

INFORMATION HOTLINE

EDUCATION CYCLE ENDS 12/31/11

**SOUTH DAKOTA BOARD OF CHIROPRACTIC
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**DC's.....40 hours are needed by
12/31/11 to renew your 2012 li-
cense.**

**MANDATED HOURS FOR
2010/2011 EDUCATION CYCLE
INCLUDE THE FOLLOWING:**

- 2 hours in ethics/fraud
- CPR certification by 12/31/11 – this requirement will be ongoing so you will need to maintain CPR certification as long as you are a licensed DC in SD
- 8 hours of acupuncture education if certified to perform acupuncture

If you need to complete hours via online courses, please refer to the BOE website at <http://chiropractic.sd.gov> and click on approved continuing education courses for a listing of hours that have been approved.

Two hours of ethics/fraud will be offered at the 2011 SDCA Fall Conference as well as the Black Hills Chiropractic Society Conference

If you need to complete the 2 hours of ethics/fraud online, the following course has been approved: www.dconline.cc click on South Dakota Ethics in Chiropractic Practice. Others may be available, please confirm with board office prior to taking the course.

Upon CPR certification or re-certification, please send a copy of your card to the board office for 2 hours of credit. CPR certification can be basic, child/adult, healthcare, or AED combination course. Online CPR is not accepted unless it is a blended course which offers the written portion on line with the skills portion then evaluated and approved in person by a registered or certified CPR Instructor.

If you have questions regarding your hours, please contact Marcia Walter at the board office preferably via email if possible. (sdbce@iw.net)

BUILDING GREAT REGULATORS

The Federation of Chiropractic Licensing Boards hosted its 85th Annual Educational Congress recently in Marco Island, Florida which was entitled Building Great Regulators. The conference highlighted the elements and tools necessary to build great regulators. Approximately 140 attendees from Australia, Canada, New Zealand and the United States represented chiropractic licensing boards, testing, associations, and chiropractic colleges.

The educational portion of the conference opened with the keynote address from Mr. Troy Elliott, Communications Director for the Association of Social Work Boards. Mr. Elliott spoke about retaining board funds to best serve the public. The delegate body voted to admit the Australian and New Zealand boards into the FCLB as its newest members.

Dr. James Winterstein, President of National University of Health Sciences, delivered the 21st Annual Joseph Janse Lecture, speaking about his vision of the future of health care, regulation, and chiropractic's role.

Other educational sessions included:

- Overcoming barriers to mobility
- Chiropractic testing
- Scope of practice issues
- Sports mobility and treatments outside of the office
- Chiropractic accrediting standards
- The developing Certified Clinical Chiropractic Assistants program
- Assessing a board's effectiveness

- Chiropractors as primary care providers
- The current draft Model Practice Act as presented by the FCLB task force
- Legal issues that puzzle boards

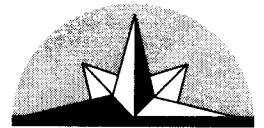
Dr. Louis Sportelli delivered the summary presentation, asking "Can Great Regulators Be Built?"

Attending the conference from the South Dakota Board of Examiners was Dr. Donn Fahrendorf and Dr. Mark Bledsoe.

South Dakota is well represented at all levels of the regulation. Former board member Dr. Robin Lecy currently serves as National Board of Chiropractic Examiners District Director; Dr. Donn Fahrendorf serves as the FCLB District 1 Director; and Marcia Walter is the co-chair for the Chiropractic Board Administrators Committee.

LOOKING FOR 1 HOUR OF CREDIT? Submit your answers to the following questions via email to sdbce@iw.net. If correct, you will receive 1 hour of CE credit. Where found needs to include actual rule site such as ARSD 20:41:01 etc, or statute 36-5, etc. Statutes and rules can be viewed via board website at <http://chiropractic.sd.gov>

- 1) T or F You may advertise a discounted examination or service. where found _____
- 2) Name the 5 sanctions that may be imposed as the result of a formal hearing. where found _____
- 3) T or F Any individual violating the provisions of the chiropractic laws may be required to pay all expenses, including legal fees incurred by the board. where found _____
- 4) T or F You may ask a patient to prepay for future services or sign a "contract" agreeing to a prepayment plan. where found _____
- 5) Where is the South Dakota chiropractic scope of practice found. _____



Doctors of chiropractic should maintain the highest standards of professional and personal conduct and should comply with all governmental jurisdictional rules and regulations. ACA Code of Ethics

SPECIAL NOTICE—ADVERTISING ISSUES ONGOING

The board continues to deal with issues regarding inappropriate advertising. The board previously, by rule, designated certain forms of advertising as inappropriate. Please review the following rules in place regarding such:

ARSD 20:41:09:05. A chiropractor may only list diploma status with prior approval of the board.

ARSD 20:41:09:06

Distributed or advertising material may not make any promise of special techniques, special methods, cure or imply superiority. This material may not contain statements that are false or misleading and may not falsely castigate or criticize other health sciences, or make claims that cannot be substantiated by clinical, laboratory or diagnostic procedures.

ARSD 20:41:09:07:01

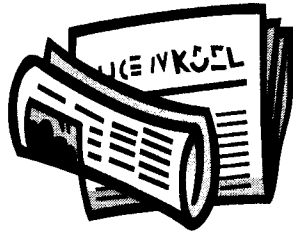
Advertising may not be false, fraudulent, deceptive or misleading, including the following: 1) Advertising in which untruthful, improper, misleading or deceptive statements are made; 2) Advertising or soliciting which guarantees any service or result, 3) Advertising that represents to the public the chiropractor possesses special skill, training, knowledge or qualifications unless the Board has recognized the train-

ing or certification on which the representation is based; 4) Advertising the waiver of a payment for any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan covers the chiropractor's services, is otherwise required to pay; 5) Advertising no out-of-pocket expenses or practicing the same; 6) Advertising free or discounted examination or service. Advertising which offers free or discounted service public service programs must be pre-approved

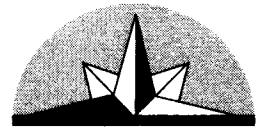
by the Board; or 7) Advertising a discount of a fee for any patient that pays cash at the time of service.

In addition, the Board has adopted portions of the 2007 ACA code of ethics. Section XI of that Code provides: Doctors of chiropractic should exercise utmost care that advertising is truthful and accurate in representing the doctor's professional qualifications and degree of competence. Advertising should not exploit the vulnerability of patients, should not be misleading and should conform to all governmental jurisdictional rules and regulations in connection with professional advertising.

The board recommends submitting all advertising to the board office for pre-approval at least 30 days prior to publication.



Is your advertising within the guidelines?? Are you in violation of the rules??



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TELEMARKETING CHIROPRACTIC

The board was recently asked if telemarketing of chiropractic is allowed in South Dakota. The Board's legal council has determined that telemarketing may be in violation of the Board's rules 20:41:10:02.01 and 20:41:10:05.02 (10). Depending on the specific content of proposed telemarketing campaign, there may also be issues of inappropriate advertising and compen-



sation arrangements may also raise questions of fee splitting. There may also be violations as it relates to the ACA Code of Ethics. Therefore, telemarketing of chiropractic is not permitted in the state of South Dakota.

We're on the web
<http://chiropractic.sd.gov>

Question and Answer



If you have a question, please email the board office at sdbce@iw.net or leave a message at 668-9017.

Question: I am hiring a chiropractic assistant for my office. Does he/she need to be certified?

Answer: Yes. Effective September 8, 2008, the Chiropractic Board of Examiners completed all the necessary legislation and obtained rule-making authority to require chiropractic assistants to be certified. Copies of the statutes and rules regarding chiropractic assistants can be found on our website at <http://chiropractic.sd.gov> and clicking on statute SDCL 36-5-23 through SDCL 36-5-29 and administrative rule ARSD 20:41:15

Question: Do I run a risk of losing my license if I advertise inappropriately?

Answer: Yes, ARSD 20:41:09:07.01 provides "sanctions may be imposed for the use of improper advertising based upon any

of the seven grounds specifically referred to in that section.

Question: Is it appropriate to have my office staff handle actions relevant to my license?

Answer: No, you are the licensed provider and any correspondence or questions regarding regulatory/board issues or concerns should be addressed by the individual licensee not office staff.

Question: How many active DC's, CA's etc. are there in South Dakota?

Answer: As of the printing of this newsletter, there are 382 active DC's; 262 chiropractic assistants and 62 certified chiropractic radiologists. 76 DC's are also certified to perform acupuncture.