

Presentation to The Legislative Management's
Administrative Rules Committee
December 7, 2015

Chairman Devlin and Members of the Administrative Rules Committee,

My name is Dr. Joel Weiss and I am the current president of the North Dakota Board of Chiropractic Examiners. It is my privilege to appear before this committee today to describe the procedure followed by the North Dakota Board of Chiropractic Examiners in adopting the rules to be published in the January 2016 supplement to the North Dakota Administrative Code (NDAC). We have received the 11 questions from the committee and answered them with the help of Assistant Attorney General Edward Erickson in the letter mailed to Committee Chairman Representative Bill Devlin on November 25, 2015.

At this time in this presentation I will review the changes we have proposed to Chiropractic Rules and Regulations found in Title 17 of the North Dakota Administrative Code. The Chiropractic Board thanks the Legislative Council staff for preparing the copy of Title 17 with the proposed changes. It can be found starting on page 53 of the materials provided to the Committee by the Council.

The first change occurs on page 55 where the name of our past executive director has been removed from 17-01-01-01(6) and now applies to whomever is the current executive director. In 17-02-01-01.2(3)a on page 56 we add or equivalent to our definition of the "National Board" in recognition of the fact that there are now examining agencies in other countries equivalent to our National Board the serve the same purpose. This or equivalent addition is found near the top of page 57 and 65 for similar reasons. A new definition is added at 17-02-01-01.2(3)c on page 56 as a recently created "Ethics and Boundaries examination" is now available. Wording concerning the jurisprudence examination is changed in 17-02-01-02.1(5) on page 56 and 17-02-01-13(3) on page 57 to assure that those applying for licensure have a proper understanding of the Statues as well as the Rules and Regulations pertaining to chiropractic.

On page 59 a mandatory requirement to report vulnerable adult abuse was added to the existing requirement to report child abuse at 17-02-03-04. In 17-03-01-01(3) on page 60 the term the chiropractic standard of care for was added when discussing the professional responsibility to maintain a patient record. On page 62 the ethical standards for telemarketing were broadened to apply to all marketing at 17-03-01-02. In 17-03-01-04 on page 62 the Code of Ethics adopted by the Board was changed to a more recent 2007 edition.

The most significant change to Title 17 of the Administrative Code concerns prepaid care plans which is addressed in a new section, 17-03-01-05 on pages 62 to 64. As was explained in the November 25, 2015 letter to Chairman Devlin many chiropractors have expressed interest in offering a prepaid care plan, but chiropractors are also concerned about the potential for patients to be abused by unscrupulous or poorly defined prepaid care plans. The Board studied regulations from different states, such as Minnesota and Massachusetts, on this topic, and we believe that the regulations being proposed will protect patients from overreaching while

allowing chiropractors to offer prepaid plans as a convenience to their patients. Key provisions include the requirement that unearned funds must be deposited in an escrow account to assure that they are available for refund; that there must be a written plan with a copy provided to the patient; and that the patient has the right to terminate the plan and receive any unused funds without penalty.

The last of the changes concerns modifying the wording of the Peer Review section on page 66 in 17-03-02-02 to indicate that the Peer Review Committee shall investigate any complaint concerning a chiropractor that may have violated any standard of practice to allow for investigation wherever it may be needed.

At this time I would like to thank the committee for the opportunity to make this presentation and I will now entertain any questions from this committee related to the changes we have proposed to the North Dakota Administrative Code.