solicitation Letters ...............29
311. Overutilization of Services .................29
313. Records .......................................29
315. Protection of Record .......................29.1
316. Internships ..................................29.1
317. Certificates ..................................29.1
318. Specialty Register ...........................29.1
319. Continuing Education - Risk Management ....30

Chapter 5. Due Process Procedures for Ethics Violations
501. Unethical Conduct .............................30.1
503. Application of Procedures ...................31
505. Initiation of Complaint .....................31
507. Declaratory Statements .....................31
511. Processing Complaints and Inquiries ......31
519. Informal Inquiry Procedures ...............32
521. Informal Hearing Procedures ...............33
523. Evaluating the Findings of the Informal
      Hearing ........................................33
525. Refusal to Respond or Cooperate with the Board ......................... 34
527. Withdrawal of a Complaint ......................................................... 34
529. Emergency Action Required .......................................................... 34
535. Initiating the Process ................................................................. 34

Chapter 7. Peer Review Committee
701. Purpose and Composition of Committee ........ 36
702. Guidelines ........................................................................ 36.1
703. Procedure for Review ................................................................. 36.1
704. Procedure for Review of Substance Abuse Policy .......................................... 36.3
705. Impaired Chiropractic Substance Abuse Recovery Program .......................... 37

Chapter 9. Illegal Payments; Required Disclosure of Financial Interests
901. Scope and Purpose of Chapter .................................................. 38.1
903. Definitions and Construction ...................................................... 38.1
905. Prohibition of Payments for Referrals ......................................... 38.3
907. Exceptions ............................................................................... 38.3
909. Effect of Violation .................................................................... 39
911. Required Disclosure of Financial Interest ...................................... 39.1
913. Prohibited Arrangements ............................................................. 39.1
915. Form of Disclosure ................................................................. 39.1
917. Effect of Violation; Sanctions ...................................................... 39.2

MISCELLANEOUS LAWS
LSA R.S. 9:2714. Chiropractors; certain contractual agreements invalid .............. 40
LSA R.S. 22:668. Selection of type of treatment; reimbursement ................................. 41
LSA R.S. 27:1734. Chiropractors' peer review committee; immunity .............................. 41
LSA R.S. 37:1743. Prohibition on direct solicitation .............................................. 42
LSA R.S. 37:1744. Disclosure of financial interest by referring health care providers .................................................. 42
LSA R.S. 37:1745. Prohibition on payment for patient referrals .............................. 43
LSA R.S. 37:2401. Definitions (from Physical Therapy Act) .................................... 44
LSA R.S. 37:2421. Therapy treatments; physical modalities; reimbursement ............ 45
LSA R.S. 40:1299.65 Chiropractic care; freedom of choice .................................. 45
LSA R.S. 40.1299.96 Health care information, records ........................................ 46.1
LSA R.S. 44:4(18) Public Records and Recorders ............................................. 46
LSA R.S. 12:1051-1065 Professional Chiropractic Corporations Act ................ 46-49
LSA R.S. 37:1358. Acupuncturists’ assistants (from Medical Practice Act) ........ 49
Ch.C. Art. 603 Child Abuse Reporting & Investigation (Definitions) ........... 50
LSA R.S. 13:3715.1. Medical or hospital records of a patient; subpoena duces tecum and court order to a health care provider; reimbursement for records produced .................. 51

10/06 iii
DECLARATORY STATEMENTS:  (pages unnumbered)
#  89-1: relative to the ordering of laboratory tests
#  90-1: relative to “extremity adjusting”
#  93-1: relative to “manipulation under anesthesia”
#  93-2: relative to “foot levelers” and “foot orthotics”
#  94-1: relative to “surface EMG’s”
#  94-2: relative to the “Specialty Register” and “CCE”
#  94-3: relative to the “Mercy Conference Guidelines”
#  96-1: relative to “carpal tunnel syndrome”
#  97-1: relative to “massage therapy”
#  97-2: relative to term, “chiropractic physician”
#  98-1: relative to “preceptorship”, “internship”
#  99-1: relative to “delegation of duties to CA’s”
#  99-2: relative to “employment of massage therapist”
#  99-3: relative to “dynamic motion xray”
  (videofluoroscopy)
#  01-1: relative to “spinal degenerative disc disease”
#  03-1: relative to “iontophoresis”
#  04-1: relative to “Specialty Register” and “DABCC”
#  04-2: relative to “Needle EMG’s”
#  04-3: relative to “venipuncture”
#  06-1: relative to “damaged patient records”

Editor's Note:
The laws, as found in Louisiana Statutes Annotated, Revised Statutes, Title 37, and the rules, as found in the Louisiana Administrative Code, Title 46, Part XXVII, relating to chiropractic are contained in this publication. This compilation is not meant to be construed as a complete collection of all laws relative to chiropractic in Louisiana.

This public document was originally published at a cost of $3.77 per copy. One thousand (1,000) copies of this public document were published in this first printing at a cost of $3,777.00. This document was published by American Business Forms, 5638 Superior, Ste. B, Baton Rouge, LA 70816. This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31. Printing of material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

10/06 iv
Chapter 36. Chiropractors

§ 2801. Definitions
As used in this Chapter;

(1) "Board" means the Louisiana Board of Chiropractic Examiners.

(2) "Licensed chiropractor" means persons licensed under the provisions of this Chapter.

(3)(a) "Practice of chiropractic" means holding one's self out to the public as a chiropractor and as being engaged in the business of, or the actual engagement in, the diagnosing of conditions associated with the functional integrity of the spine and treating by adjustment, manipulation, and the use of the physical and other properties of heat, light, water, electricity, sound, massage, therapeutic exercise, mobilization, mechanical devices, and other physical rehabilitation measures for the purpose of correcting interference with normal nerve transmission and expression. A chiropractor may also make recommendations relative to personal hygiene and proper nutritional practices for the rehabilitation of the patient. A chiropractor may also order such diagnostic tests as are necessary for determining conditions associated with the functional integrity of the spine.

(b)(i) While chiropractors may not directly perform or administer computerized axial tomography, nuclear magnetic resonance, and nuclear magnetic imaging, nothing shall be construed to prohibit a chiropractor from ordering such diagnostic procedures when deemed necessary by the practitioner. However, the authority to order such diagnostic tests shall not be construed so as to mandate coverage for such tests ordered by a chiropractor under any health care plan or policy of insurance, to require such coverage under any such plan or policy, or to circumvent any requirement or pre-authorization for covered services by a primary care physician or pre-certification by an insurer or administrator of a plan or policy in accordance with the terms of a health care plan or policy.

(ii) In the exercise of the authority to order diagnostic tests provided in this Paragraph, a chiropractor shall not order such tests or solicit an insurer or health care plan provider for coverage arrangements for such tests for the primary purpose of financial gain.
(c) The practice of chiropractic does not include the right to prescribe, dispense or administer medicine or drugs, or to engage in the practice of major or minor surgery, obstetrics, X-ray therapy, radium therapy, or nuclear medicine. For the purposes of this Chapter, the terms, “medicine” and “drugs” shall not include orthotic devices, vitamin, mineral, and nutritional supplements, therapeutic devices, postural modification equipment, exercise equipment, or homeopathic remedies. Any chiropractor applicant to practice acupuncture shall comply with the provisions of R.S. 37:1358.

Notes of Decisions
1. Prior Law
2. Treatment of tort victims
3. Worker's compensation
4. Expert testimony

1. Prior law
For additional decisions, prior to 1974, relating to the practice of chiropractic or the practice of medicine, see Notes of Decisions under R.S. 37:1262.

Prior to the enactment of Chapter 36 in 1974, the practice of Chiropractic constituted a practice of medicine and, as such, was subject to statutory regulation under Chapter 15, regulating physicians, surgeons, midwives, and now, also, osteopaths. Louisiana State Bd. of Medical Examiners v. Mooring, App. 1958, 86 So.2d 641.

The practice of chiropractic, involving treatment by manipulation applied to nerve centers, bones, muscles, or ligaments, constituted the practice of medicine under Chapter 15, regulating physicians, surgeons, midwives, and now, also, osteopaths, prior to the enactment of Chapter 36 in 1974. Louisiana State Bd. of Medical Examiners v. Adams, App. 1956, 84 So.2d 282.

"Chiropractic" is a system of adjustment consisting of palpation of the spinal column to ascertain vertebral subluxations, followed by the adjustment of them by hand in order to relieve pressure upon nerves at the intervertebral foramina, so that nerve forces may flow freely from brain to the rest of the body; and prior to the 1974 enactment of Chapter 36, the practice of chiropractic constituted the practice of medicine under Chapter 15, regulating physicians, surgeons, midwives, and now, also osteopaths. State Bd. of Medical Examiners v. McHenry, App. 1954, 69 So.2d 592.
2. Treatment of tort victims
   Tort-feasor's injured victim, who underwent chiropractic treatment for the purpose of alleviating her symptoms and who had not been advised against such treatment by her doctors, was entitled to recover the cost of such treatment, though trial court concluded that such treatment was not proper treatment for her injury. Druilhet v. Trinity Universal Ins. Co., App. 1978, 361 So.2d 40, writ denied 363 So.2d 595.

3. Worker's compensation
   In workmen's compensation case, it is improper to deny incurred expenses for chiropractic treatment, when accident relationship is unquestioned, solely on basis of medical evidence that such treatment is of no benefit and contraindicated. Gourdon v. Rockwood Ins. Co., App. 1979, 368 So.2d 1156.

4. Expert testimony
   Medical testimony of two orthopedic surgeons, neither of whom admitted to any expertise or skill in manipulation of the vertebrae as defined for chiropractors, was insufficient to show either a standard of chiropractic care or a negligent standard of chiropractic care. Boudreaux v. Panger, App. 5 Cir. 1986, 481 So.2d 1382, writ. granted 484 So.2d 130, affirmed 490 So.2d 1083.
§2802. Board of chiropractic examiners

A.(1) The Louisiana Board of Chiropractic Examiners is hereby created within the Department of Health and Human Resources and is subject to the provisions of R.S. 36:803. The board shall be composed of seven members who shall be appointed by the governor. All seven members shall be chiropractors licensed under the provisions of this Chapter, who have been continuously engaged in the practice of chiropractic in this state for at least five years; however, the initial members required to be chiropractors shall be persons who are eligible to be licensed under the provisions of this Chapter.

(2) The initial members shall be appointed within thirty days after July 31, 1974, to serve for terms of one, two, three, and four years, as designated by the governor at the time of appointment. Thereafter, the terms of members shall be four years each or until the successor of each member takes office.

B. Every Chiropractor appointed to the board after the initial appointments shall be a licensed chiropractor under the provisions of this Chapter.

C. Any vacancy occurring in the membership of the board, except by expiration of the term, shall be filled for the unexpired term in the manner provided in Subsection A of this section.

D. The governor may remove any member for misconduct, incompetence or neglect of duty, after he has given the member a written statement of the charges against him and has afforded him an opportunity to be heard.

E. The governor shall issue each member a certificate of appointment. Within thirty days after the date of his appointment and before commencing the discharge of his duties, each member shall subscribe to the oath for public officials, which shall be deposited with the secretary of state as provided by law.

F. Each member of the board shall receive compensation fixed by the board at not more than fifty dollars per day for each day in attendance upon its sessions. Each member of the board shall be reimbursed for his actual travel, clerical and incidental expenses necessarily incurred while engaged in the discharge of his official duties. Such compensation and expenses shall be paid out of the moneys credited to the board as provided by R.S. 37:2809(B).

G. A board member’s seat shall be recognized as vacant after the member is absent from three consecutive official board meetings without reason if recommended to the governor by a vote of two-thirds of the members of the board to consider the removal of such absent board member from the board.

10/01 -3-
§2803. Organization of board; quorum; meetings; records; rules and regulations

A. Within fourteen days after the appointment of all its initial members, the board shall hold a meeting for the purpose of organization and shall elect from its membership a president, a vice president and a secretary-treasurer, each of whom shall serve a term of one year or until the successor of each is elected. Thereafter, the board shall annually and in like manner elect its officers.

B. The regular meetings of the board shall be held at least twice in each year for the purpose of examining applicants and at any other time the board deems necessary, at a time and place designated by the president. Special meetings may be called by the president upon giving at least seventy-two hours notice, sent by registered or certified mail to the post office address of each member of the board and of persons who previously have indicated that they have business before the board.

C. A majority of the total membership of the board shall constitute a quorum for the transaction of business, and an affirmative vote by the majority of the total membership shall be required to grant, suspend, or revoke a certificate or license to practice chiropractic.

D. The board shall keep a record of its proceedings and a register of all applicants for certificates or licenses, which shall contain the name and location of the institution which granted the applicant a diploma, the date granted, and information as to whether a license has been granted or refused. The record and register shall be prima facie evidence of all matters recorded therein.

E. The board shall adopt and promulgate rules and regulations to govern its actions and to provide for the enforcement of the provisions of this Chapter, pursuant to the provisions of R.S. 49:951 et seq.

§2804. Powers and duties of the board

A. The board shall be the sole and exclusive authority in the state to issue a license to practice chiropractic and to administer the provisions of this Chapter. The board shall adopt rules and regulations necessary for its efficient operation in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

B. The board shall have authority to examine for, grant, deny, approve, revoke, suspend, and renew the licenses of chiropractors and shall review applications for licenses at least once a year. It may conduct hearings on charges for the revocation or suspension of a license. The board may refuse to give a practical examination and deny licensure to any person who violates the provisions of this Chapter.
C. The board is authorized to grant or deny certification of proficiency to any chiropractic assistant performing chiropractic x-ray functions.

D. The board shall adopt and promulgate rules and regulations in accordance with law providing for approval of educational training and other courses in x-ray function and safety for chiropractic assistants. However, the board shall not engage in the production of such courses.

E. The board shall initiate an action for the prosecution of any person who violates any provision of this Chapter and may apply to any court having jurisdiction for an injunction to restrain and enjoin any violation thereof. It shall keep a record of all proceedings relating thereto.

F. The board may employ an executive director, legal counsel, and a hearing officer as needed to carry out the provisions of this Chapter, if the fees of the counsel, the hearing officer, and the costs of all proceedings, except criminal prosecutions, are paid by the board out of the moneys credited to the board.

Notes of Decision

1. Hearing
   Fact that prosecuting attorney for Board of Chiropractic Examiners was also Board's general counsel did not violate due process rights of chiropractor facing formal hearing before Board; formal hearings conducted by Board are conducted by hearing officer who has no connection with prosecutor, and chiropractor alleged no improper conduct on part of either prosecutor or Board. Ogg v. Louisiana Bd. of Chiropractic Examiners, App. 1 Cir. 1992, 602 So.2d 749.

G. The board may establish a peer review committee and may establish and assess reasonable fees for the purpose of peer review. The board shall establish rules for peer review in accordance with the Administrative Procedure Act.

H. The board shall adopt and promulgate rules and regulations in accordance with law providing for approval and continuing education programs provided for in R.S. 37:2810. However, the board shall not engage in the production of such continuing education programs.

I. The board shall adopt and promulgate rules and regulations in accordance with law providing for registration and approval of chiropractic management consultants as provided for in this Chapter.
J. The board may enter into contracts and cooperative endeavors necessary for its efficient operation if the costs associated therewith are paid for by the board out of monies credited to the board.

§2805. Requirement for license; penalty; qualifications; examinations; issuance of license.
A. No person shall engage or attempt to engage in the practice of chiropractic in this state who has not been licensed in accordance with the provisions of this Chapter. Whoever violates this subsection shall be fined not more than three hundred dollars or be imprisoned for not more than three months, or both, and each day a violation continues shall constitute a separate offense.

B.(1) The board shall license as a chiropractor and issue an appropriate certificate to any person who files with it a verified application therefor, accompanied by such fee as required by R.S. 37:2809, together with evidence, verified by oath and satisfactory to the board, that the applicant:

(a) Is at least twenty-one years of age.
(b) Is of good moral character.
(c) Is a high school graduate.
(d) Has completed at least sixty hours of course work at a college or university of liberal arts or science which, at the time of attendance thereof, was fully accredited by a nationally recognized accrediting agency.
(e)(i) Has graduated from a chiropractic school or college that at the time of graduation therefrom has recognized candidate status for accreditation or is accredited by the Council on Chiropractic Education or their successors and approved by the board and that was based on at least four thousand resident classroom hours. On and after September 8, 1992, Louisiana shall cease to recognize as applicants for licensure persons graduating from schools and colleges with recognized candidate status.
(iii) This law shall not apply to persons seeking renewal of present licenses.
(f) Has passed Parts I, II, III, IV and XIII of an examination given by the National Board of Chiropractic Examiners.
(g) Has passed a jurisprudence exam given by the Louisiana Board of Chiropractic Examiners and passed the examination with a score of at least seventy-five percent. Any applicant who fails to score at least seventy-five percent may apply for one retake and shall be permitted to retake the examination upon payment of the appropriate fee.

(2) An applicant who has satisfied the examination requirement of Subparagraph (1)(g) of this Subsection shall apply for licensure within six months of the date of examination, after which the licensure exam score shall be invalid. An applicant with an invalid exam score may reapply and, if eligible, retake the entire exam.

C. After investigation of the application and other evidence submitted, and not less than thirty days prior to the examination, the board shall notify each applicant that the application and evidence submitted for consideration is satisfactory and accepted, or unsatisfactory and rejected. If an application is rejected, the notice shall state the reasons for such rejection.

D. The examination shall be given annually at such time and place and under such supervision as the board may determine, and specifically at such other times as, in the opinion of the board, the number of applicants warrants. The board shall designate the place of examination in advance.

E. The board shall keep written examination papers, an accurate transcript of the questions and answers relating to the examination, and the grade assigned to each answer thereof as part of its record for at least two years subsequent to the date of examination.

F. Prospective applicants may sit for the examination of the Louisiana Board of Chiropractic Examiners prior to graduation from an accredited chiropractic college if all other requirements of this Section are met and the student is in his or her final semester, trimester, or quarter of chiropractic college. The successful candidate must receive his or her degree prior to issuance of the license.

G. (Repealed in its entirety by Act 176 of 2004 Legislative Session.)
§2806. Interns; qualifications, requirements

A. Pending issuance of license by the board, any graduate chiropractor who possesses a diploma from a college of chiropractic accredited by the Association of Chiropractic Colleges or the Council on Chiropractic Education, or their successors, and approved by the board, and who complies with the provisions of R.S. 37:2805(B)(1)(a) through R.S. 37:2805(B)(1)(f) may intern for a period not to exceed six months or until the next scheduled board examination date with any chiropractor licensed under this Chapter at the office of said chiropractor and under his personal supervision. Prior to the end of the internship period the intern must successfully pass the examination provided for in R.S. 37:2805(B). If the intern fails the examination, he thereafter is prohibited from interning in this state.

B. A chiropractic intern may practice only while the supervisory, licensed chiropractor with whom he is interning is physically in the same building and office with him.

§2807. [Blank]
§2808. Reciprocity licenses
The Board may grant a license to practice chiropractic with examination to a chiropractor who:
A. Complies with the same or equivalent requirements as provided in R.S. 37:2805; or

B. Has maintained a license and has been in active practice in good standing in another state for a minimum of five consecutive years immediately prior to his application and meets all requirements of R.S. 37:2805 with the exception of R.S. 37:2805(B)(1)(f).

§2809. Fees
A. The board shall fix and collect uniform fees which shall not exceed the following amounts for each type of fee and shall not be refundable:
(1) Application fee for license to practice chiropractic.................................$200.00
(2) Certificate of internship....................$100.00
(3) For issuing duplicate of any certificate or license....................................... $ 20.00
(4) Certificate for annual renewal of license....$200.00
(5) License to practice chiropractic...............$150.00
(6) License by reciprocity.................................$200.00
(7) Inactive license renewal......................$ 50.00
(8) Certificate of chiropractic assistant to perform chiropractic x-rays...............$ 75.00
(9) Delinquent fee, in addition to the renewal fee, if not renewed by December 31 of the applicable license period............................$150.00
(10) Application fee for examination retake.......$ 75.00
(11) Annual X-ray certificate registration .......$ 25.00

B. All fees received by the board and all fines collected under the provisions of this Chapter shall be transmitted to the state treasurer, who shall place them in a special fund to the credit of the Louisiana Board of Chiropractic Examiners. The board shall have the authority to expend the moneys in said fund for the operating expenses of the board and for other expenses incurred in the administration and enforcement of this Chapter.
§2810. Renewal of license

A.(1) Beginning with the calendar year 1991, each license to practice chiropractic in this state shall be renewed annually on or before December thirty-first of each year, upon payment of the renewal fee prescribed in R.S. 37:2809 and the presentation to the board of a certificate or certificates attesting to satisfactory attendance of an educational program or programs totaling twelve hours of classroom instruction which have been approved for continuing education credit by the board.

(2) Beginning in 1992 and continuing with each even-numbered year thereafter, in addition to the annual requirement of twelve hours of continuing education, each applicant for license renewal shall submit proof of attendance of an education program or programs totaling six hours of classroom instruction in the subject of risk management.

(3) However, for good and reasonable cause, the board may waive the educational program and/or renewal fee requirements.

B. Any licensee who fails to renew his license by December thirty-first may thereafter renew after paying the required renewal fee and a delinquent renewal fee as provided in R.S. 37:2809, if the renewal fee and a delinquent fee are paid within sixty days of the December thirty-first deadline. If such fees remain unpaid after the sixtieth day, the delinquent fee shall increase by fifty dollars for each additional month or each part of a month that the renewal fee has not been paid.

C.(1) Any person licensed by this Chapter may be granted an inactive status by submitting a written request to the board and paying the inactive renewal license fee. Such a person may retain his current license but shall continue to meet all educational requirements for license renewal and shall not be entitled to practice chiropractic.

(2) Any person in an inactive status may be granted active status by submitting a written request to the board and satisfactory proof of the following:

(a) Twelve hours of continuing education annually.
(b) Payment of annual inactive renewal fees.
(c) Payment of active license fee.
(d) Payment of reinstatement fee.


(4) Any licensee who fails to meet the provisions of this Subsection may be subject to re-application for licensure to the board.
D. The board may refuse to renew a license to practice chiropractic to any licensee until all delinquent costs, fees, or fines imposed by the board have been paid.

§2811. Recordation of license
A. Within thirty days of the commencement of his practice, every licensee shall record his license or a duplicate original with the clerk of court for the parish in which he practices. Upon the request of the licensee, the board shall issue a duplicate original of his license, and the licensee shall record it with the clerk of court in the parishes designated by the licensee. The clerk of court shall make this recordation in a book to be kept for that purpose only. The clerk of court may charge a fee of one dollar for the recordation.

B. In the event that a license is suspended, revoked, or otherwise restricted by the board, the board shall notify the clerk of court where the license was recorded. When a license is revoked, the clerk of court shall cancel such recordation. When a license is suspended or otherwise restricted, the clerk shall note on the original recordation the suspension or restriction imposed.

C. The board shall maintain a list of the names and office addresses of the holders of the licenses issued under this Part. This list shall be received in evidence by courts as proof that the individuals named are duly registered. The board may strike from this list the name of any person whose license has been suspended or revoked or may state any restriction imposed on such license. The board may furnish such list to any agency, board, or organization having a reasonable need for such list.

D. The provisions of this Section shall not be construed to require an annual recordation of the license renewal.

Notes of Decision
1. Witnesses
Chiropractor who had not filed renewal certificate with Clerk of Court and who was not licensed to practice could not testify as to treatment of accident victim. Ensminger v. McCormick, App. 1 Cir. 1986, 489 So.2d 1316.
§2812. Statistical certification
Chiropractors shall observe and be subject to all federal, state, parish and municipal regulations with regard to public health and all other information required by law as coming within their knowledge. Chiropractors shall sign certificates and statements pertaining to public health insofar as they relate to chiropractic, but nothing in this Chapter shall be construed to permit any chiropractor to execute or register certificates of birth or death.

§2813. Other annual license taxes not required
Licensed chiropractors and interns shall not be required to pay any annual license fee or tax except as provided in R.S. 37:2809(A).

§2814. Waiver of renewals while in the military service
The board shall waive the requirements of R.S. 37:2810 for any chiropractor licensed under this Chapter while on active duty in the military service of the United States or any of its allies, upon notification by the licensee to the board.

§2815. Display of license or certificates
Licenses and renewal certificates issued under the provisions of this Chapter shall be conspicuously displayed in the principal office of the licensee. Any intern who is practicing under the provisions of this Chapter shall display his certificate in the office in which he is practicing.

§2816. Suspension or revocation of license; causes; hearing; advertisement
A. After notice and an opportunity for hearing, the board may suspend or revoke any license or certificate, or impose probationary or any other restrictions on any license or certificate, issued to any chiropractor for any of the following causes:
   (1) Conviction of a crime; however, if such crime is a misdemeanor, suspension or revocation of licensure shall not extend beyond one year. The board may require successful completion of remedial and rehabilitative measures as a condition of reinstatement. Such measures may include but are not limited to counseling, additional continuing education requirements, and competency evaluation.
   (2) Fraud, deceit or perjury in obtaining a diploma or certificate of licensure.
   (3) Habitual drunkenness.
   (4) Habitual use of morphine, opium, cocaine or other drugs having similar effect.
   (5) Deceiving or defrauding, or attempting to deceive or defraud the public.
(6) Obtaining or attempting to obtain payment for chiropractic services by fraud, deceit or perjury.
(7) Incompetency, gross negligence, or gross misconduct in professional activities.
(8) Intentional violation of federal, state or municipal laws or regulations relative to contagious and infectious diseases or other public health matters.
(9) Violations of provisions of this chapter relating to the use of x-ray machines and procedures.
(10) Engaging in practice of the healing art beyond the scope of the practice of chiropractic as defined in this Chapter.
(11) Professional association with an unlicensed practitioner which in any way furthers or promotes the unlicensed practice of chiropractic.
(12) Holding out to the public the ability to cure a manifestly incurable disease or guaranteeing any professional service.
(13) Prescribing, dispensing or administering any medicines or drugs.
(14) Solicitation of professional patronage by misleading, deceptive, or self-laudatory advertising including that which is misleading, deceptive, or self-laudatory to the patient, insured, or his insurer.
(15) Using the title "Doctor", "Dr." or its equivalent, without using the term "chiropractor", or its equivalent, as a suffix or in connection therewith, under such circumstances as to induce the belief that the practitioner is entitled to practice any portion of the healing arts other than chiropractic as defined herein.
(16) (repealed by Act 375, 2001 Legislative Session)

B. The board may, as a probationary condition, or as a condition of the reinstatement of any license or certificate suspended or revoked hereunder, require the license or certificate holder to pay all costs of the board proceedings, including investigators', stenographers', and attorneys' fees, and to pay a fine not to exceed ten thousand dollars. Failure to pay such costs, fees, or fines may result in refusal of license renewal by the board as provided in R.S. 37:2810(D).

C. Any license or certificate suspended, revoked, or otherwise restricted by the board may be reinstated by the board.

10/01 -12-
D. The board's final decision in an adjudication proceeding under this Section, other than by a consent order, agreement, or other informal disposition, shall constitute a public record, but the board shall have the authority and discretion to disclose such disposition to any person, firm, or corporation with a legitimate interest therein or to the public generally.

E. Any chiropractor whose license has been suspended or revoked may not affiliate or associate with or be involved in any manner with the practice of chiropractic or the business of chiropractic for the period of the suspension or revocation.

F.(1) Nothing in this Section shall be construed to prevent the advertisement by a licensed chiropractor of the availability of routine chiropractic services and the fees to be charged therefor.

(2) The Board of Chiropractic Examiners shall make rules governing advertising consistent with state and federal laws.

§2817. Special provisions; use of x-ray; retention of records
A. A chiropractor licensed under this Chapter is entitled to utilize x-ray procedures for the sole purpose of chiropractic analysis. Such x-ray procedures shall be administered with efficient exposure techniques and optimal operation of radiation equipment in order to minimize the amount of and repetition of x-ray exposure to which a patient is subjected during such analysis.

B. Such procedures shall not include radio-therapy, fluoroscopy, or any other form of ionizing radiation, except x-ray, which may be used only for the purpose of chiropractic analysis.

C.(1) Patient records shall be retained by a chiropractic physician in the original, microfilmed, or similarly reproduced form for a minimum period of six years from the date a patient is last seen by the chiropractic physician.

(2) Graphic matter, images, x-ray films, and like matter that are necessary to produce a diagnosis or therapeutic report shall be retained, preserved, and properly stored by a chiropractic physician in the original, microfilmed, or similarly reproduced form for a minimum period of three years from the date a patient is last treated by the chiropractic physician. Such graphic matter, images, x-ray film, and like matter shall be retained for longer periods when requested in writing by the patient.
§2818. Exceptions and rights
A. Nothing in this Chapter shall be construed as conferring upon the holder of a license to practice chiropractic the right to practice medicine and surgery as a physician or osteopathic physician as defined by statute nor shall said holder be considered a licensed physical therapist as defined by statute.

B. This Chapter shall not be applicable to licensed doctors of osteopathy.

C. Every person duly licensed and registered pursuant to this Chapter shall have the right: to practice chiropractic as defined herein; to use the title "Doctor of Chiropractic" or "D.C.". Licensed chiropractors shall include "Doctor of Chiropractic", "Chiropractic Physician", "D.C.", or "of the chiropractic profession" on all billing statements and advertising.

§2819. Louisiana State Board of Chiropractic Examiners; chiropractic scholarships; creation
There are hereby created annual chiropractic scholarships to be administered by the Louisiana Board of Chiropractic Examiners which may be awarded each fiscal year, beginning July 1, 1978, to persons recommended by the Louisiana Board of Chiropractic Examiners for the study of chiropractic leading to the attainment of the degree of Doctor of Chiropractic.

§2820. Scholarships; funding
The board is authorized and empowered to accept any federal, state, parish or private funds, grants or appropriations which may be used to award scholarships to qualified persons to study chiropractic in an approved chiropractic college. The Louisiana Board of Chiropractic Examiners shall have the authority to make reasonable rules and regulations for carrying out the provisions of this act.

§2821. Scholarships; amount, number
The amount of each scholarship granted pursuant to this chapter shall not exceed one thousand dollars per annum and no more than four thousand dollars to any one chiropractic student in attendance at a chiropractic college approved by the Louisiana Board of Chiropractic Examiners.
§2822. Eligibility for scholarship
Any United States citizen and resident of the state of Louisiana for a period of not less than five years prior to the date of his application who is admitted to or is engaged in the study of chiropractic at a chiropractic college approved by the Louisiana Board of Chiropractic Examiners and who meets the requirements and academic standards approved by the Louisiana Board of Chiropractic Examiners for admission to a chiropractic college and who intends to practice chiropractic in the state of Louisiana shall be eligible to apply to the Louisiana Board of Chiropractic Examiners for a scholarship in accordance with the provisions of this Chapter. Such application shall be in writing and in such form as the board may require. It shall contain the written statement of the applicant that he intends to practice chiropractic in the state of Louisiana, if he is selected to receive a scholarship.

§2823. Application consideration; evaluation; preference
It shall be the duty of the Louisiana Board of Chiropractic Examiners to receive, consider, evaluate, and allow or disallow all applications for scholarships made by eligible applicants. The board shall make careful and full investigation of the ability and qualifications of each applicant. In the granting of the scholarships provided for herein, preference shall be given to those applicants with the highest weighted scholastic averages; provided that they are persons of high integrity and character; and provided further that such applicants shall be found to have such qualities and attributes as shall give reasonable assurance of their pursuing to completion the course of study for attainment of the degree of Doctor of Chiropractic.

§2824. Contract for scholarship; contingent
Any applicant selected by the Louisiana Board of Chiropractic Examiners to receive a scholarship shall enter into a contract with the board, which shall be deemed a contract formed within the state of Louisiana agreeing to the terms and conditions upon which the scholarship shall be granted to the applicant. The contract shall include such terms and provisions as will execute the full purpose and intent of this chiropractic scholarship program, including the purpose of providing chiropractors who will practice chiropractic within the state of Louisiana. The form of the contract shall be prepared and approved by the attorney general of this state. The president of the board shall sign it and the vice-president shall countersign it, and the applicant shall likewise sign it. The board shall preserve and maintain the contract until such time as the terms thereof are met or satisfied; a duplicate copy shall be transmitted to the applicant.
§2825. Return to practice
Within such time after applicant has completed chiropractic college, as the Louisiana Board of Chiropractic Examiners shall provide by regulation, the scholarship recipient shall return to the State of Louisiana to practice chiropractic. The recipient shall remain in the state for a period of one year as consideration for each chiropractic scholarship awarded.

§2826. Failure to comply; remittance; death cancellation; disability
A. If the recipient fails to comply fully with any condition as provided for by or provided pursuant to this Chapter, the recipient shall remit to the Louisiana Board of Chiropractic Examiners that amount which bears the same ratio to the aggregate of the amount of the scholarship awarded as the number of months that the recipient failed to comply with this condition bears to the number of months he was obligated to comply. Said amount shall be computed together with interest at seven percent per annum; such interest to be computed from the date on which the recipient completed professional training, and active military service, if any. Such repayment shall be completed within three years from the date at which the scholarship began to draw interest.

B. The permanent withdrawal or dismissal of a recipient from chiropractic college shall forfeit immediately the right of the recipient to retain the scholarship; the scholarship shall begin to bear interest at that time; and repayment shall be made to the board and completed within three years.

C. Any recipient of a scholarship who fails to return to the state of Louisiana upon completion of chiropractic training shall begin repayment of the scholarship, with interest, within one year after completion of chiropractic training. Repayments shall be made to the board and completed within three years.

D. Any obligation to comply with such contract shall be cancelled upon the death of the recipient, upon receipt of a certified copy of the death certificate by the board, or upon the permanent and total disability of the recipient.

§2827. Repayment not required
No payment on the principal of the scholarship, or the interest thereon shall be required while the recipient is enrolled in chiropractic college.
§2828. Chiropractic assistants performing chiropractic x-ray functions; certification; requirements; penalties

A. (1) Each chiropractic assistant who engages or attempts to engage in the taking of chiropractic x-rays in this state shall be certified as to their proficiency by the Louisiana Board of Chiropractic Examiners.

(2) Whoever violates this Subsection shall be fined not more than fifty dollars, and each day a violation continues shall constitute a separate offense.

B. The Board shall certify and issue an appropriate certificate of proficiency to any chiropractic assistant who files with it a certified application therefore, accompanied by the payment of the fee fixed by law, together with evidence verified by oath and satisfactory to the board that he:

(1) Is eighteen years of age.

(2) Is a high school graduate or equivalent.

(3) Has completed a course in x-ray function and safety approved by the board, including passage of a proficiency examination given in conjunction with the course.

§2829. Reciprocity certification

The board may grant certification of proficiency to any person who is certified in the taking of chiropractic x-rays by the American Chiropractic Registry of Radiologic Technologists or who, by examination, holds a certificate of proficiency in chiropractic x-ray procedures from any state.

§2830. Certain persons employed as chiropractic assistants

A. (1) Any chiropractic assistant employed by a licensed chiropractor and actively engaged in the process of taking x-rays on or before September 1, 1983 shall be considered qualified to take chiropractic x-rays and may apply to the board for certification.

(2) A certificate of proficiency in chiropractic x-ray procedure shall be granted such a person upon submission of a signed statement from the employing chiropractor confirming that the applicant has been satisfactorily employed for at least one year during which time he was actively engaged in the process of taking chiropractic x-rays and demonstrated proficiency in performing such a process.
B. Any chiropractic assistant whose duties include the taking of x-rays and who does not meet the requirements set forth in R.S. 37:2828(B) shall have until March 1, 1985 to enroll in a course of study on x-ray function and safety that has been approved by the board. Such a course shall be completed, along with any other requirements for certification, no later than September 1, 1985.

PART II. CHIROPRACTIC MANAGEMENT CONSULTANTS
§2830.1 - §2830.7 is hereby repealed in its entirety by Section 2 of Act 858, 1997.
NOTICE:

Pages 20 - 22 have been removed.
§101. Authority
These rules of practice and procedure are promulgated by the authority of R.S. 49:951 et seq., as amended, being the Louisiana Administrative Procedures Act. All rule-making and hearing procedures of this board are conducted according to the Louisiana Administrative Procedure Act.

§103. Domicile of Board, Time of Meeting, Special Meetings
A. The Board shall be domiciled in Baton Rouge, Louisiana. The regular meetings of the board shall be held at least twice in each year for the purpose of examining applicants and at any other time the board deems necessary, at a time and place designated by the president. Special meetings may be called by the president upon giving at least 72 hours notice, sent by registered or certified mail to the post office address of each member of the board and of persons who previously have indicated that they have business before the board.

B. The election of president, vice president and secretary treasurer of the board shall be held at the annual July meeting following the testing of licensed applicants.

§104. Rules of Order
All meetings of the board shall be conducted in accordance with Roberts Rules of Order.

§105. Written Examinations
All written examinations conducted by the board shall be administered to conceal the identity of licensure candidates.

§106. Definitions
By reference, all of the definitions set forth and contained in R.S. 49:951 through 49:966, inclusive, are incorporated herein, and for the purpose of hearings to be held hereunder, the following definitions shall prevail:

A. "Board" shall mean the Louisiana Board of Chiropractic Examiners.
B. "Hearing" shall mean a hearing called by the board under the authority of R.S. 37:2816A or R.S. 37:2803E.
C. "Appellant" shall mean a hearing called by the board under the authority of R.S. 37:2816A or R.S. 37:2803E.
§107. Adopting, Amending, or Repealing Rules
The board shall adopt, amend, or repeal any rule or regulation to govern its actions in strict accordance with R.S. 49:953.

§109. Commencement of Hearings
Hearings conducted by the board shall be instituted as authorized by R.S. 37:2816 or R.S. 37:2803E.

§111. Notice of Hearing
The board shall notify the person against whom a complaint has been made when said complaint appears to be sufficient cause for either suspension or revocation of a chiropractic license. This notice shall notify the person against whom the complaint is made thirty days prior to the hearing and such notice shall conform to the requirements of R.S. 49:955.

§113. Disposition of Complaint
The board shall conduct such investigations, order such hearings, and take such other actions as it finds necessary to make an intelligent decision on the complaint submitted for its review.

§115. Appearance
The person against whom the complaint has been made and upon notice being served, must appear at the date fixed for the hearing.

§117. Default in Appearing
In the event the person against whom the complaint has been made fails to appear at the hearing provided for and also provided that the referenced rules as to service has been complied with, the person so failing to appear or otherwise obtain approval of the board for his absence shall be deemed to be in default, and the evidence as received by the board at that time shall be entered into the record and may be taken as true and the order of the board entered accordingly.

§119. Hearing Procedure
The hearings called according to these rules and regulations shall be conducted by the board in accordance with the rules and procedures set forth in R.S. 49:955 et seq.
A. The chairman of the board or the vice-chairman in the absence of the chairman shall announce the title and docket number of the proceedings before the board and shall introduce into record evidence of the notice of hearing. Attorneys and/or other representatives of the appellant shall be recognized along with the representatives of the board and other proper parties.

B. The appellant shall then present his evidence subject to cross-examination by the board and other proper parties in those cases where the applicant requested the hearing to be held.

C. The board shall then present its evidence subject to cross-examination by the applicant and other proper parties.

D. Where the board has called the hearing on its own motion, the order of presentation of evidence shall be reversed.

E. The board may make an informal disposition of the case by stipulation, agreed settlement, consent, order, or default.

F. The board shall render its final decision and order in accordance with Section 4009 of these rules and regulations.

§121. Board's Decision
The decision of the board shall be rendered within 30 days after the matter is submitted, shall be in writing, and shall be dated and mailed to the appellant and his attorney of record by certified mail.

§123. Rehearings
A decision or order of the board shall be subject to rehearing, reopening, or reconsideration by the board within 10 days from the date of its entry. Rehearings, reopenings, or reconsiderations shall be conducted in strict accordance with R.S. 49:959.

§125. Recording of Hearing
The board shall make a full recording of all proceedings before it and shall at the request of any party or person, have prepared and furnished him with a copy of the transcript or any part thereof upon payment of the cost thereof. If said record is transcribed, it shall be made a part of the record in subject hearing.
§127. Judicial Review of Decision
A person who is aggrieved by a final decision or order of the board is entitled to judicial review in accordance with R.S. 49:964 whether or not he has applied to the board for rehearing. Proceedings for judicial review may be instituted in the district court of the parish in which the board is located within 30 days after mailing of notice of the final decision by the agency, or if a rehearing is requested, within 30 days after the decision thereon.

CHAPTER 3. PROFESSIONAL CONDUCT

§301. Use of Steel Balls
The use of steel balls or objects inserted into or attached to the ear for the purpose of effecting a bodily or physiological change is not within the scope of chiropractic in Louisiana.

§302. Surrogate Muscle Testing
Surrogate muscle testing is not within the scope of chiropractic practice in the state of Louisiana.

§303. Notification of Address
Each registered chiropractor, upon commencing to practice, shall forthwith notify the board of his office address or addresses, R.S. 37:2804(A) and R.S. 37:2803(E).

§304. HIV/HBV Precautions
Concerning the prevention of transmission of Human Immunodeficiency (HIV) and Hepatitis B Virus (HBV), the Doctor of Chiropractic will comply with the recommendations of the Center for Disease Control (CDC).

§305. Change of Address
Each chiropractor must notify the secretary of the Board of Chiropractic Examiners whenever his office address changes.

§306. Itemized Patient Billing
A. When a chiropractic physician licensed under this Chapter renders professional services to a patient, the chiropractic physician shall submit to the patient, concurrent with the submission to the patient's insurance company or to the administrative agency for any federal or state or municipal health program under which the patient is entitled to benefits; an itemized statement of the specific services rendered and the charge for each. This information shall be given to the patient within 30 days or the next regular billing cycle of the doctor, whichever occurs first. This rule will apply to any doctor who:
1. Takes assignment as full payment from the patient, and
2. Offers any discount in connection with the diagnosis and treatment or agrees to accept insurance payment for full settlement of the patient's bill.
§307. Advertising Practices
A. False, deceptive or misleading advertising is prohibited.

B. Statements in advertising which claim that specific physical illnesses, ailments or symptoms are alleviated by chiropractic care must be supported by clinical or scientific literature generally recognized by the chiropractic profession. The board may require the chiropractor making such assertions to provide the reference supporting the advertising claim.

C. Testimonials may be used in the word "ADVERTISEMENT" in capital letters of larger type size than the largest text of the testimonial appears directly over the testimonial. The doctor is responsible for any false, deceptive or misleading statements in the testimonial.

D. Advertisement may offer free goods or services or discounts in connection with chiropractic care only if the usual charge for those goods or services and the type of goods or services which are free or discounted are included in the advertising. In the case of print advertising, the usual charges for the offered goods or services must appear in bold print of the same or larger type size as the offer. In the case of television or radio advertising, the ad must clearly state, verbally, the usual charges for the offered goods or services.
   1. The doctor must also provide a disclosure statement to be signed by the patient which explains:
      a. specifically what services or goods are free or discounted;
      b. what service or goods are not included in the free or discounted services or goods offered in the advertisement;
      c. that additional services or goods which are subject to a charge shall not be rendered until such charges are disclosed in writing to the patient and that any services or goods provided prior to such written disclosure are free.
   2. The signed disclosure statement must be provided to any third party liable for payment by inclusion of the disclosure statement with the first submission of a claim for payment for services.
   3. This rule shall not be construed to relate to the negotiation of fees between a chiropractor and a patient or managed care organization or to prohibit the rendering of chiropractic services pro bono.
E.1. In all circumstances covered by Subsection D of this Section, and after services or goods have been provided, the chiropractor shall provide the patient with a written statement itemizing the services or goods provided and the charges for each service or item. The patient shall be given the itemized statement even if the patient has executed an assignment of insurance benefits or payment is anticipated from a third party.

2. The chiropractor must notify any third party liable for payment if any co-payment or deductible has been waived or met by a certificate issued by the chiropractor or an agent of the chiropractor. Such notification must be in writing and submitted with the first submission of a claim for payment for services.

F. Any advertisement that mentions automobile liability insurance shall state that "policy limitations apply" and must be in bold print. Television or radio advertisements must verbally state that policy limitations apply.

G. Free X-rays

1. A chiropractor shall not advertise "free x-rays" unless the advertisement states that:
   a. x-rays shall be taken only if found necessary;
   b. more than one x-ray is necessary for diagnostic purposes;

2. Free x-rays shall include a minimum of two views.

3. Additional x-rays must meet the disclosure requirements of §307.D.

H. Computer-generated or live, unsolicited telephone canvassing to prospective new patients is prohibited.

I. Cash payments for patient referrals is prohibited.

J. Any violation of this section shall constitute grounds for disciplinary action or penalty by the board.

K. If any part of these rules or any rule herein is declared unlawful and/or unconstitutional, such determination shall not affect the validity of any other part or rule herein.

§308. Disclosures in Advertising.

A. Any chiropractor who engages in any of the practices specified in this Subsection shall include the disclosure statement in this Subsection in any advertising of such practice. The practices are as follows:

1. The practice of waiving all or part of a required deductible or co-payment amount under any policy of health
insurance or other health benefit plan, to include the practice of offering any gift or gratuity, such as a health check which has the effect of reducing or eliminating a deductible and is so advertised.

2. Performing any services without charge to the recipient, the effect of which eliminates or reduces the amount of the required deductible or co-payment under any policy of health insurance or other health benefit plan.
   a. The disclosure statement required by this Subsection in such advertising shall be as follows: "Limited eligibility - only persons having qualified health insurance or other health benefit plan shall be eligible for participation in any program that reduces or eliminates payment of the required deductible or co-payment amounts. In order to qualify, the health insurance or health benefit plan must have a deductible which does not exceed $_____ (insert dollar amount) and the co-payment must not exceed _____ percent (insert percentage amount)."

B. In addition, any chiropractor that reserves any right to seek any portion of the amount due for services rendered from the recipient of those services shall also include the following disclosure in all such advertising.
   "Personal liability - In the event that your insurance or health benefits plan fails to pay all or part of any portion of the nonwaived charges for any services rendered, then you can be held personally liable for such amount."

C. "Advertising" or "advertisement" as used in this Section shall include any communication to the public including communication by means of newspaper, magazines, circulars, direct mail, directories, radio, television, and billboards. The disclosures required to be given by this Section shall be made clearly, conspicuously, and in meaningful sequence. In the case of written advertisement, the terms "limited eligibility" and "personal liability" shall be in all capital letters and shall be printed more conspicuously than other terminology required by this Section and shall in no event be printed in less than the equivalent of 10-point type, 0.075 inch computer type or elite size. In the case of television advertising, the required disclosure shall be made by both audio and visual transmission. All such disclosures shall be made in the English language.

D. Any violation of this Section shall constitute grounds for disciplinary action or penalty by the board.
§309. Future Care
It shall be considered unprofessional conduct for any chiropractor to enter into a contract which would obligate a patient to pay for care to be rendered in the future unless the contract provides that the patient is entitled to a complete refund for any care not received.

§310. Accident Solicitation Letters
A. On the outside of each envelope in 10-point bold type at the bottom left hand corner of the envelope, there will be printed in red, capital letters, "THIS IS AN ADVERTISEMENT".

B. On the body of the letter, in the same type size as the letter, shall be contained the following paragraph in red lettering:
"NOTICE: THIS IS AN ADVERTISEMENT. Your name and address and information relative to the accident in which you were involved were acquired from police documents. You are under no obligation to respond to this letter. Recipients of this advertisement should understand the importance of employing a health care provider and inquiry into the doctor's qualifications and experience is recommended."

C. No solicitation letters shall be sent to minors.

D. All solicitation letters shall be submitted to the board before publication to assure compliance with this rule and all other applicable board regulations. The board has six weeks to respond to this request.

E. A sample copy of each different solicitation letter shall be retained by the sender for a period of one year.

F. No solicitation letter to an accident victim should be sent before at least seven days have elapsed since the date of the accident.

§311. Overutilization of Services
Overutilization of services is prohibited. Overutilization is the providing of treatment or diagnostic services the need for which cannot be substantiated by the clinical record of the patient, or reports, or any other pertinent facts or evidence. Such practice shall constitute a form of misrepresentation, deceit, unprofessional conduct, or gross misconduct.

§313. Records
Chiropractic physicians shall comply with a patient's authorization to provide records, or copies of such records, including x-rays to those whom the patient designates as authorized to inspect or receive all or part of such records. A reasonable charge may be made for the cost of duplicating records.
§315. Protection of Record
Chiropractic physicians shall preserve and protect the patient's confidences and records, except as the patient directs or consents or if the law requires otherwise.

§316. Internships
Certificates of internship must be displayed in a conspicuous place in the office in which the intern practices.

§317. X-ray Proficiency Holders
A. The board shall issue a certificate of proficiency in x-ray function to any chiropractic assistant who successfully completes a program in education and training in x-ray function and safety that has been approved by the Louisiana Board of Chiropractic Examiners.

B. Any holder of said proficiency certificate must register annually with the board on or before July 31, beginning in 1996. The board shall maintain a list of all x-ray proficiency certificate holders. Failure to register with the board on an annual basis shall result in removal of that person's name from the board's list of x-ray proficiency certificate holders.

§318. Specialty Register
A. Any Doctor of Chiropractic in the state of Louisiana who holds himself or herself out to the public as being a specialist in any area must register with the Louisiana Board of Chiropractic Examiners.

B. Only those licensees holding the final certification in post-graduate training and certification programs recognized by the Board may hold themselves out to the public as possessing special knowledge, skills or training. Any advertisement which states that a licensee has special training or skills or is certified in a specialty not recognized by the board is engaged in deceptive and misleading advertising practices.

C. The use of the terms "certified" in or by, or the use of letters indicating a degree or certification on stationary, letterhead, business cards or other such publication is considered advertising for the purpose of this section. Generally recognized academic credentials such as BA, BS, MS, JD, MD, Ph.D., etc. are excepted from this rule when awarded by a college or university fully accredited by an association recognized by the Department of Health, Education and Welfare.
1. Specialty training must meet the following criteria to qualify for Registry inclusion. The course of study must:
   a. be conducted under the auspices of and taught by the post-graduate faculty of a chiropractic college fully accredited by the Council on Chiropractic Education;
   b. consist of a minimum of 300 hours;
   c. require completion of a certification examination given by a board independent of the entity which taught the course; and
   d. meet such other criteria as the board deems appropriate.

2. The Louisiana Board of Chiropractic Examiners currently (December, 1995) recognizes the following specialties for recognition and listing in the Board's Specialty Registry:
   a. Diplomate of the American Board of Chiropractic Nutrition (DABCN);
   b. Certified Chiropractic Sports Physicians (CCSP);
   c. Diplomate, American Board of Chiropractic Orthopedists (DABCO) or Fellow of the Academy of Chiropractic Orthopedists (FACO);
   d. Diplomate, American Chiropractic Board of Roentgenologists (DACBR);
   e. Diplomate, American Board of Chiropractic Internists (DABCII);
   f. Diplomate, American Board of Chiropractic Pediatrics (DABCP);
   g. Diplomate of the American Board of Chiropractic Neurology (DABCN); or
   h. Diplomate of the American Chiropractic Academy of Neurology (DACAN).

3. The National Board of Chiropractic Examiners engages in testing preliminary to testing for basic licensure. It does not engage in specialty testing. The use of the designation, "Diplomate of the National Board of Chiropractic Examiners", or any derivative thereof, may give the false impression of certification or credentials beyond that required of all chiropractic licensees and is considered deceptive and misleading by the Louisiana Board of Chiropractic Examiners.

4. Any additional specialties which conform to these standards may be recognized by declaratory statement by the board of examiners.

§319. Continuing Education - Risk Management
The phrase "risk management", as referred to in R.S. 37:2810(2), means the identification, investigation, analysis and evaluation of risks and the selection of the most advantageous method of correcting, reducing or eliminating identifiable risks.
CHAPTER 5. DUE PROCESS PROCEDURES FOR ETHICS VIOLATIONS
Subchapter A. Applicability

§501. Unethical Conduct
Unethical conduct shall be determined on the basis of the provisions of the rules and regulations of the Louisiana State Board of Chiropractic Examiners, Ethical Standards of Chiropractors, and other provisions included in the Louisiana Revised Statutes 37:2801 - 37:2827, specifically if a chiropractor:

A. has been convicted of a felony or any offense involving moral turpitude; or

B. is using a narcotic or any alcoholic beverage to an extent or in a manner dangerous to himself, any other person or to the public, or to an extent that such use impairs his ability to perform the work of a professional chiropractor with safety to the public; or

C. has impersonated another person holding a license as a chiropractor or allowed another person to use her/her license; or

D. has used fraud or deception in applying for a license or in taking an examination provided in the Act; or

E. has accepted commissions or rebates or other forms of remuneration for referring clients to other persons; or

F. has allowed his/her name or license issued under the Act to be used in connection with any person or persons who perform chiropractic services outside of the area of their training, experience or competence; or

G. has willfully or negligently violated the Ethical Standards of Chiropractors subscribed to by the State Board of Examiners, or

H. has willfully or negligently violated any of the provisions of the Act.
§503. Application of Procedures
These procedures shall apply only in the consideration of alleged violations by licensed chiropractors.

NOTE: The board will answer complaints regarding the ethical practices of non-licensed persons by making referrals elsewhere when appropriate; for example, to better business bureaus, professional associations, agencies, private legal counsel, or the district attorney of the appropriate judicial district.

§505. Initiation of Complaint
Complaints may be initiated by any citizen of the state, another licensed chiropractor, or by the board on its own initiative.

§507. Declaratory Statements
A. The board may issue a declaratory statement in response to a request for clarification of the effect of rules and regulations of R.S. 37:2801 et seq.

1. A request for a declaratory statement is made in the form of a petition to the board. The petition should include at least:
   a. the name and address of the petitioner;
   b. specific reference to the statute or rules and regulations to which the petitioner relates;
   c. a concise statement of the manner in which the petitioner is aggrieved by the rule or statute or by its potential application to her/him, or in which (s)he is uncertain of its effect.

2. Said petition shall be considered by the board at its next regularly scheduled meeting provided that the petition has been filed at least 21 days prior to said meeting.

3. The declaratory statement of the board on said petition shall be in writing and mailed to the petitioner at the last address furnished to the board.

Subchapter B. Procedures for Processing Complaints and Inquiries

§511. Processing Complaints and Inquiries
A. Upon receipt of complaints or inquiries, the board will take immediate action.

1. Anonymous letters of complaint against individuals shall not be recognized as a basis for formal action.
2. If the information in the complaint is insufficient, the board may request further information by either written correspondence or an informal inquiry.

B. All complaints received shall be assigned a sequentially ordered complaint code number which shall be utilized in all official references.

C. At its next meeting, the board shall officially receive and act upon all complaints and inquiries received.

D. Upon receipt of the complaint, the board shall determine if the complaint refers to an ethical issue.

E. The identity of all parties to a complaint shall be revealed to the involved parties except if contrary to law.

F. The board shall inform the complainant of the initial determination.
   1. No Action
   2. Informal Inquiry
   3. Informal Hearing
   4. Formal Hearing

Subchapter C. Conduct of Informal Inquiry/Hearing (non-adversarial procedure)

§519. Informal Inquiry Procedures
A. The licensee shall be given adequate prior notice of the informal inquiry and possible hearing of the issues to be discussed. Adequate notice includes:

   1. informing the licensee in writing that a complaint has been filed,
   2. a short and plain statement of the nature of the complaint,
   3. a reference to the particular sections of the statutes, rules, and/or ethical standards of the board which appear to have been involved,
   4. copies of the law and the rules and regulations of the board, and
   5. a request for the licensee's cooperation in obtaining a full understanding of the circumstances which led to the allegation.

B. The licensee is requested to provide within 30 days, a written statement giving the licensee's view of the situation which is the subject of the complaint so that the board may be cognizant of the relevant aspects of the case.
C. 1. Evaluating the findings of the informal inquiry. Upon receipt of a reply from the licensee, the board shall review the information and determine if a violation may have occurred and if so, what standard(s) have been violated.

2. If the determination of the board is that the issues raised by the complainant would constitute a violation of standards, the board shall then determine whether:
   a. further investigation by correspondence is indicated,
   b. further investigation by an informal hearing is indicated,
   c. institution of formal hearing procedures is indicated.

§521. Informal Hearing Procedures
The board shall conduct informal hearings in executive session in accordance with the following:
A. It is expected that the licensee not have an attorney or other advisors present, although it is his right to do so.

B. Witnesses may be called, but are not placed under oath and no subpoenas are issued.

C. Statements made at the informal hearing may not be introduced at a formal hearing unless all parties consent.

D. No transcript of the informal hearing is made.

§523. Evaluating the Findings of the Informal Hearing
A. If the board decides that the subject of the complaint is a violation of standards, and the disciplinary proceedings are warranted, the board shall then determine whether:
   1. the violation merits informal disposition or
   2. a formal hearing will be held.

B. The board, in determining for informal disposition, shall order actions such as:
   1. A settlement between the person making the complaint and the licensee. This settlement shall be written, signed by the licensee and the complainant and submitted to the board within 30 days of the informal hearing.
   2. A consent order describing the disciplinary action which will be taken. A consent order shall be signed by the licensee, the chairman and the vice-chairman of the board.
§525. Refusal to Respond or Cooperate With the Board
A. If the licensee does not respond to the original inquiry within 30 days, a follow-up letter shall be sent to the licensee by registered or certified mail, return receipt requested.

B. If the licensee refuses to reply to the board's inquiry or otherwise cooperate with the board, the board shall continue its investigation. The board shall record the circumstances of the licensee's failure to cooperate and shall inform the licensee that the lack of cooperation may result in action which could eventually lead to suspension or revocation of license, or other appropriate legal action under the law.

§527. Withdrawal of a Complaint
If the complainant wishes to withdraw a complaint, the inquiry is terminated, except in cases where the board judges the issues to be of such importance as to warrant completing the investigation in its own right and in the interest of public welfare.

§529. Emergency Action Required
If, at any point in the informal proceedings described above, the board finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, the board is hereby given authority to obtain a restraining order from a judge of the appropriate court to suspend the license pending formal hearing proceedings for revocation of license or other disciplinary action. This formal hearing shall be promptly instituted.

Subchapter D. Conduct of Formal Hearing

§535. Initiating the Process
A. The board initiates a formal hearing by issuing full notice of the hearing. A formal hearing may be the result of a complaint made by any manner specified in the informal procedures.

B. Once full notice of the formal hearing has been served, no board member or officially designated hearing officer may communicate with any party to a formal hearing or to that party's representative concerning any issue of fact or law in that formal hearing.
C. Full Notice

1. The written notice shall recite specific acts which the licensee is alleged to have committed and shall assert that those acts violate a statute or rule of the board.

2. The notice shall include:
   a. A statement of the date, time, place, and nature of the hearing.
   b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
   c. A reference to the particular sections of the statutes, rules or ethical standards involved.
   d. A short and plain statement of the matters asserted which shall be the subject of the hearing.
   e. A statement of the rights of the parties.

3. Notice shall be given to all parties 30 days in advance of the proceedings to allow a reasonable opportunity for preparation.

4. The notice shall be delivered by registered or certified mail, return receipt requested. If the licensee cannot be found by this or other reasonable methods, the board may hold a hearing in the licensee's absence. **NOTE:** It is the licensee's obligation to keep the board informed of his/her whereabouts.

5. The content of the notice limits the scope of the hearing and of the evidence which may be introduced.

6. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

D. Designation of Hearing Officer

1. The hearing officer is responsible for ensuring that the hearing is orderly and fair and that it progresses in an expeditious manner.
CHAPTER 7. Peer Review Committee

§701. Purpose and Composition of Committee

A. Area Covered - State of Louisiana.

B. Structure. The Peer Review Committee shall function under the Board of Chiropractic Examiners, a state agency created and empowered by the legislature to license and regulate the practice of chiropractic in Louisiana in accordance with R.S. 37:2801 et seq., R.S. 37:1734 and R.S. 49:950 et seq.

C. Purpose. The purpose of the committee is to review, upon the request of any party involved including the chiropractic physician himself, any matter relative to the appropriateness of care rendered by any doctor of chiropractic licensed to practice and practicing in the state of Louisiana, as well as, substance abuse impairments.

D. 1. Composition of Committee. The committee shall be comprised of five doctors of chiropractic currently licensed by the state of Louisiana and practicing within the state of Louisiana, and appointed by the Louisiana Board of Examiners.

2. All chiropractors chosen to serve on the committee shall attend a peer review school. In that the Board of Examiners will be administering and functioning as an appeals option, its members shall also attend the peer review school. The Board of Examiners shall bear the cost of this special training.

E. Per Diem/Expenses. Committee will be afforded a per diem payment and reimbursement for reasonable expenses incurred as a result of attending review meetings. Per diem shall not exceed $50 per day plus mileage at the current state rate, all as required by and set forth in R.S. 37:2802.

F. Members will be reimbursed only from review fees collected.

F. Who May Submit Claims. Chiropractic physicians, an impaired chiropractic physician requesting his own admittance for review through the substance abuse policy, an interested third party reporting an impaired chiropractic physician, third party reimbursement organizations, patients, professional standards review organizations, health maintenance organizations may request a review if they are directly involved in the claim by the fact of being the patient treated, the doctor administering or receiving payment for treatment or the third-party contracting to pay the claim. This shall also include an impaired chiropractic physician requesting his own admittance for review through the substance abuse policy.
G. 1. All costs of administrating this program will be borne by the Peer Review Committee out of the fees charged.
   2. Any party making a peer review request will be charged a fee to cover the administrative costs of performing the review. The fee will be commensurate with the administrative costs.

§702. Guidelines
A. For the purpose of claims review, this board authorizes the use of the Chiropractic Manual, 2nd Edition, as a reference for assessing the appropriateness of chiropractic health care. Recognizing that it is impossible to set forth specific parameters of care appropriate for each individual case, the board intends this manual to serve only as a general guide for standards of care within the chiropractic profession. Specifically, these guidelines are not meant to provide absolute "cut-off" points for treatment. In assessing appropriateness of care, it is imperative that the reviewer remain sensitive to the normal variants in a chiropractic practice and the necessity for treatment tailored to the specific needs of each individual patient. The level and frequency of treatment implemented should be in accordance with the physical and analytical findings substantiated by the appropriate reports and diagnostic information.

§703. Procedure for Review (Except Those Concerning the Impaired Chiropractic Substance Abuse Recovery Program)
A. All reviews will be blind reviews. The identity of the patient and treating physician will be unknown to the committee.

B. The review will be conducted upon request by any party as defined in §701.F. Participation will be made available to non-requesting party or parties. Participation by the non-requesting party or parties is not mandatory.

C. No requests for review shall be assessed or actual reviews conducted by the committee unless a quorum is present and participating. Three of the five members shall constitute a quorum.

D. A member of the Board of Examiners appointed for a one-year term by the board shall serve as chairman of the Peer Review Committee and have voting power only in the case of a tie. The board member shall review all final decisions of the Peer Review Committee to insure proper procedure has been followed in the review process.
   1. If the board member determines that proper procedure has been followed then the recommendation of the Peer Review Committee stands and any party to the review shall have the appeal options set out in Subsection E. The board member who serves as chairman of the Peer Review Committee shall be recused in the case of appeal to the board.
2. If the board member determines that proper procedure has not been followed, he shall state the violation of procedure in writing and submit same to the Peer Review Committee at which point the case will be reconsidered by the committee.

E. Appeals Process. An appeal of any decision rendered by the Peer Review Committee shall, at the option of the person appealing, either be:

1. submitted to the members of Board of Examiners for review:
   a. any person aggrieved by a decision of the Peer Review Committee shall submit to the board within 10 days of receipt of notice of the ruling of the Peer Review Committee a notice of intent to appeal. All notices shall be forwarded via certified mail;
   b. upon receipt of the notice of appeal, the board shall notify the opposing party of appeal and schedule a hearing date;
   c. the Peer Review Committee will then transfer the record to the board;
   d. the appealing party may submit additional evidence or material within 20 days of the hearing and the opposing party may reply within 10 days of the scheduled hearing;
   e. the parties may present oral argument to the board at the appeal hearing. Each party will be allowed 20 minutes;
   f. the decision of the Board of Chiropractic Examiners shall be final;

2. placed in binding arbitration:
   a. arbitration shall be conducted by a committee of three chiropractors; one chosen by the treating chiropractor, one by the insurer, patient, or whoever constitutes the opposite party in dispute, and the third chiropractor chosen by the originally selected two. If no agreement can be reached by the original two chiropractors as to the third, within 10 days of their appointment, the board of examiners shall appoint the third chiropractor within 30 days of receiving notice of such lack of agreement. All parties involved shall agree in advance to abide by the decision of the Arbitration Committee;
   b. the aggrieved party shall notify the board of his intent to appeal by binding arbitration within 10 days of receipt of notice of the ruling of the Peer Review Committee. All notices shall be forwarded via certified mail;
   c. the board will schedule the appointment of arbitrators giving the appealing and opposing parties 25 days to select an arbitrator, then giving the two arbitrators an additional 10 days to select the third arbitrator;
   d. the Arbitration Panel will schedule a hearing within 60 days of the formation of the panel;
   e. the Peer Review Committee will forward the record to the Arbitration Committee;
f. The appealing party may submit additional evidence or material within 20 days of the hearing and the opposing party may reply within 10 days of the scheduled hearing;

g. The parties may present oral argument to the Arbitration Committee at the appeal hearing. Each party will be allowed 20 minutes;

h. The decisions of the Arbitration Panel shall be final.

§704. Procedure for Review of Substance Abuse Policy

A. The purpose of this policy is to limit alcohol abuse and illegal use of other drugs that are associated with the numerous health, safety, and social problems. The performance of chiropractors may be adversely affected by engaging in substance abuse. This policy, including the prohibitions and provisions therein, will be used to promote and safeguard the public from the consequences of alcohol and drug abuse of the chiropractic profession.

B. The Peer Review Committee may permit an applicant or licensee to actively participate in the Impaired Chiropractic Substance Abuse Recovery Program if:

1. the Peer Review Committee has evidence that the applicant or licensee is impaired, which includes substance abuse;

2. the applicant or licensee has not been convicted of a felony relating to substance abuse, which includes alcohol or drug abuse, in a court of law of the United States or a court of law of any state or territory, or another country;

3. the applicant or licensee enters into a written consent order with the Peer Review Committee for a license with appropriate restrictions and he timely complies with all the terms of the consent order, including making satisfactory progress in the program and adhering to any limitations on the licensee's practice imposed by the Peer Review Committee to protect the public; and

4. as part of the consent order, the applicant or licensee shall sign a waiver allowing the substance abuse program to release information to the Peer Review Committee if the applicant or licensee does not comply with the requirements of the consent order or the program or is unable to practice or work with reasonable skill or safety.

C. Failure to enter into a consent order pursuant to this Rule shall precipitate the board's right to pursue formal disciplinary action against the applicant or licensee which may result in denial, suspension, or revocation of a license to practice chiropractic after due notice and hearing.

D. Failure to comply with the requirements of the consent order or the substance abuse program or the inability to practice or work with reasonable skill or safety shall result in denial, suspension, or revocation of a license to practice chiropractic after due notice and hearing.
E. The applicant or licensee shall be responsible for any costs associated with the consent order and/or the substance abuse program.

§705. Impaired Chiropractic Substance Abuse Recovery Program

A. Medical Evaluation. Participant will, at participant's expense, within seven days of agreeing to enroll in the Impaired Chiropractic Substance Abuse Recovery Program (the Program), or as otherwise specified in the Program Specifications in Subsections J and K, enter into an inpatient treatment facility (the "Primary Treatment Facility") approved by the Peer Review Committee, as designated in the Program Specifications, for inpatient assessment and diagnostic evaluation. The program shall be managed under the authority of the Peer Review Committee.

B. Initial Primary Treatment. (Defined as the initial treatment following the evaluation, whether it is inpatient, partial, outpatient or residential). If, upon such medical evaluation participant is diagnosed to be suffering from chemical dependency, substance abuse, or other condition which may impair the participant's capacity to practice chiropractic with reasonable skill and safety to patients, participant will immediately submit to such inpatient evaluation and treatment and/or continuing outpatient treatment and aftercare thereafter as may be prescribed or recommended by addictionologist and treatment team at the Primary Treatment Facility for not less than the treatment period specified in the Treatment Plan. The Peer Review Committee reserves the right to obtain further evaluations from other medical professionals to ensure public safety. Within 48 hours of participant's discharge from primary treatment, participant shall give telephonic notice of such discharge to the program.

C. Continuing Treatment and Aftercare. Participant shall confirm discharge in writing to the Peer Review Committee within five days of discharge from treatment. Such written notice shall be accompanied by a copy of the discharge treatment plan or contract prescribed or recommended by the treatment program for participant's continuing outpatient care and aftercare and a designation of the name, address and telephone number of participant's primary treating physician for outpatient care and aftercare, which physician shall be knowledgeable in the treatment of chemical dependency. The terms and conditions of any such treatment plan or contract shall be incorporated into, and deemed incorporated in, the program specifications, and any such continuing outpatient care and aftercare program shall continue in effect for not less than one year from the date of participant's discharge from primary treatment or for such other period as may be specified in the treatment plan.
The participant will attend weekly continuing care (aftercare) at the program-approved treatment center specified in the treatment plan. If continuing therapy is recommended, therapist must be approved in advance by the Peer Review Committee.

D. Attendance at AA/NA Meetings. Following discharge from primary inpatient treatment, or concurrent with outpatient treatment, participant will attend Alcoholics Anonymous ("AA") and/or Narcotics Anonymous ("NA") meetings at such location and at such frequency as specified in the program specifications. Within two weeks of discharge from primary inpatient evaluation treatment, or as specified by treatment team, participant will give notice to the Peer Review Committee upon obtaining AA and/or NA sponsor(s), which will thereupon be incorporated in the program specifications. The participant will maintain contact with participant's AA and/or NA sponsor(s) a minimum of once per week. The Peer Review Committee may request reports from the sponsor. Participant shall submit monthly verification of participant's attendance at AA/NA meetings, aftercare and facilitated meetings of the participant.

E. Random Drug Screens. Participant must agree that, during the term of this agreement, participant shall be subject and shall voluntarily submit to supervised random drug screens, inclusive of bodily fluids, breath analysis, hair analysis, or any other procedure as may be directed by the program. Random drug screens will be at least monthly during the first 18 months following discharge from inpatient treatment. At that time, participant and compliance will be evaluated for possible bi-monthly testing. The results of any such testing will be reported directly to the Peer Review Committee. Any and all such testing shall be performed at participant's expense.

F. Employment; Employer's Agreement. The participant will not return to professional employment, on a full-time or part-time basis, until and unless participant's addictionologist at the Primary Treatment Facility advises participant and the Peer Review Committee in writing that, in their professional opinion, the participant's prognosis for continued recovery is good and that participant is capable of practicing chiropractic with reasonable skill and safety to patients. The treating addictionologist must complete and return the Fitness for Duty Form. Participant must have approval from the Peer Review Committee and all employment process must be completed prior to returning to work. Before accepting or engaging in chiropractic practice of any kind, whether as an employee or independent contractor and whether on a full-time or part-time basis, the participant will enter into an agreement with each and any such employer or contractor, in the form and substance prescribed by the Peer Review Committee.
G. Information and Reports. During the term of agreement, the participant will authorize, consent to and cause the following information, reports and notices to be given to the Peer Review Committee, as indicated.

1. Consent to Release of Medical Information. The participant will execute a written authorization and consent for the disclosure to the Peer Review Committee and its representatives of the records, information and opinions of the primary treatment facility, participant's attending physician and counselors at such facility relative to the participant's diagnosis, course of treatment, prognosis, and fitness and ability to practice chiropractic with reasonable skill and safety to patients.

2. Primary Treatment Facility Records. Participant shall authorize physicians and counselors at primary treatment facility to furnish the Peer Review Committee with a written report on participant's diagnosis, course of treatment at the facility, prescribed or recommended care and aftercare, fitness for duty form, and prognosis. Such records should be furnished to the Peer Review Committee within 20 days of discharge.

3. Primary Treatment Physician Records. Participant will authorize and cause participant's primary treating physician to furnish the Peer Review Committee, not less frequently than quarterly during the term of this agreement, with written report on participant's diagnosis, course of treatment and prognosis for continuing recovery.

4. Contact With, Reports to Program. The participant shall keep the Peer Review Committee advised of the participant's current address and employment addresses and telephone numbers, the nature of participant's employment, and participant's course of continuing recovery. The participant shall notify the Peer Review Committee within 24 hours of any change in participant's residence address or employment status or location, and shall furnish written notice of any such change to the Peer Review Committee within five days of any such change.

5. Verification of attendance at AA/NA, aftercare and facilitated meeting shall be submitted on a calendar monthly. Meeting attendance should be verified by initials and calendar received by the Peer Review Committee no later than the tenth of the month.

6. Counselor Progress Reports. Participant will authorize and cause Participant's counselor(s) at the aftercare treatment center designated in the treatment plan to furnish the Peer Review Committee with written reports on participant's progress. Such reports shall be submitted monthly for 12 months following participant's discharge from treatment or for the length of aftercare treatment if more than 12 months.

7. Other forms and records deemed necessary by the Peer Review Committee to fulfill the program will be forwarded to Peer Review Committee.
H. Misconduct. The participant shall not have any misconduct, criminal convictions, or violations of any health care regulations reported to the Peer Review Committee related to this or any other incidents. Any such misconduct, criminal convictions or violations will result in immediate suspension of license.

I. Maintenance of Abstinence. The participant shall maintain complete and total abstinence from the use of controlled substances, alcohol or any other mood-altering, addictive or dependency inducing substance except as may be prescribed for a bona fide medical condition by a treating physician who is knowledgeable in, and aware of participant's treatment for, chemical dependency. A physician's statement describing the medical condition including medications administered and/or a copy of the prescription for medications obtained for self-administration shall be forwarded immediately and not later than five days after medication is prescribed.

J. Program Specifications
   1. The participant shall enter a treatment facility for chemical dependency upon the approval of the Peer Review Committee.
   2. The participant shall follow all treatment, continuing care or aftercare recommendations as prescribed in Subsections A-G.
   3. Additional Program Specifications will be outlined and delineated following discharge from treatment and prior to re-entry to practice.

K. Post Program Specifications
   1. The participant shall attend AA/NA meetings/week as outlined under Subsections A and D. The participant attendance verification shall be forwarded to the Peer Review Committee monthly.
   2. The participant shall insure aftercare reports and all reports outlined under Subsection H are forwarded to the Peer Review Committee monthly. The participant shall have the Peer Review Committee's approval for therapist prior to engaging in recommended therapy.
   3. The participant shall submit to random supervised drug screens as described under Subsection F and also when there is cause to question abstinence.

L. Confidential. Except as authorized by the participant's response to inquiry by the Chiropractic Licensing Authority of another state or by an employer by which the participant is employed or to which the participant has applied for employment, or pursuant to the rules of order of the court of competent jurisdiction, the records, files and information of the program relative to the participant shall be maintained in confidence and not disclosed to any other person, firm, or entity.

10/06 -38-
CHAPTER 9. ILLEGAL PAYMENTS; REQUIRED DISCLOSURE OF FINANCIAL INTERESTS

Subchapter A. (Reserved)

§901. Scope and Purpose of Chapter

A. Scope of Chapter. The rules of this Chapter interpret, implement and provide for the enforcement of R.S. 37:1744 and R.S. 37:1745, requiring disclosure of a chiropractic physician's financial interest in another health care provider to whom or to which the chiropractic physician refers a patient and prohibiting certain payments in return for referring or soliciting patients.

B. Declaration of Purpose; Interpretation and Application. Chiropractic physicians owe a fiduciary duty to patients to exercise their professional judgment in the best interests of their patients in providing, furnishing, prescribing, recommending, or referring patients for financial recompense. The purpose of these rules and the laws they implement is to prevent payment by or to a chiropractic physician as a financial incentive for the referral of patients to a chiropractic physician or other health care provider for diagnostic or therapeutic services or items. These rules shall be interpreted, construed and applied so as to give effect to such purposes and intent.

§903. Definitions and Construction

A. Definitions. As used in this Chapter:

Board - the Louisiana State Board of Chiropractic Examiners.

Chiropractic Physician - a Doctor of Chiropractic pursuant to R.S. 37:2801 et seq.

Financial Interest - an ownership or investment interest established through debt, equity or other means and held, directly or indirectly, by a chiropractic physician or a member of the chiropractic physician's immediate family, or any form of direct or indirect remuneration for referral.

Group Practice - a group of two or more chiropractic physicians or other health care providers legally organized as a general partnership, registered limited
liability partnership, professional corporation, limited liability company, foundation, nonprofit corporation, faculty practice plan, or similar organization or association:

a. in which each chiropractic physician who is a member of the group provides substantially the full range of services which the chiropractic physician routinely provides, including consultation, diagnosis, or treatment, through the joint use of shared office space, facilities, equipment and personnel;

b. for which substantially all of the services of the chiropractic physicians who are members of the group are provided through the group and are billed under a billing number assigned to the group and amounts so received are treated as receipts of the group;

c. in which the overhead expenses of and the income from the practice are distributed in accordance with methods previously determined;

d. in which no chiropractic physician who is member of the group directly or indirectly receives compensation based on the volume or value of referrals by the chiropractic physician, except payment of a share of the overall profits of the group, which may include a productivity bonus based on services personally performed services or services incident to such personally performed services, so long as the share of profits or bonus is not determined in any manner which is directly related to the volume or value of referrals by such chiropractic physician;

Health Care Item - any substance, product, device, equipment, supplies or other tangible good or article which is or may be used or useful in the provision of health care.

Health Care Provider - any person licensed by a department, board, commission or other agency of the state of Louisiana to provide, or which does in fact provide, preventive, diagnostic, or therapeutic health care services or items.

Immediate Family - as respects a chiropractic physician, the chiropractic physician's spouse, children, parents and siblings.

Investment Interest - a security issued by an entity, including, without limitation, shares in a corporation, interests in or units of a partnership, bonds, debentures, notes or other debt instruments.

Payments - the tender, transfer, distribution, exchange or provision of money, goods, services, or anything of economic value.

Person - and includes a natural person or a partnership, corporation, organization, association, facility, institution, or any governmental subdivision, department, board, commission or other entity.
Remuneration for Referral - any arrangement or scheme, involving any remuneration, directly or indirectly, in cash or in kind, between a chiropractic physician, or an immediate family member of such a chiropractic physician, and other health care provider which is intended to induce referrals by the chiropractic physician to the health care provider or by the health care provider to the chiropractic physician, other than any amount paid by an employer to an employee, who has a bona fide employment relationship with the employer, for employment in the furnishing of any health care item or service.

B. Construction. Masculine terms whatsoever used in this Chapter shall be deemed to include the feminine.

Subchapter B. Illegal Payments
§905. Prohibition of Payments for Referrals
A. A chiropractic physician shall not knowingly and willfully make or offer to make any payment, directly or indirectly, overtly or covertly, in cash or in kind, to induce another person to refer an individual to the chiropractic physician for the furnishing or arranging for the furnishing of any health care item or service.

B. A chiropractic physician shall not knowingly and willfully solicit, receive or accept any payment, directly or indirectly, overtly or covertly, in cash or in kind, in return for referring patient to a health care provider for the furnishing or arranging for the furnishing of any health care item or service.

§907. Exceptions
A. Proportionate Return on Investment. Payments or distributions by an entity representing a direct return on investment based upon a percentage of ownership shall not be deemed a payment prohibited by R.S. 37:1745(B) or by §905 of these rules, provided that:
1. the amount of payment to an investor in return for the investment interest is directly proportional to the amount or value of the capital investment (including the fair market value of any pre-operational services rendered) of that investor;
2. the terms on which an investment interest was or is offered to an investor who is in a position to make or influence referrals to, furnish items or services to, or otherwise generate business for the entity must be no different from the terms offered to other investors;
3. the terms on which an investment interest was or is offered to an investor who is in a position to make or influence referrals to, furnish items or services to, or otherwise generate business for the entity must not be related to the previous or expected volume of referrals, items or services furnished, or the amount of business otherwise generated from that investor to the entity;

4. there is no requirement that an investor make referrals to, be in a position to make or influence referrals to, furnish items or services to, or otherwise generate business for the entity as a condition for becoming or remaining an investor;

5. the entity or any investor does not market or furnish the entity's items or services to investors differently than to non-investors; and

6. the entity does not loan funds to or guarantee a loan for an investor who is in a position to make or influence referrals to, furnish items or services to, or otherwise generate business for the entity if the investor uses any part of such loan to obtain the investment interest.

B. General Exceptions. Any payment, remuneration, practice or arrangement which is not prohibited by or unlawful under §1128(B)(b) of the Federal Security Act (Act), 42 U.S.C. §1320a-7b(b), as amended, with respect to health care items or services for which payment may be made under Title XVIII or Title XIX of the Act, including those payments and practices sanctioned by the Secretary of the United States Department of Health and Human Services, through the Office of the Inspector General, pursuant to §1128B(b)(3)(E) of the Act, through regulations promulgated at 42 C.F.R. §1001.952, as the same may hereafter be amended, shall not be deemed a payment prohibited by R.S. 37:1745(B) or by §905 of these rules with respect to health care items or services for which payment may be made by any patient or private or governmental payor.

§909. Effect of Violation

Any violation of or failure of compliance with the prohibitions and provisions of §905 of this Chapter shall be deemed a violation of the Chiropractic Practice Act, R.S. 37:2801 et seq., as applicable, providing cause for the board to suspend or revoke, refuse to issue, or impose probationary or other restrictions on any license or permit held or applied for by a chiropractic physician culpable of such violation.
§911. Required Disclosure of Financial Interest
Mandatory Disclosure. A chiropractic physician shall not make any referral of a patient outside the chiropractic physician's group practice for the provision of health care items or services by another health care provider in which the referring chiropractic physician has a financial interest (as defined by §903.A), unless, in advance of any referral, the referring chiropractic physician discloses to the patient, in accordance with §915 of this Chapter, the existence and nature of such financial interest.

§913. Prohibited Arrangements
Any arrangement or scheme, including cross-referral arrangements, which a chiropractic physician knows or should know has a principal purpose of ensuring or inducing referrals by the chiropractic physician to another health care provider, which, if made directly by the chiropractic physician would be a violation of §911, shall constitute a violation of §911.

§915. Form of Disclosure
A. Required Contents. The disclosure required by §911 of this Chapter shall be made in writing, shall be furnished to the patient, or the patient's authorized representative, prior to or at the time of making referral, and shall include:
   1. the chiropractic physician's name, address and telephone number;
   2. the name and address of the health care provider to whom the patient is being referred by the chiropractic physician;
   3. the nature of the items or services which the patient is to receive from the health care provider to which the patient is being referred; and
   4. the existence and nature of the chiropractic physician's financial interest in the health care provider to which the patient is being referred.

B. Permissible Contents. The form of disclosure required by §911 of this Chapter may include a signed acknowledgment by the patient or the patient's authorized representative that the required disclosure has been given.

C. Approved Form. Notice to a patient given substantially in the form of the Disclosure of Financial Interest form, which may be obtained from the Board of Examiners, shall be presumptively deemed to satisfy the disclosure requirements of this Subchapter.
§917. Effect of Violation; Sanctions

A. Effect of Violation. Any violation of or failure of compliance with the prohibitions and provisions of §911 of this Chapter shall be deemed a violation of the Chiropractic Practice Act, R.S. 37:2801 et seq., as applicable, providing cause for the board to suspend or revoke, refuse to issue, or impose probationary or other restrictions on any license or permit held or applied for by a chiropractic physician culpable of such violation.

B. Administrative Sanctions. In addition to the sanctions provided for by §917, upon proof of violation of §911 by a chiropractic physician, the board may order that all or any portion of any amounts paid by a patient, for health care items or services furnished upon a referral by the chiropractic physician in violation of §911, be refunded by the chiropractic physician to such patient and/or third-party payor, together with legal interest on such payments at the rate prescribed by law calculated from the date on which any such payment was made by the patient and/or third-party payors.
R.S. 9:2714. Chiropractors; certain contractual agreements invalid

A. The legislature finds that an inequity is foisted on certain chiropractors by the provisions contained in some agreements pertaining to management consultant services to the extent these provisions encourage, promote, facilitate, or require participation in conduct on the part of the chiropractor contrary to the provisions of Chapter 36, Title 37 governing the licensing and conduct of chiropractors. It is the intent of the legislature by this Section to declare null and void and against public policy of the state of Louisiana any provision in any agreement which encourages, promotes, facilitates, or requires conduct on the part of a chiropractor that is contrary to the provisions of Chapter 36 of Title 37 of the Louisiana Revised Statutes of 1950.

B. Any provision contained in, collateral to, or affecting an agreement pertaining to chiropractic management consultant services that encourages, promotes, facilitates, or requires a chiropractor to engage in conduct contrary to the provisions of Chapter 36 of Title 37 of the Louisiana Revised Statutes of 1950 is void and unenforceable to the extent that it encourages, promotes, facilitates, or requires such conduct on the part of a chiropractor.

C. The term "agreement" as it pertains to chiropractic management consultant services, as used in this Section, means any agreement or understanding, written or oral, concerning the provision of chiropractic management consultant services to chiropractors within the state of Louisiana.

D. Any provisions in any agreement regarding the provision of chiropractic management consultant services which would frustrate or circumvent the prohibitions of this Section shall be null and void and of no force and effect.
R.S. 22:668. Selection of type of treatment; reimbursement
Notwithstanding any provision of any policy or contract of insurance or health benefits issued after the effective date of this Act, whenever such policy or contract provides for payment or reimbursement for any service, and such service may be legally performed by a chiropractor licensed in this state, such payment or reimbursement under such policy or contract shall be not denied when such service is rendered by a person so licensed. Terminology in such policy or contract deemed discriminatory against any such person or method of practice shall be void. The provisions of this Section shall apply to all new policies issued on or after November 1, 1975. Any insurer who, on August 1, 1975, has health and accident policies in force shall, upon the anniversary date of such policies convert all existing policies to conform to the provisions of this Section; provided, however, that all existing policies shall be converted to conform to the provisions of this Section by August 1, 1976.

R.S. 27:1734. Chiropractors' peer review committee; immunity
Any chiropractor who services on a peer review committee or chiropractic board of examiners or any chiropractic society or association to review any controversy or dispute involving a patient, chiropractor, or provider of chiropractic benefits, shall not be liable to any person for damages as a result of any action taken or recommendation made by him within the scope of his function as a member of or consultant to such peer review committee or chiropractic board of examiners is such action was taken or recommendation made without malice. No chiropractic association or chiropractic society shall be liable for damages for any action taken or recommendation made by a peer review committee, board or chiropractic board of examiners or any member of said committee, board or consultant to said committee or board.
R.S. 37:1743. Prohibition on direct solicitations
A. A health care provider or person designated, contracted, or paid by the health care provider, shall not directly solicit by phone, patients or potential patients who, because of their particular circumstances, are vulnerable to undue influence. Circumstances in which patients or potential patients may be considered to be vulnerable to undue influence include but are not limited to:

(1) When a person is known to the health care provider to have recently been involved in a motor vehicle accident;
(2) When a person is known to the health care provider to have recently been involved in a work-related accident; or
(3) When a person is known to the health care provider to have been recently been injured by another person or as a result of another person's actions.

B. Nothing in this Section shall be construed to prohibit advertising, except that which is false, misleading, or deceptive, nor to prohibit outreach services for prenatal, postpartal, child health care, and communicable disease control.

C. As used in this Section "health care provider" means any "health care provider" as defined is R.S. 40:1299.41.

R.S. 37:1744 Disclosure of financial interest by referring health care providers
A. For the purposes of this Section, the following terms shall have the following meaning:

(1) "Health care provider" means a person, partnership, or corporation licensed by this state to provide health care or professional services as a physician, dentist, chiropractor, podiatrist, optometrist, physical therapist, psychologist, licensed professional counselor, registered or licensed practical nurse, pharmacist, and any officer, employee, or agent thereof acting in the course and scope of his employment.

(2) "Board" means the Louisiana State Board of Medical Examiners, Louisiana Board of Dentistry, Louisiana Board of Chiropractic Examiners, Louisiana Board of Optometry Examiners, Louisiana State Board of Physical Therapy Examiners, Louisiana State Board of Examiners for Psychologists, Louisiana State Board of Nursing, Louisiana Licensed Professional Counselor Board of Examiners, Louisiana State Board of Practical Nurse Examiners, and Louisiana Board of Pharmacy.

(3) "Financial interest" means a significant ownership or investment interest established through debt, equity, or other means and held by a health care provider or a member of a health care provider's immediate family, or any form of direct or indirect remuneration for referral.
B. No health care provider shall make referrals outside the same group practice as that of the referring health care provider to any other health care provider, licensed health care facility, or provider of health care goods and services including but not limited to providers of clinical laboratory services, diagnostic services, medicinal suppliers, and therapeutic services when the referring health care provider has a financial interest served by such referral, unless in advance of any such referral the referring health care provider discloses to the patient, in writing, the existence of such financial interest.

C.(1) It shall be a violation of this Section for any licensee to enter into any arrangement or scheme, including cross-referral arrangements, if the licensee knows, or should know, that he or she has a principal purpose of ensuring referrals by the licensee to a particular entity, which referral, if made directly by the licensee, would be a violation of this Section.

(2) Notwithstanding any other law to the contrary, any health care provider who violates the provisions of this Section shall refund all such sums received in payment for the goods and services furnished or rendered without disclosure of financial interest. Such a refund shall be paid to the individual patient, third-party payor, or other entity who made the payment.

(3) Each respective Board shall promulgate rules and regulations for enforcement of the provisions of this Section. Such rules and regulations shall include sanctions and restitution provisions and shall provide that a violation of this Section constitutes grounds for suspension or revocation of license or other credentials. Each board shall submit to the commissioner of insurance an annual report listing the investigations undertaken pursuant to this Section, including the number of violations and the sanctions imposed, if any.

R.S. 37:1745. Prohibition on payment for patient referrals

A. For the purposes of this Section, the following terms shall have the following meanings:

(1) "Board" means the Louisiana State Board of Medical Examiners, Louisiana Board of Chiropractic Examiners, Louisiana State Board of Optometry Examiners, Louisiana State Board of Physical Therapy Examiners, Louisiana State Board of Examiners for Psychologists, Louisiana State Board of Nursing, Louisiana Licensed Professional Counselor Board of Examiners, Louisiana State Board of Practical Nurse Examiners, and Louisiana Board of Pharmacy.
"Health care provider" means a person, partnership, or corporation licensed by the state to provide health care or professional services as a physician, chiropractor, podiatrist, optometrist, physical therapist, psychologist, licensed professional counselor, registered or licensed practical nurse, pharmacist, and any other officer, employee, or agent thereof acting in the course and scope of his employment.

B. No health care provider shall offer, make, solicit, or receive payment, directly or indirectly, overtly or covertly, in case or in-kind, for referring or soliciting patients. Payments representing a return on investment based upon a percentage of ownership are not considered a direct or indirect payment for the purposes of this Section.

C.(1) Each board shall promulgate rules and regulations for the implementation and enforcement of the provisions of Subsection B of this Section in accordance with the Administrative Procedure Act. Such rules and regulations shall include, at a minimum, sanctions and penalty provisions and permissible contracting activities known as "safe harbors".

(2) Any activity permissible under the corresponding provisions of Title XVII of the Social Security Act shall not be a violation of this Section.

(3) Violation of Subsection B of this Section by a health care provider may constitute grounds for suspension or revocation of license or other credentials by the appropriate board.

The following words and phrases, when used in this Chapter, shall have the meaning ascribed to them in this Section, unless the context clearly indicates a different meaning:

(1)(a) "Practice of physical therapy" is the health care profession practiced by a physical therapist licensed under this Chapter and means the holding out of one’s self to the public as a physical therapist and as being engaged in the business of, or the actual engagement in, the evaluation and treatment of any physical or medical condition to restore normal function of the neuro-muscular and skeletal system, relieve pain, or prevent disability by use of physical or mechanical means, including therapeutic exercise, mobilization, passive manipulation, therapeutic modalities, and activities or devices for preventative, therapeutic, or medical purposes, and further shall include physical therapy evaluation, treatment planning, instruction, consultative services, and the supervision of physical therapy supportive personnel, including physical therapist assistants.
The use of roentgen rays and radium, isotopes and ionizing radiation for diagnostic and therapeutic purposes are not authorized under the terms "physical therapy" as used in this Chapter, and a license issued pursuant to this Chapter does not authorize the diagnosis of disease or treatment without the prescription or referral of a person licensed in this state to practice medicine, surgery, dentistry, or podiatry.

(c) "Physical therapy," noun and adjective, means equally physiotherapy and physical therapy.

(d) "Initial physical therapy evaluation" means the physical therapy assessment and resulting interpretation of a patient’s condition through use of patient history, signs, symptoms, objective tests, or measurements to determine neuromusculoskeletal and biomechanical dysfunctions to determine the need for physical therapy.

(2) "Physical therapist" means equally physiotherapist and physical therapist, that is, a person who is a graduate of an accredited school of physical therapy, which school, at the time of graduation was approved by the American Physical Therapy Association of the Louisiana Board of Physical Therapy Examiners, and who practices physical therapy as defined in this Chapter.

(3) "Board" means the Louisiana State Board of Physical Therapy Examiners.

(4) Words importing the masculine gender may be applied to females.

R.S. 37:2421. Therapy treatments; physical modalities; reimbursement

No provision in this Chapter shall preclude other health care providers from being reimbursed for therapy treatments or physical modalities which fall within their respective scope of practice. However, this Chapter shall preclude other health care providers from professing the practice of physical therapy and from the use of the term "physical therapy" for advertisement purposes unless licensed under this Chapter.

R.S. 40:1299.65 Chiropractic care; freedom of choice

No agency of the state, parish or municipality, under the laws of the state of Louisiana, shall deny to the recipients or beneficiaries of their aid or services the freedom to choose a duly licensed chiropractor as the provider of care or services which are within the scope of practice of the profession of chiropractic as defined in R.S. 37:2801(3).
A.(1) Each health care provider shall furnish each patient, upon request of the patient, a copy of any information related in any way to the patient which the health care provider has transmitted to any company, or any public or private agency, or any person.

(2)(a) Medical records of a patient maintained in a health care provider's office are the property and business records of the health care provider.

(b) Except as provided in R.S. 44:17, a patient or his legal representative, or in the case of a deceased patient, the executor of his will, the administrator of his estate, the surviving spouse, the parents, or the children of the deceased patient, or, after suit has been instituted, the defense counsel or the defense insurance company seeking any medical, hospital, or other record relating to the patient's medical treatment, history, or condition, either personally or through an attorney, shall have a right to obtain a copy of such record upon furnishing a signed authorization and upon payment of a reasonable copying charge, not to exceed one dollar per page for the first twenty-five pages, fifty cents per page for twenty-six to five hundred pages, and twenty-five cents per page thereafter, a handling charge not to exceed fifteen dollars for hospitals, nursing homes, and other health care providers, and actual postage. The individuals named herein shall also have the right to obtain copies of patient X-rays, microfilm, and electronic and imaging media, upon payment of reasonable reproduction costs and a handling charge of twenty dollars for hospitals and ten dollars for other health care providers. In the event a hospital record is not complete, the copy of the records furnished hereunder may indicate, through a stamp, coversheet, or otherwise, that the record is incomplete.

(c) If a copy of the record is not provided within a reasonable period of time, not to exceed fifteen days following the receipt of the request and written authorization, and production of the record is obtained through a court order or subpoena duces tecum, the health care provider shall be liable for reasonable attorney fees and expenses incurred in obtaining the court order or subpoena duces tecum. Such sanctions shall not be imposed unless the person requesting the copy of the record has by certified mail notified the health care provider of his failure to comply with the original request, by referring to the sanctions available, and the health care provider fails to furnish the requested copies within five days from receipt of such notice. Except for their own gross negligence, such health care providers
shall not otherwise be held liable in damages by reason of
their compliance with such request or their inability to
fulfill the request.

10/05 45.1
(d) A health care provider may deny access to a record if the health care provider reasonably concludes that knowledge of the information contained in the record would be injurious to the health or welfare of the patient or could reasonably be expected to endanger the life or safety of any other person.

(e) Nothing in this Section shall be construed to limit or prohibit access to the information contained in the records of a patient maintained by a health care provider in any legally permissible manner other than those delineated pursuant to R.S. 22:213.2 and in this Section, subject to the provisions of R.S. 13:3734.

(3)(a) Medical and dental records shall be retained by a physician or dentist in the original, microfilmed, or similarly reproduced form for a minimum period of six years from the date a patient is last treated by a physician or dentist.

(b) Graphic matter, images, X-ray films, and like matter that were necessary to produce a diagnostic or therapeutic report shall be retained, preserved and properly stored by a physician or dentist in the original, microfilmed or similarly reproduced form for a minimum period of three years from the date a patient is last treated by the physician or dentist. Such graphic matter, images, X-ray film, and like matter shall be retained for a longer period when requested in writing by the patient.

B. As used in this Section:

(1) "Health care provider" means a "health care provider" as defined in R.S. 40:1299.41 or a "state health care provider" as defined in R.S. 40:1299.39.

(2) "Patient" means a natural person who receives or should have received health care from a licensed health care provider, under a contract, express or implied.

C. The provisions of this Section shall not be applicable to a health care provider who has evaluated or examined a patient at the request of any agency of the state or federal government in charge of the administration of any of the assistance or entitlement programs under the Social Security Act. The records of such evaluation or examination shall be retained for ninety days after mailing or upon proof of receipt of the records, whichever period is shorter. Nothing herein shall be construed as limiting or prohibiting the access to health care information and records of a patient that are retained by the Social Security Administration in any legally permissible manner under state law that is not contrary to federal law or regulation.

10/05 45.2
R.S. 44:4(18). Public Records and Recorders

Applicability
This Chapter shall not apply:
(18) To any records, writings, accounts, letters, letter
books, photographs, or copies or memoranda thereof, and any
report or reports concerning the fitness of any person to
receive, or continue to hold, a license to practice
chiropractic, in the custody or control of the Louisiana
Board of Chiropractic Examiners. However, any final
determination made by the board, and any legal grounds upon
which such action is based, relative to the fitness of any
person to receive or continue to hold a license to practice
as a chiropractor shall be a public record.

R.S. 12:1051 - 1065. PROFESSIONAL CHIROPRACTIC CORPORATIONS.

§1051. Terms defined.
As used in this chapter:
A. “Professional chiropractic corporation” means a
corporation organized pursuant to this Chapter for the
practice of chiropractic.

B. All terms used in both this Chapter and in Chapter 1 of
this Title shall have the same meaning when used in this
Chapter, as when used in Chapter 1.

§1052. Professional corporations.
One or more natural persons, of full age and duly
licensed to practice chiropractic in this state, may form a
corporation under Chapter 1 of this Title for the purpose
of practicing chiropractic. Such corporations shall be
subject to all of the provisions of Chapter 1, as the same
may from time to time be amended, except to the extent that
such provisions are inconsistent with the provisions of
this Chapter.

§1053. The corporate name.
The corporate name shall consist of the full or last
name or names of one or more voting shareholders, former
voting shareholders or members of a predecessor
chiropractic partnership, may include “Limited” or “Ltd.”,
shall end with one of the phrases (which may be in
parentheses) “A Professional Chiropractic Corporation”, or
“A Professional Corporation”.
The name need not contain “Incorporated” or “Inc.”.

§1054. Corporate authority.
A Professional chiropractic corporation shall engage
in no business other than the practice of chiropractic, but
may hold property for investment or in connection with its
chiropractic practice.
§1055. Shares.
A. There shall be only one class of shares of a professional, chiropractic corporation, denominated common shares which shall be either with or without par value.

B. A shareholder who is a natural person duly licensed to practice chiropractic in this state, and who holds his shares in his own right, shall be entitled to vote his shares, and to participate in the corporation’s earnings. Any other shareholder shall have no voting rights for any purpose directly related to the practice of chiropractic by the corporation.

A. Each certificate of stock shall contain the corporation’s full name, and the following statement: “Except when held in his own right by a natural person duly licensed to practice chiropractic in the state of Louisiana, the shares represented by this certificate are not entitled to be voted on matters directly related to the practice of chiropractic and the holder is not entitled to participate in the rendition of chiropractic services by the corporation.”

B. Each certificate of stock shall contain a reference to any and all agreements among the corporation’s voting shareholders, made pursuant to R.S. 12:1059.

C. There shall be no restriction upon the transfer of shares, unless, in either event, such provision or restriction is stated or summarized on the certificate representing the shares.

§1057. Liability of incorporators, subscribers, shareholders, directors, officers and agents.
A. A subscriber to, or holder of, shares of a professional chiropractic corporation shall be under no liability to the corporation with respect to such shares, other than the obligation of complying with the terms of the subscription therefor, and said obligation shall continue whether or not his rights or shares have been assigned or transferred.

B. A shareholder shall not be personally liable for any debt or liability of the corporation.

C. Nothing in this Chapter shall be construed as in derogation of any rights which any person may by law have against an incorporator, subscriber, shareholder, director, officer or agent of the corporation, because of any fraud practiced upon him, or because of any breach of professional duty or other negligent or wrongful act, by such person, or in derogation of any right which the corporation may have against any of such persons because of any fraud practiced upon it by him.

10/00 --47--

§1058. Action of shareholders.
Any action by, or requiring the assent of, the shareholders of a professional chiropractic corporation may be taken on the affirmative vote of a majority (or such proportion as the articles of incorporation may specify) in interest of the voting shareholders present or represented at a meeting duly called and held on due notice, at which a quorum is present or represented.

§1059. Shareholders’ agreements.
A. Any lawful provision regulating the affairs of a professional chiropractic corporation or the rights and liabilities of its shareholders, which is not required to be set forth in the articles of incorporation, may be set forth in an agreement among all of the voting shareholders, and such agreement shall be binding on the corporation and all persons who are at the time such agreement is made, or who thereafter become, shareholders of the corporation. Such agreement may be terminated at any time by a majority in interest of the voting shareholders.

B. A duplicate copy of such agreement shall be filed in the corporation’s registered office, and shall be open, daily during business hours, to the inspection of any shareholder or his attorney or legal representative.

§1060. Directors.
Only shareholders may be directors. If there are fewer than three shareholders, there need be only as many directors as shareholders. The office of a director shall become vacant if he ceases to be a shareholder.

§1061. Officers and agents.
A. Only shareholders may be officers. If there is only one shareholder, all offices may be combined in is person. The office or offices held by an officer shall become vacant if he ceases to be a shareholder.

B. Only natural persons duly licensed to practice chiropractic in this state or persons possessing temporary licenses may render chiropractic services in behalf of a professional chiropractic corporation.

§1062. Merger and consolidation.
Professional chiropractic corporations may be merged into or consolidated only with other professional chiropractic corporations.

§1063. Dissolution.
A. The fact that it has no shareholders shall be a ground for involuntary dissolution of a professional chiropractic corporation.

B. In the event of the death of a shareholder of a professional chiropractic corporation, said shareholder’s succession representative, or those placed in possession of the shares of said shareholder if there be no administration of the succession, as the case may be, shall be entitled to vote the shares of said shareholder, and to be elected a director and officer of the corporation, for the purpose of effectuating a voluntary dissolution and liquidation of the corporation, in or out of court, pursuant to the Louisiana Business Corporation Law.

§1064. Regulation by Louisiana State Board of Chiropractic Examiners.

Professional chiropractic corporations shall be subject to the discipline of the Louisiana State Board of Chiropractic Examiners and to its authority to adopt rules and regulations governing the practice of chiropractic.

§1065. Short title.

This Chapter shall be known and may be referred to by the short title “Professional Chiropractic Corporations Act”.

R.S. 37:1358. Acupuncturists’ assistants (Medical Practice Act)

The board shall certify as an acupuncturists’ assistant an individual to practice in Louisiana who has successfully completed thirty-six months training in a school or clinic of traditional Chinese acupuncture approved by the board, or an individual who has been appointed or employed at a licensed or accredited Louisiana hospital, medical school or clinic to perform acupuncture for research purposes. The acupuncturists’ assistant must be employed by and work under the physical direction, control, and supervision of a physician or an acupuncturist certified by the board to practice acupuncture and must perform such duties, services and functions assigned by said employer at a place of employer’s practice unless said duties, services, and functions are performed in the physical presence of said employer or licensed physician or certified acupuncturist.
As used in this Title:

(1) "Abuse" means anyone of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

(a) The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.

(b) The exploitation or overwork of a child by a parent or any other person.

(c) The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the caretaker of the child’s sexual involvement with any other person or of the child’s involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of this state.

(13) "Mandatory reporter" is any of the following individuals performing their occupational duties:

(a) "Health practitioner" is any individual who provides health care services, including a physician, surgeon, physical therapist, dentist, resident, intern, hospital staff member, podiatrist, chiropractor, licensed nurse, nursing aide, dental hygienist, any emergency medical technician, a paramedic, optometrist, medical examiner, or coroner, who diagnoses, examines, or treats a child or his family.
R.S. 13:3715.1. Medical or hospital records of a patient; subpoena duces tecum and court order to a health care provider; reimbursement for records produced

J. The Louisiana State Board of Medical Examiners, Louisiana State Board of Dentistry, Louisiana State Board of Psychologists, Louisiana State Board of Nursing, Louisiana Board of Pharmacy, Louisiana State Board of Social Work Examiners, and the Louisiana State Board of Chiropractic Examiners, while acting in an official capacity relating to an investigation of an individual over whom such board has regulatory authority shall be exempt from complying with the notice provisions of this Section when the subpoena clearly states that no notice or affidavit is required. Notwithstanding any privilege of confidentiality recognized by law, no health care provider or health care institution with which such health care provider is affiliated shall, acting under any such privilege, fail or refuse to respond to a lawfully issued subpoena of such board for any medical information, testimony, records, data, reports or other documents, tangible items, or information relative to any patient treated by such individual under investigation; however, the identity of any patient identified in or by such records or information shall be maintained in confidence by such board and shall be deemed a privilege of confidentiality existing in favor of any such patient. For the purpose of maintaining such confidentiality of patient identity, such board shall cause any such medical records or the transcript of any such testimony to be altered so as to prevent the disclosure of the identity of the patient to whom such records or testimony relates.
 DECLARATORY STATEMENTS: (pages unnumbered)
# 89-1: relative to the ordering of laboratory tests
# 90-1: relative to "extremity adjusting"
# 93-1: relative to "manipulation under anesthesia"
# 93-2: relative to "foot levelers" and "foot orthotics"
# 94-1: relative to "surface EMG's"
# 94-2: relative to the "Specialty Register" and "CCE"
# 94-3: relative to the "Mercy Conference Guidelines"
# 96-1: relative to "carpal tunnel syndrome"
# 97-1: relative to "massage therapy"
# 97-2: relative to term, "chiropractic physician"
# 98-1: relative to "preceptorship", "internship"
# 99-1: relative to "delegation of duties to CA's"
# 99-2: relative to "employment of massage therapist"
# 99-3: relative to "dynamic motion xray" (videofluoroscopy)
# 01-1: relative to "spinal degenerative disc disease"
# 03-1: relative to "iontophoresis"
# 04-1: relative to "Specialty Register" and "DABCC"
# 04-2: relative to "Needle EMG's"
# 04-3: relative to "venipuncture"
# 06-1: relative to "unintentionally damaged records"

<--------------Page_Break-------------->

DECLARATORY STATEMENT 89-1

The Louisiana Board of Chiropractic Examiners makes the following Declaratory Statement pursuant to its authority under LAC 46:XXVII.507:
It is the opinion of the Board that under LA R.S. 37:2801(3), which defines the scope of chiropractic, that
"a licensed chiropractor may order and receive reports on the following laboratory tests from entities qualified and licensed to administer the tests:
  1. Laboratory test;
  2. Radiological procedures to include
     a. computerized axial tomography (CT scans),
     b. magnetic resonance imaging,
     c. nerve conduction studies.

These tests shall be administered by those licensed to do so and the results of these tests interpreted by persons authorized by law to do so. Nothing herein shall authorize a chiropractor to perform the above referred to tests unless otherwise authorized or to interpret the results of these tests other than to interpret the report of a person authorized to give the tests, and to correlate that report with the chiropractic findings.
For example, a licensed chiropractor may order computer axial tomography (C.T. Scan) for patient, the

<--------------Page_Break-------------->

C.T. Scan shall be performed by an entity licensed to

do so, the results of the C.T. Scan shall be interpreted by an entity licensed to do so, and the chiropractor shall be entitled to receive, review, and interpret for diagnostic purposes, the report of the licensed entity on the findings of the C.T. Scan."

Adopted this 11th day of May, 1989, by the Louisiana
DECLARATORY STATEMENT 90-1

The Louisiana Board of Chiropractic Examiners makes the following Declaratory Statement pursuant to its authority under LAC 46:XXVII.507:

Addressing the question of adjustments by chiropractic physicians to extremities, this Board affirms the following:

"'Extremity Adjusting' is within the scope of practice as stated in LSA R.S. 37:2801(3) when such treatment is to correct a dysfunction which is associated with or may affect the functional integrity of the spine, directly or indirectly, and without regard to etiology."

Adopted this 8th day of November, 1990, by the Louisiana Board of Chiropractic Examiners.

______________________________
J. Michael Flynn, President
(seal)

DECLARATORY STATEMENT 93-1

The Louisiana Board of Chiropractic Examiners makes the following Declaratory Statement pursuant to its authority under LAC 46:XXVII.507:

It is the opinion of the Board that under LA R.S. 37:2801(3), which defines the scope of chiropractic, that

"the practice of 'manipulation under anesthesia' is within the scope of practice in Louisiana provided that the anesthesiology services are provided and supervised by a health care provider licensed to practice anesthesiology in Louisiana. Health care facilities which provide for 'manipulation under anesthesia' by chiropractors should adopt standards and protocols as outlined by CCE-approved colleges and should require certification of chiropractors by CCE-approved colleges."

Adopted this 6th day of May, 1993, by the Louisiana Board of Chiropractic Examiners.

______________________________
John W. Booth, D.C., President
(seal)

DECLARATORY STATEMENT 93-2

The Louisiana Board of Chiropractic Examiners makes the following Declaratory Statement pursuant to its authority under LAC 46:XXVII.507:

It is the opinion of the Board that under LA R.S.
37:2801(3), which defines the scope of chiropractic, that
"the use of 'foot levelers' and 'foot orthotics'
by chiropractors when used to influence the functional
integrity of the spine is within the scope of practice
of chiropractic."
Adopted this 28th day of October, 1993, by the
Louisiana Board of Chiropractic Examiners.
__________________________________________
John W. Booth, D.C., President
(seal)

<-----------Page_Break----------->

DECLARATORY STATEMENT 94-1

The Louisiana Board of Chiropractic Examiners
makes the following Declaratory Statement pursuant to
its authority under LAC 46:XXVII.507:
It is the opinion of the Board that under LA R.S.
37:2801(3), which defines the scope of chiropractic, that
" 'Surface EMG's' are experimental and that the
clinical value has not been established."
Adopted this 28th day of January, 1994, by the
Louisiana Board of Chiropractic Examiners.
__________________________________________
John W. Booth, D.C., President
(seal)

<-----------Page_Break----------->

DECLARATORY STATEMENT 94-2

The Louisiana Board of Chiropractic Examiners
makes the following Declaratory Statement pursuant to
its authority under LAC 46:XXVII.507:
It is the opinion of the Board that under LAC
46:XXVII.318, which defines the "specialty register",
that
" 'A body recognized by the Council on
Chiropractic Education' means a college or other body
accredited by the Council on Chiropractic Education.
Programs offered through colleges meet standards which
insure academic integrity."
Adopted this 25th day of August, 1994, by the Louisiana
Board of Chiropractic Examiners.
__________________________________________
John W. Booth, D.C., President
(seal)

<-----------Page_Break----------->

DECLARATORY STATEMENT 94-3

The Louisiana Board of Chiropractic Examiners
makes the following Declaratory Statement pursuant to
its authority under LAC 46:XXVII.507:
It is the opinion of the Board that under LSA R.S. 37:2801(3), which defines the scope of chiropractic, that

"The Louisiana Board of Chiropractic Examiners does not recognize the Mercy Conference Guidelines as the definitive or governing statement of the scope of practice or nature of chiropractic practice in Louisiana. The practice of chiropractic is defined by law, custom and authoritative sources."

Adopted this 29th day of September 1994, by the Louisiana Board of Chiropractic Examiners.

John W. Booth, D.C., President
(seal)

The Louisiana Board of Chiropractic Examiners makes the following Declaratory Statement pursuant to its authority under LAC 46:XXVII.507:

"The treatment of carpal tunnel syndrome, cumulative trauma/repetitive stress disorders is within the scope of practice of chiropractic in the State of Louisiana."

Adopted this 29th day of August, 1996, by the Louisiana Board of Chiropractic Examiners.

Dwayne L. Burch, D.C., President
(seal)

The Louisiana Board of Chiropractic Examiners makes the following Declaratory Statement pursuant to its authority under LAC 46:XXVII.507:

"It is appropriate for a licensed doctor of chiropractic to refer to a licensed massage therapist for prescribed massage therapy, and the referral of such prescribed massage therapy is within the scope of practice of chiropractic in the State of Louisiana."

Adopted this 27th day of March, 1997, by the Louisiana Board of Chiropractic Examiners.

Dwayne L. Burch, D.C., President
(seal)
The Louisiana Board of Chiropractic Examiners makes the following Declaratory Statement pursuant to its authority under LAC 46:XXVII.507:

It is the opinion of the Board that under LSA R.S. 37:2801(3), which defines the scope of chiropractic, that

"it is appropriate for a licensed doctor of chiropractic to refer to himself or herself as a "chiropractic physician" and to use the phrase, "chiropractic physician" on any and all billing, correspondence and advertising, and the use of said phrase, "chiropractic physician", is within the scope of practice of chiropractic in the State of Louisiana."

Adopted this 30 day of October, 1997, by the Louisiana Board of Chiropractic Examiners.

Marilyn J. Panger, D.C., President
(seal)

Preceptorship programs are permitted as long as said preceptorship program does not include the unlicensed practice of chiropractic in Louisiana and/or any participant in a preceptorship program does not participate in, perform, or advertise the practice of chiropractic, which shall include, but not be limited to the taking of x-rays, diagnosing, adjusting and/or manipulation. The licensed doctor of chiropractic shall be physically present, responsible for the activities of the preceptor and in compliance with this declaratory statement and the laws and rules governing the practice of chiropractic in Louisiana.

The "internship" program, available to graduate chiropractic students, who have completed licensure application to the Louisiana Board, is defined by LSA R.S. 37:2806.

Adopted this 27th day of August, 1998, by the Louisiana Board of Chiropractic Examiners.

Peter R. Brosnan, D.C., President
(seal)
The Louisiana Board of Chiropractic Examiners makes the following Declaratory Statement pursuant to its authority under LAC 46:XXVII.507:

It is the opinion of the Board that under LSA R.S. 37:2801(3), which defines the scope of chiropractic, that

"it is appropriate for a Louisiana licensed chiropractor to utilize 'dynamic motion x-ray' (videofluoroscopy) in accordance with the scope of practice for chiropractic".

Adopted this 9th day of December, 1999, by the Louisiana Board of Chiropractic Examiners.
DECLARATORY STATEMENT 01-1

The Louisiana Board of Chiropractic Examiners makes the following Declaratory Statement pursuant to its authority under LAC 46:XXVII.507:

It is the opinion of the Board that under LSA R.S. 37:2801(3), which defines the scope of chiropractic, that "the treatment of 'spinal degenerative disc disease' is in accordance with the scope of practice for chiropractic".

Adopted this 25th day of January, 2001, by the Louisiana Board of Chiropractic Examiners.

Patrick S. Clawson, D.C., President
(seal)

DECLARATORY STATEMENT 03-1

The Louisiana Board of Chiropractic Examiners makes the following Declaratory Statement pursuant to its authority under LAC 46:XXVII.507:

It is the opinion of the Board that under LSA R.S. 37:2801(3), which defines the scope of chiropractic, that "the procedure of iontophoresis is in accordance with the scope of practice for chiropractic".

Adopted this 25th day of September 2003, by the Louisiana Board of Chiropractic Examiners.

Mark B. Kruse, D.C., President
(seal)

DECLARATORY STATEMENT 04-1

The Louisiana Board of Chiropractic Examiners makes the following Declaratory Statement pursuant to its authority under LAC 46:XXVII.507:

It is the opinion of the Board that under LSA R.S. 37:2801(3), which defines the scope of chiropractic, that "the specialty designation "Diplomate of the American Board of Chiropractic Consultants" conforms to the guidelines as set by LAC 46:XXVII.318.1.a-d and therefore will be added to the "Specialty Register" of the LA Board of Chiropractic Examiners".

Adopted this 29th day of July 2004, by the Louisiana Board of Chiropractic Examiners.

Mark B. Kruse, D.C., President
(seal)

DECLARATORY STATEMENT 04-2
The Louisiana Board of Chiropractic Examiners makes the following Declaratory Statement pursuant to its authority under LAC 46:XXVII.507:

It is the opinion of the Board that under LSA R.S. 37:2801(3), which defines the scope of chiropractic, that "the procedure of "Needle EMG's" is in accordance with the scope of practice for chiropractic".

Adopted this 9th day of December 2004, by the Louisiana Board of Chiropractic Examiners.

Mark B. Kruse, D.C., President
(seal)

DECLARATORY STATEMENT 04-3

The Louisiana Board of Chiropractic Examiners makes the following Declaratory Statement pursuant to its authority under LAC 46:XXVII.507:

It is the opinion of the Board that under LSA R.S. 37:2801(3), which defines the scope of chiropractic, that "the procedure of "venipuncture" is in accordance with the scope of practice for chiropractic".

Adopted this 9th day of December 2004, by the Louisiana Board of Chiropractic Examiners.

Mark B. Kruse, D.C., President
(seal)

DECLARATORY STATEMENT 06-1

The Louisiana Board of Chiropractic Examiners makes the following Declaratory Statement pursuant to its authority under LAC 46:XXVII.507:

"It is the opinion of the Board that LSA R.S. 40:1299:96(A)(3)(a) and (b) do not apply to records that are unintentionally damaged to the extent that they are not readable. Such records shall be fully destroyed and properly disposed. Where possible, the patient, legal representative, or heir shall be notified that the records were destroyed."

Adopted this 26th day of January 2006, by the Louisiana Board of Chiropractic Examiners.

Kelly B. Faircloth, D.C., President
(seal)