

1 21 NCAC 10 .0106, published in NCR vol. 30:04 at 461, is adopted with changes to read as follows:

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3 **21 NCAC 10 .0106 CONFLICTS OF INTEREST**

4 (a) Private Trade Associations. During his or her term of service on the Board of Examiners, a member of
5 the Board shall not serve as an officer, director, district ~~president~~ president, or committee chair of any
6 private trade association ~~that exists primarily to advance, promote and protect~~ whose core mission includes
7 advancing, promoting, and protecting the commercial and political interests of the chiropractic profession
8 in this State. Such private trade associations include the North Carolina Chiropractic Association.

9 (b) Membership Allowed. Paragraph (a) of this ~~rule~~ Rule shall not prohibit a member of the Board from
10 becoming or continuing to be an ordinary member of a private trade association and exercising the rights
11 and privileges of membership while simultaneously serving on the Board.

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

14 Eff. February 1, 2016.

1 21 NCAC 10 .0208, published in NCR vol. 30:04 at 461, is amended with changes to read as follows:

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3 **21 NCAC 10 .0208 ACUPUNCTURE**

4 **(a)** Until July 1, ~~2008~~, 2019, in order to perform acupuncture, a licentiate or applicant for licensure ~~must~~
5 shall first certify to the Board that he or she has completed ~~a minimum of~~ 200 hours' coursework in
6 acupuncture-meridian therapy, including sterile needle technique, theory of ~~acupuncture~~ acupuncture, and
7 differential diagnosis of clinical indications. This coursework ~~must~~ shall be offered by a college accredited
8 pursuant to G.S. 90-143(b) as either part of the curriculum leading to the Doctor of Chiropractic degree or
9 at the post-graduate ~~level~~, level, ~~and by a college accredited pursuant to G.S. 90-143(b)~~.

10 **(b)** Beginning July 1, ~~2008~~, 2019, in order to perform acupuncture, a licentiate or applicant for licensure
11 ~~must~~ shall first certify to the Board that he or she has completed ~~a minimum of 200~~ 300 hours of the ~~above-~~
12 ~~described coursework;~~ coursework set forth in Paragraph (a) of this Rule. ~~provided, that this~~ This
13 requirement of ~~200~~ 300 hours' coursework shall apply only to a licentiate or applicant for licensure whose
14 initial certification date falls on or after July 1, ~~2008~~, 2019. Any licentiate certified prior to July 1, ~~2008~~
15 2019 may continue to perform acupuncture without obtaining additional education.

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17 *History Note: Authority G.S. 90-142; 90-143; 90-151;*
18 *Eff. February 1, 2004;*
19 *Amended Eff. February 1, 2016; July 1, 2006.*

1 Rule 21 NCAC 10 .0214, published in NCR vol. 30:04 at 461, is adopted with changes to read as follows:

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3 **21 NCAC 10 .0214 RANDOM OFFICE INSPECTIONS**

4 (a) Random Inspections Authorized. The Board shall conduct periodic inspections of chiropractic offices
5 for the purpose of assessing compliance with ~~the chiropractic practice act~~ G.S. 90, Article 8 and the ~~rule~~
6 Rules of the Board. Inspections shall be conducted as follows:

7 (1) Physicians shall be selected for office inspection randomly and not based on any
8 suspicion of wrongdoing.

9 (2) The Board shall provide at least ~~thirty~~ 30 days' advance written notice to a physician
10 whose office is to be inspected. Notice shall include a copy of the checklist to be used by
11 the inspector.

12 (3) Pursuant to G.S. 93B-8.2, The the inspector shall not ~~be a competitor practice~~
13 chiropractic in the same geographic market as of the physician whose office is to be
14 inspected.

15 (4) The inspector shall use a ~~published,~~ standardized checklist provided by the Board to
16 assess whether the physician's office complies with statutory standards governing
17 cleanliness and sanitation, condition of equipment, patient records, readability of X-rays,
18 signage, and display of licenses and certificates. The inspector and shall record a grade of
19 "Pass" or "Fail" for each item on the ~~checklist. The inspector checklist, shall~~ leave a copy
20 of the graded checklist with the ~~physician~~ physician, and file the original with the
21 Secretary of the Board.

22 (5) The inspector shall examine individual patient records only ~~for the purpose of evaluating~~
23 ~~formatting, legibility,~~ to assess legibility and completeness. For purposes of this Rule, a
24 "complete" patient record includes a medical history, examination findings, diagnosis,
25 and notes for each office visit. The inspector shall not draw any conclusions as to the
26 quality of care or reasonableness of charges based on his or her examination of patient
27 records.

28 (6) If the inspector issues a failing grade on any checklist item, the physician shall have ~~thirty~~
29 ~~days to correct the problem and request re-inspection.~~ 15 days from the date of inspection
30 to submit to the Board staff a plan for making corrections. Thereafter, the physician shall
31 have an additional 30 days to submit proof that corrections have been made.

32 (b) Appeal of Failing Grade. A physician whose office receives a failing grade on any checklist item may
33 appeal to the Secretary of the Board. The Secretary shall ~~have the authority to reverse the failing grade for~~
34 ~~good cause shown, or grant additional time within which to correct the problem.~~ review the inspector's
35 findings and reverse any failing grade that, in the Secretary's professional judgment, was improvidently
36 issued. If the Secretary concludes that a failing grade was deserved, the Secretary shall have authority to
37 grant additional time to make corrections upon the physician's showing that corrections cannot be

1 completed within the time provided under Paragraph (a)(6) of this Rule. ~~If the physician negligently or~~
2 ~~willfully fails to correct a problem after exhausting his or her appeal to the Secretary, the physician shall be~~
3 ~~subject to disciplinary action by the Board. No physician shall be subject to disciplinary action by the~~
4 ~~Board as the result of a random office inspection unless the physician willfully or through inaction fails to~~
5 ~~correct a deficiency cited by the inspector and affirmed by the Secretary.~~

6 (c) ~~Exemption.~~ Exemptions. A physician whose office has been inspected pursuant to this Rule shall not be
7 subject to further random office inspections for a period of three years following the inspection. In addition,
8 the following categories of licensee shall not be subject to this Rule:

9 (1) Physicians who do not treat any patients. This category includes chiropractic radiologists
10 who only interpret X-rays supplied by other physicians, professional reviewers who only
11 scrutinize treatment records supplied by other physicians, and instructors who only teach;

12 (2) Physicians who practice only in hospitals;

13 (3) Physicians who practice only in jurisdictions outside North Carolina; and

14 (4) Physicians whose practices are exclusively *locum tenens*.

15 (d) Inspections for Cause. This ~~rule~~ Rule shall not apply to office inspections ordered by the Secretary of
16 the Board for cause as part of the investigation and prosecution of suspected disciplinary violations.

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18 *Authority G.S. 90-142; 90-154; 90-154.2; 90-154.3;*

19 *Effective February 1, 2016*