**20:41:02. Hearings on petition to obtain declaratory ruling.** A hearing on a petition for declaratory ruling may be held upon ten days written notice to all parties. The hearing must be public; testimony must be recorded on magnetic tape or by other equivalent means. At the request of any person, testimony given at such a hearing must be transcribed. The transcription expense must be borne by each person requesting a transcript. Parties may make their own provisions to have court reporters present at the hearing. Briefs may be filed by interested parties as the board may direct. Hearings shall be conducted in conformity with the provisions of SDCL 1-26-17 to 1-26-26, inclusive.

**Source:** 1 SDR 24, effective August 28, 1974; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 28 SDR 88, effective December 23, 2001; 35 SDR 47, effective September 8, 2008.

**General Authority:** SDCL 36-5-4, 36-5-21(4).

**Law Implemented:** SDCL 1-26-15, 36-5-21(4).

---

**CHAPTER 20:41:04**

**EDUCATIONAL INSTITUTIONS**

Section

20:41:04:01 Approved chiropractic schools.

20:41:04:02 Schools approved by the board of examiners Repealed.

20:41:04:03 Repealed.

**20:41:04:01. Approved chiropractic schools.** All applicants for licensure who matriculate in a chiropractic college after October 1, 1975, must present evidence of having graduated from a chiropractic college accredited by the Council on Chiropractic Education.
Source: 1 SDR 24, effective August 28, 1974; 2 SDR 63, effective April 12, 1976; 5 SDR 8, effective August 14, 1978; 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 37 SDR 133, effective January 12, 2011.

General Authority: SDCL 36-5-4.

Law Implemented: SDCL 36-5-8, 36-5-9.

Reference: "Institutions Holding Accredited Status." Copies may be obtained from the Council on Chiropractic Education at www.cce-usa.org.

20:41:04:02. Schools approved by the board of examiners. The board approves, for the purposes of SDCL 36-5-9, all colleges or universities or junior colleges which are accredited as of December 1, 2010, by the following: Middle States Commission on Higher Education; New England Association of Schools and Colleges, Commission on Institutions of Higher Education; New York State Board of Regents, and the Commissioner of Education; North Central Association of Colleges and Schools, the Higher Learning Commission; Northwest Commission on Colleges and Universities; Southern Association of Colleges and Schools, Commission on Colleges; and Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities. The board, upon the presentation of an application for examination as provided by chapter 20:41:05, may approve other colleges, universities, or junior colleges. Repealed.

Source: 1 SDR 24, effective August 28, 1974; 2 SDR 63, effective April 12, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 37 SDR 133, effective January 12, 2011.

—— General Authority: SDCL 36-5-4.

—— Law Implemented: SDCL 36-5-8, 36-5-9.
CHAPTER 20:41:05

APPLICATIONS FOR EXAMINATION

Section

20:41:05:01 Verified general information to be furnished by applicant for examination

Application for licensure.

20:41:05:01.01 Application submission more than two years after graduation.

20:41:05:02 Information on education to be provided Repealed.

20:41:05:03 Verified information on other licenses and experience.

20:41:05:04 Attachments and other information in connection with application.

20:41:05:04.01 Criminal background investigation required -- Procedure -- Results furnished to board.

20:41:05:05 Reciprocity.

20:41:05:06 Inactive status and reactivation of license.

20:41:05:06.01 Lapse and reinstatement of license.

20:41:05:06.02 Reactivation of inactive license or reinstatement of lapsed license

20:41:05:07 Continuing rights Repealed.

20:41:05:08 Repealed.

20:41:05:09 Licensure examination Repealed.

20:41:05:10 Financial responsibility.

20:41:05:11 Exemption from financial responsibility.

20:41:05:12 Exemption from licensing requirement for a person licensed in another state.

20:41:05:13 Licensure of military personnel and spouses.

20:41:05:01. Verified general information to be furnished by applicant for examination

Application for licensure. Each applicant for examination shall make a written application verified
by oath of the applicant. The application must be printed or typewritten, and all questions must be answered completely and correctly apply to the board on prescribed forms. All candidates applicants must appear in person at a regular meeting of the board of chiropractic examiners after submitting their application. The full name, permanent address, birthplace, date of birth, age, and social security number shall be on the application. The applicant shall give particulars as to whether he has ever been arrested for or charged with any crime, other than a traffic violation, whether he is a citizen of the United States, whether he is engaged in any business or vocation other than chiropractic, and his places of residence for the preceding five years.

Source: 1 SDR 24, effective August 28, 1974; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-5-4.

Law Implemented: SDCL 36-5-4, 36-5-10.

20:41:05:02. Information on education to be provided. The applicant shall provide the following information concerning education:

(1) The year and location of high school graduation;

(2) The name, location, dates of attendance, and degrees received from prechiropractic colleges;

(3) The name, location, dates of attendance, date of graduation, degree received, and total number of hours from chiropractic colleges Repealed.

Source: 1 SDR 24, effective August 28, 1974; 7 SDR 95, effective April 13, 1981; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-5-4.

Law Implemented: SDCL 36-5-4, 36-5-10.
20:41:05:04. **Attachments and other information in connection with application.** Each applicant shall attach the following to the application:

1. The license fee of $300 made payable to the board, all but $100 of which is refundable if license is not issued;

2. An original unretouched photograph taken within six months preceding the date of application, which shows head and shoulders, front view, and is two inches by two inches;

3. A certified verified copy of the applicant's college diploma and grades;

4. Certification required by SDCL 36-5-9;

5. A certified verified copy of the applicant's National Board of Chiropractic Examiners diploma and grades; and

6. The agreement of the applicant to keep the board fully advised of the applicant's address and to give such assistance as the law may require to aid in the prosecution of violations of the laws of South Dakota pertaining to the practice of chiropractic.

7. Two licensed chiropractors must certify that the applicant is not addicted to intoxicants or drugs and must recommend the applicant as a person of high moral character, stating their addresses and the length of time each has known the applicant.

All materials required by this section must be received in the secretary-treasurer's board office or postmarked at least 15 days before the examination date.

**Source:** 1 SDR 24, effective August 28, 1974; 2 SDR 63, effective April 12, 1976; 7 SDR 95, effective April 13, 1981; 12 SDR 151, 12 SDR 155, effective July 1, 1986; last sentence pertaining to examination subjects transferred to § 20:41:05:09, 13 SDR 85, effective January 4, 1987; 19 SDR 121, effective February 21, 1993; 28 SDR 88, effective December 23, 2001; 29 SDR 34, effective September 19, 2002; 32 SDR 32, effective August 31, 2005.

**General Authority:** SDCL 36-5-4, 36-5-10, 36-5-11, 36-5-12, 36-5-14.2, 36-5-15.2(4), 36-5-16.
Law Implemented: SDCL 36-5-4, 36-5-10, 36-5-11, 36-5-12, 36-5-15.2(4), 36-5-16.


20:41:05:04.01. Criminal background investigation required -- Procedure -- Results furnished to board. Effective January 1, 2006, each applicant for admission to practice as a chiropractor in this state shall submit to a criminal background investigation by means of fingerprint checks by the Division of Criminal Investigation and the Federal Bureau of Investigation. Each applicant shall submit a completed fingerprint card to the board. The board shall submit the cards to the Division of Criminal Investigation prior to the admittance of an applicant. The fingerprint cards shall be forwarded by the Division of Criminal Investigation to the Federal Bureau of Investigation for a national criminal record check. The results of the criminal history check shall be given to the board to determine an applicant's qualification for admission pursuant to SDCL 36-5-14.2.


General Authority: SDCL 36-5-4, 36-5-10, 36-5-11, 36-5-12, 36-5-14.2, 36-5-15.2(4), 36-5-16.

Law Implemented: SDCL 36-5-4, 36-5-10, 36-5-11, 36-5-12, 36-5-15.2(4), 36-5-16.


20:41:05:05. Reciprocity. The fee for a license granted pursuant to SDCL 36-5-13 is $300, all but $100 of which is refundable if license is not issued. An applicant seeking reciprocity shall include with the written required application a certification from the secretary of the applicable state board of chiropractic examiners showing the date, license number, state, and ratings or record of...
examination of the applicant in chiropractic subjects and basic science subjects, National Board of
Chiropractic Examiners diploma and grades, including the general average received, the status of
the license issued, and a recommendation concerning good moral character and the worthiness of
the applicant for reciprocal recognition. An applicant seeking reciprocity shall also meet the
following criteria:

(1) Has passed all parts of national boards required at the time of graduation;

(2) Has actively practiced a minimum of five years immediately preceding the submission of
the application;

(3) Has no investigations pending; and

(4) Has no adverse actions taken by another state board.

After review of an applicant's application and record, if the board has any remaining concerns
about an applicant's clinical competency, the board may require the applicant to take and
successfully pass the National Board of Chiropractic Examiners (NBCE) Special Purposes
Examination for Chiropractic (SPEC) or the National Board of Chiropractic Examiners Part IV
Examination. The board shall determine the score for successful passage and shall consider the
NBCE recommended score to make that determination.

Source: 1 SDR 24, effective August 28, 1974; 2 SDR 63, effective April 12, 1976; 7 SDR 95,
effective April 13, 1981; 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155,
effective July 1, 1986; 28 SDR 88, effective December 23, 2001; 29 SDR 34, effective September
19, 2002; 32 SDR 32, effective August 31, 2005; 35 SDR 47, effective September 8, 2008; 37 SDR
133, effective January 12, 2011.


20:41:05:06. **Inactive status and reactivation of license.** Upon filing with the board a written statement requesting inactive license status and paying the fee prescribed in § 20:41:07:02, the board shall place the licensee on inactive status and issue an inactive license. No person may practice chiropractic in South Dakota with an inactive license. A chiropractor with an inactive South Dakota license and an active license in good standing in another state may, after meeting all other requirements of this chapter, convert to an active South Dakota license by paying the active license fee, submitting a renewal application, and providing verification of continuing education as required by § 20:41:08:02. A chiropractor with an inactive South Dakota license who does not currently have an active license in good standing in another state, may convert to an active license in South Dakota only after successfully passing the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic (SPEC), the National Board of Chiropractic Examiners Part IV Examination, or both, as determined by the board. The board shall determine the score for successful passage and shall consider the NBCE recommended score to make that determination. If it has been two years or less since a chiropractor had an active license in South Dakota, the board may waive the Special Purposes Examination for Chiropractic (SPEC).

**Source:** 2 SDR 63, effective April 12, 1976; 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 28 SDR 88, effective December 23, 2001; 33 SDR 66, effective October 23, 2006; 37 SDR 133, effective January 12, 2011; 41 SDR 109, effective January 12, 2015.

**General Authority:** SDCL 36-5-4, 36-5-10, 36-5-12, 36-5-14.2, 36-5-15.2(3)(4).

**Law Implemented:** SDCL 36-5-4, 36-5-9, 36-5-10, 36-5-12, 36-5-14.2, 36-5-15.2(3)(4).

**Cross-Reference:** Annual renewal fees, ch 20:41:07.

20:41:05:06.01. **Lapse and reinstatement of license.** If a licensee fails to maintain an active license or secure an inactive license as provided in § 20:41:05:06, the chiropractor's license lapses
on the date immediately following the final date of the period for which it was last renewed. No person may practice chiropractic in South Dakota with a lapsed license. A chiropractor with a lapsed South Dakota license and an active license in good standing in another state may, after meeting all other requirements of this chapter, obtain an active South Dakota license by paying the active license fee, submitting a renewal application, and providing verification of continuing education as required by § 20:41:08:02. A chiropractor with a lapsed South Dakota license who does not currently have an active license in good standing in another state, may obtain an active South Dakota license only after successfully passing the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic (SPEC), the National Board of Chiropractic Examiners Part IV Examination, or both, as determined by the board. The board shall determine the score for successful passage and shall consider the NBCE recommended score to make that determination. If it has been two years or less since the chiropractor had an active license in South Dakota, the board may waive the Special Purposes Examination for Chiropractic (SPEC), the National Board of Chiropractic Examiners Part IV Examination, or both.

20:41:05:06.02 Reactivation of inactive license or reinstatement of lapsed license. A chiropractor with an inactive or lapsed South Dakota license and an active license in good standing in another state may, after meeting all other requirements of this chapter, convert to an active South Dakota license by paying the active license fee, submitting a renewal application, and providing verification of continuing education as required by § 20:41:08:02. A chiropractor with an inactive or lapsed South Dakota license who does not currently have an active license in good standing in another state, may convert to an active license in South Dakota only after passing the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic (SPEC), the National Board of Chiropractic Examiners Part IV Examination, or both, as determined by the board. The board shall determine the score for passage and shall consider the NBCE recommended score
to make that determination. If it has been two years or less since a chiropractor had an active license in South Dakota, the board may waive the Special Purposes Examination for Chiropractic (SPEC).

Source:

General Authority: SDCL 36-5-4, 36-5-10, 36-5-12, 36-5-14.2, 36-5-15.2(3)(4).

Law Implemented: SDCL 36-5-4, 36-5-9, 36-5-10, 36-5-12, 36-5-14.2, 36-5-15.2(3)(4).

20:41:05:07. Continuing rights. The board shall not deny a license in years after 1975 to a person who held a valid 1975 or later South Dakota chiropractic license, if the denial is based wholly or in part on the fact that the person is not a graduate of an approved chiropractic school or other school as approved by the board pursuant to chapter 20:41:03 Repealed.

Source: 2 SDR 63, effective April 12, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

—— General Authority: SDCL 36-5-4.

—— Law Implemented: SDCL 36-5-4, 36-5-9, 36-5-14.2.

20:41:05:09. Licensure examination. The board may conduct a written examination of the applicant in those subjects required by SDCL 36-5-12 and in chiropractic orthopedics, neurology, clinical laboratory, nutrition, physiotherapy, spinal and extra-spinal manipulation, meridian therapy, and all other recognized diagnostic, clinical, and therapeutic procedures as taught in board-approved, accredited schools. The ratings of the applicant shall be completed following the written examination and the clinical demonstrations Repealed.


—— General Authority: SDCL 36-5-4, 36-5-12.

—— Law Implemented: SDCL 36-5-12.
20:41:05:13  Licensure of military personnel and spouses. The Board shall expedite the process of licensure for those applicants who are active duty military personnel and their spouses. The Board shall issue a license within thirty (30) days of receipt of a completed application if the conditions set forth in 20:41:05 are met. The licensing fees for the military member and spouse are waived per SDCL 36-1B-4.

Source:
General Authority: SDCL 36-1B-5
Law Implemented: SDCL 36-1B-1, and 36-1B-2.1

CHAPTER 20:41:06

OTHER FORMS

Section
20:41:06:01  Duplicate certificate.
20:41:06:02  Current address contact information.

20:41:06:02.  Current address contact information. A licensee shall file his correct mailing address current mail and email addresses along with phone and fax numbers with the secretary-treasurer of the board.

Source: 1 SDR 24, effective August 28, 1974; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 19 SDR 121, effective February 21, 1993.

General Authority: SDCL 36-5-4.
Law Implemented: SDCL 36-5-4.

CHAPTER 20:41:07

ANNUAL RENEWAL FEES
Section

Annual active renewal fee.

Annual inactive fee.

Renewal application.

**20:41:07:01. Annual active renewal fee.** The annual license renewal fee is $200.100.


*General Authority:* SDCL 36-5-4, 36-5-14.1.


**CHAPTER 20:41:08**

**CONTINUING EDUCATION**

Continuing education courses.

Continuing education hours.

Continuing education waiver.

Information required for course approval.

Approval of courses.

**20:41:08:01. Continuing education courses.** To be counted as continuing education, courses must meet the core curriculum requirements of the Council on Chiropractic Education as approved by the board annually. The board may also approve continuing education courses pursuant to § 20:41:08:04. Sponsors shall conduct approved courses with a certifying officer designated and present at all sessions. The officer shall, without advance notice, check attendance at least three times during each eight-hour block of instruction. The officer shall, within 15 days after the course
completion, certify to the board the names of all participants, hours in attendance, subject or subjects taught, name of sponsor, date and place of meeting, and names of all instructors.

The board further accepts courses by PACE Recognized Providers. The Providers are accredited by the Federation of Chiropractic Licensing Boards Providers of Approved Continuing Education (FCLB PACE). The FCLB PACE approved programs satisfy the board's requirements for purpose of the license renewal process. Information can be obtained at the website referenced below. The board may continue to approve other non-FCLB PACE courses and also to deny FCLB PACE courses if deemed necessary.

The board may approve courses for continuing education outside of CCE based on its relationship to chiropractic providing a certifying agent can attest to the hours.

Source: 2 SDR 63, effective April 12, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 19 SDR 121, effective February 21, 1993; 28 SDR 88, effective December 23, 2001; 33 SDR 66, effective October 23, 2006.


Note: www.fclb.org (PACE).

20:41:08:02. Continuing education hours. To maintain an active license, a member must satisfactorily complete a minimum of 40 hours of approved continuing education courses over a 2-year period. The period shall begin on January 1, 1994 ending on the odd years. Licensees shall complete up to two general hours as determined by the board. All active licensees must maintain proof of current and valid CPR certification. Two hours to maintain this CPR certification may be used towards the CE hours required by this rule. The lecture component may be taken on-line or attended at a live class. The skill test component must be in-person and at a live class. Any chiropractor who is certified to provide acupuncture must acquire eight hours of acupuncture
continuing education per education cycle. Special hours listed shall count toward the total CE required each education cycle.

Source: 2 SDR 63, effective April 12, 1976; 5 SDR 8, effective August 14, 1978; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 19 SDR 121, effective February 21, 1993.

General Authority: SDCL 36-5-4, 36-5-14.2.

Law Implemented: SDCL 36-5-14.2.

CHAPTER 20:41:09

ETHICS COMMITTEE AND CODE OF ETHICS

Section

20:41:09:01 Patient care and charges.

20:41:09:01.01 Informed consent.

20:41:09:02 Concealment of patient condition.

20:41:09:03 Referrals.

20:41:09:04 Cooperation with board or ethics committee.

20:41:09:04.01 Doctor-patient confidentiality.

20:41:09:05 Specialty listings.

20:41:09:06 Distributed material.


20:41:09:07.01 Advertising.

20:41:09:08 Repealed.


20:41:09:10 Unauthorized practice and division of fees.


20:41:09:12 Ethics opinions.
20:41:09:13 Requests for ethics opinions.

20:41:09:14 Purpose of ethics committee.

20:41:09:15 Composition of ethics committee.

20:41:09:16 Qualifications of ethics committee members.

**20:41:09:06. Distributed material.** Distributed or advertised material may not make any promise of special techniques, methods of cure, or imply superiority. Such material may not contain statements that are false or misleading and shall not falsely castigate or criticize other health sciences or make claims that cannot be substantiated by clinical, laboratory, or diagnostic procedures.

**Source:** 2 SDR 63, effective April 12, 1976; 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 28 SDR 88, effective December 23, 2001.

**General Authority:** SDCL 36-5-4, 36-5-15.2(3), 36-5-20(4), 36-5-21(5).

**Law Implemented:** SDCL 36-5-4, 36-5-15.2(3), 36-5-16, 36-5-20(4), 36-5-21(5).


**Source:** 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 19 SDR 121, effective February 21, 1993; 25 SDR 80, effective December 6, 1998; 29 SDR 34, effective September 19, 2002; 37 SDR 133, effective January 12, 2011.

**General Authority:** SDCL 36-5-4, 36-5-15.2(1).

**Law Implemented:** SDCL 36-5-4, 36-5-16.

**Reference:** Copies may be obtained from the American Chiropractic Association at www.acatoday.org or International Chiropractors Association at http://www.chiropractic.org/.
CHAPTER 20:41:10

DISCIPLINARY ACTIONS

Section

20:41:10:01 Board action in general
20:41:10:02 Unprofessional conduct.
20:41:10:02.01 Solicitations.
20:41:10:03 Incompetence.
20:41:10:04 Good moral character.
20:41:10:05 Fraud or deception.
20:41:10:05.01 Disciplinary complaints.
20:41:10:05.02 Actions which may warrant sanctions.
20:41:10:05.03 Disciplinary procedures
20:41:10:05.04 Procedures referred for formal hearing.
20:41:10:05.05 Sanctions
20:41:10:06 Repealed.
20:41:10:06.01 Judicial declaration of incompetence or involuntary commitment.
20:41:10:06.02 Petition by board.
20:41:10:06.03 Burden of proof.
20:41:10:06.04 Respondent's claim of illness or infirmity.
20:41:10:06.05 Application for reinstatement.
20:41:10:06.06 Doctor-patient privilege -- Waiver.
20:41:10:06.07 Judicial declaration of competence.
20:41:10:07 Suspension and probation.
20:41:10:08 Formal reprimands and files.
20:41:10:09 Board hearings -- Procedure.
20:41:10:10  Purpose of disciplinary committee.
20:41:10:11  Composition of the disciplinary committee.
20:41:10:12  Qualifications of disciplinary committee members.

20:41:10:01. **Board action in general.** The board, through a designated investigator or the disciplinary committee, shall promptly investigate all complaints filed in writing with the board or the disciplinary committee and violations which come to the attention of one or more board members. **This chapter applies to holders of licenses or certificates regulated by the Board of Chiropractic Examiners.**


**General Authority:** SDCL 36-5-4, 36-5-20(4).

**Law Implemented:** SDCL 36-5-4, 36-5-15.2(2), 36-5-16, 36-5-20(4).

20:41:10:04. **Good moral character.** A chiropractor person licensed or certified by the board convicted of a crime involving moral turpitude is not of good moral character.

*Source:* 2 SDR 63, effective April 12, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 36-5-4.

**Law Implemented:** SDCL 36-5-4, 36-5-16.

20:41:10:05.01. **Disciplinary complaints.** The board, through its investigator or the disciplinary committee, shall promptly investigate any complaints of misconduct or violations filed in writing and signed by a complaining party toward any person licensed or certified by the board. The board shall impose appropriate sanctions as established under this chapter to protect the public health, safety, and welfare of the state of South Dakota. The board may also by resolution initiate disciplinary proceedings.

General Authority: SDCL 36-5-4, 36-5-15.2(1), 36-5-20(4).


Cross-Reference: Procedure in contested cases, SDCL 1-26-16 to 1-26-29.

20:41:10:05.02. Actions which may warrant sanctions. The board may impose sanctions against a chiropractor, chiropractic assistant, or chiropractic radiographer based upon any of the following:

1) Engaging in conduct outside the scope of chiropractic practice including any conduct or practice contrary to recognized standard of ethics of the chiropractic profession or any conduct or practice which does or might constitute a danger to the health or safety of a patient or the public or any conduct, practice, or condition which does or might impair a chiropractor's license or certificate holder's ability to safely and skillfully practice chiropractic;

2) Failure to continue professional education or failure to participate in the required continuing education courses as provided under the provisions of chapter 20:41:08; 20:41:13:12; 20:41:15:09;

3) Failure to maintain current knowledge of statutes, rules, and regulations regarding the practice of chiropractic;

4) Failure to cooperate with and respond in writing within 15 days after personal receipt of any board or board authorized committee inquiry or investigation;

5) Failure to maintain proper patient records on each patient. Patient records must be clear and legible and include:

   a) A description of the patient's complaint;

   b) A history;
(c) A record of diagnostic and therapeutic procedures; and

(d) A record of daily documentation which must include subjective data, objective data, assessment, and plan for the patient's care;

(6) Failure to properly train and supervise staff engaged in patient care, including permitting staff to perform patient treatment outside the doctor's presence;

(7) Conviction of a felony or misdemeanor involving moral turpitude. A copy of the record of conviction certified to by the clerk of the court entering the conviction is conclusive evidence of the conviction;

(8) Fraud, misrepresentation, or deception include the following:

(a) Practicing or attempting to practice chiropractic under a false or assumed name;

(b) Aiding, assisting, or advising another in the unlicensed practice of chiropractic;

(c) Fraud or deceit in obtaining a license to practice chiropractic;

(d) Making false or misleading statements or withholding relevant information regarding the qualifications of any individual in order to attempt to obtain a license or engage in the practice of chiropractic;

(e) Failing to report past, present, or pending disciplinary action by another licensing board or current status of final administrative disposition of a matter. A licensee is required to report any compromise or settlement of disciplinary action, whether voluntary or involuntary, which results in encumbrance of licensure;

(f) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so; or

(g) Submitting to any insurer or third-party pay or a claim for a service or treatment which was not actually provided to a patient;
(9) Habitual intemperance in the use of intoxicants or controlled substances to such an extent as to incapacitate the person from the performance of professional duties;

(10) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party;

(11) Improperly interfering with an investigation or inspection authorized by statute or under the provisions of article 20:41 or with any disciplinary proceeding;

(12) Repeated violations of this chapter;

(13) Receiving three or more negative peer reviews within any twelve-month period; or


General Authority: SDCL 36-5-4, 36-5-15.2(1), 36-5-20(4).


20:41:10:05.03. Disciplinary procedures. Disciplinary procedures shall be initiated by submission of a written complaint or by resolution of the board. Disciplinary procedures shall be conducted as follows:

(1) Each written complaint or board resolution for disciplinary investigation shall be given to the board investigator or the disciplinary committee. The investigator shall forward a copy of the complaint to each committee member and shall investigate and prepare a report to be presented to the committee;

(2) The investigator shall acknowledge receipt of the complaint;

(3) The investigator shall notify the chiropractic physician, chiropractic radiographer, or chiropractic assistant that a complaint has been received and request a response within 15 days to be mailed to the investigator. The notice shall include the basis for the complaint, including the name
of the complaining party, and the name of the investigator assigned to investigate the complaint. A copy of these rules of procedure shall accompany the notice. The chiropractic physician, chiropractic radiographer, or chiropractic assistant shall promptly and appropriately respond to any request of the investigator or any committee member;

(4) The investigator shall notify the complainant that the chiropractic physician, chiropractic radiographer, or chiropractic assistant has been notified of the allegations and requested to respond within 15 days and that the response shall be forwarded to the complainant;

(5) The investigator shall prepare a report to present to the full committee for review. The report shall include the identity of the complainant, the allegations which form the basis of the complaint, the position of the chiropractic physician, chiropractic radiographer, or chiropractic assistant against whom the complaint is lodged, and the proposed action, if any, that should be taken with regards to the complaint;

(6) Upon presentation of the report to the full committee, the committee shall review the report and act upon the information before it, in one of the following manners, to-wit:

(a) Dismiss the complaint if frivolous or clearly unfounded in fact; or

(b) Initiate an informal inquiry or take such further action as the committee deems appropriate;

(7) If the committee dismisses the complaint, the investigator shall give notice to the complainant and the chiropractic physician, chiropractic radiographer, or chiropractic assistant that the complaint has been reviewed with the determination that no board action is warranted;

(8) If the committee finds the complaint to have merit, the committee shall afford the chiropractic physician, chiropractic radiographer, or chiropractic assistant complained against a reasonable opportunity to state the chiropractic physician's position with respect to the allegations against the physician. The hearing shall take the form of an informal conference between the committee and the chiropractic physician individual complained against; and
(9) After an informal inquiry, the committee may dismiss or, if the complaint has merit, refer
to the full board for a formal hearing. In lieu of referral to the full board, the committee and the
chiropractic physician licensee or certificant may enter a remedial stipulation satisfactory to both
parties the chiropractic physician and the committee. If a remedial stipulation is entered, the referral
may not take place if the terms of the remedial stipulation are successfully completed and the
committee shall notify the complainant that the matter has been resolved in this manner. The
complainant is not entitled to a copy of the remedial stipulation.

Nothing in this section may be construed to limit the board's power to act itself, or through the
disciplinary committee, or a subcommittee of the disciplinary committee consisting of the
investigative officer, the executive director of the board, and one other member of the disciplinary
committee, pursuant to SDCL 1-26-29.

Source: 25 SDR 80, effective December 6, 1998; 28 SDR 88, effective December 23, 2001;
33 SDR 66, effective October 23, 2006; 37 SDR 133, effective January 12, 2011.


20:41:10:06.01. Judicial declaration of incompetence or involuntary commitment. If a
person licensed or certified by this board has been judicially declared incompetent or involuntarily
committed to a mental hospital or treatment center, the board of chiropractic examiners, upon proof
of the fact, shall enter an order either placing the person on inactive status or suspending the person
from the practice of chiropractic, or chiropractic radiography, or chiropractic assistant for an
indefinite period until further order of the board. A copy of the order shall be served upon the person,
the person's guardian, and the director of the mental hospital by certified mail, return receipt
requested.
Source: 5 SDR 8, effective August 14, 1978; 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-5-4.

Law Implemented: SDCL 36-5-4, 36-5-16, 36-5-16.1.

20:41:10:06.02. Petition by board. If any interested person petitions the board or the disciplinary committee to determine whether a person licensed or certified by this board is incapacitated by reason of mental infirmity or illness or because of addiction to drugs or intoxicants, the board or the committee may take or direct action to determine whether the person is so incapacitated, including the examination of the person by such qualified medical experts as the board designates. If the board concludes that the person is incapacitated from continuing to practice chiropractic, or chiropractic radiography, or chiropractic assistant, it shall enter an order either placing the person on inactive status or suspending the person on the ground of the disability for an indefinite period until further order of the board. Any pending disciplinary proceeding against the person shall be held in abeyance. The board shall provide notice to the respondent of proceedings in the matter in accordance with SDCL chapter 1-26 and may appoint an attorney to represent the respondent if the person is without representation.


General Authority: SDCL 36-5-4, 36-5-20(4).

Law Implemented: SDCL 36-5-4, 36-5-16, 36-5-16.1, 36-5-20(4).

20:41:10:06.04. Respondent's claim of illness or infirmity. If, during the course of a disciplinary proceeding, the respondent contends that he is suffering from a disability by reason of mental or physical infirmity or illness or addiction to drugs or intoxicants, which makes it impossible
for the respondent to present an adequate defense, the board shall enter an order immediately suspending the respondent from continuing to practice chiropractic, or chiropractic radiography, or chiropractic assistant until a determination is made of the respondent's capacity to continue to practice in a proceeding instituted in accordance with the provisions of § 20:41:10:06.02. If the board determines that the respondent is not incapacitated from practicing, it shall take such action as it deems advisable, including a direction for the resumption of the disciplinary proceeding against the respondent.

Source: 5 SDR 8, effective August 14, 1978; 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-5-4.

Law Implemented: SDCL 36-5-4, 36-5-16, 36-5-16.1.

20:41:10:06.05. Application for reinstatement. A person suspended under the provisions of § 20:41:10:06.01 or 20:41:10:06.02, may apply for reinstatement once a year or at such shorter intervals as the board may direct in the order of suspension or any modification thereof. Upon receipt of an application for reinstatement, the board may take or direct any action necessary to determine whether the person's disability has been removed, including the examination of the person by a qualified medical expert designated by the board. The person may be directed to pay the expense of the examination. The application for reinstatement shall be granted by the board upon determination that the person's disability has been removed and he the applicant is fit to resume the practice of chiropractic, or chiropractic radiography, or chiropractic assistant.

Source: 5 SDR 8, effective August 14, 1978; 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-5-4.

Law Implemented: SDCL 36-5-4, 36-5-16, 36-5-16.1.
CHAPTER 20:41:12

CHIROPRACTOR PHYSICIAN PRECEPTOR ASSOCIATE PROGRAM

Section

20:41:12:01 Preceptor selection.

20:41:12:02 Intern chiropractor associate selection.

20:41:12:03 Applications.

20:41:12:04 Consent by patient.

20:41:12:04.01 Supervision.

20:41:12:05 Program monitoring.

20:41:12:02. Intern chiropractor associate selection. The following are minimum requirements for persons who wish to participate in the chiropractor student associate program as an intern:

(1) Be enrolled in a college of chiropractic and have successfully completed Part I of the National Board of Chiropractic Examiners exam;

(2) Have had two years of preprofessional college before entering chiropractic college;

(3) Be certified by the chiropractic college which the applicant attends as having completed his course work in a competent manner and exhibited competence to perform as a chiropractic intern; and

(4) Provide references from a licensed chiropractor, the dean of the chiropractic college the applicant attends, and the clinical director of the chiropractic college the applicant attends, concerning the applicant's moral character and when and how long the applicant has been known to the person submitting the reference.

Source: 7 SDR 95, effective April 13, 1981; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-5-4.
CHAPTER 20:41:13

CHIROPRACTIC RADIOGRAPHY

Section

20:41:13:01 Definition of terms.
20:41:13:02 Minimum eligibility requirements.
20:41:13:03 Training requirements.
20:41:13:04 Exemptions to requirements.
20:41:13:05 Qualification by endorsement.
20:41:13:06 Approval of programs -- Application.
20:41:13:08 Examination and proficiency evaluation.
20:41:13:09.01 Lapse and reinstatement of certificate.

20:41:13:02. Minimum eligibility requirements. An applicant for registration as a chiropractic radiographer shall meet the following minimum requirements:

   (1) Graduation from high school or its equivalent;

   (2) Attainment of 18 years of age; and

   (3) Freedom from physical or mental impairment which would interfere with performance of duties or otherwise be a hazard to the health or safety of patients.
20:41:13:03. **Training requirements.** Unless exempt under this chapter, an applicant for registration as a chiropractic radiographer must have successfully completed an approved program or course of study consisting of at least 36 classroom hours in chiropractic radiography which includes the following training:

1. Radiographic imaging procedures including patient care, patient preparation, patient records, factor technique selection, technical selection, development, quality, and maintenance;
2. Radiation protection of personnel and patients, including considerations in reducing radiation exposure and frequency of retakes;
3. Radiographic technique, radiation equipment and physics of imaging, and emergency procedures; and
4. Clinical experience sufficient to demonstrate proficiency.

**Source:** 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 36-5-15.2, 36-5-15.3.

**Law Implemented:** SDCL 36-5-15.2, 36-5-15.3.

20:41:13:04. **Exemptions to requirements.** An applicant for registration as a chiropractic radiographer is exempt from the requirements in §§ 20:41:13:03 and 20:41:13:08 if the applicant submits documentation showing successful completion of a course of study which is equivalent to the requirements of § 20:41:13:03.
20:41:13:06. Approval of programs -- Application. A program of learning may be approved by the board if the program meets the following requirements:

1. It constitutes an organized program of learning which contributes to the proficiency and skills of an individual operating radiation emitting equipment or otherwise engaged in chiropractic radiography;

2. It is conducted by individuals who are qualified by special education, training, and experience to conduct the program in chiropractic radiography;

3. It meets one or more of the requirements in § 20:41:13:03; and

4. It meets minimum standards for ACRRT approved programs in radiographic technology published as of November 16, 1985.

Application for approval of a program of learning shall be made to the board. Programs conducted under the auspices of the American Chiropractic Registry of Radiologic Technologists as of January 1, 1982, are approved and no application is required of those programs.

Source: 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 19 SDR 121, effective February 21, 1993.

General Authority: SDCL 36-5-15.2, 36-5-15.3.


Reference: "Minimum Standards for ACRRT Approved Program in Radiologic Technology," published as of November 16, 1985, American Chiropractic Registry of Radiologic Technologists (ACRRT). Copies may be obtained from American Chiropractic Registry of Radiologic
20:41:13:09. Fee for certificate of registration -- Renewal. When an applicant successfully passes the examination or is found to be exempt from it, the board shall issue a certificate of registration upon payment of a fee of $50 for initial registration. After the initial registration, each person registered as a chiropractic radiographer shall submit an annual renewal fee of $25. The registrant shall display the registration in the office.


General Authority: SDCL 36-5-15.2(6), 36-5-15.3.

Law Implemented: SDCL 36-5-15.2(6), 36-5-15.3.

20:41:13:09.01. Lapse and reinstatement of certificate. If a chiropractic radiographer fails to maintain an active certification as provided in chapter 20:41:13, the certification lapses on the date immediately following the final date of the period for which it was last renewed. No person may practice as a chiropractic radiographer in South Dakota with a lapsed certificate. If a certificate has been in lapse status for less than two years, applicant may convert to an active South Dakota certification by paying the license fee, submitting a renewal application, and providing continuing education as required by § 20:41:13:12. If a certificate has been in lapse status two years or more, the applicant must retake and successfully pass a board approved chiropractic radiographer examination and reapply for certification.

Source: 41 SDR 109, effective January 12, 2015.

General Authority: SDCL 36-5-15.2(6), 36-5-15.3.
Law Implemented: SDCL 36-5-15.2(6), 36-5-15.3.

20:41:13:11. Board action in general. Disciplinary procedures shall be initiated by submission of a written complaint or by resolution of the board. A chiropractic radiographer may be disciplined by the board as provided by chapter 20:41:13 for having violated the provisions of this chapter or the provisions of SDCL chapter 36.5 and may be placed on inactive status or suspension for disability as defined in chapter 20:41:10. Disciplinary procedures shall be conducted as follows:

— (1) Each written complaint for disciplinary investigation shall be given to the board investigator or the disciplinary committee. The investigator shall forward a copy of the complaint to each committee member and shall investigate and prepare a report to be presented to the committee;

— (2) The investigator shall notify the chiropractic radiographer that a complaint has been received and request a response to be mailed to the investigator within 15 days of receipt of the notice;

— (3) The investigator shall notify the complainant that the chiropractic radiographer has been notified of the allegations and requested to respond within 15 days and that the response shall be forwarded to the complainant;

— (4) The investigator shall prepare a report to present to the full committee for review. The report shall include the identity of the complainant, the allegations which form the basis of the complaint, the position of the chiropractic radiographer against whom the complaint is lodged, and the proposed action, if any, that should be taken with regards to the complaint;

— (5) Upon presentation of the report to the full committee, the committee shall review the report and act upon the information before it, in one of the following manners:

— (a) Dismiss the complaint if frivolous or clearly unfounded in fact; or

— (b) Initiate an informal inquiry or take such further action as the committee deems appropriate;
(6) If the committee dismisses the complaint, the investigator shall give notice to the complainant and the chiropractic radiographer that the complaint has been reviewed with the determination that no board action is warranted;

(7) If the committee finds the complaint to have merit, the committee shall afford the chiropractic radiographer complained against a reasonable opportunity to state the radiographer's position with respect to the allegations against them. The hearing shall take the form of an informal conference between the committee and the chiropractic radiographer complained against; and

(8) After an informal inquiry, the committee may dismiss or, if the complaint has merit, refer to the full board for a formal hearing. In lieu of referral to the full board, the committee and the chiropractic radiographer may enter a remedial stipulation satisfactory to both the chiropractic radiographer and the committee. In that event, the referral may not take place if the terms of the remedial stipulation are successfully completed. Repealed.

Source: 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 35 SDR 47, effective September 8, 2008.


20:41:13:11.01. Procedures for formal hearing. A formal hearing may be conducted by the board, or a hearing examiner, pursuant to SDCL chapter 1-26. Repealed.

Source: 35 SDR 47, effective September 8, 2008.


20:41:13:12. **Continuing education.** As a condition to renewing a certificate, a chiropractic radiographer must receive four hours of continuing education every two years, **ending on the odd year**, as approved by the board as set forth in § 20:41:13:06. The period shall begin on January 1, 2016. Continuing education hours must be submitted to the **executive secretary of the board** for approval before a certificate will be renewed.

**Source:** 28 SDR 88, effective December 23, 2001; 41 SDR 109, effective January 12, 2015.

**General Authority:** SDCL 36-5-4, 36-5-15.3.

**Law Implemented:** SDCL 36-5-15.3.

---

**CHAPTER 20:41:15**

**CHIROPRACTIC ASSISTANTS**

Section

20:41:15:01 Minimum training requirements.

20:41:15:02 Exemptions to requirements.

20:41:15:03 Qualification by endorsement.

20:41:15:04 Information required for course approval.

20:41:15:05 Approval of courses.

20:41:15:06 Application for chiropractic assistant certification.

20:41:15:06.01 Lapse and reinstatement of certificate.

20:41:15:07 Examination and proficiency evaluation.

20:41:15:08 Fee for certificate of registration -- Renewal.

20:41:15:09 Continuing education.

20:41:15:10 Supervision by chiropractor.

20:41:15:11——Board action in general **Repealed.**
20:41:15:12 Grounds for denial, revocation, or suspension of license, certification, or application.


20:41:15:01. Minimum training requirements. An applicant for registration as a chiropractic assistant shall meet the following minimum requirements:

(1) Graduation from high school or graduate equivalency degree (GED);

(21) Attainment of 18 years of age;

(32) Successful completion Passage of an approved program or course of study consisting of at least 20 hours in chiropractic assisting that includes coursework in basic chiropractic assistant duties, introduction to physiotherapy, use of modalities, rehabilitation and exercise programs as designed by the chiropractor, evaluations, and other programs as designated by the board; and

(43) Certification in cardiopulmonary resuscitation (CPR).

Source: 35 SDR 47, effective September 8, 2008.

General Authority: SDCL 36-5-25.

Law Implemented: SDCL 36-5-25.

20:41:15:07. Examination and proficiency evaluation. An applicant for certification as a chiropractic assistant shall present evidence of having passed an examination approved by the board with a score of at least 75 percent. If the chiropractic assistant does not achieve a score of 75 percent, the examiner must advise the chiropractic assistant of the areas failed. The assistant may have two additional opportunities to successfully complete pass the evaluation, not to exceed a total of three attempts in any two-year period.

Source: 35 SDR 47, effective September 8, 2008.

General Authority: SDCL 36-5-25, 36-5-27.

Law Implemented: SDCL 36-5-25, 36-5-27.
20:41:15:09. Continuing education. As a condition to renewing a certificate, a chiropractic assistant must complete a minimum of four hours of continuing education approved by the board as set forth in § 20:41:15:06 every two years ending on the odd years. CPR certification may count for only two hours of continuing education in each two-year period. Continuing education hours must be submitted to the executive director of the board for approval before a certificate will be renewed.

Source: 35 SDR 47, effective September 8, 2008; 41 SDR 109, effective January 12, 2015.

General Authority: SDCL 36-5-25.

Law Implemented: SDCL 36-5-25.

20:41:15:11. Board action in general. The board, through a designated investigator or the disciplinary committee, shall promptly investigate all complaints filed in writing with the board or the disciplinary committee and violations which come to the attention of one or more board members. The board shall impose appropriate sanctions as established under this chapter to protect the public health, safety, and welfare of the state of South Dakota. The board may also initiate disciplinary proceedings by resolution Repealed.

Source: 35 SDR 47, effective September 8, 2008.

—— General Authority: SDCL 36-5-28.


20:41:15:12. Grounds for denial, revocation, or suspension of license, certification, or application. The board may deny an application for certification or it may deny, revoke, or suspend a certificate and it may take other disciplinary or corrective action it considers appropriate in addition to or in lieu of such an action upon proof that the applicant or certificate holder has:

—— (1) Committed fraud, deceit, or misrepresentation in procuring or attempting to procure certification:
— (2) Been convicted of a felony. The conviction of a felony means the conviction of any offense which, if committed within the state of South Dakota, would constitute a felony under its laws;

— (3) Engaged in the practice of chiropractic assisting under a false or incorrect name or under a fictitious name or impersonated another certificate holder of a like or different name;

— (4) Become addicted to or dependent on alcoholic beverages or controlled drugs as defined by SDCL chapter 34-20B to such an extent as to result in incapacitation from the performance of professional duties;

— (5) Negligently, willfully, or intentionally acted in a manner inconsistent with the health or safety of persons entrusted to his or her care;

— (6) Failed to report past, present, or pending disciplinary action by another licensing board or current status of final administrative disposition of a matter. A licensee is required to report any compromise or settlement of disciplinary action, whether voluntary or involuntary, which results in encumbrance of certification;

— (7) Violated any provisions of this chapter or the rules promulgated under it;

— (8) Aided or abetted an uncertified person to practice as a chiropractic assistant;

— (9) Engaged in the practice of chiropractic assisting during a time his or her license or certificate is lapsed, on inactive status, suspended, or revoked; or

— (10) Been guilty of incompetence or unprofessional or dishonorable conduct. Repealed.

Source: 35 SDR 47, effective September 8, 2008.

General Authority: SDCL 36-5-28.


20:41:15:13. Disciplinary procedures.—Disciplinary procedures shall be initiated by submission of a written complaint or by resolution of the board. A chiropractic assistant may be disciplined by the board as provided by SDCL 36-5-28 for having violated the provisions of this
chapter or the provisions of SDCL chapter 36-5 and may be placed on inactive status or suspension
for disability as defined in SDCL chapter 36-5. Disciplinary procedures shall be conducted as
follows:

—— 1. Each written complaint for disciplinary investigation shall be given to the board
investigator or the disciplinary committee. The investigator shall forward a copy of the complaint to
each committee member and shall investigate and prepare a report to be presented to the committee;

—— 2. The investigator shall notify the chiropractic assistant that a complaint has been received
and request a response to be mailed to the investigator within 15 days of receipt of the notice;

—— 3. The investigator shall notify the complainant that the chiropractic assistant has been
notified of the allegations and requested to respond within 15 days and that the response shall be
forwarded to the complainant;

—— 4. The investigator shall prepare a report to present to the full committee for review. The
report shall include the identity of the complainant, the allegations which form the basis of the
complaint, the position of the chiropractic assistant against whom the complaint is lodged, and the
proposed action, if any, that should be taken with regards to the complaint;

—— 5. Upon presentation of the report to the full committee, the committee shall review the
report and act upon the information before it in one of the following manners:

—— (a) Dismiss the complaint if frivolous or clearly unfounded in fact; or

—— (b) Initiate an informal inquiry or take such further action as the committee deems
appropriate;

—— 6. If the committee dismisses the complaint, the investigator shall give notice to the
complainant and the chiropractic assistant that the complaint has been reviewed with the
determination that no board action is warranted;

—— 7. If the committee finds the complaint to have merit, the committee shall afford the
chiropractic assistant complained against a reasonable opportunity to state the assistant's position
with respect to the allegations against the assistant. The hearing shall take the form of an informal conference between the committee and the chiropractic assistant complained against; and

(8) After an informal inquiry, the committee may dismiss or, if the complaint has merit, refer to the full board for a formal hearing. In lieu of referral to the full board, the committee and the chiropractic assistant may enter a remedial stipulation satisfactory to both the chiropractic assistant and the committee. In that event, the referral shall not take place if the terms of the remedial stipulation are successfully completed Repealed.

Source: 35 SDR 47, effective September 8, 2008.
