THE MISSISSIPPI STATE BOARD OF CHIROPRACTIC EXAMINERS RULES AND REGULATIONS

Chapter 01 STATUTORY AUTHORITY

100 These Rules and Regulations are enacted pursuant to Mississippi Code Ann. 73-6-5, 1972.

101 All meetings of the Board shall be governed by Robert's Rules of Order except for disciplinary enforcement hearings.

Composition and Appointment

102.00 The Board shall consist of six (6) members appointed by the Governor, with the advice and consent of the Senate.

102.01 One of the members shall be the executive officer of the State Board of Health or his designee.

102.02 The other five members are selected from each congressional district as presently constituted. Each member, except the executive officer of the State Department of Health shall be a qualified elector of the State of Mississippi having been continuously engaged in the practice of Chiropractic in Mississippi for at least five years prior to appointment.

102.03 No member shall be a stockholder in or member of the faculty or Board of Trustee of any school of Chiropractic.

102.04 Each member appointed to the Board shall serve for five years and until his successor is appointed and qualified.

102.05 Vacancies on the Board shall be filled by appointment of the Governor only for unexpired terms.

102.06 Any member who shall not attend two consecutive meetings of the Board shall be subject to removal by the Governor. The chairman of the Board shall notify the Governor in writing when any such member has failed to attend two consecutive regular meetings.

Board Operations

103.00 The Board shall select by election from its membership a chairman and vice chairman who shall hold their respective offices for a period of one (1) year.

103.01 A majority of the members of the Board may select an executive secretary and may hire such other employees, including an attorney, needed to implement the provisions of this chapter.

103.02 The Board shall hold regular meetings for examination beginning on the fourth Thursday of January, April, July, and October.

103.03 The July meeting shall be held in Jackson, Mississippi.

103.04 A majority of the Board shall constitute a quorum, and the concurrence of a majority of the members of the Board shall be required to grant or revoke a license.

103.05 The Board shall make such rules and regulations as is necessary to carry out the provisions of Section 73-6-1 et. seq., Mississippi Code Ann. (1972) as amended.

Open Meetings Law

104 The Mississippi Board of Chiropractic Examiners shall adhere to the Open Meeting Law, Section 25-41-3, Mississippi Code Ann. (1972) as amended.

Open Records Act

105.00 The following regulation is enacted for the purpose of providing reasonable written procedures concerning the cost, time, place, and method of access, under the provisions of the Mississippi Public Records Act of 1983 (Open Records Act) [Section 25-61-1, et. Seq.]. It is not intended that these procedures shall apply to any public record or other document which is exempt from the provisions of said Act or not covered by the provisions of the Open Records Act.

1. Any individual seeking to inspect, copy, or mechanically reproduce or obtain a reproduction of any public records of the Board should make a written request signed by themselves to be mailed to the Executive Secretary; Mississippi State Board of Chiropractic Examiners; P.O. Box 775; Louisville, Mississippi 39339.
2. The written request must be typed or clearly hand printed on a letter sized piece of paper and shall specify in detail the public records sought. The request should include, if possible, a description of the type of record, dates, title of publication, and other information which may aid in the locating of the record.
3. The written request must specify what the applicant proposed to do with record, i.e., inspect, copy, etc.; state the date and time for the proposed activity; state the number of persons scheduled to participate; and shall provide the name, address, home and office telephone number of the applicant.

4. The executive secretary, upon receipt of any such request, shall review same and determine whether the records sought are exempt under the Mississippi Public Records Act, and shall either produce records or access to records or deny access to or production of the records sought within fourteen (14) working days of the receipt of the request.
5. All inspection, copying or mechanical reproduction shall be done in the office of the Board or such other reasonable place within the State of Mississippi as may be designated by the Board. It shall be the duty of the applicant to contact the Executive Secretary by phone before noon of the first working day preceding the proposed date set out in the application to determine if same is acceptable and, if not, what date and/or time will be substituted.
6. Where possible, nonexempt material will be separated from exempt material and only the exempt material will be withheld.
7. If the Executive Secretary determines that the records requested are exempt or privileged under the law, he shall deny the request and shall send the person making the request a statement of specific reasons for the denial. Such denials shall be kept on file for inspection by any person for three (3) years.
8. The Executive Secretary is authorized to calculate the estimated cost of searching, obtaining from storage, reviewing, shipping and/or duplicating records and to require payment in advance of such estimated charges prior to complying with the request. There shall be a charge of $0.50 per page for each copy. Copies printed on both sides (front and back) shall be considered as two pages for copy charge purposes. Mailing cost shall be calculated at the applicable rate for each such mailing. If request involves notice to be given to a third party, the cost of mailing such notice via certified mail return receipt requested shall be charged to the person requesting such public records. In the event that actual cost of such activity exceeds the estimate, the Executive Secretary is authorized to withhold mailing or delivery of said documents or to delay the inspection until the difference is paid.
9. There shall be no charge for inspection of the current Board records maintained at the Board office. Cost of obtaining records from any state storage facilities and the search for it shall be charged to the applicant.
10. The Executive Secretary may waive any or all of the foregoing requirements related to written notice, time, and method of access prepayment of expenses whenever the determination is made that such waiver would be in the public interest.

105.01 Information regarding the Board's activities, submissions to the Board, and requests of the Board should be made in writing to the Board.

105.02 Individuals who wish to be included on the Board's agenda must submit a written request to the Board on the Agenda Request Form provided by the Board. The

Board must receive this request at least ten (10) working days prior to the regularly scheduled Board meeting.

Chapter 02 ORAL PROCEEDINGS ON PROPOSED RULES

Scope

101 This rule applies to all oral proceedings held for the purposes of providing the public with an opportunity to make oral presentations on proposed new rules and amendments to rules before the Board pursuant to §25-43-3.104.

When Oral Proceedings will be Scheduled on Proposed Rules

102 The Board will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed rule.

Request Format

103 Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board and signed by the requestor(s).

Notification of Oral Proceeding

104 The date, time, and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.

Presiding Officer

105 The Chairman or his designee, who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.

Public Presentations and Participation

106.00 At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments, or arguments concerning the proposed rule.

106.01 Persons wishing to make oral presentations at such a proceeding shall notify the Board at last one business day prior to the proceeding and indicate the general

subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate that heave not previously contacted the Board.

106.02 At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.

106.03 The presiding officer may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for person whose presentations represent the views of other individuals as well as their own views.

106.04 Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.

106.05 There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the partisan's time where the orderly conduct of the proceeding so requires.

Conduct of Oral Proceeding

Presiding Officer

107.01 The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceeding. The presiding officer shall (i) call proceeding to order; (ii) give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons provided by the Board for the proposed rule; (iii) call on those individuals who have contacted the Board about speaking on or against the proposed rule; (iv) allow for rebuttal statements following all participants' comments; (v) adjourn the proceeding.

Questions

107.02 The presiding officer, where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.

Physical and Documentary Submissions

107.03 Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Board and are subject to the Board's public records request procedure.

Recording

107.04 The Board may record oral proceedings by stenographic or electronic means.

Chapter 03 DECLARATORY OPINIONS

Scope

100 These rules set forth by the Mississippi State Board of Chiropractic Examiners, hereinafter "Board," rules governing the form and content of requests for declaratory opinions, and the Board's procedures regarding the requests, as required by Mississippi Code §25-43-2.103. These rules are intended to supplement and be read in conjunction with the provisions of the Mississippi Administrative Procedures Law, which may contain additional information regarding the issuance of declaratory opinions. In the event of any conflict between these rules and the Mississippi Administrative Procedures Law, the latter shall govern.

Persons Who May Request Declaratory Opinions

101.01 Any person with a substantial interest in the subject matter may request a declaratory opinion from the Board by following the specified procedures.

101.02 "Substantial interest in the subject matter" means: an individual, business, group, or other entity that is directly affected by the Board's administration of the laws within its primary jurisdiction.

101.03 "Primary jurisdiction of the Board" means the Board has a constitutional or statutory grant of authority in the subject matter at issue.

Subjects Which May be Addressed in Declaratory Opinions

102 The Board will issue declaratory opinions regarding the applicability to specified facts of:

1. a statute administered or enforceable by the Board or
2. a rule promulgated by the Board.

The Board will not issue a declaratory opinion regarding a statute or rule which is outside the primary jurisdiction of the agency.

Circumstances in which Declaratory Opinions Will Not Be Issued

103 The Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

1. lack of clarity concerning the question presented;
2. there is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;
3. the statute or rule on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;
4. the facts presented in the request are not sufficient to answer the question presented;
5. the request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;
6. the request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the statute or rule on which a declaratory opinion is sought;
7. no controversy exists concerning the issue as the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute or rule;
8. the question presented by the request concerns the legal validity of a statute or rule;
9. the request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct;
10. no clear answer is determinable;
11. the question presented by the request involves the application of a criminal statute or a set of facts which may constitute a crime.
12. the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;
13. the question is currently the subject of an Attorney General's opinion request of has been answered by an Attorney General's opinion;
14. a similar request is pending before this Board or any other agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law;
15. where issuance of a declaratory opinion may adversely affect the interests of the State, the Board or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise;
16. the question involves eligibility for a license, permit, certificate, or other approval by the Board or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate, or other approval would be determined.

Form of the Request for a Declaratory Opinion

Written Request Required

104.01 Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board.

Where to Send Requests

104.02 All requests must be mailed, delivered, or transmitted via facsimile to the Board. The request shall clearly state that it is a request for a declaratory opinion. No oral, telephone requests, or email requests will be accepted for official opinions.

Name, Address, and Signature of Requestor

104.03 Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request, who shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any other administrative or judicial tribunal.

Question Presented

104.04 Each request shall contain the following:

1. a clear and concise statement of all facts on which the opinion is requested;
2. a citation to the statute or rule at issue;
3. the question(s) sought to be answered in the opinion, stated clearly;
4. a suggested proposed opinion from the requestor, stating the answers desired by petitioner and a summary of the reasons in support of those answers;
5. the identity of all other known persons involved in or impacted by the described factual situation, including their relationship to the facts, name, mailing address, and telephone number; and
6. a statement to show that the person seeking the opinion has a substantial interest in the subject matter.

Time for Board's Response

105.00 Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Board shall, in writing:

1. issue a declaratory opinion regarding the specified statute or rule as applied to the specified circumstances;
2. decline to issue a declaratory opinion, stating the reasons for its action; or

3. agree to issue a declaratory opinion by a specified time but not later than ninety (90) days after receipt of the written request.

The forty-five (45) day period shall begin running on the first state of Mississippi business day on or after the request is received by the Board, whichever is sooner.

Opinion Not Final for Sixty Days

105.01 A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the Board may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains a legal or factual error.

Notice by Board to Third Parties

106 The Board may give notice to any person, agency, or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments, and opinions from other persons, agencies, or other entities other than the requestor.

Public Availability of Requests and Declaratory Opinions

107 Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Public Records Act and the Board's public records request procedure. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

Effect of a Declaratory Opinion

108 The Board will not pursue any civil, criminal or administrative action against a person who is issued a declaratory opinion from the Board and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the Board shall be binding only on the Board and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

Chapter 04 APPLICATION FORMS

100 All persons wishing to apply for licensure shall obtain an application form from the executive secretary of this Board. The application must be completed by the applicant and notarized and filed with the executive secretary of the Board at least twenty (20) days before the examination.

101 An application for licensure must be accompanied by:

1. 2x2 inch shoulder type photograph of applicant taken within the immediate year before application.

2. Transcript certified by registrar of an accredited college which must prove the successful completion of the equivalent of at least two academic years at such college which will equal at least 60 semester hours.

3. Transcript certified by the School or college of Chiropractic that the applicant graduated from. Transcript must show date of graduation from the college of Chiropractic.

4. Payment of fees for application and examination:
   a. This payment is to be made by certified check or money order.
   b. Fees for an application and examination shall be nonrefundable.

Chapter 05 RECIPROCITY

100 Reciprocity is covered by section 73-6-13 of the Mississippi Law which appears earlier in this publication.

Chapter 06 DISCIPLINARY HEARING PROCEDURES

100 All hearings as to discipline and other matters shall be in accord with applicable due process.

102 All applicants and licensees shall have the right to counsel at their own expense.

103 The Board shall notify the accused that a complaint has been received and that a disciplinary hearing will be held. The accused shall be notified at least thirty (30) days prior to the date of the disciplinary hearing.

104 Notice shall be considered to have been given if the notice was successfully mailed "certified, return receipt requested" to the last known address as listed with the Board, or otherwise served.

105 The notice shall inform the accused of the facts which are the basis of the complaint an which are specific enough to enable the accused to defend against the complainant. The notice of the complaint shall also inform the accused of the following:

1. The time, date, and the location of the hearing;

2. That the accused may appear personally at the disciplinary hearing and may be represented by counsel; and

3. That the accused shall have the right to produce witnesses and evidence on the individual's behalf and shall have the right to cross-examine adverse witnesses and evidence.

106 The disciplinary hearing shall be before the Board of Chiropractic Examiners and shall be presided over by the Chair, or designee of the Board. Following the disciplinary hearing, the Board shall, in writing, notify the accused as to what sanction(s), if any, shall be imposed and the basis for the Board's action. All disciplinary hearing proceedings are a matter of public record and shall be preserved pursuant to the state law.

107 All final orders issued by the Board shall be reflected in the Board minutes.

108 All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

109 For additional information see Section 73-6-19, Mississippi Code Ann. (1972) as amended.

110 Disciplinary Appeal

1. An individual may appeal the decision of the Board to the circuit court of his county of residence or the Circuit Court of the First Judicial District of Hinds County, Mississippi.

2. Either party may have the right to appeal to the Supreme Court provided by law from any decision of the circuit court.

Chapter 07 ADVERTISING

100 The members of the chiropractic profession, licensed or unlicensed, are hereby prohibited from using or engaging in advertising or promising any free services or free

examination where such advertising or promise is false, misleading, or deceptive. Mississippi Code Ann. Section 73-6-25 (1) (b) (Supp. 1989) shall be interpreted and enforced consistent with this rule.

101 Under Mississippi Code Ann. Section 73-6-19 (1) (L) (Supp. 1989) the waiver of deductibles or co-payments and the acceptance of the patient's insurance benefits as payment in full for treatment or services are lawful acts in the State of Mississippi, as long as the patient's insurance policy does not require the patient to pay the deductible or co-payment. Section 73-6-19 (1) (L) prohibits such waivers or deductibles and co-payments only when the patient's insurance policy requires the patient to pay the deductible or co-payment.

1. The above two regulations were adopted to comply with an agreement settling a federal lawsuit lodged against the Board of Chiropractic Examiners.

Chapter 08 VITAMINS

100 While Mississippi law authorizes Chiropractors to recommend, dispense or sell vitamins or food supplements, any such recommendation, dispensing or selling must take place within the content of the professional and ethical practice of chiropractic. All such recommendations, dispensing and selling within the chiropractic office shall be done by the chiropractor personally and shall not be done by any chiropractic assistant or other employee.

Chapter 09 CHIROPRACTIC RADIOLOGICAL TECHNOLOGIST

100 Chiropractic Radiological Technologist must be certified every year (annually) as having paid the required certification fee, having completed the required continuing education and having met all other requirements for certification.

1. Fee of certification and yearly renewal fee is Fifty Dollars ($50.00).

2. Continuing education requirement is 6 hours annually.

3. There will a One Hundred Dollar ($100.00) late fee added to all renewals after June 30 of each year.

4. The required twelve (12) hours for initial certification is to be gotten within twelve (12) months of employment.

Chapter 10 CHIROPRACTIC ASSISTANTS

100 Chiropractic assistants are defined as anyone with access to patient records or that participate in direct patient care under direct supervision of the chiropractor shall comply with the following:

1. Educational qualification. High school diploma or GED certificate. (Exceptions to this requirement will be at the discretion of the Board.)

2. Continuing education. Six (6) hours annually at a course of study approved by the Mississippi State Board of Chiropractic Examiners. These hours must be received within six (6) months of employment.

3. Renewal fee.

   a. There will be a Fifty Dollar ($50.00) renewal fee due on or before June 30 of each year.
   b. There will be a One Hundred Dollar ($100.00) late fee added for renewals after June 30 of each year.

Chapter 11 EXEMPTION TO CONTINUING EDUCATION AND FEES

100 Chiropractic practitioner who has reached the age of 75 and who practices less than 33 hours per week.

Chapter 12 CLAIMS REVIEW AND/OR INDEPENDENT EXAMS

100 For the purposes of Section 73-6-34 of the Mississippi Code of 1972, as amended, the terms set forth and defined below, shall mean the following:

101 Third Party Entities. A person, company or organization, other than the health care provider or patient, having no vested interest in the matter they are requested to review.

102 Claim or Insurance Claim. A written or electronic request for payment of benefits in accordance with the terms and conditions of a written contract or policy to provide guarantee, reimbursement or indemnification for those certain specified services.

103 Insurance Company: A person, corporate entity, organization or association or any type, whether, domestic or foreign, providing health care benefits of any type, pursuant to a contract or policy. This includes fraternal benefit societies and health maintenance organizations.

104 Adverse Action. Denial, disallowance or only partial payment of any expected benefit contemplated pursuant to an insurance contract or policy.

105 Services Rendered. Any and all forms of chiropractic care rendered to a patient by a duly licensed chiropractor, or under the supervision of a duly licensed chiropractor.

106 Evaluation. A desk review of pertinent documents, charts, tests and related diagnostics, to determine necessity of chiropractic services and care recommended or rendered to a patient in accordance with the recognized standard of care in the chiropractic community.

107 Health Care Services. Any and all forms of chiropractic care rendered or available to a patient.

108 Course of Study. A seminar of other structured form of educational instruction presented or sponsored by a chiropractic college accredited by the Council of Chiropractic Education and approved by the Mississippi State Board of Chiropractic Examiners.

109 Hours of Study. Unduplicated sixty (60) minutes units of instruction, provided or sponsored by a Chiropractic College accredited by the Council of Chiropractic Education, and approved by the Mississippi State Board of Chiropractic Examiners.

110 Hours of Continuing Education. Unduplicated sixty (60) minute units of post-graduate educational instruction, of an ongoing nature, provided or sponsored by a Council of Chiropractic Education (CCE) accredited school of chiropractic and approved by the Mississippi State Board of Chiropractic Examiners.

111 Active Claim Reviews. Those qualifying under subsection "C" of Section 73-6-34 must show proof of actively doing at least ten (10) claims reviews prior to July 1, 1994.

112 The 300 hours of study set forth in 73-6-34 (2)(a) is defined as: A 300 hour course of study in chiropractic claim review or 3 unduplicated 100 hour course of study in Insurance Claims Review recognized by the Council of Chiropractic Education and the Mississippi State Board of Chiropractic Examiners.

Chapter 13 CODE OF ETHICS

100 This Code of Ethics is based upon the fundamental principle that the ultimate end and object of the chiropractor's professional services and effort should be:

"The greatest good for the patient."

This Code of Ethics is for the guidance of the profession with respect to responsibilities to patients, the public and to fellow practitioners.

101 Doctors of chiropractic should hold themselves ready at all times to respond to the call of those needing their professional services, although they are free to accept or reject a particular patient except in an emergency.

102 Doctors of chiropractic should attend their patients as often as they consider necessary to insure the well-being of their patients.

103 Having once undertaken to serve a patient, doctors of chiropractic should not neglect the patient. Doctors of chiropractic should take reasonable steps to protect their patients prior to withdrawing their professional services; such steps shall include: due notice to them allowing a reasonable time for obtaining professional services of others and delivering to their patients all papers and documents in compliance with number 5 of this Code of Ethics.

104 Doctors of chiropractic should be honest and endeavor to practice with the highest degree of professional competency and honesty in the proper care of their patients.

105 Doctors of chiropractic should comply with a patient's written and notarized authorization to provide records, or copies of such records, 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.

106 Subject to the foregoing Section 5, doctors of chiropractic should preserve and protect the patient's confidences and records, except as the patient directs or consents or the law requires otherwise. They should not discuss a patient's history, symptoms, diagnosis, or treatment with any third party until they have received the written consent of the patient or the patient's personal representative. They should not exploit the trust and dependency of their patients.

107 Doctors of chiropractic owe loyalty, compassion and respect to their patients. Their clinical judgment and practice should be objective and exercised solely for the patient's benefit.

108 Doctors of chiropractic should recognize and respect the right of every person to free choice of chiropractors or other health care providers and to the right to change such choice at will.

109 Doctors of chiropractic are entitled to receive proper and reasonable compensation for their professional services commensurate with the value of the services they have rendered taking into consideration their experience, time required, reputation and the nature of the condition involved. Doctors of chiropractic should terminate a professional relationship when it becomes reasonably clear that the patient is not benefiting from it. Doctors of chiropractic should support and participate in proper activities designed to enable access to necessary chiropractic care on the part of persons unable to pay such reasonable fees.

110 Doctors of chiropractic should maintain the highest standards of professional and personal conduct, and should refrain from all illegal conduct.

111 Doctors of chiropractic should be ready to consult and seek the talents of other health care professionals when such consultation would benefit their patients or when their patients express a desire for such consultation.

112 Doctors of chiropractic should employ their best good faith efforts that the patient possesses enough information to enable an intelligent choice in regard to proposed chiropractic treatment. The patient should make his or her own determination on such treatment.

113 Doctors of chiropractic should utilize only those laboratory and X-ray procedures, and such devices or nutritional products that are in the best interest of the patient and not in conflict with state statute or administrative rulings.

114 It is unethical and unprofessional for a doctor of chiropractic to have a sexual intimacy with a patient or former patient within two years. The physician/patient relationship requires the doctor of chiropractic to exercise utmost care that he or she will do nothing to "exploit the trust and dependency of the patient." Doctors of chiropractic should make every effort to avoid dual relationships that could impair their professional judgment or risk the possibility of exploiting the confidence place in them by the patient.

115 Doctors of chiropractic should act as members of a learned profession dedicated to the promotion of health, the prevention of illness and the alleviation of suffering.

116 Doctors of chiropractic shall observe and comply with laws, decisions and regulations of state governmental agencies and cooperate with the pertinent activities and policies of associations legally authorized to regulate or assist in the regulation of the chiropractic profession.

117 Doctors of chiropractic should conduct themselves as responsible citizens in the public affairs or their local community, state and nation in order to improve law, administrative procedures and public policies that pertain to chiropractic and the system of health care delivery. Doctors of chiropractic should stand ready to take the initiative in the proposal and development of measures to benefit the general public health and well-being, and should cooperate in the administration and enforcement of such measures and programs to the extent consistent with law.

118 Doctors of chiropractic may advertise but should exercise utmost care that such advertising is relevant to health awareness, is accurate, truthful, not misleading or false or deceptive, and scrupulously accurate in representing the chiropractor's professional status and area of special competence. Communications to the public should not appeal primarily to an individual's anxiety or create unjustified expectations of results.

Doctors of chiropractic shall conform to all applicable state laws, regulations and judicial decisions in connection with professional advertising.

119 Doctors of chiropractic should continually strive to improve their skill and competency by keeping abreast of current developments contained in the health and scientific literature, and by participating in continuing chiropractic educational programs and utilizing other appropriate means.

120 Doctors of chiropractic may testify either as experts or when their patients are involved in court cases, workers' compensation proceedings or in other similar administrative proceedings in personal injury or related cases.

121 The chiropractic profession should address itself to improvements in licensing procedures consistent with the development of the profession and of relevant advances in science.

122 Doctors of chiropractic who are public officers shall not engage in activities which are, or may be reasonably perceived to be in conflict with their official duties.

123 Doctors of chiropractic should protect the public and reputation of the chiropractic profession by bringing to the attention of the appropriate public or private organizations the actions of chiropractors who engage in deception, fraud or dishonesty, or otherwise engage in conduct inconsistent with this Code of Ethics or relevant provisions of applicable law or regulations with their states.

124 It is unethical for a doctor of chiropractic to receive a fee, rebate, rental payment or any other form of remuneration for the referral of a patient to a clinic, laboratory or other health service entity. The MSBCE recognizes that there are some forms of rental agreements for space or equipment which are legitimate arm-length business transactions not conditioned on patient referrals. The MSBCE also recognizes that the federal government has developed guidelines which outline those circumstances in which space or equipment rentals would not constitute an illegal or improper form of remuneration in return for Medicare or Medicaid referrals. These guidelines appear in title 40 of the Code of Federal Regulations, Part 1001 and may be summarized and adapted for the purposes of our ethical standards as follows:

1. The lease agreement is in writing and signed by the parties.

2. The lease specifies the space or equipment covered by the lease.

3. If the lease is intended to provide the lessee with access to the premises or equipment for periodic intervals of time, rather than on a full-time basis for the term of the lease, the lease specifies exactly the schedule of such intervals, their precise length, their periodicity, and the exact rent for such intervals.

4. The term of the lease is for not less than one year.

5. The rental charge is consistent with fair market value in arms-length transactions and is not determined in a manner that takes into account the volume or value of any referrals of business between the parties.

125 Doctors of chiropractic shall assist in maintaining the integrity, competency and highest standards of the chiropractic profession.

126 Doctors of chiropractic should by their behavior, avoid even the appearance of professional impropriety and should recognize that their public behavior may have an impact on the ability of the profession to serve the public. Doctors of chiropractic should promote public confidence in the chiropractic profession.

127 As teachers, doctors of chiropractic should recognize their obligation to help others acquire knowledge and skill in the practice of the profession. They should maintain high standards of scholarship, education, training and objectivity in the accurate and full dissemination of information and ideas.

128 Doctors of chiropractic should attempt to promote and maintain cordial relationships with other members of the chiropractic profession and other professions in an effort to promote information advantageous to the public's health and well-being.

Chapter 14 RENEWAL FEE

100 The license renewal will be yearly with a renewal fee of One Hundred Dollars ($100.00) per year.

101 The renewal fee is due and payable on or before June 30 each year.

102 There will be a Three Hundred Dollar ($300.00) delinquent fee added on any renewal postmarked July 1 or after.

Chapter 15 OFFICE INFORMATION SHEET

100 On or before June 30th of each year, as a part of the licensure renewal process, the Board must be provided, on the form designated by the Board, the following information concerning each licensee and the clinic they work in before renewals may be processed:

1. Clinic name and physical address
2. Clinic mailing address
3. Telephone
4. Fax
5. E-mail address

6. List all licensed Chiropractors
7. List all Chiropractic Assistants
8. List all Radiological Technologists
9. List all Unlicensed Graduate Chiropractors
10. When did the unlicensed graduate chiropractor start working in the clinic?
11. What licenses, certifications or permits does the unlicensed graduate chiropractor hold?
12. What tasks does the unlicensed chiropractor perform in the clinic?
13. Are all licensed chiropractors in the clinic familiar with and in compliance with the advertising restrictions of State law cited as Mississippi Code Ann. Section 73-6-25 (1)(b) and Board rule 5.1? If not, please explain.
14. Are all licensed chiropractors current with their annual 12 hours of continuing education? (Must included 3 hours of risk management) If not, please explain.
15. Are all Radiological Technologists current with their annual 6 hours of continuing education? If not, please explain.
16. Are all Chiropractic Assistants current with their annual 6 hours of continuing education? If not, please explain.
17. List all other personnel in clinic
18. Please send copies of **all** yellow page advertisements.
19. Signature of Owner of Clinic and date
20. Signature of other staff, title and date

101 Any new staff or changes to present staff must be sent to the Board within 30 days of change.

Chapter 16 CHIROPRACTIC UNDERGRADUATE PRECEPTORSHIP PROGRAM

100 **Purpose**. The purpose of this Chapter is to establish standards, qualifications, and responsibilities for interns, preceptors, and accredited chiropractic colleges which participate in the Chiropractic Undergraduate Preceptorship Program pursuant to Section 73-6-14 (1) of the Mississippi Chiropractic Practice Act.

101 **Definitions**. The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Accredited chiropractic college**" means a chiropractic educational institution which is accredited by the Commission on Accreditation of the Council on Chiropractic Education, a national, independent accreditation body recognized and approved by the U.S. Department of Education.

"**Act**" means the Mississippi Chiropractic Practice Act, 73-6-1 through 73-6-34.

"**Board**" means the Board of Chiropractic Examiners.

"**Licensee**" means a person who holds an original license to practice chiropractic in this state.

"**Experience**" or "**Practicum education experience**" means the specific education program developed for an intern under the on-site supervision of a preceptor.

"**Intern**" means a student at an accredited chiropractic college who participates in the program.

"**Preceptor**" means a chiropractor who participates in the program and provides on-site supervision and evaluation of an intern in a clinical setting for hands-on training.

"**Program**" means the Chiropractic Undergraduate Preceptorship Program.

102 **Preceptor; application to the Board**. A chiropractor who desires to participate in the program as a preceptor shall make application to the Board, on a form prescribed by the Board, for approval as a preceptor. If the Board finds that said chiropractor meets the standards and qualifications set forth in 15.5 and 15.6 below, the application shall be approved by the board and said chiropractor shall be notified of such approval in writing by the Executive Secretary of the Board. If the application is disapproved by the Board, said chiropractor shall be notified by the Executive Secretary of the Board of such disapproval together with the reason or reasons therefore fully stated in writing.

103 **Intern; application to the Board**. A student at a CCE-accredited chiropractic college who is in his or her last academic year and who desires to participate in the program as an intern shall make application to the Board, on a form prescribed by the Board, for approval as an intern.

1. The application shall be accompanied by:
   a. Certification by an official of the student's college that the student has satisfactorily completed the prerequisite portion, as determined by the college, of the curriculum at the college to qualify said student for participation as an intern in the Program; and
   b. A money order or cashier's check, payable to the Board, in the amount of Fifty Dollars ($50.00), as payment of the application fee, which shall not be refundable under any circumstances.

104 **Experience planning**. The organization, content, duration, and weekly schedule of each intern's Practicum Education Experience shall be jointly developed by the designated representative of the intern's college and the preceptor at least one month prior to the beginning of the Experience.

105 **Standards and qualifications for a preceptor**. A chiropractor who desires to participate in the program as a preceptor shall meet the following standards and qualifications:

1. hold an original license and current renewal license;

2. have a minimum of five (5) years of experience as a practicing chiropractor and with no disciplinary action for the preceding three (3) years;

3. have a chiropractic practice with a minimum of fifty (50) patient visits per week;

4. have a chiropractic office, clinic, or facility with a professional appearance. Such office, clinic, or facility must be approved in writing by the intern's college and shall be subject to the approval and inspection by the Board of Chiropractic Examiners;

5. utilize the following procedures in chiropractic practice:
   a. taking a patient's medical history;
   b. physical examination of a patient; and
   c. diagnostic procedures where indicated;

6. have current, valid malpractice insurance, which shall include under its coverage the intern;

7. the ability to supervise no more than one (1) intern per semester; and

8. register with the Board on a Board-approved application form.

106 **Responsibilities of preceptor**. A preceptor shall have the following responsibilities to the intern, the intern's college, and the Board:

1. to confer with the designated representative of the college prior to the beginning of each experience to develop the organization, content, duration, and weekly schedule of the intern's experience;

2. to maintain complete records of the intern's performance and provide an evaluation to the college on a form provide by the college and approved by the Board;

3. to permit, upon reasonable request, and inspection by the college or the Board, or both, of:
   a. the preceptor's chiropractic office, clinic, or facility;
   b. services available for the experience;
   c. the intern's records; and
   d. any other items related to the experience;

4. to submit in writing to the college the name and professional credentials of all persons who assist with the experience at the preceptor's office, clinic, or facility;

5. to notify the college and the Board of any change of a preceptor;

6. to provide a detailed list of the intern's duties in the preceptor's chiropractic office, clinic, or facility to the intern, the college, and the Board;

7. to provide the intern with a schedule of weekly office hours with a minimum of twenty-five (25) hours per week; and

8. to provide immediate, on-site preceptor supervision of the intern if the intern is allowed to provide or assist in the provision of any therapeutic services or procedures, including, but not limited to, chiropractic adjustments.

107 **Responsibilities of intern**. An intern shall have the following responsibilities to the intern's college, the preceptor, and the Board:

1. to provide a current telephone number and address of his location in the state to the preceptor and the Board within a reasonable time after arrival, and to provide any change of telephone number or address to the preceptor and the Board within twenty-four (24) hours after any such change;

2. to complete any appropriate forms requested by the college or the Board;

3. to serve an intern for the period of time specified by the college for the purpose of augmenting his competence in all areas of the practice of chiropractic;

4. to follow all policies and procedures of the preceptor's chiropractic office, clinic, or facility;

5. to wear proper attire at the preceptor's chiropractic office, clinic, or facility;

6. to provide his own transportation and living arrangements;

7. to report to the preceptor on time, and

8. to refrain from submitting for publication any material related to the experience without prior written approval of the preceptor and the college.

108 **Responsibility of the college**. An intern's college shall have the following responsibilities to the intern, the preceptor, and the Board:

1. to provide the complete name, biographical data (including work experience) and a report of the Health status of the intern to the preceptor at least one (1) month before the beginning date of the experience;

2. to supply any additional information related to the experience required by the preceptor prior to the arrival of the intern;

3. to assure that the intern has satisfactorily completed prerequisite portion, as determined by the college, of the curriculum at the college and disclose to the preceptor the nature and extent of such prerequisite position;

4. to designate a faculty member at the college as the college's designated representative, who shall jointly develop with the preceptor the organization, content, duration, and weekly schedule of the intern's experience;

5. to enforce rules and regulations governing the intern's conduct that are mutually agreed upon by the college and the preceptor, which rules and regulations shall include requirements that the intern:
   a. abide by all the policies and procedures of the preceptor's chiropractic office, clinic, or facility; and
   b. be well-groomed in appearance and courteous, at all times, in his relations with the preceptor's patients, the preceptor's staff, and the public;
   c. to terminate an experience and remove the intern upon request of the preceptor for just cause; and
   d. to maintain and provide the Board, upon request with a copy of all records pertinent to the intern's experience.

109 **Miscellaneous provisions.**

1. An intern shall be allowed to perform only those duties which are lawful and ethical in the practice of chiropractic in Mississippi.

2. Any incident reports related to an intern's experience shall be maintained by the preceptor and shall be the sole property of the preceptor, except as may be otherwise provided by law; provided, however upon receipt of a written request by the intern's college or the Board, the preceptor shall provide to the college or the Board a copy of such report.

3. A preceptor may request an intern's college to withdraw from an experience any intern:
   a. whose performance, conduct, demeanor, or willingness to cooperate with co-workers or to serve patients in unsatisfactory;
   b. whose personal characteristics prevent desirable relationships with the preceptor's chiropractic office, clinic, or facility; or
   c. whose health status is a detriment to the intern's experience.

4. A preceptor shall not be liable for the payment of any wage, salary, or compensation of any kind for services performed by any instructor, supervisor, or other person associated with the intern's college, and a preceptor shall not be required to cover any such person in any manner under his Worker's Compensation insurance policy.

5. In an emergency, as determined by a preceptor in his sole discretion, said preceptor shall have the right to summarily relieve an intern form a specific assignment or to summarily request an intern to leave the preceptor's chiropractic office, clinic, or facility, pending determination of the intern's future assignment by the intern's college.

Chapter 17 EXTERN PROGRAM

100 **Definition**. A person who has graduated from a CCE-accredited college of chiropractic maintaining a standard of training acceptable to the Board of Chiropractic Examiners, but who has not been licensed in any other state.

Anyone graduating three (3) years prior to July 1, 2003 can be considered for this program at Board discretion.

101 **Qualifications**.

1. Completed application approved by the Board on file at the Executive Secretary's office;

2. Certified transcripts from the graduating chiropractic college;

3. Certified transcripts from undergraduate college totaling sixty (60) semester hours;

4. Transcript from National Board of any and all National Board tests passed; and

5. Payment of a money order or cashier's check in the amount of $100.00.

102 **Program time period**.

1. This program is good for six (6) months after acceptance into the program.

2. This program can be renewed by a majority vote of the Board and a payment of a Fifty Dollar ($50.00) renewal fee.

3. This program can only be renewed at the discretion of the Board.

4. Each applicant accepted in the program shall practice within the scope of practice established in Section 73-6-1 of the Mississippi chiropractic statute and the rules and regulations of the Board of Chiropractic Examiners. Failure to follow the Mississippi chiropractic statutes will result in dismissal from the program.

5. No extern may deliver chiropractic services without on-premise supervision by the sponsoring chiropractor.

6. All sponsoring chiropractors must:
   a. make application and be approved by the Board of Chiropractic Examiners for each participation;
   b. have an active Mississippi license;
   c. be in active Mississippi practice for five (5) years;
   d. have no disciplinary action against their license in Mississippi for the preceding three (3) years;
   e. have no more than one (1) extern at a time working in his or her office; and
   f. be on-premise at all times the extern is performing chiropractic service in his or her office.

Chapter 18 TRAVEL TO TREAT TEMPORARY LICENSE

100 A chiropractor not licensed to practice in Mississippi but who is licensed and in good standing in any other state, territory, or jurisdiction of the United States or any other nation or foreign jurisdiction may engage in the practice of chiropractic if he or she is employed or designated in his or her professional capacity by a sports or performing arts entity visiting the State for a specific sports or performing arts event subject to the following restrictions and rules:

1. The practice of chiropractic subject to this rule shall be limited to members, coaches, and/or official staff of the team or event for which that chiropractor is designated. In the event that services are requested by a specific athlete or performer, the practice of chiropractic shall be limited to services performed for that individual only.

2. The practice of chiropractic as authorized by this rule shall be limited to the designated venue of the event or designated treatment area for said event. The Board, in its discretion, may audit, review, or inspect the venue and chiropractic services rendered.

3. Any chiropractor practicing under the authority of this Section may utilize only those practices and procedures that are within the scope of chiropractic practice in the state of Mississippi as authorized by Sections 73-6-1 through 73-6-34 and the rules and regulations governing chiropractic practice in this State.

4. A chiropractor practicing under the authority of this Section may not utilize electrical therapeutic modalities if he or she does not have at least one hundred and twenty (120) hours of instruction in their proper utilization as required by Section 73-6-1 (3).

5. Any violation of law, rule, or regulation governing the chiropractic practice provided for pursuant to Sections 73-6-1 through 73-6-34 shall result in the immediate revocation of all such privileges pertaining to the practice of

chiropractic in this State. Such violations may, in the discretion of the Board, be considered grounds for refusal or sanction of a license should the person apply for licensure in this State.

101 A chiropractor requesting this license shall have in the Executive Secretary's office of the Board twenty (20) days before the event the following:

1. application approved by the Board;

2. copy of license from the State in which the chiropractor practices;

3. proof from the licensing Board in that State of good standing of the chiropractor's license; and

4. payment of a money order or cashier's check in the amount of Fifty Dollars ($50.00).

Chapter 19 EMERGENCY LICENSE

100 The Board may issue in its discretion without examination, an emergency license to an applicant, subject to the following conditions:

1. An applicant shall file an application for an emergency license, accompanied by the following:
   a. certification from all States in which the applicant holds a chiropractic license demonstrating his or her good standing; and
   b. payment of a cashier's check or money order in the amount of One Hundred Dollars ($100.00).

101 Renewal of emergency license will be at the Board's discretion at the end of the original ninety (90) days. With a majority vote of the Board such license may be extended at Board discretion for ninety (90) day increments until licensed resident chiropractor is able to resume his or her practice. Payment of a renewal fee in a cashier's check or money order in the amount of Fifty Dollars ($50.00) is required for each renewal period.

Chapter 20 CHIROPRACTIC/VETERINARY RELATIONSHIP

100 Pursuit to 73-6-1 (8): A licensed Mississippi chiropractor acting as an unlicensed veterinary assistant may manipulate/adjust animals provided that he or she has the requisite knowledge of the anatomy of the animal patient and is working under the direct supervision of the licensed Mississippi doctor of veterinary medicine.

Chapter 21 THESE RULES AND REGULATIONS OF THE MISSISSIPPI STATE BOARD OF CHIROPRACTIC EXAMINERS REPLACES AND SUPERSEDES ANY AND ALL RULES AND REGULATIONS PREVIOUSLY ADOPTED BY SAID BOARD.