

1. "Licensee" means any person licensed to engage in the practice of chiropractic as regulated by the State Board of Chiropractic Examiners.

2. "Patient" means any person who is the recipient of a professional service rendered by a licensee for the purposes of diagnosis, care or a consultation relating to chiropractic care. "Patient" for purposes of this section also means a person who is the subject of professional examination even if the purpose of that examination is unrelated to care.

3. "Patient-chiropractor relationship" means an association between a chiropractor and patient wherein the licensee owes a continuing duty to the patient to be available to render professional services consistent with his or her chiropractic training and experience. The performance of any professional chiropractic service includes, but is not limited to, any consultation, examination, and care provided by a licensee in furtherance of chiropractic care or consultation.

4. "Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes, but is not limited to, the imposition of a part of the licensee's body upon a part of the patient's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or patient's body into or near the genital, anal or other opening of the other person's body. "Sexual contact" does not include the touching of a patient's body which is necessary during the performance of a generally accepted and recognized chiropractic technique.

5. "Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or nonverbal conduct that is sexual in nature, and which occurs in connection with a licensee's activities or role as a provider of chiropractic services, and that either: is unwelcome, offensive to a reasonable person, or creates a hostile workplace environment, and the licensee knows, should know, or is told this; or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act or of multiple acts and may include, but is not limited to, conduct of a licensee with a patient, co-worker, employee, student or supervisee whether or not such individual is in a subordinate position to the licensee.

6. "Spouse" means the husband, wife or fiancée of the licensee or an individual involved in a long-term committed relationship with the licensee.

i. For purposes of this section, a long-term committed relationship means a relationship which is at least six months in duration.

(c) A licensee shall not engage in sexual contact with a patient with whom he or she has a patient-chiropractor relationship. The patient-chiropractor relationship is considered ongoing for purposes of this section, unless:

1. Professional services are terminated, by way of written notice to the patient and documentation in the patient record; or

2. The last professional service was rendered more than three months ago.

(d) A licensee shall not seek or solicit sexual contact with a patient with whom he or she has a patient-chiropractor relationship and shall not seek or solicit sexual contact with any person in exchange for professional services.

(e) A licensee shall not engage in any discussion of an intimate sexual nature with a patient, unless that discussion is related to legitimate patient needs. Such discussion shall not include disclosure by the licensee of his or her own intimate sexual relationships.

(f) A licensee shall provide privacy and examination conditions which prevent the exposure of the unclothed body of the patient unless necessary to the professional chiropractic services being rendered.

(g) A licensee shall not engage in sexual harassment in a professional setting while performing in a professional capacity.

(h) A licensee shall not engage in any other activity which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or is for the sexual arousal, or sexual gratification of the licensee or patient or which constitutes an act of sexual abuse.

(i) Violation of any of the prohibitions or directives set forth at (c) through (h) above shall be deemed to constitute professional misconduct pursuant to N.J.S.A. 45:1-21(e).

(j) Nothing in this section shall be construed to prevent a licensee from rendering any professional chiropractic service to a spouse, providing that the rendering of such service is consistent with accepted standards of chiropractic care and that the performance of chiropractic services is not utilized to exploit the patient spouse for the sexual arousal or sexual gratification of the licensee.

(k) It shall not be a defense to any action under this section that:

1. The patient solicited or consented to sexual contact with the licensee; or

2. The licensee was in love with or had affection for the patient.

New Rule, R.1997 d.531, effective December 15, 1997.
See: 29 N.J.R. 3770(b), 29 N.J.R. 5311(a).
Amended by R.2001 d.257, effective August 6, 2001.

See: 33 N.J.R. 1329(a), 33 N.J.R. 2683(a).

Substituted "care" for "treatment", and "chiropractor" for "physician" throughout; in (c)(1), substituted "Professional services are" for "Activity".

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| 5. Duplicate License Fee | 25.00 |
| 6. Verification of Licensure Fee | 40.00 |
| 7. Late Renewal Fee | 50.00 |
| 8. Reinstatement Fee | 125.00 |
| (plus all past due license fees) | |

13:44E-2.4 Chiropractor of record; fee reimbursement

(a) Each patient in a chiropractic facility shall have a chiropractor of record who shall remain primarily responsible for assuring the proper implementation of the chiropractic services to be rendered to such patient regardless of whether the services are rendered by the chiropractor of record or by any other person rendering chiropractic services or ancillary care to the patient.

(b) The name of the chiropractor of record shall be conspicuously identified on the patient record. If the chiropractor of record is not identified on the patient record, it shall be presumed that the chiropractor of record is the owner of the practice in which the patient received care.

(c) Each chiropractor or any other person rendering services shall sign or initial each entry on the patient record pertaining to the services he or she provided. If no such entry appears on the patient record, it shall be presumed that such service was rendered by the chiropractor of record, unless the chiropractor of record establishes the identity of the individual who provided such services.

(d) In a multi-chiropractor practice, the chiropractor of record shall remain the chiropractor for a patient until a subsequent chiropractor affirmatively notes in the patient record that he or she is currently the chiropractor of record. In the event that the chiropractor of record leaves the practice, a successor chiropractor shall be designated if the patient elects to continue treatment in the facility.

(e) A new chiropractor of record shall review the patient's history and chiropractic records, examine the patient, if necessary, and either develop a new treatment plan or continue the pre-existing plan.

(f) Any chiropractor found to have rendered services in violation of N.J.S.A. 45:1-21 and the owner of the facility in which the licensee render such services shall be jointly and severally responsible for any restoration of patient fees as may be ordered by the Board.

New Rule, R.1991 d.427, effective August 19, 1991.

See: 23 N.J.R. 1280(a), 23 N.J.R. 2517(a).

Amended by R.2001 d.257, effective August 6, 2001.

See: 33 N.J.R. 1329(a), 33 N.J.R. 2683(a).

In (a), substituted "care" for "treatment"; in (b), substituted "received care" for "was treated"; in (c), substituted "chiropractor of record establishes" for "latter shall establish"; in (d), substituted "chiropractor for a patient" for "same"; in (f), substituted "chiropractor" for "licensee".

13:44E-2.5 Fee schedule

(a) The following fees shall be charged by the Board:

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| 1. Application Fee | \$125.00 |
| 2. Endorsement Fee | 75.00 |
| (plus initial license fee) | |
| 3. Initial License Fee: | |
| i. During the first year of a biennial renewal period | 350.00 |
| ii. During the second year of a biennial renewal period | 175.00 |
| 4. Biennial License Renewal Fee..... | 350.00 |

Amended by R.1997 d.287, effective July 21, 1997.

See: 29 N.J.R. 734(a), 29 N.J.R. 3261(a).

In (a)4 and 5, raised license fees.

Amended by R.1999 d.76, effective March 1, 1999.

See: 30 N.J.R. 3925(a), 31 N.J.R. 662(a).

In (a), added 10.

Amended by R.2001 d.257, effective August 6, 2001.

See: 33 N.J.R. 1329(a), 33 N.J.R. 2683(a).

In (a), deleted 2, and recodified existing 3 through 9 as 2 through 8.

13:44E-2.6 Referral fees

It shall be professional misconduct for a licensee to pay, offer to pay, or to receive from any person any fee or other form of compensation for the referral of a patient. This section shall not prohibit the division of fees among licensees engaged in a bona fide employment, partnership or corporate relationship for the delivery of professional services.

New Rule, R.1992 d.507, effective December 21, 1992.

See: 24 N.J.R. 1470(a), 24 N.J.R. 4557(a).

Recodified from N.J.A.C. 13:44E-2.7 and amended by R.2001 d.257, effective August 6, 2001.

See: 33 N.J.R. 1329(a), 33 N.J.R. 2683(a).

Substituted "This section" for "The within prohibition". Former N.J.A.C. 13:44E-2.6, reserved.

13:44E-2.6A Patient record review

(a) As used in this section, the term, "patient record review" means an evaluation of all records which are maintained pursuant to N.J.A.C. 13:44E-2.2 and which are relevant to the treatment or condition under evaluation by a non-attending chiropractor with regard to the effectiveness and application of prior treatment or termination of or continuation of the treatment.

(b) A non-attending chiropractor who performs a patient record review which evaluates prior chiropractic care or the need for continued chiropractic care or the necessity for diagnostic testing shall make a reasonable and documented effort to obtain all records of the attending chiropractor relevant to the chiropractic care or condition under evaluation before rendering an opinion concerning the prior chiropractic care, the need for continued chiropractic care or the need for diagnostic testing.

(c) An opinion by a non-attending chiropractor which states that prior chiropractic care was not documented pursuant to N.J.A.C. 13:44E-2.2 shall clearly note the specific deviations from the patient record requirements of N.J.A.C. 13:44E-2.2.

(d) Opinions which state that prior chiropractic care was not necessary, not required or palliative shall clearly state the rationale upon which the opinion is based.

(e) (Reserved)

(f) An opinion by a non-attending chiropractor that diagnostic testing, referrals or consultations were not properly documented or performed in accordance with N.J.A.C. 13:44E-2.2 and 13:44E-3 shall clearly note the specific deviations from those rules.

(g) Opinions which state that prior diagnostic testing, referrals or consultations were not necessary shall clearly state the rationale upon which the opinion is based.

(h) Any opinion rendered regarding the evaluation of prior chiropractic care, the termination of chiropractic care, or the necessity of diagnostic testing and/or referrals or consultation shall be consistent with N.J.S.A. 45:9-14.5 and N.J.A.C. 13:44E-1.1. Violations of any of the provisions set forth in this section shall constitute professional misconduct pursuant to N.J.S.A. 45:1-21(e) and may subject licensees to penalties as set forth in N.J.S.A. 45:1-22 and 45:1-25.

New Rule, R.1992 d.507, effective December 21, 1992.

See: 24 N.J.R. 1470(a), 24 N.J.R. 4557(a).

Recodified from N.J.A.C. 13:44E-2.7 and amended by R.2001 d.257, effective August 6, 2001.

See: 33 N.J.R. 1329(a), 33 N.J.R. 2683(a).

Substituted "This section" for "The within prohibition". Former N.J.A.C. 13:44-2.6 was reserved.

New Rule, R.2001 d.448, effective December 3, 2001.

See: 32 N.J.R. 3970(a), 33 N.J.R. 4140(a).

Section was "Referral fees".

13:44E-2.7 Delegable tasks or functions of unlicensed assistants

(a) The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise:

(b) Under the direct supervision of, and when delegated by, a licensed chiropractor, an unlicensed assistant, including a graduate of a recognized program of study in chiropractic, may perform tasks or functions including, but not limited to, the following:

1. Completing a medical history of a patient;
2. Preparing the patient for chiropractic care;
3. Writing into the patient record subjective complaints from the patient and objective findings provided by the licensee;
4. Performing a urinary dipstick analysis;
5. Taking and recording vital signs;
6. Preparing and developing X-ray films;