

21 NCAC 10 .0103 is amended with changes as published in 34:06 NCR 494-502 as follows:

21 NCAC 10 .0103 STRUCTURE OF BOARD

~~(a) Creation and Membership of Board of Examiners. The creation and membership of the Board of Chiropractic Examiners are governed by G.S. 90-139, which statute is herewith incorporated by reference including subsequent amendments. A copy of the statute may be obtained from the Board at no charge. [on the Board's website at <https://ncchiroboard.com>.]~~

~~(b) Selection of Chiropractic Members of Board of Examiners. The selection of chiropractic members of the Board of Examiners is governed by G.S. 90-140, which statute is herewith incorporated by reference including subsequent amendments. A copy of the statute may be obtained from the Board at no charge. [on the Board's website at <https://ncchiroboard.com>.]~~

~~(e)(a) Election of Candidates for Appointment to the Board. Annually, As necessary to meet the requirements of G.S. 90-140, the Board shall hold ~~select a time, date and place for~~ the election of chiropractic candidates for appointment to the ~~Board.~~ Board at its March and September meeting at a time, date, and place to be selected by the Board and published on the Board's website at <https://ncchiroboard.com> at least 90 days in advance of the election. At least three candidates shall be elected for each vacancy. The candidate receiving the most votes in each election shall be given a special recommendation.~~

~~(1)(b)~~ The election shall be ~~conducted~~ administered by the Board of Chiropractic Examiners. Any member of the Board who is nominated to succeed himself or herself shall be disqualified from conducting the vote in which he or she is a nominee.

~~(2)(c)~~ Nomination shall be made from the floor and shall require two seconds. Any prospective nominee may withdraw his or her name from consideration by an oral statement to that effect.

~~(d) Officers of the Board. Annually, and as soon as practicable after appointments have been made, the members of the Board shall [When determined by a majority vote of the Board, officer elections will be held to] elect a president, a vice president, a secretary, and a treasurer. [treasurer or any officer position that comes open due to termination of an appointment or resignation.]~~

History Note: Authority G.S. 90-139; 90-140; ~~150B-14;~~ 150B-142;

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 18, 1983;

Amended Eff. June 1, 1994; December 1, 1988;

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

Amended Eff. January 1, 2020.

21 NCAC 10 .0204 is amended with changes as published in 34:06 NCR 494-502 as follows:

21 NCAC 10 .0204 LICENSURE

(a) Initial Licensure. The initial license awarded to an applicant who passed the examination shall be mailed to the address appearing on the application form.

(b) Change of ~~Address.~~ Contact Information. ~~It shall be the responsibility of the~~ The ~~licentiate~~ to shall inform the Board of any change in his or her ~~mailing address.~~ contact information. Updated ~~address~~ contact information shall be forwarded to the ~~secretary in writing~~ Board office email at ncboce@ncchiroboard.com, by regular mail to the Board office located at 6070 Six Forks Rd., Ste. L, Raleigh, NC 27609, or fax at (704) 793-1385 within 30 days after any such change.

~~(c) Email and Facsimile. A licentiate who maintains an office email address or office facsimile machine shall inform the Board of his or her current email address or facsimile machine telephone number. This contact information shall not be made available to the public and shall be used only for expediting the dissemination of official messages the Board deems high priority or urgent.~~

History Note: Authority G.S. 90-142; 90-145; 90-148;

Eff. February 1, 1976;

Readopted Eff. January 27, 1978;

Amended Eff. January 1, 1983;

Legislative Objection Lodged Eff. January 31, 1983;

Curative Amended Eff. February 28, 1983;

Amended Eff. July 1, 2014; December 1, 1988;

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

Amended Eff. January 1, 2020.

21 NCAC 10 .0206 is amended with changes as published in 34:06 NCR 494-502 as follows:

21 NCAC 10 .0206 CERTIFICATION OF RADIOLOGIC TECHNOLOGISTS

(a) Definition. The Board shall refer to the terms “radiologic technologist,” “x-ray tech,” and “x-ray technician” interchangeably to mean “diagnostic imaging technician,” as identified in G.S. 90-143.2.

(b) Application Procedure. After successful completion of the Certification of Clinical Assistants described in 12 NCAC 10 .0213 and completing the education program described in Paragraph **(b)(c)** of this Rule, a person desiring certification as a radiologic technologist shall pass a competency examination administered by or under the authority of the Board. The applicant shall complete an application form available on the Board's ~~website,~~ www.ncchiroboard.com, website at <https://ncchiroboard.com/x-ray-technician/>, and confirm and submit that the applicant is at least 18 years of age, a high school graduate or the equivalent, and possessed of good moral character. A photocopy of the applicant's birth certificate, driver's license, or government-issued identification card shall constitute prima facie evidence of the applicant's age. A photocopy of the applicant's high school diploma, transcript, or general equivalency diploma (G.E.D.) shall constitute prima facie evidence of the applicant's graduation from high school. An affidavit attesting to good moral character and signed by a chiropractic physician or other responsible party who knows the applicant and is not related to the applicant shall constitute prima facie evidence of the applicant's good moral character.

(b)(c) Approved Education Programs. In order to be approved by the Board, a radiological technologist education program shall be at least 50 hours in length, of which at least six hours shall be in-person didactic training with an instructor or instructors who, based on education and experience, are competent to teach the portion of the curriculum they have been ~~assigned.~~ assigned, and completion of the practical requirement as set forth in Paragraph (d) of this Rule. [outlined on the Board's website at <https://ncchiroboard.com/x ray technician/>] The education program shall provide sufficient instruction in the five subjects set forth in G.S. 90-143.2 to enable its graduates to satisfy all applicable standards of care governing the production of X-rays. To obtain approval of an education program, the program sponsor shall submit to the Board, at least 60 days prior to the proposed starting date, all instructional materials to be used in the program, including a syllabus of the didactic training and a curriculum vitae for each instructor.

(d) Practical Requirement. Upon completion of the training set forth in Paragraph (c) of this Rule, a person desiring certification as a radiological technologist shall undergo a Practical whereby the person is evaluated by his or her program sponsor on the following competencies while viewing x-rays for four different patients:

- (1) Image quality:**
- (2) Marking sides of the body:**
- (3) Technique input to controller:**
- (4) Tube/focal film distance:**
- (5) Bucky/tube alignment:**
- (6) Patient positioning:**
- (7) Gonad shielding:**

(8) Ability to name additional views in the series; and

(9) Collimation.

The person shall submit written documentation of the Practical evaluation on a form prescribed by the Board that is available on the Board's website at <https://ncchiroboard.com/x-ray-technician/>.

(e)(c) A.C.R.R.T. Exemption. Any person registered as "active" with the American Chiropractic Registry of Radiologic Technologists shall be deemed to have satisfied the educational requirements of Paragraph (b)(c) of this Rule.

(d)(f) Competency Examination. The competency examination shall be administered in person at least three times per year. The Board shall publish on its website, ~~www.ncchiroboard.com~~, <https://ncchiroboard.com/master-exam-calendar/>, the date, time, and location of the examination at least 90 days in advance. The Board may authorize additional testing sessions based on the number of applications received. The minimum passing score is 70 percent.

(e)(g) Certificate Expiration and Renewal. A certificate of competency issued pursuant to G.S. 90-143.2 shall expire at the end of the calendar year in which it was issued but may be renewed upon a showing that the certificate holder completed six hours of Board-approved continuing education in radiologic technology during the year. A radiologic technologist whose initial certificate expires less than 12 months after issuance shall not be required to obtain continuing education until the second calendar year of certification but shall be required to pay the renewal fee at the end of the initial year of certification. A radiologic technologist seeking to renew a certificate of competency shall submit evidence that the applicant has completed six hours of Board-approved continuing education. A certificate of attendance or completion issued by the course sponsor and filed with the Board shall constitute prima facie evidence that the applicant has completed the number of hours recited in the certificate. The applicant shall pay a renewal fee in the amount of twenty-five dollars (\$25.00). The renewal fee shall not be paid in cash and may be paid by credit card through the Board's website, ~~www.ncchiroboard.com~~, <https://ncchiroboard.com>, or by a check made payable to the North Carolina Board of Chiropractic Examiners.

(f)(h) Displaying Certificate. The holder of a certificate issued pursuant to this Rule shall display the certificate in the x-ray room of the chiropractic clinic in which the holder is employed in a location where the certificate may be easily viewed by patients.

(g)(i) Compliance. Other than licensed doctors of chiropractic, only those persons maintaining current certifications of competency in conformity with this Rule may produce x-rays or other diagnostic images in chiropractic offices. A chiropractor who permits the production of x-rays or other diagnostic images by a non-certified employee or an employee whose certification has expired shall be deemed in violation of G.S. 90-154.3.

(h)(j) Lapsed Certificates. If a certificate of competency has lapsed due to non-renewal and the lapse does not exceed 60 days, the certificate holder may obtain reinstatement by demonstrating completion of six hours of Board-approved continuing education and paying the renewal fee set forth in Paragraph (e)(g) of this Rule. If the lapse is greater than 60 days, no make-up continuing education shall be required but the certificate holder shall re-take and pass the competency examination described in Paragraph (d)(f) of this Rule. Rule and shall pay the renewal fee set forth in Paragraph (g) of this Rule, and pay the initial certification fee set forth in Paragraph (a) of this Rule. Regardless of the length of lapse, any person seeking reinstatement of a lapsed certificate shall comply with Paragraph (e) of this Rule.

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2 *History Note: Authority G.S. 90-143.2; 90-154.3;*
3 *Eff. February 1, 1993;*
4 *Temporary Amendment Eff. January 1, 2003;*
5 *Temporary Amendment Expired October 31, 2003;*
6 *Amended Eff. April 1, 2018; July 1, 2010; January 1, 2004;*
7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
8 *~~2019.~~ 2019;*
9 *Amended Eff. January 1, 2020.*

21 NCAC 10 .0207 is amended with changes as published in 34:06 NCR 494-502 as follows:

21 NCAC 10 .0207 CONTINUING EDUCATION SEMINARS

(a) Approval of Seminars. Only continuing education seminars approved in advance by the Board shall count towards satisfying the requirements for license renewal. The sponsor and co-sponsors of any proposed seminar shall be responsible for submitting ~~to the Board~~ all the information outlined on the Board deems necessary Board's Course Application to enable the Board to evaluate the seminar in accordance with this Rule. The Board's Course Application can be found on, and must be submitted via, the Board's website at [https://ncchiroboard.com] https://ncchiroboard.com, containing the following information:

- (1) Whether the course's target audience is doctors of chiropractic, certified chiropractic assistants, or x-ray technicians;
- (2) The course title;
- (3) The beginning and end dates on which the course will be offered;
- (4) Whether the course will be offered online or in a physical location;
- (5) If the course is offered in a physical location, the cities and states in which the course will be offered;
- (6) The manner in which the sponsor or co-sponsor will verify the attendance of licentiates;
- (7) The name and contact information of the sponsor and co-sponsor;
- (8) The website at which information on the course offering will be available;
- (9) The number of continuing education credits that the licentiates can obtain by attending the course;
- (10) Whether the course will provide doctors of chiropractic, certified chiropractic assistants, or x-ray technicians with continuing education credit toward eligibility for licensure renewal, certification, or recertification; and
- (11) Whether the course has been approved by the Providers of Approved Continuing Education (PACE) program administered by the Federation of Chiropractic Licensing Boards (FCLB).

~~An application for approval shall be in writing and~~ The Board's Course Application shall be submitted at least 30 days prior to the date of the proposed seminar. Incomplete applications will not be processed.

(b) Duration of Approval. A seminar approval issued by the Board shall expire ~~one year after the date of issuance, at the end of the calendar year for which approved.~~ If the sponsor or co-sponsors of an approved seminar wish to repeat the seminar on a date beyond the approval period, a new application shall be submitted to the Board.

(c) Criteria for Approval. The Board's criteria for approving continuing education seminars is as follows:

- (1) No practice-building or motivational seminars shall be approved;
- (2) No seminar shall be approved that requires attendees, in order to be able to utilize the information presented at the seminar, to purchase equipment or clinical supplies available only through the seminar's instructors, sponsors or co-sponsors;
- (3) Each seminar subject shall fall within the extent and limitation of chiropractic licensure in this State; and

- (4) Each instructor shall submit a curriculum vitae ~~and satisfy the Board~~ demonstrating that he ~~or she~~ is competent to teach the has an educational background in, or professional experience with, the subject or subjects he ~~or she~~ is scheduled to teach.
- (d) Duties of Seminar Sponsor. ~~A proposed seminar having been approved by the Board, its sponsor~~ Sponsors and co-sponsors of any approved continuing education seminar shall:
- (1) Disclose on all brochures and advertising materials the name and address of each sponsor and co-sponsor and whether each sponsor and co-sponsor is a for-profit or not-for-profit entity;
 - (2) Be liable for all expenses incurred in holding the seminar;
 - (3) Give timely notice to the Board of any material changes in the seminar, including date, location, subject matter or instructors; and
 - (4) Provide an agent at the seminar site who shall:
 - (A) Monitor and report the attendance of each person attending the seminar, using a method approved by the Board; in accordance with the method identified in the Course Application submitted for the course;
 - ~~(B)~~ Provide for the safety and comfort of attendees;
 - ~~(C)~~(B) Supervise the agenda and ~~disallow~~ prohibit the presentation of any subject matter not approved by the Board; and
 - ~~(D)~~(C) Complete and submit to the Board a post-seminar review summarizing any problems experienced and any variance between the application for approval and the seminar as actually presented.
- (e) Sanction for Non-Compliance. By applying for seminar approval, each sponsor and co-sponsor agrees to admit to the seminar at no charge a representative of the Board for the purpose of observing compliance with this Rule. If the Board determines that a sponsor or co-sponsor has ~~willfully or negligently~~ falsified the application for approval, ~~or~~ has failed to keep ~~attendance accurately~~ attendance, has allowed the seminar as actually presented to vary materially from the agenda as set forth in the application, or has ~~willfully~~ failed to adhere to any other provision of this Rule, the ~~Board, in its discretion, may~~ Board shall refuse to approve future seminar applications from the offending sponsor or co-sponsor or from any principal who is a partner or shareholder in the offending sponsor or co-sponsor.
- (f) PACE Approved State. ~~[The Board accepts all]~~ All doctor of chiropractic courses that have been approved by the Providers of Approved Continuing Education (PACE) program administered by the Federation of Chiropractic Licensing Boards ~~[(FCLB);]~~ (FCLB) shall be deemed to have complied with this Rule.

History Note: Authority G.S. 90-142; 90-155;

Eff. January 1, 2004;

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

Amended Eff. January 1, 2020.

21 NCAC 10 .0213 is amended with changes as published in 34:06 NCR 494-502 as follows:

21 NCAC 10 .0213 CERTIFICATION OF CLINICAL ASSISTANTS

(a) Classification of Applicants. Applicants for clinical assistant competency certification shall be classified as follows: ~~follows. Different certification requirements shall apply to each category.~~

(1) Reciprocity applicants. A "reciprocity applicant" means an applicant who is currently certified or registered as a clinical assistant in another state whose requirements for certification or registration are substantially similar to or more stringent than the requirements for certification in North Carolina.

(2) New applicants. A "new applicant" means any applicant who is not a reciprocity applicant.

(b) Requirements for Certification. Every applicant, regardless of classification, shall complete an application form available on the Board's website (~~www.ncchiroboard.com~~) at <https://ncchiroboard.com> and requiring the applicant to confirm and submit documentary evidence satisfactory to the Board that the applicant is at least 18 years of age, a high school graduate or the equivalent, and possessed of good moral character. A photocopy of the applicant's birth certificate, driver's license, or government-issued identification card shall constitute prima facie evidence of the applicant's age. A photocopy of the applicant's high school diploma, transcript, or general equivalency diploma (G.E.D.) shall constitute prima facie evidence of the applicant's graduation from high school. An affidavit attesting to good moral character and signed by a chiropractic physician or other responsible party who knows the applicant and is not related to the applicant shall constitute prima facie evidence of the applicant's good moral character. Every applicant, regardless of classification, shall pay to the Board an initial certification fee in the amount of twenty dollars (\$20.00). The initial certification fee shall not be paid in cash and may be paid by credit card through the Board's ~~website, www.ncchiroboard.com,~~ website at <https://ncchiroboard.com> or by a check made payable to the North Carolina Board of Chiropractic Examiners. In addition to the general certification requirements, an applicant shall satisfy the requirements for the appropriate category of certification, as follows:

(1) Reciprocity Applicants. A reciprocity applicant shall submit a copy of the applicant's current certification or registration as a clinical assistant in a state with which North Carolina reciprocates and shall also submit written confirmation from the state's certifying authority or registrar that the applicant is in good standing in that state.

(2) New Applicants. A new applicant shall submit evidence that the applicant has completed an approved clinical assistant education program as described in Paragraph (c) of this Rule. A certificate of completion filed with the Board by the program sponsor shall constitute prima facie evidence that the applicant has obtained the required education. A new applicant shall also take and pass the standard proficiency examination administered by or under the authority of the Board, as described in Paragraph (d) of this Rule.

(c) Education Programs. In order to be approved by the Board, a clinical assistant education program for new applicants shall be at least 24 hours in length, of which at least six hours shall be in-person didactic training with an instructor or instructors who, based on education and experience, are competent to teach the portion of the curriculum

1 they have been assigned. Credit for online coursework shall not exceed 18 hours, and all online coursework shall
2 precede didactic training. The education program shall provide sufficient instruction in the five subjects set forth in
3 G.S. 90-143.4(c) to enable its graduates to satisfy all applicable standards of care. To obtain approval of an education
4 program, the program sponsor shall submit to the Board, at least 60 days prior to the proposed starting date, all
5 instructional materials to be used in the program, including a syllabus of the didactic training, and a curriculum vitae
6 for each instructor.

7 (d) Examinations. The proficiency examination for new applicants shall assess both academic knowledge and
8 practical skills acquired through education programs and shall be administered in person at least four times per year
9 on dates and at locations to be announced by the Board at least 90 days in advance and published on the Board's
10 ~~website, www.ncchiroboard.com~~ website at <https://ncchiroboard.com>. In its discretion, the Board may authorize
11 additional testing sessions based on the number of applications received. The minimum passing score on the
12 examination is 75 percent.

13 (e) Certificate Expiration and Renewal. Unless renewed, a certificate of competency shall expire on June 30th of the
14 third year following the year in which it was issued. A certificate holder seeking to renew shall submit evidence that
15 the applicant has completed six hours of Board-approved continuing education. A certificate of attendance or
16 completion issued by the course sponsor and filed with the Board shall constitute prima facie evidence that the
17 applicant has completed the number of hours recited in the certificate. The applicant shall pay to the Board a renewal
18 fee in the amount of twenty-five dollars (\$25.00). The renewal fee shall not be paid in cash and may be paid by credit
19 card through the Board's ~~website, www.ncchiroboard.com~~ website at <https://ncchiroboard.com> or by a check made
20 payable to the North Carolina Board of Chiropractic Examiners.

21 (f) Lapsed Certificates. If a certificate of competency has lapsed due to non-renewal and the lapse does not exceed 60
22 days, the certificate holder may obtain reinstatement by making up the accrued deficiency in continuing education. If
23 the lapse is greater than 60 days, no make-up continuing education shall be required, but the certificate holder shall
24 re-take and pass the proficiency examination for new applicants. Regardless of the length of lapse, a certificate holder
25 seeking reinstatement shall pay the renewal fee set forth in Paragraph (e) of this Rule.

26 (g) Exemptions. Graduates of accredited chiropractic colleges and students enrolled in accredited chiropractic colleges
27 who are serving college-sponsored preceptorships in North Carolina are deemed by the Board to have satisfied all
28 requirements imposed by this Rule and shall be deemed competent to perform the duties of a clinical assistant. Any
29 person who qualifies for exemption and who works as a clinical assistant in this state for more than 180 days shall
30 submit the application form described in Paragraph (b) of this Rule and note the claim of exempt status. Exempt
31 persons shall not be required to pay a certification fee.

32 (h) Displaying Certificate. The holder of a certificate issued pursuant to this Rule shall display the certificate in the
33 chiropractic clinic in which the holder is employed in a location where the certificate may be [easily] viewed by
34 patients.

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36 *History Note: Authority G.S. 90-142; 90-143.4;*
37 *Eff. July 1, 2014;*

1 *Amended Eff. April 1, 2018;*
2 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
3 *2019-2019;*
4 *Amended Eff. January 1, 2020.*

21 NCAC 10 .0215 is adopted with changes as published in 34:06 NCR 494-502 as follows:

21 NCAC 10 .0215 PETITION FOR PREDETERMINATION

(a) General. Pursuant to G.S. 93B-8.1(b6), any person with a criminal history may petition the Board at any time for a predetermination of whether the individual's criminal history will likely disqualify the individual from obtaining a license, in accordance with this Rule. The Petition [forms and instructions] form may be found on the Board's website at <https://ncchiroboard.com>.

(b) Petition Procedure. To petition the Board under this Rule, a person must submit to the Board's office a petition for predetermination that contains all of the following information:

- (1) The person's [full] name;
- (2) The last four digits of the person's social security number;
- (3) The person's current residential address;
- (4) The person's current mailing address;
- (5) A [complete and accurate] nationwide criminal history record report from the criminal records reporting service currently under contract with the Board;
- (6) For each crime identified in the criminal history record report, the following information:
 - ~~(i)~~ (A) Whether the crime was a felony or misdemeanor;
 - ~~(ii)~~ (B) The date that the crime occurred;
 - ~~(iii)~~ (C) The date the person was convicted of, or plead guilty or nolo contendere to, the crime;
 - ~~(iv)~~ (D) The age of the person at the time of the crime;
 - ~~(v)~~ (E) The circumstances surrounding the commission of the crime;
 - ~~(vi)~~ (F) The sentence imposed for the crime;
 - ~~(vii)~~ (G) The period of time during which the person was incarcerated for the crime;
 - ~~(viii)~~ (H) The period of time during which the person was on probation or parole for the crime;
 - ~~(ix)~~ (I) Any documentation related to the person's rehabilitation or employment since the date of the crime;
 - ~~(x)~~ (J) Whether the person has undergone any rehabilitative drug or alcohol treatment since the date of the crime;
 - ~~(xi)~~ (K) Whether a Certificate of Relief has been granted regarding the crime, pursuant to G.S. 15A 173.2; and
 - ~~(xii)~~ (L) Any affidavits or other written documents, including character references, for the person.
- (7) An affirmation under oath that the person has read the Instructions for Submitting a Petition for Predetermination and the statutes and rules governing the practice of chiropractic and that the information contained in the petition is true and accurate.

Incomplete petitions [will] shall not be considered by the Board. If incomplete petitions received by the Board are not made complete within 30 days of receipt, the incomplete petitions will be returned to the person from whom the request was made.

1 (c) Petition Fee. A non-refundable petition fee of forty-five dollars (\$45.00) shall accompany each petition. This fee
2 may be paid by credit card through the Board's website at <https://ncchiroboard.com> or by check made payable to the
3 North Carolina Board of Chiropractic Examiners. Cash shall not be accepted.

4 (d) Delegation of Authority for Predetermination. The Board delegates authority for rendering predeterminations
5 under this Rule to the Chiropractic Review Committee.

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7 *History Note: Authority G.S. 90-142; 90-143.3; 90-154; 93B-8.1;*

8 *Adopted Eff. January 1, 2020.*

21 NCAC 10 .0302 is amended with changes as published in 34:06 NCR 494-502 as follows:

21 NCAC 10 .0302 ADVERTISING AND PUBLICITY

~~(a) General. Doctors of Chiropractic shall exercise restraint in matters of advertising and publicity so as to maintain the dignity of chiropractic as a recognized profession.~~

~~(b)(a) Methods of Professional Identification. The terms by which a licentiate may identify himself professionally are listed in G.S. 90-154.2(4). Terms which do not indicate that the licentiate is a chiropractor, such as "drugless physician" or "naturopath", shall not be used.~~ Methods of professional identification may 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.

~~(e)(b) Prohibited Advertising. The Board of Examiners deems the following to be~~ shall constitute false or misleading advertising in violation of G.S. 90-154(b)(1):

- (1) Advertising ~~which that~~ purports to guarantee a beneficial result from chiropractic treatment.
- (2) Advertising ~~which that~~ promotes a treatment, ~~therapy~~ therapy, or service ~~which the Board of Examiners has found to be that constitutes unacceptable care.~~ care or [outside] the scope of [practice.] 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~~ .0304, and any reference to the specialty is immediately preceded by the term "chiropractic." Illustrations: "pediatrics" standing alone is deemed false or misleading; "chiropractic pediatrics" conforms to this Rule. "Neurologist" standing alone is deemed false or misleading; "chiropractic neurologist" conforms to this Rule. 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 ~~[which] 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;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. January 1, 1983; May 8, 1979;
Legislative Objection Lodged Eff. January 31, 1983;*

1 *Curative Amended Eff. February 28, 1983;*
2 *Curative Amended Eff. March 2, 1983;*
3 *Amended Eff. November 1, 2007; December 1, 1988;*
4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
5 *~~2019.~~ 2019.*
6 *Amended Eff. January 1, 2020.*

21 NCAC 10 .0401 is amended with changes as published in 34:06 NCR 494-502 as follows:

SECTION .0400 - RULE-MAKING PROCEDURES

21 NCAC 10 .0401 PETITIONS FOR ADOPTION OF RULES

(a) ~~General. The procedure for petitioning the Board of Examiners to adopt, amend or appeal a rule is governed by G.S. 150B-16.~~

(b) ~~Submission. Rule-making petitions shall be sent to the secretary president of the Board. No special form is required, but the petitioner Board and shall state the petitioner's his name and address. address, and shall contain the information required in G.S. 150B-20(a). There are no minimum mandatory contents of a petition, but the Board considers the following information to be pertinent: The petitioner also may submit the following additional information:~~

- (1) ~~_____~~ a draft of the proposed rule;
- (2)(1) the reason for its proposal;
- (3) ~~_____~~ the effect of the proposed rule on existing rules or decisions;
- (4)(2) data supporting the proposed rule;
- (5)(3) practices likely to be affected by the proposed rule;
- (6)(4) persons likely to be affected by the proposed rule.

(c) ~~Disposition. The secretary [president] shall review the petition and develop a recommendation as to whether the petitioner's proposed rule should be rejected or implemented. The secretary [president] shall present the petition and his recommendation to the Board at its next regular meeting following receipt of the petition, and the Board shall render its decision to either deny the petition or initiate rule making. The Board shall notify the petitioner of its decision in writing within the 120 day period set by G.S. 150B-16-150B-20.~~

History Note: Authority G.S. 90-142; ~~150B-16;~~ 150B-20;

Eff. February 1, 1976;

Readopted Eff. January 27, 1978;

Amended Eff. December 1, 1988;

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

Amended Eff. January 1, 2020.

21 NCAC 10 .0403 is amended with changes as published in 34:06 NCR 494-502 as follows:

21 NCAC 10 .0403 ~~PROCEDURE FOR ADOPTION OF RULES~~ ORAL PRESENTATIONS AT
PUBLIC RULE-MAKING HEARINGS

~~(a) General. The procedure for the adoption, amendment or repeal of a rule is governed by G.S. 150B-12.~~

~~(b) Notice of Rule Making. In addition to the mandatory publication of notice in the North Carolina Register, the Board, in its discretion, may also publish notice through its newsletter to licentiates [on the Board's website at <https://ncchiroboard.com>], or by separate mailing. Any person who wishes to receive individual notice shall file a written request with the secretary and shall be responsible for the cost of mailing said notice. [Board office.]~~

~~(c) Oral Presentations at Public Hearing. Any public rule-making hearing required by Article 2A of Chapter 150 of the North Carolina General Statutes G.S. 150B-12 shall be conducted by the President of the Board or by any person he or she may delegate. The presiding officer shall have complete control of the hearing and shall conduct the hearing so as to provide a reasonable opportunity for any interested person to present views, data and comments. Oral presentations shall not exceed 15 minutes.~~

~~(1) Oral presentations shall not exceed 15 minutes unless the presiding officer, in his [or her] discretion, prescribes a greater time limit.~~

~~(2) Written presentations shall be acknowledged by the presiding officer and shall be given the same consideration as oral presentations.~~

History Note: Authority G.S. 90-142; 150B-21.1A; 150B-21.2; 150B-12;

Eff. February 1, 1976;

Readopted Eff. January 27, 1978;

Amended Eff. December 1, 1988;

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

Amended Eff. January 1, 2020.

21 NCAC 10 .0406 is amended with changes as published in 34:06 NCR 494-502 as follows:

21 NCAC 10 .0406 DECLARATORY RULINGS

(a) General. The issuance of declaratory rulings by the Board of Examiners is governed by G.S. 150B-17. The Board shall respond to requests for declaratory rulings in accordance with G.S. 150B-4.

(b) Request for Declaratory Ruling: Contents. A request for a declaratory ruling shall be in writing and addressed to the ~~secretary~~, president. The request shall contain the following information:

- (1) The name and address of the person making the request;
- (2) The statute or rule to which the request relates;
- (3) A ~~concise~~ statement of the manner in which the person has been aggrieved by the statute or rule;
and
- (4) A statement as to whether a hearing is desired, and if desired, the reason therefor.

(c) Refusal to Issue Ruling. The Board shall ordinarily refuse to issue a declaratory ruling under the following circumstances:

- (1) When the Board has already made a controlling decision on substantially similar facts in a contested case;
- (2) When the facts underlying the request for a ruling were specifically considered at the time of the adoption of the rule in question; or
- (3) When the subject matter of the request is involved in pending litigation in North Carolina.

*History Note: Authority ~~150B-17~~; G.S. 150B-4;
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. January 1, 1983;
Legislative Objection Lodged Eff. January 31, 1983;
Curative Amended Eff. February 28, 1983;
Amended Eff. December 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019. 2019;
Amended Eff. January 1, 2020.*

21 NCAC 10 .0501 is amended with changes as published in 34:06 NCR 494-502 as follows:

SECTION .0500 - INVESTIGATION OF COMPLAINTS

21 NCAC 10 .0501 FILING COMPLAINTS

~~(a) General.~~ Any person who has reason to believe that a Doctor of Chiropractic has violated the laws governing chiropractic may file a complaint with the ~~Board of Examiners.~~ Board. Directions on filing a complaint and the complaint form can be found on the Board's website at <https://ncchiroboard.com/complaint-filing-process>. Complaints should ~~shall~~ be filed ~~[directly]~~ with the secretary of the Board of Examiners. ~~[office.]~~ Anyone wishing to file a complaint shall file a form with the Board office that contains the following information:

(1) the complainant's name and contact information;

(2) the name and contact information of the person about which the complainant wishes to file the complaint;

(3) a narrative of the facts about which the complainant wishes to complain; and

(4) the complainant's signature and the date on which the complaint is made.

The complaint form can be found on the Board's website at <https://ncchiroboard.com/complaint-filing-process>.

~~(b) Form of Complaint.~~ ~~Complaints may be formal or informal, but must be in writing:~~

~~(1) Informal Complaints. Any written communication, construed most favorably to the complainant, which appears to allege a violation of the laws governing chiropractic shall be considered an informal complaint.~~

~~(2) Formal Complaint. A formal complaint shall be executed in writing under oath upon a form provided by the secretary. It shall specify the statute or rule allegedly violated and shall contain a short statement of the acts or omissions constituting the alleged violation including the dates of said acts or omissions.~~

~~(c) Secretary's Response to Complaints. The secretary shall review any complaint to determine whether a major or minor violation has been alleged. If the secretary determines that the alleged violation is minor, he shall attempt to resolve the complaint by informal communication with the complainant and the chiropractor complained of. If the secretary determines that the alleged violation is major, he shall assist the complainant in filing a formal complaint.~~

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

Eff. February 1, 1976;

Readopted Eff. January 27, 1978;

Amended Eff. December 1, 1988; January 1, 1983; December 20, 1979;

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

Amended Eff. January 1, 2020.

21 NCAC 10 .0503 is amended with changes as published in 34:06 NCR 494-502 as follows:

21 NCAC 10 .0503 DETERMINATION OF PROBABLE CAUSE

(a) General. ~~Formal complaints~~ Complaints deemed likely to have occurred, based on the findings of the Investigative Report, shall be ~~investigated by~~ referred to the Chiropractic Review Committee. The committee shall hold a hearing to determine whether there is probable cause to believe a violation of the laws governing Chiropractic has occurred.

(b) Composition of Chiropractic Review Committee. The committee shall be composed of:

(1) the secretary of the Board of Examiners. If the secretary is unable to attend a ~~particular~~ specific probable cause hearing, he or she may designate another physician member of the Board to serve and assume his or her duties at said hearing;

~~(2) the attorney for the Board of Examiners; and~~

~~(3)~~(2) an alternate Board member. "Alternate Board member" means:

(A) a former Board member selected by the secretary; ~~or~~

(B) a current Board member selected by the secretary; or

~~(B)(C)~~ a licensee selected by the secretary from among those who, at any election held pursuant to Rule .0103(c) of this Chapter, have been elected nominees for Board membership but not appointed to the Board.

(c) Notice of hearing. The secretary shall provide notice of the probable cause hearing in accordance with G.S. 150B-38(b).

(d) Conduct of Probable Cause Hearing. The ~~probable cause hearing shall be informal, and the secretary~~ secretary, or designee per Subparagraph (b)(1) [above,] of this Rule, shall ~~preside.~~ preside over the probable cause hearing. The Chiropractic Review Committee may consider evidence at the probable cause hearing that would not be admissible if offered at the hearing in a contested case.

(e) Action by the Chiropractic Review Committee. After examining the evidence presented at the probable cause hearing, the Chiropractic Review Committee ~~may~~ shall dispose of each charge in ~~the formal~~ a complaint as follows:

(1) If no probable cause exists to believe that a violation of G.S. 90-154 has occurred, the charge ~~may~~ shall be dismissed;

(2) If probable cause exists to believe that a violation of G.S. 90-154 has occurred, and if the Committee and licensee at issue fail to resolve the matter through settlement, the case [will] shall be considered a "contested case" and set for hearing before either the Board, or an Administrative Law Judge at the NC Office of Administrative Hearings, in accordance with G.S. 150B-40. [at the discretion of the Board.]

~~(2) If the respondent admits the charge, he may be directed to cease and desist from commission of those acts which violate the provisions of G.S. 90-154; or~~

~~(3) If a charge is denied and probable cause is found, or if a charge, while admitted, is of such gravity as to make the imposition of punitive sanctions appropriate, the complaint shall be presented to the Board of Examiners for its decision on the merits.~~

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History Note: Authority G.S. 90-141; 90-143; 90-154;
Eff. December 1, 1988;
Amended Eff. October 1, 2016;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,
~~2019.~~ 2019.
Amended Eff. January 1, 2020.

21 NCAC 10 .0706 is readopted with changes as published in 34:06 NCR 494-502 as follows:

21 NCAC 10 .0706 CONDUCT OF BOARD HEARING

(a) General. Hearings in contested cases shall be conducted by a majority of the Board, unless a majority of the Board votes to designate an administrative law judge to preside at the hearing in the Office of Administrative Hearings
[instead.] The president shall serve as presiding officer at Board Hearings unless he or she is absent or disqualified, in which case the vice-president shall preside. Board Hearings shall be conducted as prescribed by G.S. 150B-40.

(b) Disqualification. An affidavit seeking disqualification of any Board member, if filed in good faith and in a timely manner, ~~will~~ shall be ruled on by the remaining members of the Board. An affidavit is considered timely if it is filed:

(1) Prior to the hearing; or

(2) As soon after the commencement of the hearing as the affiant becomes aware of facts ~~which~~ that give rise to his ~~or her~~ belief that a Board member should be disqualified.

(c) Evidence. The admission of evidence in a Board Hearing on a contested case shall be as prescribed in G.S. 150B-41.

History Note: Authority G.S. 150B-40; 150B-41;

Eff. February 1, 1976;

Readopted Eff. January 27, 1978;

Amended Eff. January 1, 1989;

Expired Eff. May 1, 2019 pursuant to G.S. ~~150B-21.3A.~~ 150B-21.3.A;

Readopted Eff. January 1, 2020.

21 NCAC 10 .0708 is adopted with changes as published in 34:06 NCR 494-502 as follows:

21 NCAC 10 .0708 CONTINUANCES FOR BOARD HEARINGS

(a) Consistent with G.S. 150B-40(b), all motions for continuance shall be addressed to the secretary, or the designated presiding officer of the contested case hearing. All motions for continuance shall be in writing and received in the office of the Board no less than seven calendar days before the hearing date.

(b) Motions for a continuance of a hearing may be granted upon a showing of [compelling] good cause. In determining whether good cause exists, the presiding officer shall consider the ability of the party requesting a continuance to proceed without a continuance. [Under no circumstances is the Board required to grant continuances.]

~~[(c) Motions for a continuance shall be in writing and shall be received in the office of the Board no less than seven calendar days before the hearing date.]~~

~~[(d) In determining whether good cause exists, the presiding officer may consider the ability of the party requesting a continuance to proceed effectively without a continuance.]~~

~~[(e)](c) [Usually, a] A~~ A motion for a continuance filed less than seven calendar days from the date of the hearing shall be denied if a continuance has been previously granted unless the reason for the motion could not have been ascertained earlier.

~~[(f) Motions for continuance filed on the date of the hearing shall be granted to a party only under compelling circumstances, especially if a continuance has been previously requested.]~~

History Note: Authority G.S. 90-156; 150B-38(h);

Adopted Eff. January 1, 2020.

21 NCAC 10 .0709 is adopted with changes as published in 34:06 NCR 494-502 as follows:

21 NCAC 10 .0709 SUBPOENAS

(a) Requests for subpoenas for the attendance and testimony of witnesses or for the production of documents, either at a Board Hearing or for the purposes of discovery, shall:

- (1) be made in writing to the Board;
- (2) identify any document sought;
- (3) include the full name and home or business address of all persons to be subpoenaed; and
- (4) if known, the date, time, and place for responding to the subpoena.

The Board shall issue the requested subpoenas within three days of receipt of the request.

(b) Subpoenas shall contain the following:

- (1) the caption of the case;
- (2) the name and address of the person subpoenaed;
- (3) the date, hour, and location of the hearing in which the witness is commanded to appear;
- (4) a particularized description of the books, papers, records, or objects the witness is directed to bring with him to the hearing, if any;
- (5) the identity of the party on whose application the subpoena was issued;
- (6) the date of issue;
- (7) the signature of the presiding officer or his designee; and
- (8) a "return of service." The "return of service" form as filled out, shall show:
 - (A) the name and capacity of the person serving the subpoena;
 - (B) the date on which the subpoena was delivered to the person directed to make service;
 - (C) the date on which service was made;
 - (D) the person on whom service was made;
 - (E) the manner in which service was made; and
 - (F) the signature of the person making service.

(c) Subpoenas shall be served in a manner set forth in Rule 45 of the N.C. Rules of Civil Procedure.

(d) Any person receiving a subpoena from the Board may object thereto by filing a written objection to the subpoena with the Board's office. Written objections shall comply with Rule 45 of the N.C. Rules of Civil Procedure.

(e) The party who requested the subpoena may file a written response to the objection. The written response shall be served by the requesting party on the objecting witness with the filing of the response with the Board.

(f) After receipt of the objection and response thereto, if any, the Board shall issue a notice of a Hearing on the motion to the party who requested the subpoena and the party challenging the subpoena to be scheduled as soon as practicable, at which time evidence and testimony may be presented, limited to the narrow questions raised by the objection and response.

(g) ~~Promptly after~~ After the close of such Board Hearing, a majority of the Board members ~~with voting authority~~ hearing the contested case shall ~~will~~ rule on the challenge and issue a written decision. A copy of the decision will be issued to all parties and made a part of the record.

History Note: Authority G.S. 150B-38; 150B-39; 150B-40;

Adopted Eff. January 1, 2020.