

CHAPTER 44E**STATE BOARD OF CHIROPRACTIC EXAMINERS****Authority**

N.J.S.A. 45:1-3.2, 45:9-14.5 et seq., and 45:9-41.23.

Source and Effective Date

R.2007 d.31, effective December 22, 2006.
See: 38 N.J.R. 3235(a), 39 N.J.R. 656(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 44E, State Board of Chiropractic Examiners, expires on December 22, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 44E, State Board of Chiropractic Examiners, was adopted as R.1991 d.320, effective July 1, 1991. See: 23 N.J.R. 1067(a), 23 N.J.R. 2023(b).

Subchapter 1, Scope of Practice, was adopted as R.1992 d.70, effective February 18, 1992. See: 23 N.J.R. 2100(a), 24 N.J.R. 642(a).

Pursuant to Executive Order No. 66(1978), Chapter 44E, State Board of Chiropractic Examiners, was readopted as R.1996 d.344, effective June 28, 1996. See: 28 N.J.R. 1592(a), 28 N.J.R. 3803(b).

Subchapter 3, Determinations with Respect to the Validity of Certain Diagnostic Tests, Special Requirements for Electrodiagnostic Tests and Other Special Examinations, was adopted as R.1999 d.76, effective March 1, 1999. See: 30 N.J.R. 3925(a), 31 N.J.R. 662(a).

Pursuant to Executive Order No. 66(1978), Chapter 44E, State Board of Chiropractic Examiners, was readopted as R.2001 d.257, effective June 26, 2001, and Subchapter 1A, Licensure, was adopted as R.2001 d.257, effective August 6, 2001. See: 33 N.J.R. 1329(a), 33 N.J.R. 2683(a).

Chapter 44E, State Board of Chiropractic Examiners, was readopted as R.2007 d.31, effective December 22, 2006. See: Source and Effective Date. See, also, section annotations.

Subchapter 1, Purpose and Scope; Definitions, was renamed Purpose and Scope by R.2013 d.003, effective January 7, 2013. See: 43 N.J.R. 3076(a), 45 N.J.R. 37(a).

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. PURPOSE AND SCOPE**

13:44E-1.1 Scope of practice

SUBCHAPTER 1A. LICENSURE

- 13:44E-1A.1 Licensing requirements for a chiropractor
- 13:44E-1A.2 Application for license: chiropractor
- 13:44E-1A.3 Applicants licensed in other states
- 13:44E-1A.4 Biennial license renewal; license expiration; reinstatement after expiration; inactive status; return from inactive status
- 13:44-1A.5 Chiropractic continuing education
- 13:44-1A.6 Malpractice insurance

SUBCHAPTER 2. GENERAL RULES OF PRACTICE

- 13:44E-2.1 Advertising
- 13:44E-2.2 Patient records
- 13:44E-2.3 Sexual misconduct
- 13:44E-2.4 Chiropractor of record; fee reimbursement
- 13:44E-2.5 Fee schedule
- 13:44E-2.6 Referral fees
- 13:44E-2.6A Patient record review

- 13:44E-2.7 Delegable tasks or functions of unlicensed assistants
- 13:44E-2.7A Ordering of electro-therapy devices for home use
- 13:44E-2.8 Notification of change of address; service of process
- 13:44E-2.9 Display of license
- 13:44E-2.10 Right to a hearing
- 13:44E-2.11 Overutilization; excessive fees
- 13:44E-2.12 Referral of patients to physical therapists
- 13:44E-2.13 Chiropractic examination
- 13:44E-2.14 Independent chiropractic examinations
- 13:44E-2.15 Permissible practice structures

SUBCHAPTER 3. DETERMINATIONS WITH RESPECT TO THE VALIDITY OF CERTAIN DIAGNOSTIC TESTS, SPECIAL REQUIREMENTS FOR ELECTRODIAGNOSTIC TESTS AND OTHER SPECIAL EXAMINATIONS

- 13:44E-3.1 Definitions
- 13:44E-3.2 Recognized diagnostic tests; permissible billing
- 13:44E-3.3 Referable tests
- 13:44E-3.4 Basic pre-test prerequisites and standards for patient evaluation applicable to electrodiagnostic tests and special examinations
- 13:44E-3.5 Educational prerequisites applicable to electrodiagnostic tests and special examinations; certificate requirement
- 13:44E-3.6 Informed consent; equipment; preparation for and performance of the electrodiagnostic test
- 13:44E-3.7 Use of testing assistant
- 13:44E-3.8 Preparation of test report; follow-up
- 13:44E-3.9 Limitations on referrals
- 13:44E-3.10 Fees
- 13:44E-3.11 Application of prohibitions and limitations

SUBCHAPTER 1. PURPOSE AND SCOPE**13:44E-1.1 Scope of practice**

(a) The practice of chiropractic means a philosophy, science, and healing art concerned with the restoration and preservation of health and wellness through the promotion of well-being, prevention of disease, and promotion and support of the inherent or innate recuperative abilities of the body. The practice of chiropractic includes the reduction of chiropractic subluxation and the examination, diagnosis, analysis, assessment, systems of adjustments, manipulation, and treatment of the articulations and soft tissue of the body. It is within the lawful scope of the practice of chiropractic to diagnose, adjust and treat the articulations of the spinal column and other joints, articulations, and soft tissue and to order and administer physical modalities and therapeutic, rehabilitative and strengthening exercises.

(b) During the initial consultation and before commencing chiropractic care, a licensee shall identify and document a clinical condition warranting chiropractic care. Nothing contained in this section shall be deemed to prohibit a licensee from caring for chiropractic subluxation as determined by chiropractic analytical procedures. Chiropractic analysis that identifies the existence of a subluxation may be the basis for chiropractic care even in the absence of a subjective complaint or other objective findings.

(c) A chiropractic diagnosis or analysis shall be based upon a chiropractic examination appropriate to the presenting patient, except that a licensed chiropractor who, at any time during examinations or treatments, has reasonable cause to believe symptoms or conditions are present that require diagnosis, analysis, treatment, or methods beyond the scope of chiropractic as defined in (a) above, shall refer an individual to a practitioner licensed to practice dentistry, medicine, or surgery in this State or other appropriate licensed healthcare professionals. Nothing contained in this subsection shall preclude a licensed chiropractor from rendering concurrent or supportive chiropractic care to any patient so referred.

(d) The following diagnostic and analytical procedures are within the scope of practice of a licensee:

1. The taking and ordering of X-rays;
2. The ordering, but not performing, of bioanalytical laboratory tests consistent with chiropractic practice;
3. The ordering or performing of reagent strip tests (dipstick urinalysis) consistent with chiropractic practice;
4. The ordering, but not performing, of such other diagnostic or analytical tests consistent with chiropractic practice including, but not limited to, computerized axial tomography (CT), magnetic resonance imaging (MRI), bone scan, and invasive electromyography (EMG);
5. The requesting or performing of such other diagnostic or analytical tests consistent with chiropractic practice including, but not limited to, non-invasive muscle testing and tests using neurocalometer-type devices;
6. The requesting or performing of electrodiagnostic tests or other special examinations, to the extent and in the manner authorized by N.J.A.C. 13:44E-3;
7. The signing or certifying of temporary or permanent impairments and other certifications, such as pre-employment screenings. A chiropractic physician may use recognized references in making his or her determination; and
8. The providing of dietary or nutritional counseling, such as the direction, administration, dispensing, and sale of nutritional supplements including, but not limited to, all food concentrates, food extracts, vitamins, minerals, herbs, enzymes, amino acids, homeopathic remedies, and other dietary supplements including, but not limited to, tissue or cell salts, glandular extracts, nutraceuticals, botanicals, and other nutritional supplements; provided that the chiropractor has successfully completed a course of study concerning human nutrition, consisting of not less than 45 credit hours from a college or university accredited by a regional or national accrediting agency recognized by the United States Department of Education and approved by the Board based upon the criteria set forth in N.J.S.A. 45:9-41.3.

(e) When clinically indicated, supported and documented in the patient record, a licensee may provide the following procedures in conjunction with chiropractic care to facilitate, enhance and/or prolong the effects of the chiropractic adjustment:

1. The ordering and/or administering of physical modalities;
2. The ordering and/or administering of therapeutic, rehabilitative and/or strengthening exercises; and
3. Perform splinting and bracing, first aid, and other diagnostic or analytical tests including computer aided neuromuscular testing and nerve conduction studies.

(f) A chiropractor licensed by the State Board of Chiropractic Examiners may use the title doctor, or its abbreviation in the practice of chiropractic, however, it must be qualified by the words doctor of chiropractic, chiropractor or chiropractic physician or its abbreviation D.C., which may be used interchangeably.

Amended by R.1996 d.344, effective August 5, 1996.

See: 28 N.J.R. 1592(a), 28 N.J.R. 3803(b).

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

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

In (c), substituted "requesting" for "ordering" and substituted "non-invasive muscle testing and tests using neurocalometer-type devices" for "neurocalometer, thermography, and non-invasive muscle testing" in 5, and added 6.

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), inserted "and document" following "shall identify" and substituted "care" for "treatment"; in (b), substituted "examination" for "evaluation and "care" for "treatment"; rewrote (c); deleted (e).

Petition for Rulemaking.

See: 36 N.J.R. 589(a), 1615(a).

Public Notice: Withdrawal of Petition for Rulemaking.

See: 38 N.J.R. 2745(d).

Amended by R.2007 d.31, effective February 20, 2007.

See: 38 N.J.R. 3235(a), 39 N.J.R. 656(a).

In (c)5, inserted "; and" at the end; in (c)6, substituted a period for "; and" at the end; deleted (c)7; and added (e).

Amended by R.2013 d.003, effective January 7, 2013.

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

Rewrote the section.

Case Notes

Chiropractors are not absolutely prohibited from performing extraspinal adjustments; whether the adjustment of a structure beyond the spine properly falls within the scope of chiropractic practice is dependent on whether the adjustment bears a nexus to a condition of the spine. *Bedford v. Riello*, 195 N.J. 210, 948 A.2d 1272, 2008 N.J. LEXIS 772 (2008).

Chiropractor was not protected by either due process or fundamental fairness in connection with his application for staff membership at private hospital. *Petrocco v. Dover General Hosp. and Medical Center*, 273 N.J.Super. 501, 642 A.2d 1016 (A.D.1994), certification denied 138 N.J. 264, 649 A.2d 1284.

Private hospital which denied chiropractor's request for staff privileges afforded chiropractor more procedural protection than law required. *Petrocco v. Dover General Hosp. and Medical Center*, 273 N.J.Super. 501, 642 A.2d 1016 (A.D.1994), certification denied 138 N.J. 264, 649 A.2d 1284.