

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. State Board of Chiropractic Examiners

RULE CITATION: 21 NCAC 10 .0302

**DEADLINE FOR RECEIPT: MARCH 6, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Generally, to the Rule: Consider titling this rule "Ethics of advertising and Publicity" to be sympathetic with G.S. 90-154.2(5).*

*Lines 4-9: Explain why this paragraph is necessary pursuant to G.S. 150B-21.9(a)(3). The language is permissive where there does not appear to be any restriction. Absent a restriction a chiropractor does not need the Board's permission to have stationery which otherwise complies with the law.*

*Lines 10-11: Where does G.S. 90-154.2 address "false or misleading advertising?" Should it not be "unethical conduct" as referred to in G.S. 90-154.2?*

*Line 13: Define "unacceptable care." This is undefined and only used in this rule. If the Board found that someone was advertising "acceptable care" what would be the basis, rule, or statute for the discipline as "unacceptable care" is not prohibited?*

*Lines 22-24: As written, the Board is prohibiting someone who holds multiple licenses under Chapter 90 from advertising that they have any other license. Is that correct? So, if I am a licensed medical physician, the Board is prohibiting me from advertising that I am a physician without being subject to discipline by the Board? Explain the Board's authority.*

*Lines 22-24: As written, it is only if a person "implies" that they have another license that they are falsely advertising but if they do so plainly, they are not. Was that the Board's intention?*

*Lines 22-24: Consider if it meets the Board's intentions: "Advertising which would lead a reasonable person to believe that the licensee holds any other license(s) authorized under Chapter 90 of the North Carolina General Statutes."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: February 18, 2025

21 NCAC 10 .0302 is amended as published in 39 NCR 06 as follows:

**21 NCAC 10 .0302            ADVERTISING AND PUBLICITY**

(a) Methods of Professional Identification. Methods of professional identification that are compliant with G.S. 90-154.2(4) include:

(1) Signs. Signs may be placed on exterior doors, windows or walls of the licentiate's office or at entrances to the building in which his office is located.

(2) Stationery. A licentiate may identify himself on his stationery and mailing literature using the terms permitted by this Rule.

(b) Prohibited Advertising. The following shall constitute false or misleading advertising in violation of ~~G.S. 90-154(b)(1)~~G.S. 90-154.2:

(1) Advertising that purports to guarantee a beneficial result from chiropractic treatment.

(2) Advertising that promotes a treatment, therapy, or service that constitutes unacceptable care ~~or in~~ the scope of practice as set forth in G.S. 90-143(a) and G.S. 90-151.

(3) Advertising in which the licentiate is identified as a specialist, unless the licentiate has complied with the requirements of 21 NCAC 10 .0304, and any reference to the specialty is immediately preceded by the term "chiropractic." Illustrations are as follows:

(A) "Pediatrics" standing alone is deemed false or misleading; "chiropractic pediatrics" conforms to this Rule; and

(B) "Neurologist" standing alone is deemed false or misleading; "chiropractic neurologist" conforms to this Rule.

(4) Advertising that implies the licensee holds an additional license(s) in North Carolina ~~not so held~~, including but not limited to a medical physician, physical therapist, massage therapist, or acupuncturist.

*History Note: Authority G.S. 90-142; ~~90-154~~90-154.2;*

*Eff. February 1, 1976;*

*Readopted Eff. January 27, 1978;*

*Amended Eff. January 1, 1983; May 8, 1979;*

*Legislative Objection Lodged Eff. January 31, 1983;*

*Curative Amended Eff. February 28, 1983;*

*Curative Amended Eff. March 2, 1983;*

*Amended Eff. November 1, 2007; December 1, 1988;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;*

*Amended Eff. \_\_\_\_\_; January 1, 2020.*