

In (d)3 and (h)2, inserted a comma following "address" and deleted "and" from the end; in (d)4 and (h)3, substituted "; and" for a period at the end; added (d)5 and (h)4; in (e) and (f)1, substituted "5" for "4"; and in (h)2, inserted a comma following "status".

Amended by R.2014 d.109, effective July 7, 2014.

See: 46 N.J.R. 163(a), 46 N.J.R. 1644(a).

In (j)1, substituted "(h)1" for "(g)1".

13:44E-1A.5 Chiropractic continuing education

(a) "Licensee," as used in this section, means a chiropractor licensed and subject to regulation by the Board of Chiropractic Examiners.

(b) A licensee applying for biennial license renewal shall have completed, during the preceding biennial period, 30 continuing educational credits in order to qualify for the renewal of his or her license. One credit is defined as 50 minutes of instruction. A minimum of two credits shall be completed in the study of State laws and rules governing chiropractic professional ethics or recordkeeping and documentation as it pertains to the practice of chiropractic in this State, and a minimum of two credits shall be completed in nutrition education.

(c) The continuing education courses may include, but not be limited to, subject matter and content of study that is taught by accredited chiropractic schools, colleges, institutions, and universities, or in a subject matter tested for licensure, that has been approved by Providers of Approved Continuing Education (PACE), and/or the Board; except that the Board retains the right to reject any PACE-approved program:

1. Whose focus is the subject matter described in (j) below; or
2. That does not have significant intellectual or practical content dealing primarily with matters directly related to the practice of chiropractic or with professional responsibilities or ethical obligations of licensees.

(d) The Board will not grant continuing education credit for completion of basic courses required for graduation from a chiropractic college or university and/or for initial licensure. Continuing education credit shall be granted only for post-doctoral courses designed to build upon basic knowledge and/or to bring licensees up-to-date on new developments relating to the practice of chiropractic.

(e) The Board may accredit other educational programs offered by professional organizations or societies, health care professions, schools, colleges, institutions, universities or healthcare facilities as suitable for continuing education credits, so long as such other educational programs have significant intellectual or practical content, which deal primarily with matters directly related to the practice of chiropractic or with the professional responsibilities or ethical obligations of licensees and whose focus is not the subject matter described in (j) below.

(f) The Board may accredit other equivalent educational programs including, but not limited to, examinations, scientific papers, professional publications, scientific presentations, residency programs, teaching and/or research appointments, advanced degree or certification program in related fields, scientific exhibits, independent study or research, or self-study programs, or distance learning as suitable for continuing education credits, so long as such other educational programs have significant intellectual or practical content, which deal primarily with matters directly related to the practice of chiropractic or with the professional responsibilities or ethical obligations of licensees and whose focus is not the subject matter described in (j) below.

(g) Continuing education credit shall be calculated as follows:

1. Continuing professional education programs of national or State professional organizations: one credit hour for every 50 minutes of in-class participation;
2. Accredited university or college courses in the subjects set forth in (d) above:
 - i. Applicants shall receive 15 credit hours of continuing education credit for each semester or trimester credit hour earned; 10 credit hours of continuing education credit for each credit hour earned in a quarter; and
 - ii. Applicants attending noncredit courses shall be granted continuing education credit at the rate of one credit hour for every 50 minutes of in-class participation;
3. Distance learning programs and other independent study programs: the amount of credit to be allowed for approved distance and individual study programs, including taped study programs, shall be one credit hour for every 50 minutes of distance and individual self-study program participation;
4. Teaching or instruction of a course for the first time or teaching a course previously taught if substantial time was spent updating course material: instruction and preparation time: one continuing education credit for each hour of instruction or preparation.
 - i. The total number of continuing education credits that may be granted for service as a teacher or instructor shall not exceed 12 credits per biennial period.
 - ii. Requests for credit shall be accompanied by an outline of the instruction or course.
 - iii. A teacher or instructor that is employed as a teacher or instructor on a full-time basis shall not be eligible to obtain continuing education credits for such activities;
5. Scientific papers and professional publications: credit shall be given for each 50-minute period of preparation time on a self-declaration basis, not to exceed 12 credit-hours per biennial period. A copy of the publication

article shall be submitted to the Board with a request for continuing education credit.

i. Credit may be claimed for published articles and books by the authors of those works. These publications must contribute to the professional competency of chiropractors.

ii. In exceptional circumstances, a licensee may request additional credit by submitting the article or book to the Board with an explanation of the circumstances that he or she believes justifies an award of greater credit. When licensees request more than 12 continuing education credit hours during the biennial period, credit hours awarded shall be determined by the Board on a case-by-case basis. Factors such as complexity of the subject matter, length of publication, and the amount of preparation time shall be considered;

6. Research and preparation of examinations or acting as an examiner for a clinical examination: one continuing education credit for each hour of research or time spent on the examination, not to exceed six continuing education credits per biennial period; and

7. Scientific presentations or exhibits: one continuing education credit for each hour of preparation or presentation, not to exceed six continuing education credits per biennial period.

(h) A licensee shall complete no more than 12 of the total continuing chiropractic education credits by asynchronous distance learning courses where the instructor and the learner are not in direct, live communication during the course, approved by the Board; the remaining credits must be attained through live didactic learning experience, including synchronous distance learning activities where the instructor and learner are in direct live communication during the course. The Board shall not award more than 10 hours of continuing education credit for any program that takes place during the course of one calendar day.

(i) The Board shall not accept courses involving practice building, practice management and/or practice marketing toward the continuing chiropractic education requirements.

(j) A provider seeking Board approval to sponsor programs for continuing education credit shall submit an application to the Board, which shall include course and program descriptions, instructor qualifications, locations, dates and times of courses, and other information as required by the Board.

1. Qualified sponsors shall offer courses that meet the following criteria:

i. Be a formal course of learning, which contributes directly to the maintenance of professional competence of a licensee;

ii. Be at least one credit hour, 50-minute period, in length; however additional credits in excess of one hour may be awarded in ½ hour increments;

iii. Be conducted by a qualified instructor or discussion leader; and

iv. Offer subjects enumerated in (c) above.

2. A continuing education sponsor may receive prior approval, valid for the current biennial licensing period in which the approval was issued, for a course of acceptable subject matter, as set forth in (c) above, and be assigned a designated number of continuing education credits by the Board if the program sponsor provides in writing information required by the Board to document the elements of (j)1 above, and in addition, certifies that the sponsor shall:

i. Maintain and retain accurate records of attendance for a five-year period;

ii. Retain a written outline of course materials for a five-year period; and

iii. Comply with the requirements of (j)4 below.

3. The Board will post on its website at http://www.njconsumeraffairs.gov/chiro/chiro_licensee.htm a list of all program sponsors that, pursuant to this section, have applied and have been approved to sponsor courses for continuing education credit. Continuing education sponsors shall comply with the following additional requirements:

i. The program sponsor shall disclose in advance to prospective participants the objective, prerequisites, experience level, content, required advanced preparation, teaching method, and number of continuing education credits involved in the program;

ii. The program sponsor shall provide evidence to the Board that it has policies and procedures in place to verify and adequately monitor the attendance of course participants;

iii. The program sponsor shall be responsible for assuring that the number of participants and the physical facilities are consistent with the teaching methods to be utilized;

iv. The program sponsor shall select and assign qualified instructors for the continuing education program. Sponsors shall provide to the Board the curriculum vitae of all course instructors and certify to the Board that the sponsor has verified the credentials of all its instructors. Sponsors must notify the Board of any instructor change within 20 days of making the change;

v. The program sponsor shall evaluate the performance of its program instructors at the conclusion of each program to determine the instructors' suitability to continue to serve as instructors in the future;

vi. Program evaluation shall be in accordance with the following:

(1) The sponsor shall provide some means of program evaluation. Evaluations shall be solicited from both the participants and instructors. Programs shall be evaluated to determine whether:

- (A) Objectives were met;
- (B) Prerequisites were necessary or desirable;
- (C) Facilities were satisfactory;
- (D) The instructor was effective;
- (E) Advanced preparation materials were satisfactory; and
- (F) The program content was timely and effective; and

(2) Evaluations shall take the form of one or a combination of pre-tests for advanced preparation, post-tests for effectiveness of the program, questionnaires completed at the end of the program or later, or oral feedback to the instructor or sponsor. Instructors shall be informed of their performance and sponsors shall systematically review the evaluation process to insure its effectiveness; and

vii. The program sponsor shall be responsible for issuing certificates of satisfactory completion or other comparable documentation to program participants. Such certificates or documentation shall be printed with the following information:

- (1) Dates attended;
- (2) Credit hours earned;
- (3) Course title and description of content, including the method of course delivery and subject area;
- (4) Course sponsor name;
- (5) Instructor name; and
- (6) Course location.

4. A continuing education sponsor who has qualified as a sponsor pursuant to (j)1 above, or has obtained prior Board approval for a course pursuant to (j)2 above, shall not alter, amend, update, or reconfigure the approved courses for continuing education credit without the permission of the Board. If a continuing education sponsor alters, amends, updates, or reconfigures a course, the continuing education sponsor must resubmit the course to the Board for approval.

(k) A licensee seeking Board approval of a program for continuing education credit, which has not been approved pursuant to (j) above, may submit an application on a form prescribed by the Board, which shall include course and program descriptions, instructor qualifications, locations,

dates and times of courses, number of continuing education credits, and other information as required by the Board. The Board shall notify the licensee, in writing, of its determination, which is based upon (d), (e), and (f) above.

(l) All coursework required for certification to perform specialized examinations or electrodiagnostic tests referred to in N.J.A.C. 13:44E-3.5(a)2 must be preapproved by the Board at least 90 days prior to the date the course begins.

1. A program provider seeking preapproval of a course shall follow the approval process set forth at (k) above.

2. A licensee seeking preapproval of a course shall follow the approval process set forth at (k) above.

(m) A new licensee who completed an accredited graduate chiropractic education program within 12 months of the commencement of the biennial registration period is not required to complete the continuing education requirements for the biennial period.

(n) A licensee shall certify on the application for biennial licensure renewal that he or she has completed the required number of continuing education credits. The Board may conduct random audits to determine licensee compliance with the continuing education requirements of this section.

(o) A licensee who completes more than 30 continuing chiropractic education credits required pursuant to this section may apply no more than seven of the excess credits to the continuing chiropractic education requirements for the following biennial period only. Excess credits approved for a biennial period may be applied to the continuing education requirements for the next period whether or not approved for that period.

(p) Licensees holding an inactive or retired license shall be exempt from continuing education requirements, except that any licensee holding an inactive or retired license, or whose license is suspended or revoked, who applies to resume practice shall provide proof of having completed the continuing chiropractic education requirements for each biennial licensure period for which the licensee was on inactive or retired status. If the total credits required to become current exceeds 30, then 30 shall be the maximum number required. Any applicant seeking to resume practice shall submit to the Board a detailed list of all continuing education courses that the licensee has completed in order to become current. If the Board determines that there is a deficiency in a particular area of study, the Board may require the applicant to complete additional continuing education courses in the area of the deficiency before reinstating the license to active status.

(q) To report continuing chiropractic education credits, a licensee shall:

- 1. Certify, on the application for biennial renewal, completion of the required number of continuing education credits; and

2. Maintain all evidence of completion of continuing education requirements for a period of not less than five years after satisfaction of the credits and submit such documentation to the Board upon request.

(r) The board may extend the time period for completion of continuing chiropractic education requirements or may waive continuing chiropractic education requirements on an individual basis for reasons of hardship, such as severe illness, disability or military service, consistent with the following:

1. A licensee seeking an extension or waiver of the continuing education requirements shall apply to the Board in writing setting forth the specific details for the reasons why an extension or a waiver is requested. The licensee shall submit all of the documentation that supports the request for the extension and/or waiver;

2. A licensee shall apply for an extension and/or a waiver prior to the expiration of the biennial renewal period. All requests shall be sent to the Board office, by certified mail, return receipt requested; and

3. An extension or waiver granted pursuant to this section shall become effective for the biennial licensure period in which the extension or waiver is granted. If the condition that necessitated the extension or waiver continues into the next biennial period, the licensee shall apply to the Board for the renewal of such extension or waiver for the new biennial period.

(s) A licensee shall provide verification and proof of compliance with continuing chiropractic education requirements. Non-compliance of with the continuing education requirements shall provide cause for civil penalties pursuant to N.J.S.A. 45:9-41.32.

(t) A second or subsequent offense by a licensee for failure to comply with the continuing education requirements may be considered professional misconduct and would provide grounds for additional discipline including license suspension or revocation.

New Rule, R.2013 d.003, effective January 7, 2013.

See: 43 N.J.R. 3076(a), 45 N.J.R. 37(a).

Amended by R.2014 d.109, effective July 7, 2014.

See: 46 N.J.R. 163(a), 46 N.J.R. 1644(a).

In (b), substituted the first occurrence of "A" for "Except as provided in (c) below, a"; deleted former (c); recodified former (d) through (l) as (c) through (k); rewrote (j); in (k), substituted "(j)" for "(k)" and "(d), (e), and (f)" for "(e), (f), and (g)"; and added new (l).

13:44E-1A.6 Malpractice insurance

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

"Authorized" means recognized by a government agency to offer chiropractic malpractice insurance products.

"Covered" means ongoing maintenance of insurance in the amount of at least \$100,000 per occurrence and \$300,000 per policy year with extended reporting endorsement coverage for claims made (or "tail coverage") issued by a carrier or other entity authorized to write chiropractic malpractice insurance.

"Maintaining a professional practice with responsibility for patient care" means the furnishing of professional services to patients in New Jersey including, but not limited to, the testing for, or diagnosis of, or the offering or furnishing of treatment, preventative chiropractic care or consultation relating to chiropractic care at a place, such as an office (even if located in the home) or clinic or through a business entity, regardless of the ownership of the practice.

(b) All doctors of chiropractic licensed to practice in this State who maintain a professional practice or have responsibility for patient care shall be covered by chiropractic malpractice insurance.

(c) Violations of (b) above shall be deemed professional misconduct within the meaning of N.J.S.A. 45:1-21(e).

New Rule, R.2013 d.003, effective January 7, 2013.

See: 43 N.J.R. 3076(a), 45 N.J.R. 37(a).

SUBCHAPTER 2. GENERAL RULES OF PRACTICE

13:44E-2.1 Advertising

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

1. "Advertisement" means the attempt, directly or indirectly by publication, dissemination, solicitation, endorsement or circulation in print or electronic media or in any other way, to attract directly or indirectly any person to enter into an expressed or implied agreement to accept chiropractic services or care or goods related thereto.

2. "Electronic media" means, but is not limited to, radio, television, telephone, facsimile machine, and computer.

3. "Print media" means newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, fliers or other publications, the content of which is disseminated by means of the printed word.

4. "Range of fees" means an expressly stated upper and lower limit on the fee charged for a professional service.

5. "Routine professional service" means a service which the advertising licensee, professional association or institution providing chiropractic care routinely performs.

(b) A licensed chiropractor who is actively engaged in the practice of chiropractic in the State of New Jersey may pro-