

Back To Chiropractic CE Seminars

~ Ethics & Law



Marcus Strutz, DC

**Life Chiropractic College West Graduate
June 1996, Summa Cum Laude**

Professor Life Chiropractic College West, 1997-2002

- **Physiotherapy Rehab** (authored course manual)
- **Physiotherapy Modalities** (authored course manual)
- **X-Ray Physics** (authored course manual)
- **Philosophy I**
- **Philosophy V - Practice Management**
- **Microbiology Lab**
- **Spinal Biomechanics**
- **Systemic Physiology Lab**

Marcus Strutz, DC

- **Private Practice, 2000-2013 Mendocino/Ft Bragg, CA**
- **CE Seminars, 2002-present:**
Technique, Wellness (Pt Ed), Physiotherapy,
History Taking & Physical Examination Procedures
- **Ghost Writer Practice Management, 2007-present**
- **National Board Review Instructor, 1999-2000**
Dr. Irene Gold & Dr. John Donofrio
- **Middle School Teacher Math & Science, 1989-1993**
- **Racquetball Club Pro & Weight Trainer**
Walnut Creek, 1982-1987
- **Father: Amuel Strutz DC Palmer Grad 1961**



Pacific Star Winery
pacificstarwinery.com

Prepare to Laugh & Learn

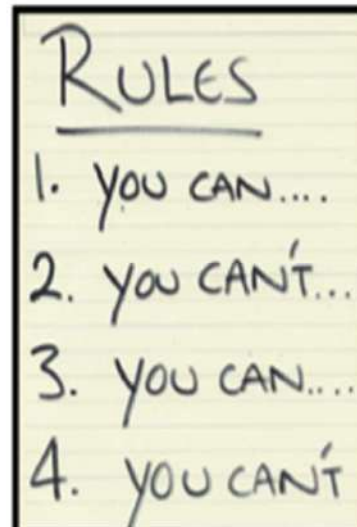


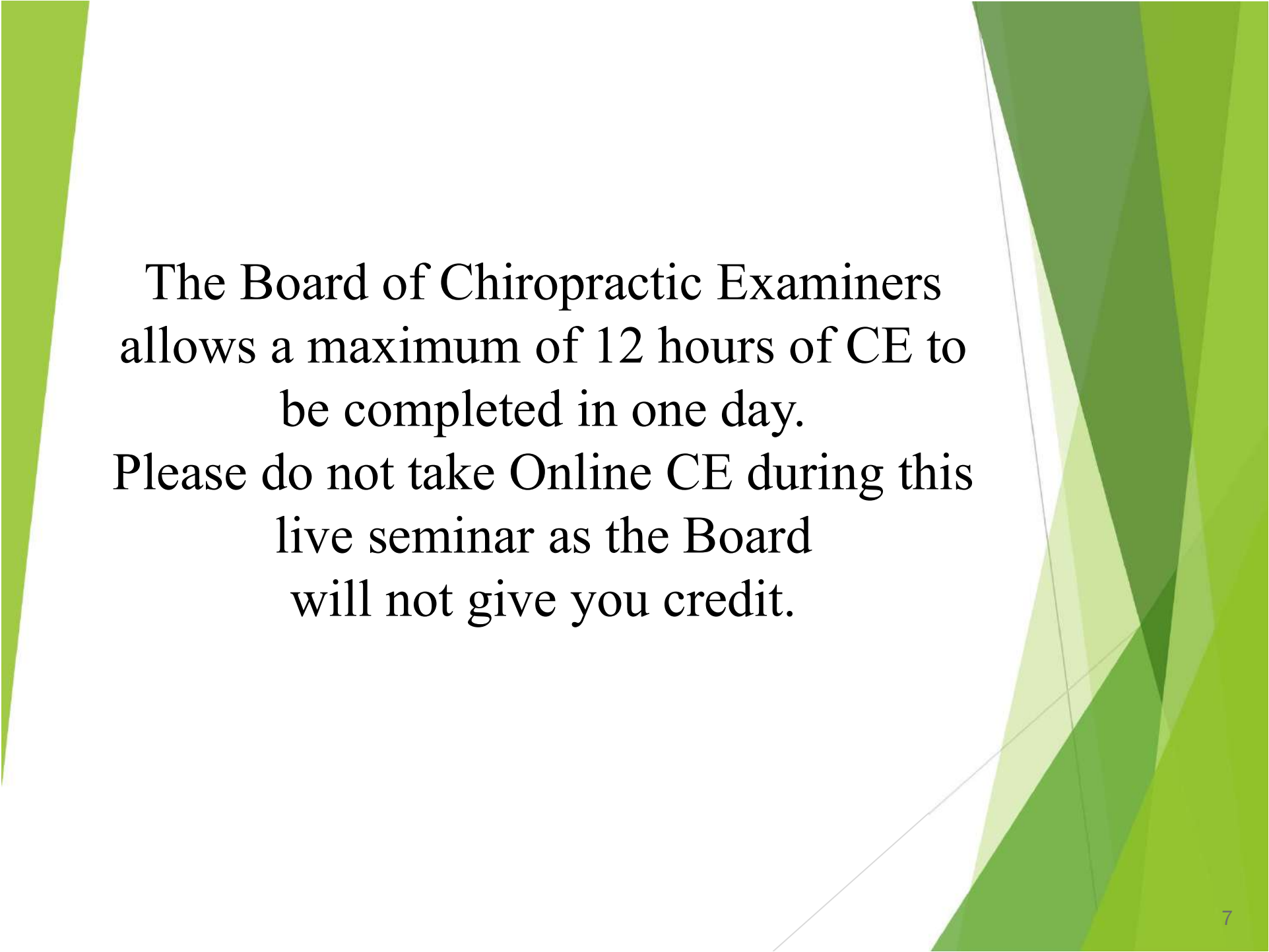
**YOU DON'T STOP LAUGHING BECAUSE YOU GROW OLD.
YOU GROW OLD BECAUSE YOU STOP LAUGHING.**

CE Certification NOTICE

In accordance with the Chiropractic Board of Professional Regulation/Rules/Statue for CE Credit for all states:

If attendee is ABSENT from the room during CE time for more than 10 minutes during any one hour period, CREDIT FOR THAT HOUR WILL BE FORFIETED.





The Board of Chiropractic Examiners
allows a maximum of 12 hours of CE to
be completed in one day.
Please do not take Online CE during this
live seminar as the Board
will not give you credit.

Adjusting at Seminars

To adjust a DC always needs to properly:

- *document patient information
- *take a history
- *perform an exam
- *acquire written & verbal consent

In light of the fact that an instructor for another company just injured an attending DC during a demonstration, and based on the legal advice from NCMIC, all technique will be demonstration of set-up only, with no dynamic thrust.

For DCs attending the seminar our legal advice is to also follow the above guidelines.

The Chiropractic Oath

In accordance with the law of nature,
that law which God has prescribed to
all men & women; and in consequence
of my dedication to getting the sick
well by the application of that law,

I promise and swear to keep, to the best of my
ability and judgment, the following oath:

I will observe and practice every acknowledged
rule of professional conduct in relation with my
profession, my patient, my colleague, and myself.



I will keep an open mind regarding the progress of my profession, provided that these progressions shall be confined within the boundaries of the chiropractic science, philosophy, and art.

I will serve my patient to the best of my ability, violating neither his confidences nor his dignity, and in my association with patients I shall not violate that which is moral and right.



I shall regard and refer to my fellow chiropractor with honor, giving credit where it is due.

I shall improve my knowledge and skill, firm in my resolution to justify the responsibility which the degree of Doctor of Chiropractic symbolizes and imposes.

To all this, I pledge myself, knowing these ideals are prescribed by the dictates of reason alone.



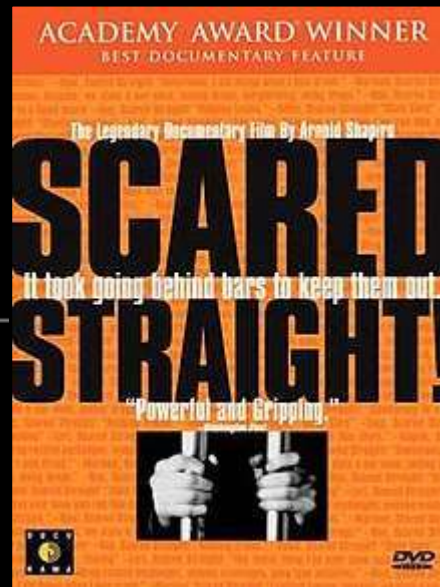
1st Attendance Word

ETHICS & LAW: BASIC CONCEPTS

SCARED STRAIGHT 1978

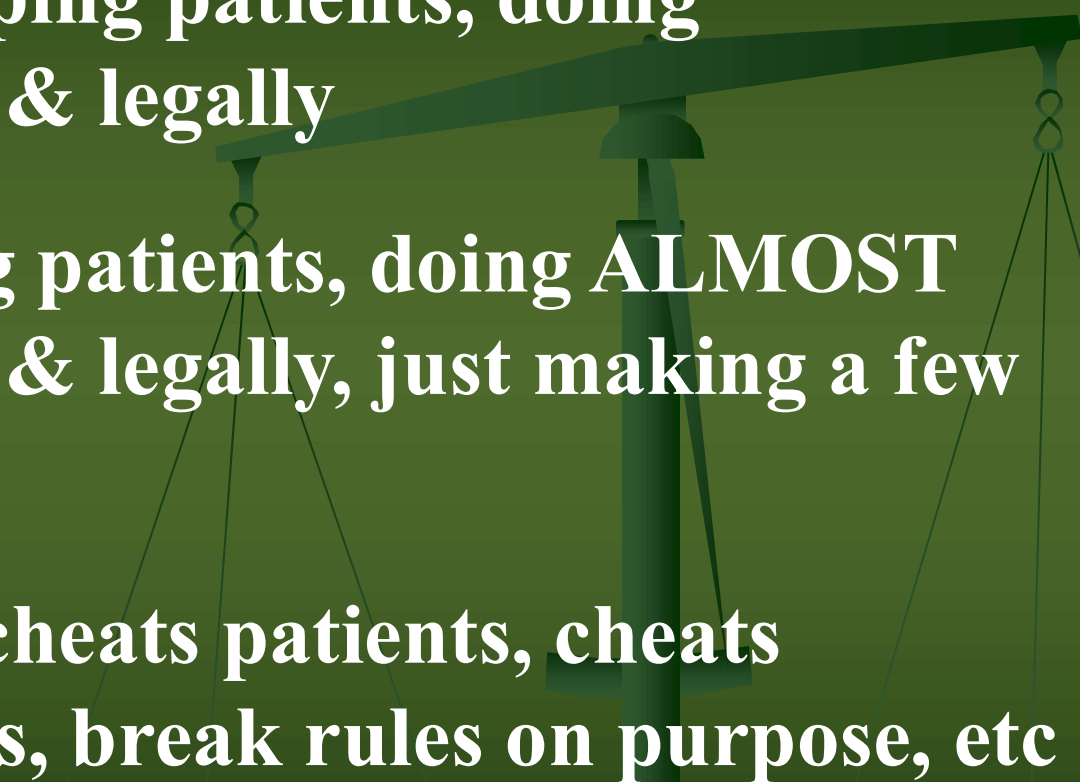
Good people don't need
laws to tell them to act
responsibly...
and bad people will
find a way around
the laws.

—PLATO



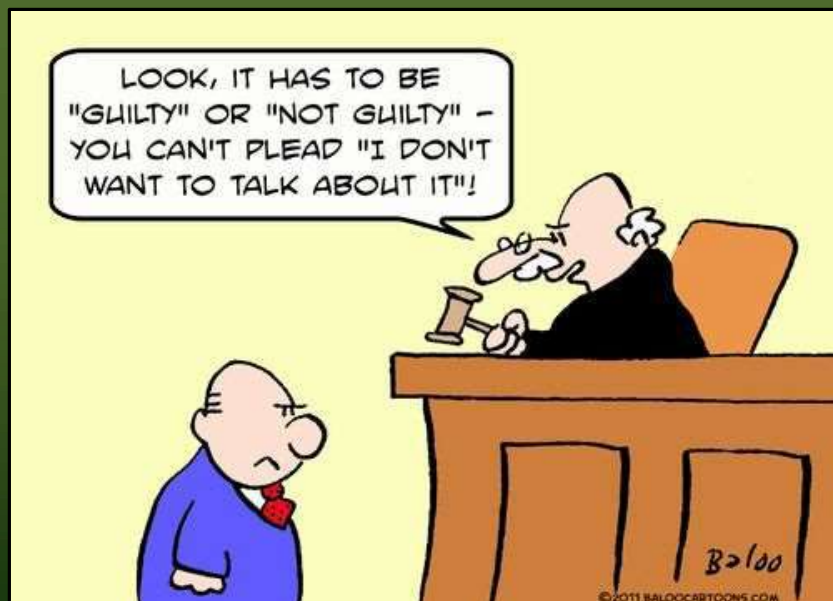
Ethics & Law: Basic Concepts

Three Kinds of DCs

- 1. Awesome DC: helping patients, doing everything ethically & legally**
 - 2. Good DC: helping patients, doing ALMOST everything ethically & legally, just making a few innocent mistakes**
 - 3. Schumucko DC: cheats patients, cheats insurance companies, break rules on purpose, etc**
- 

We Are NOT Attorneys!

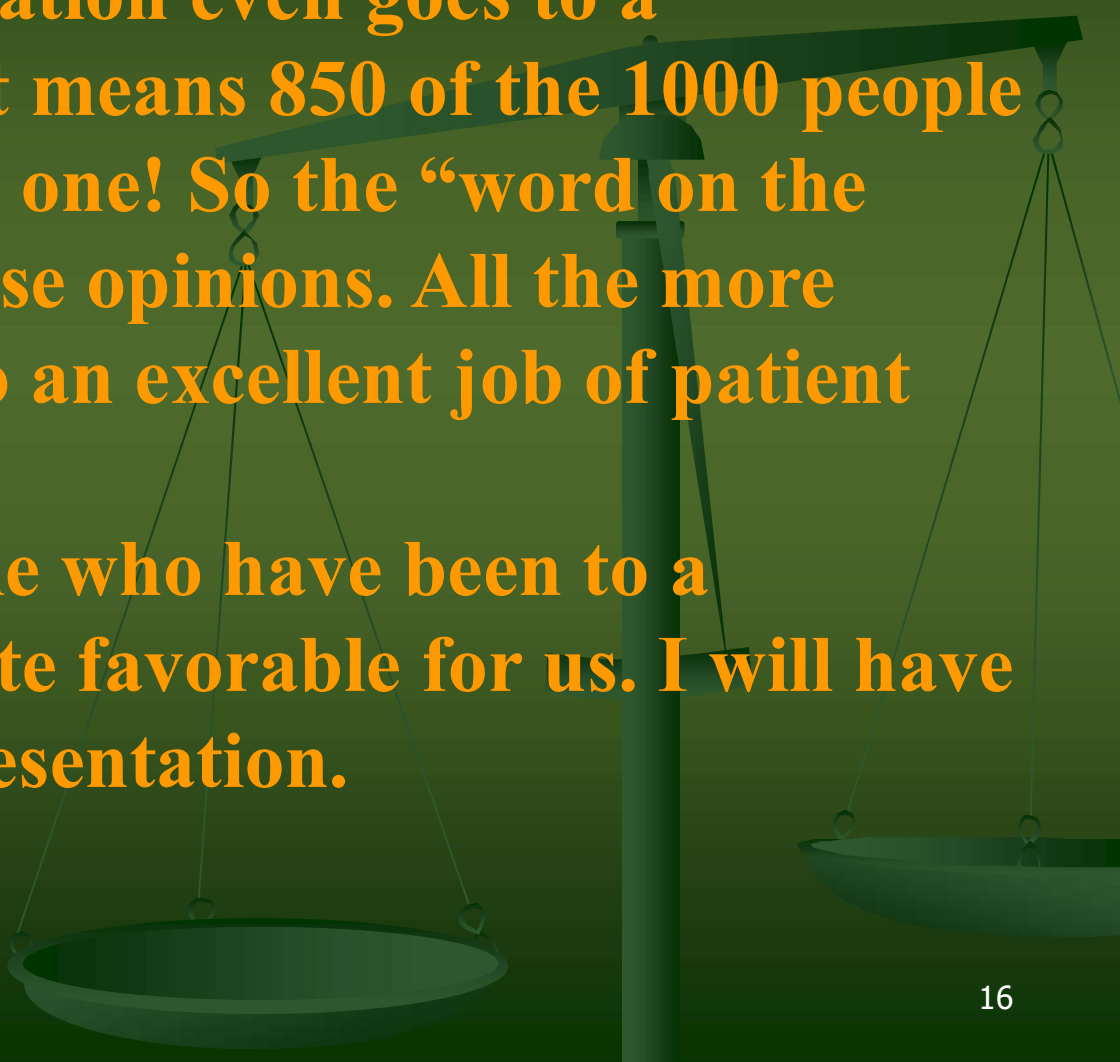
DCs are very smart, but we do not think like attorneys. Always have an attorney write up your contracts.



Why Ethics & Law?

Ratings of Honesty & Ethical Standards in Profession Survey of 1,028 adults ~ Gallup Dec, 2016

Occupation	Very high/High %	Very low/Low %	Average %
Nurses	84	3	13
Pharmacists	67	8	26
Medical doctors	65	7	29
Engineers	65	5	29
Dentists	59	7	34
Police officers	58	13	29
College teachers	47	18	32
Clergy	44	13	39
Chiropractors	38	13	45
Psychiatrists	38	12	45
Bankers	24	30	46
Journalists	23	41	34
Lawyers	18	37	45
State governors	18	35	45
Business executives	17	32	50
Senators	12	50	37
Stockbrokers	12	39	46
Advertising practitioners	11	40	46
Insurance salespeople	11	38	51
Car salespeople	9	46	45
Members of Congress	8	59	31



In this study please note that most studies say only 10-15% of the population even goes to a chiropractor. So that means 850 of the 1000 people haven't even been to one! So the “word on the street” is driving these opinions. All the more reason we have to do an excellent job of patient education.

The surveys of people who have been to a chiropractor are quite favorable for us. I will have some later in this presentation.

Staying Out Of Trouble?

"I AM NOT STAYING
OUT OF TROUBLE,
I AM JUST CAREFUL
NOT TO GET CAUGHT!"

I went to DC college for 12 quarters,
3 years at a cost of \$ _____
& the last thing I want to do is jeopardize my license!

Everyone Else Is Doing It!

Just because other DC's are doing this or that does not make it okay or legal. This is a very dangerous attitude to take. Often when we get out of school we learn from a successful practicing DC & **assume** they are doing everything correctly.

Be careful & be sure.



Don't Be Afraid to ask, Be Afraid of Not Asking!

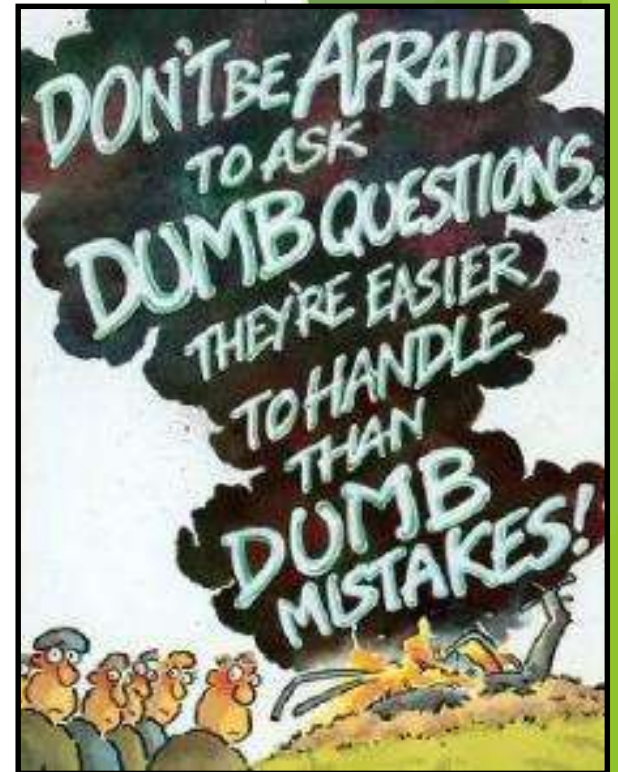
Who should you call:

Chiropractic Board: license issues

Malpractice: legal issues

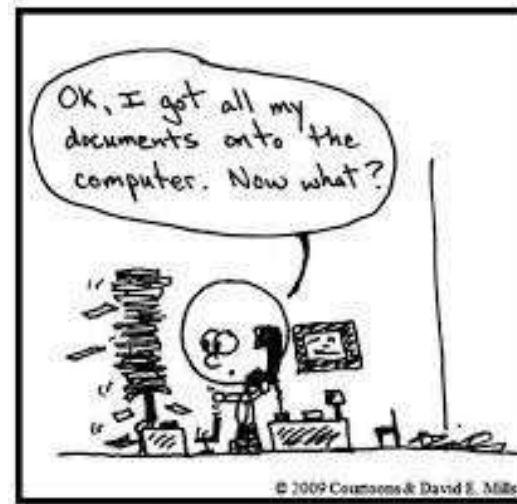
Health insurance: billing questions

Back To Chiropractic's support team



Get It In Writing!

Be 100% sure, get the legal explanation in writing



Don't Guess: Ignorance is Not Bliss

The DC says, “I don’t know & it will be okay.”

Or “I think this is correct.”

This is certainly dangerous as ignorance of the law is not a defense. So you are in court...

Get informed, get the right answers.

Ignorance is bliss,
imperfect knowledge is
dangerous, perfect
knowledge is power

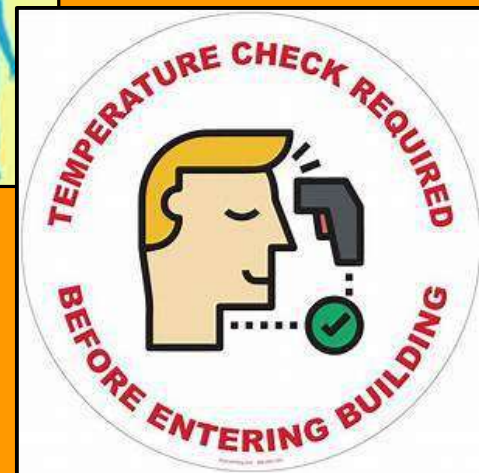


COVID-19~ In The Office

Not a time for your opinion!

Avoid spreading COVID, incurring fines and potentially being shut-down.

- 1. Follow all County & State Guidelines!**
- 2. Document all procedures/protocols in your office, including photos.**



Chiropractic Check List

Make sure you are not breaking any laws & representing the profession in a manner that would make your colleagues proud!

Initial intake form

Review the form make sure it has all the necessary information including date & signature. Check with your malpractice & peer review with other DCs in your community.

Your Logo Here

Name: _____ Birthdate: _____ Occupation: _____
Address: _____ City & State: _____ Zip Code: _____
Phone: _____ Alt. Phone: _____ E-mail: _____

Body aches and pains are common, however these types of defensive red flags are not normal. Pain and discomfort is the body's way of asking for your help. Please check any of the symptoms that you have recently experienced.

<input type="checkbox"/> Allergies/Sinus	<input type="checkbox"/> Hip pains	<input type="checkbox"/> Numbness/tingling
<input type="checkbox"/> Asthma	<input type="checkbox"/> Leg pains	<input type="checkbox"/> Poor posture
<input type="checkbox"/> Car Accident	<input type="checkbox"/> Low back pain	<input type="checkbox"/> Ringing in ears
<input type="checkbox"/> Carpal Tunnel	<input type="checkbox"/> Migraine	<input type="checkbox"/> Shoulder pain
<input type="checkbox"/> Difficulty sleeping	<input type="checkbox"/> Stomach issues	<input type="checkbox"/> Slip/fall
<input type="checkbox"/> Dizziness	<input type="checkbox"/> Anemia	<input type="checkbox"/> Sports injury
<input type="checkbox"/> Elbow pain	<input type="checkbox"/> Muscle tension	<input type="checkbox"/> Stress/irritability
<input type="checkbox"/> Headaches	<input type="checkbox"/> Neck pain	<input type="checkbox"/> Weight trouble
		<input type="checkbox"/> Other _____

1. Which symptom would you like to get rid of the most? Why? _____

2. If there were some things that concern you about using a Chiropractor what would they be? _____

3. What's most important to you when choosing a Chiropractor? _____

Please circle one:

1. Would you like more info about how we may help you?
Yes / No

2. Have you tried Chiropractic Care before?
Yes / No If yes how long ago? _____

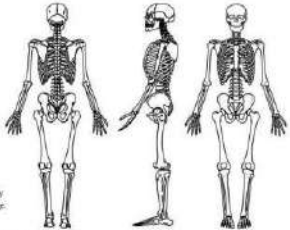
3. Did Chiropractic care help you?
Yes / No

I give my permission for Dr. David Farkas D.C., David Farkas Chiropractic Corporation and its Affiliates to perform a hands on preliminary spinal screening/manip. I am aware that my personal health history will be reviewed at this time. I release Dr. David Farkas D.C., David Farkas Chiropractic Corporation and its Affiliates from any liability resulting from any injuries or damages that I may sustain during this screening process or manip.

(Please Initial)

Team Only

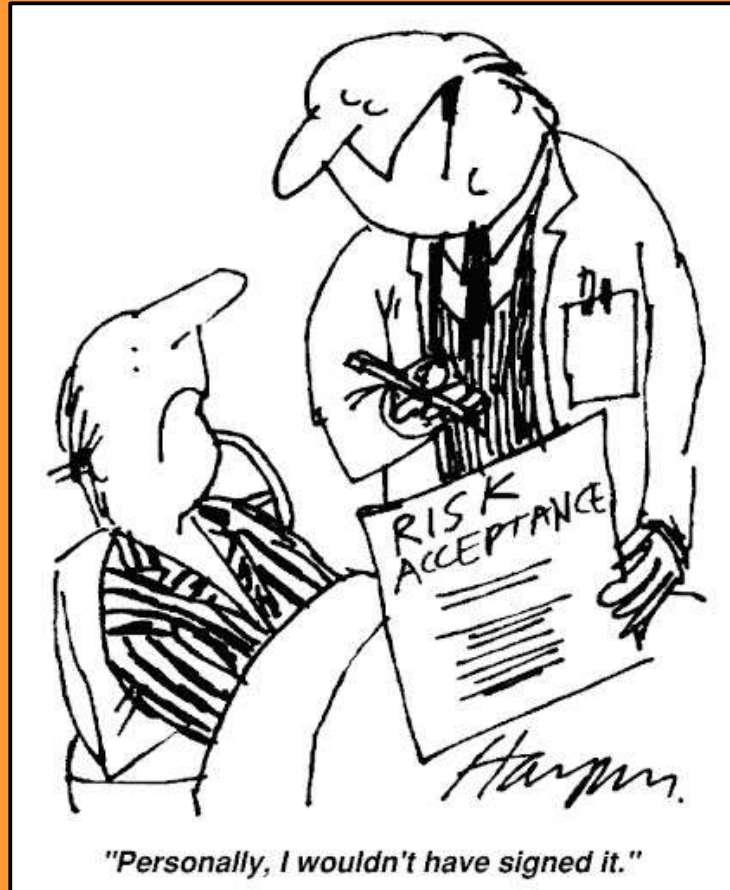
Greeters: _____ Appt. Date: _____ Time: _____
Chiropractor: _____ Amount: _____ Type: _____



Chiropractic Check List

Informed consent

Make sure you have it, that it is signed and dated by each patient and your malpractice company approves the form. Must be written & verbal.



2nd Attendance Word

Chiropractic Check List

HIPAA compliant

10-STEP HIPAA CHECKLIST

- 
Create a Security and Privacy Policy
- 
Name a Privacy and Security Officer
- 
Perform Periodic Vulnerability Reviews
- 
Create a Specific Policy for Email
- 
Create a Specific Mobile Policy
- 
Train Your Staff
- 
Develop a Privacy Notice
- 
Solidify Business Associate Relationships
- 
Establish a Protocol for Possible Breaches
- 
Make Sure the Privacy and Security Policies are Followed

SOAP notes

Cash DCs have your notes as good as if you were billing insurance, as you never know when your notes will be subpoenaed for a WC or PI case.

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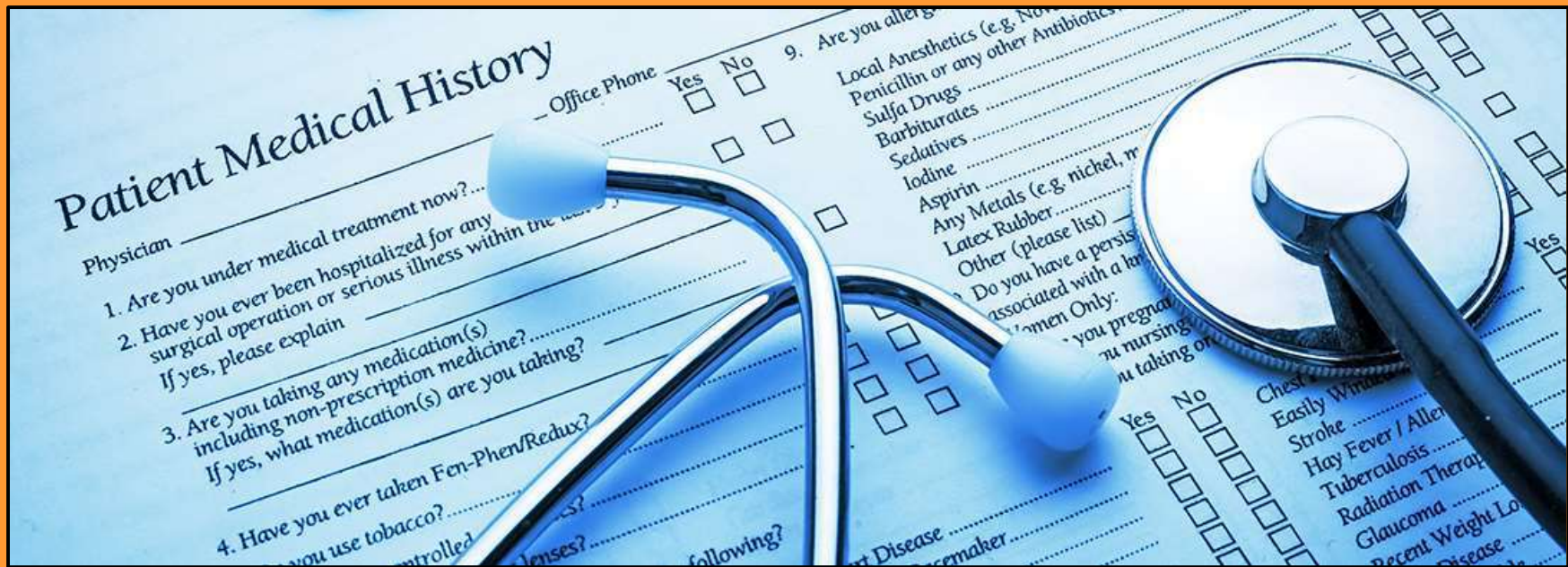
Chiropractic Check List

Proper documentation

Notes: history & exam that support your course of action and billing. Again must be decipherable by you in a court of law.

Key factors of effective healthcare documentation include:

- Provide factual, consistent, and accurate input.
- Update the information after any recordable event.
- Make sure all information is current.
- Confirm that all entries are legible and signed.



Chiropractic Check List

Malpractice & general liability insurance

Please be sure to have it and that it is up to date and current.



I'm being sued for malpractice by a patient who experienced a CVA days after I adjusted. The good ol' neurologist at the ER stated it was caused by such. At the time of the incident, I was not carrying malpractice insurance. After talking with two attorneys, I decided to consult with a defense attorney who works with NCMIC. They acted as a legal go-between between me and plaintiff counsel, as they tried to find out about my insurance and ultimately they wanted to find out about my assets.

At that point, my attorney stated that was a common tactic that plaintiff counsel uses to decide how much he can/will take. Basically, it would be me laying belly up for him.

My attorney thought I had a defensible case but it would cost at least **\$150,000** to defend. The suit was asking for over **\$250,000**. Bankruptcy came up. After a consult with a BR attorney, I decided the best course of action was to file Ch 13 (reorganization). By doing this, it stays all lawsuits against me and does not allow the plaintiff to come after me, (unless I default on the BR).

It'll cost me about **\$10,000** in attorney fees.

It'll be inconvenient, but not as devastating as the act of going through defending a malpractice case.

Such is my fate for being careless.

Interestingly, the patient was the husband of a woman who was in the same school community as my wife.

They've had the misfortune of having a child with cancer and the numerous hardships that come with it.

My wife asked me to give them rock bottom pricing because they were a nice family who have been going through a lot - which I of course did and the patient knew I was doing this favor for them.

As the saying goes,
"And this is how I've been rewarded."



Your Questions

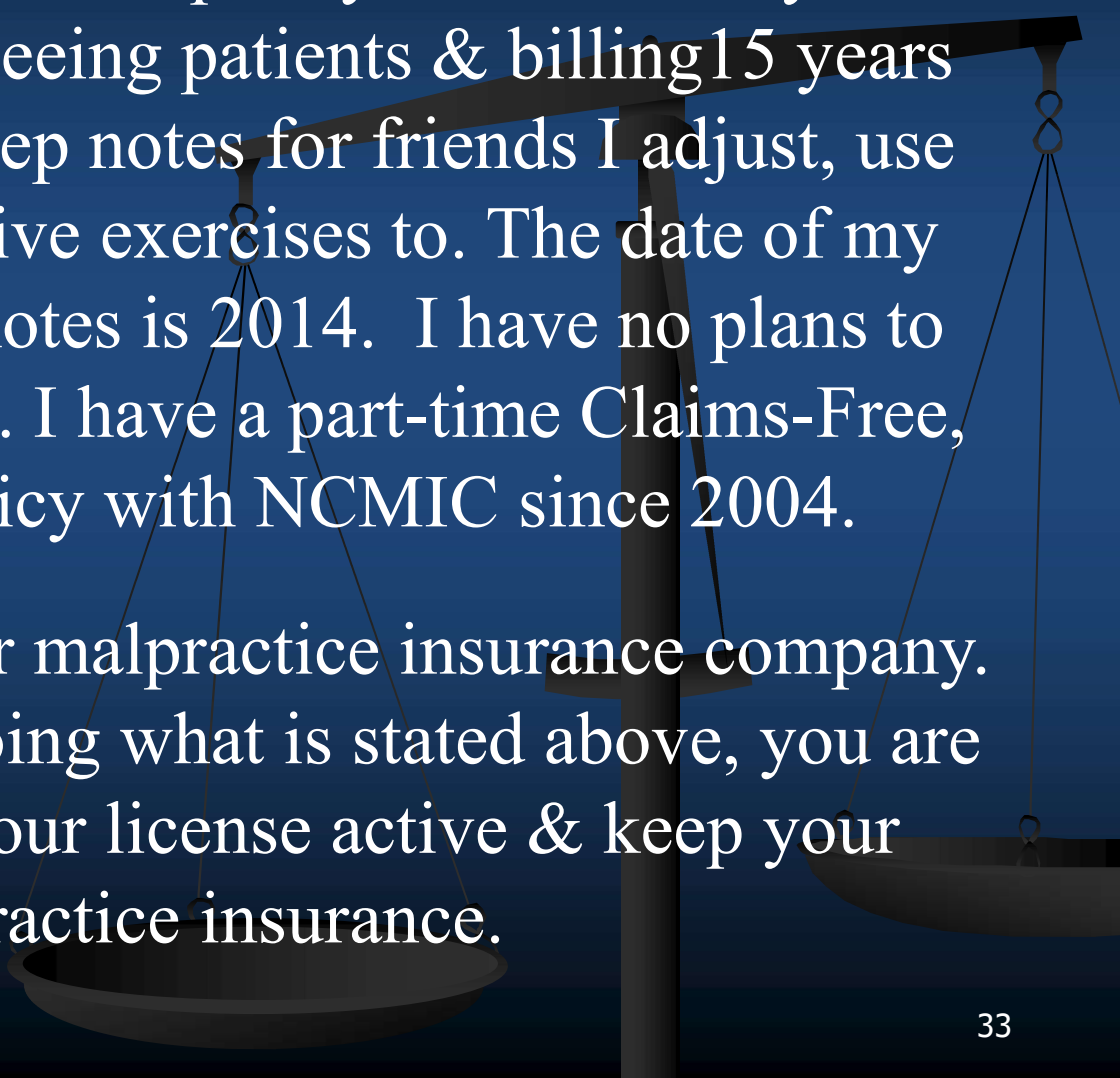
How much time do Chiro's have to provide a patient with their medical records?

What info is needed per pt visit?
DC signature, pt signature?

If a pts labs are positive for hiv, how do you notify the pt of the results? ie letter, verbally, secured website



3rd Attendance Word



What is the Board's position on not having malpractice insurance after termination of practicing, as I want to discontinue my insurance policy. I consider myself retired as I stopped seeing patients & billing 15 years ago. I still treat & keep notes for friends I adjust, use ultrasound on and give exercises to. The date of my most recent SOAP notes is 2014. I have no plans to start practicing again. I have a part-time Claims-Free, Claims Made policy with NCMIC since 2004.

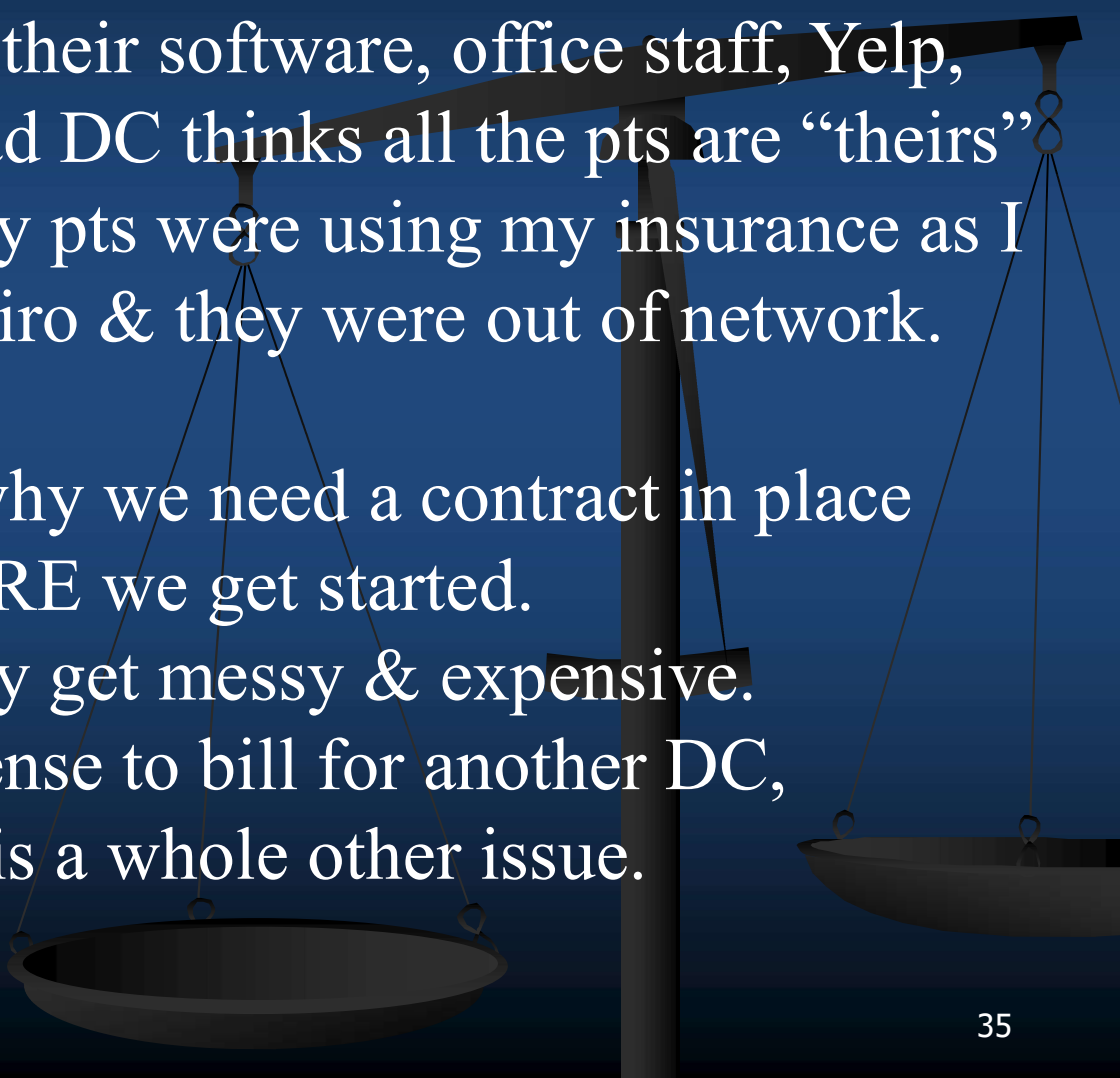
Call the Board & your malpractice insurance company. As long as you are doing what is stated above, you are practicing. Keep your license active & keep your malpractice insurance.

Where do we have to Display certificates for satellite offices? Primary office should display all certificates?

When relocating clinics how long do you have to notify the board of new location?

Can you forfeit license and get back license again? If so what fees do u pay?

For instance if you forfeit for 2 yrs then you have to pay 2 years of fees etc?



I'm leaving a practice next week & see some problems.
I'm an independent contractor & am concerned about getting my pts records off the office software. I gave a % to the practice to use their software, office staff, Yelp, scheduling, etc. The lead DC thinks all the pts are "theirs" even though most of my pts were using my insurance as I am an in network chiro & they were out of network.

Great example of why we need a contract in place
BEFORE we get started.

This will likely get messy & expensive.
Using your license to bill for another DC,
yikes this is a whole other issue.



Activity: See if you can list the Board's list of the Top 11 violations committed by DCs. Of these which ones are due to a patient filing a complaint or lawsuit against the DC?

4th Attendance Word



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DEPARTMENT OF CONSUMER AFFAIRS • CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS
901 P St., Suite 142A, Sacramento, CA 95814
P (916) 263-5355 | Toll-Free (866) 543-1311 | F (916) 327-0039 | www.chiro.ca.gov



JUNE 2021 ENFORCEMENT ACTIONS

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
		6/8/2021	<ul style="list-style-type: none">• CCR 317(g) – Unprofessional Conduct: Conviction of Substantially Related Crime• CCR 317(h) – Unprofessional Conduct: Conviction of Crime Involving Moral Turpitude, Dishonesty, Physical Violence, or Corruption• CCR 317(e) – Unprofessional Conduct: Conduct Endangering Public Health, Welfare, and Safety• CCR 317(w) – Unprofessional Conduct: Failure to Refer Patient for Appropriate Health Care Management

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
		Stipulated Surrender of License	6/6/2021	<ul style="list-style-type: none">• BPC 490 and CCR 317(g) – Unprofessional Conduct: Criminal Conviction: Wire Fraud• BPC 810 – Insurance Fraud• CCR 317(h) – Unprofessional Conduct: Conviction of a Crime Involving Moral Turpitude, Dishonesty, or Corruption• CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude, Dishonesty, or Corruption• CCR 317(l) – Unprofessional Conduct: Knowingly Making False Statement of Fact• CCR 317(q) – Unprofessional Conduct: Participation in Acts of Fraud or Misrepresentation

ACT: Chiropractic Initiative Act
BPC: Business and Professions Code
CCR: California Code of Regulations, Title 16
H&S: Health and Safety Code

Name and City	License No.	Action	Effective Date	Violation(s)
		Stipulated Surrender of License	6/6/2021	<ul style="list-style-type: none"> • CCR 317(g) – Unprofessional Conduct: Conviction of Substantially Related Crimes • CCR 317(h) – Unprofessional Conduct: Conviction of Crime Involving Moral Turpitude, Dishonesty, Physical Violence, or Corruption • CCR 317(e) – Unprofessional Conduct: Conduct Endangering Public Health, Welfare, and Safety • CCR 316(c) – Sexual Abuse, Sexual Misconduct, or Sexual Relations with a Patient • BPC 731(a) – Violation of Penal Code Section 647(a) in the Work Premises
		Stipulated Surrender of License	6/26/2021	N/A – Voluntary surrender of license while on probation for Case No. 2004-407
		Stipulated Surrender of License	6/26/2021	<ul style="list-style-type: none"> • CCR 317(g) – Unprofessional Conduct: Substantially Related Convictions • CCR 317(i) – Unprofessional Conduct: Multiple Convictions Involving Alcohol • CCR 317(f) – Unprofessional Conduct: Dangerous Use of Alcohol and/or Drugs • CCR 317(e) – Unprofessional Conduct: Dangerous Conduct

FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
		\$500	6/4/2021	<ul style="list-style-type: none"> • CCR 317 – Unprofessional Conduct • CCR 317(e) – Unprofessional Conduct: Endanger the Health, Welfare, or Safety of the Public

Name and City	License No.	Fine Amount	Date Final	Violation(s)
		\$2,500	6/5/2021	<ul style="list-style-type: none"> • CCR 311 – False Advertising • CCR 317(a) – Unprofessional Conduct: Gross Negligence • CCR 317(c) – Unprofessional Conduct: Incompetence • CCR 317(e) – Unprofessional Conduct: Endanger the Health, Welfare, or Safety of the Public • CCR 317(k) – Unprofessional Conduct: Moral Turpitude or Dishonesty • CCR 317(q) – Unprofessional Conduct: Fraud or Misrepresentation
		\$500	6/10/2021	<ul style="list-style-type: none"> • CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 366 – Failure to Retain CE Certificates of Completion for 4 Years • CCR 371(c) – Renewal CE Requirement
		\$1,000	6/10/2021	<ul style="list-style-type: none"> • CCR 317(m) – Unprofessional Conduct: Violation of Board Regulations • CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 366 – Failure to Respond to CE Audit • CCR 371(c) – Renewal CE Requirement
		\$750	6/10/2021	<ul style="list-style-type: none"> • CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 366 – Failure to Retain CE Certificates of Completion for 4 Years • CCR 371(c) – Renewal CE Requirement
		\$1,000	6/16/2021	<ul style="list-style-type: none"> • CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement

Name and City	License No.	Fine Amount	Date Final	Violation(s)
		\$1,500	6/25/2021	<ul style="list-style-type: none"> • CCR 317(m) – Unprofessional Conduct: Violation of Board Regulations • CCR 318(a)(3) – Chiropractic Patient Records: Required Content
		\$2,000	6/27/2021	<ul style="list-style-type: none"> • CCR 317(e) – Unprofessional Conduct: Conduct That Endangered the Health, Welfare, or Safety of the Public • CCR 317(f) – Unprofessional Conduct: Use of Alcoholic Beverages in a Manner to be Dangerous to Oneself and the Public • CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime • CCR 317(i) – Unprofessional Conduct: Conviction of More Than One Misdemeanor Involving Alcoholic Beverages

PETITIONS FOR REINSTATEMENT OF LICENSE

No Data to Report

PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION

No Data to Report

STATEMENT OF ISSUES

No Data to Report

Check the TOP ENFORCEMENT VIOLATIONS & Rules & Regulations and be sure you are on the right side of the law!

1. Insurance Fraud:

- Double billing
- Billing for service not rendered
- Up coding
- Excessive treatment

5th Attendance Word



2. Unlicensed Practice:

- Practicing after license expired
- Failing to promptly renew
- Aiding and abetting unlicensed individuals



Dr. Fred Courtney,
one of many jailed
chiropractors for
“Practicing Medicine
Without a License”
— Los Angeles, CA.
Circa 1921

QUESTIONS~ WHO CAN DO MY JOB?

Can an unlicensed staff member take a history and consult as long as you're on the premises? Can they mark films?

§312. Illegal Practice. Unlicensed individuals may conduct standard ortho, neuro, physical and chiropractic exams, except they may not perform such exams which require **diagnostic or analytic interpretations, nor may they render a conclusion either verbally or in writing regarding the pt's physical condition.**

EX: unlicensed individual may not perform evals of heart or lung soundings.

Must be at all times under the immediate and direct supervision of the DC. "Immediate and direct supervision" means the licensed DC shall be at all times on the premises where the exams are being conducted. The DC shall be responsible for the verification of the recorded findings and will be solely responsible for rendering a conclusion based on the findings.

Unlicensed individuals may administer PT treatments as an adjunct to an adjustment, provided the PT treatment is conducted under the adequate supervision of a licensed DC.

Adequate supervision includes:

- (1) The DC shall be present in the facility at least 50% of any work week or portion thereof the said individual is on duty unless this requirement has been waived by the board. The DC shall be readily available at all other times for advice, assistance and instruction.
- (2) The DC shall initially examine and prepare a written treatment program for a patient prior to the providing of PT treatment by the unlicensed individual.
- (3) The DC shall provide periodic re-evals of the treatment program and of the individual's performance in relation to the patient. "Periodic reevaluation" shall mean at least once every thirty days the patient is under active care.
- (4) The DC shall perform and record an evaluation of the patient and his or her response to treatment at the termination of care.

Unlicensed individuals may mark X-ray films administered by a DC. “Marking X-rays” is defined as drawing and measuring between reference points and making angular and linear measurements.

Unlicensed individuals are not permitted to make any diagnostic conclusions or chiropractic analytical listings, and the licensed DC is responsible for any pathological entities covered or obstructed by the markings.

Unlicensed individuals may not administer X-rays unless they hold a valid X-ray technician certificate from the Department of Health Services or participate under the direct supervision of a licensed DC of Chiropractic in a training program approved by that department and set forth in Section 25668.1 of the California Health and Safety Code.

Chiropractic Check List

DC License. Current & valid, complete CE by the end of your birthday month.



6th Attendance Word

What are the CE Requirements?

Answer:

24hrs a year, with a maximum of 12hrs online

6 of the 24 hours must include:

- ☐ Two hours of ethics and law
- ☐ Four hours in one of the following topics: -
Chiropractic adjustive or manipulation technique -
History taking and physical examination procedures -
Proper and ethical billing and coding

Maximum you can complete in a day is 12hrs

Checking your license: chiro.ca.gov

The screenshot shows the homepage of the Board of Chiropractic Examiners, State of California. The website has a blue and orange color scheme. At the top, the CA.GOV logo is on the left, and navigation links for 'Contact Us', 'Enforcement', and 'Laws & Rules' are on the right. Below this is a dark blue header with a home icon and links for 'CONSUMERS', 'APPLICANTS', 'LICENSEES', 'PUBLICATIONS', and 'ABOUT US'. The 'LICENSEES' link is circled in red. The main banner features the text 'BOARD of CHIROPRACTIC EXAMINERS STATE OF CALIFORNIA' with a blue spine graphic on the right. Below the banner, the mission statement is displayed. Two buttons are present: 'File a Complaint' and 'Renew Online', with the latter circled in red. To the right, there are sections for the Governor (Gavin Newsom), Secretary (Lourdes M. Castro Ramirez), and Director (Kimberly Kirchmeyer). Below these are 'License Search' and 'Forms & Applications' buttons. On the left, an 'Important Updates' section lists various news items. At the bottom right, a 'Quick Hits' section lists links including 'Apply for a License', 'Contact Us', 'License Search', 'Chiropractic Continuing Education', and 'Chiropractic Rules & Regulations', with the last link circled in red.

CA.GOV California Department of Consumer Affairs

Board of Chiropractic Examiners

CONSUMERS APPLICANTS LICENSEES PUBLICATIONS ABOUT US

BOARD of CHIROPRACTIC EXAMINERS STATE OF CALIFORNIA

The Mission of the Board of Chiropractic Examiners
The mission of the Board of Chiropractic Examiners is to protect the health, welfare, and safety of the public through licensure, education, and enforcement in chiropractic care.

File a Complaint Renew Online

Important Updates

- NEW Waiver Information for Continuing Education Requirements: All Licensees
- NEW Waiver Information for Continuing Education Requirements (March - October 2020)
- NEW Order Waiving Restrictions On Chiropractic School Schedules And Class Lengths
- NEW Waiver Information for Continuing Education Requirements
- NEW Waiver for Applicants
- NEW A Call to Action for the COVID-19 Response: How to Restore Your Inactive, Forfeited, or Suspended Chiropractic License to Active Status
- NEW COVID-19 - Licensee Request for License Restoration Back to Active
- Guidance Relating to Non-Discrimination in Medical Treatment for Novel Coronavirus 2019 (COVID-19)
- RCE Statement on COVID-19 (Coronavirus)
- Have Questions About the Coronavirus? Click Here
- Fee Increase Notice 2019
- 2017 RCE FEE AUDIT REPORT
- Strategic Plan 2017-2019
- Information for Military Personnel and Their Spouses/Domestic Partners

Visit the Website of Governor GAVIN NEWSOM

Secretary: Lourdes M. CASTRO RAMIREZ

Director: Kimberly KIRCHMEYER



License Search

Forms & Applications

Quick Hits

- Apply for a License
- Contact Us
- License Search
- Chiropractic Continuing Education
- Chiropractic Rules & Regulations

https://search.dca.ca.gov/?RD=Y



DCA LICENSE SEARCH


WELCOME TO THE DEPARTMENT OF CONSUMER AFFAIRS LICENSE SEARCH. YOU MAY USE THIS WEB PAGE TO LOOK UP A COMPANY OR INDIVIDUAL WHO HAS A LICENSE ISSUED BY THE DEPARTMENT OF CONSUMER AFFAIRS FOR THE PROFESSIONS LISTED.

YOU HAVE BEEN REDIRECTED FROM THE LEGACY LICENSE LOOKUP. PLEASE UPDATE YOUR BOOKMARKS.


THIS AUTOMATIC REDIRECT WILL EXPIRE IN 60 DAYS.


BOARDS AND BUREAUS	BUSINESS NAME
<input type="text"/>	<input type="text"/>
LICENSE TYPE	FIRST NAME
<input type="text"/>	<input type="text"/>
LICENSE NUMBER	LAST NAME
<input type="text"/>	<input type="text"/>
<input type="button" value="SEARCH"/>	<input type="button" value="CLEAR"/>

[ADVANCED SEARCH](#)
[PHYSICIAN'S SURVEY SEARCH](#)



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[Accessibility](#) [Contact Us](#) [F.A.Q.](#) [Disclaimer](#)
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Is your License up to date?

dca BOARD: **Chiropractic Exa** LICENSE TYPE: **Chiropractor** LICENSE NUMBER: **24928** BUSINESS NAME: **Business** FIRST NAME: **First Name** LAST NAME: **Last Name** **ADVANCED SEARCH**

1 RESULTS (SHOWING 1)


SEARCH FILTERS

BOARD/BUREAU (+ VOWS) (CLEAR)
☒ Chiropractic Examiners Board Of (1)

LICENSE TYPE (+ NONE) (CLEAR)
☒ Chiropractor (1)
☐ Certification (0)
☐ Health of Business (0)
☐ Statistic (0)

LICENSE STATUS (+ VOWS) (CLEAR)
☐ Active (0)

SECONDARY STATUS (+ VOWS) (CLEAR)
None Available At This Time

STRUTZ, MARCUS S.
LICENSE NUMBER: 24928 LICENSE TYPE: CHIROPRACTOR
LICENSE STATUS: VALID  EXPIRATION DATE: **SEPTEMBER 30, 2018**
SECONDARY STATUS: N/A
CITY: FORT BRAGG STATE: CALIFORNIA COUNTY: MENDOCINO ZIP: 95437

MORE DETAIL

Click on More Detail button

One More Step!



BOARD OF CHIROPRACTIC EXAMINERS

ISSUANCE DATE
MAY 24, 2007
EXPIRATION DATE
SEPTEMBER 30, 2018
CURRENT DATE / TIME
OCTOBER 4, 2017
7:11:57 AM

LICENSING DETAILS FOR: 24928

NAME: STRUTZ, MARCUS D.
LICENSE TYPE: CHIROPRACTOR
LICENSE STATUS: FULL

ADDRESS

3333 N. 10TH ST
PUEBLO BLVD SW
ALAMEDA, CA 94601
N/A

Is your address correct?

PUBLIC RECORDS

> THERE ARE NO PUBLIC RECORDS.

PUBLIC DOCUMENTS

> DOCUMENTS (NO RECORDS)

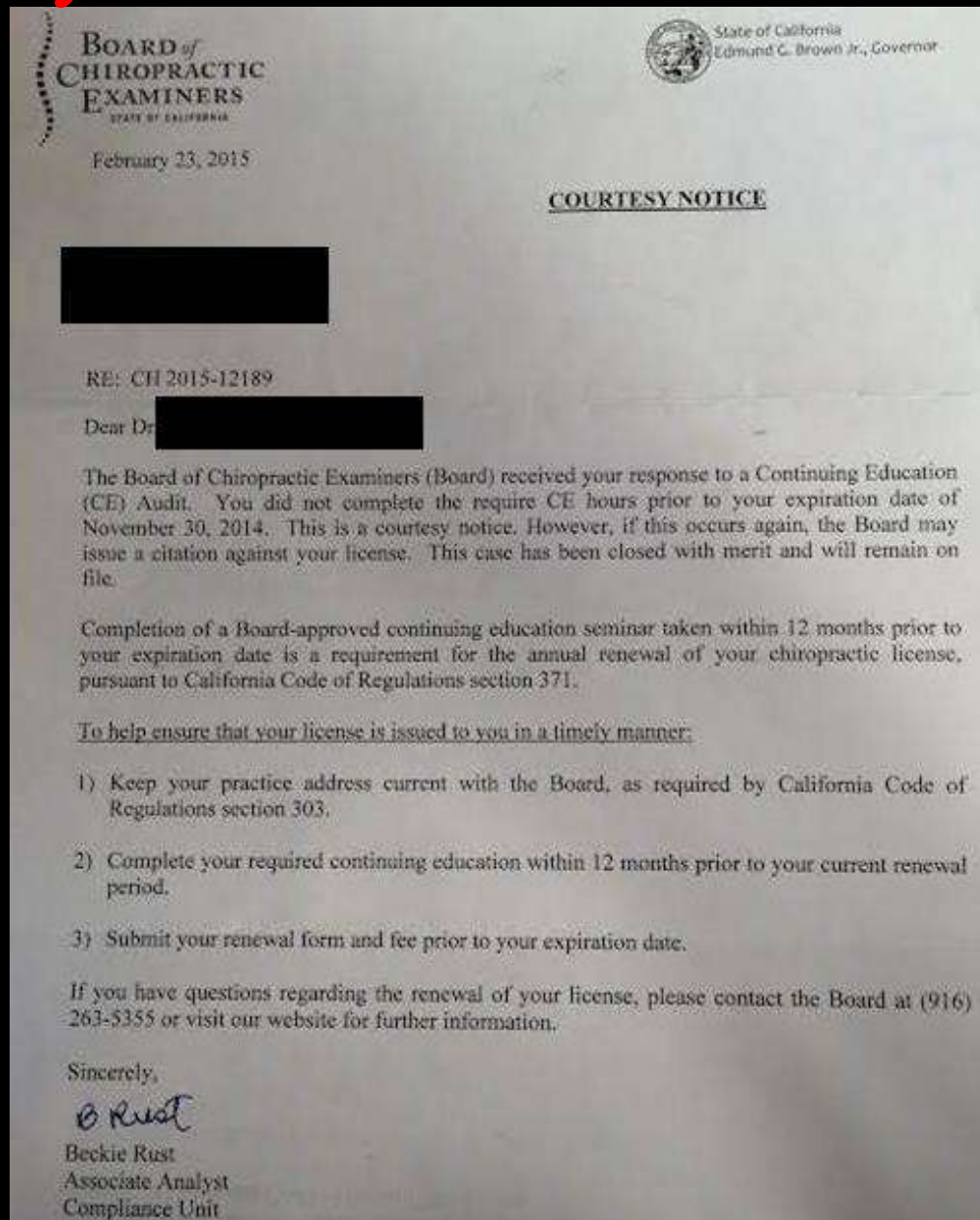
LICENSE RELATIONSHIPS

NAME: STRUTZ, MARCUS
LICENSE/REGISTRATION TYPE: CHIROPRACTOR
LICENSE NUMBER: 24928 PRIMARY STATUS: **CANCELLED**

ADDRESS:
3333 N. 10TH ST
PUEBLO BLVD SW
ALAMEDA, CA 94601
N/A

Double check all info.
Is this supposed to be cancelled?

Late on your CE? Notice from the Board!



My CE Seminar Records

Requirements: 24hrs per year, 12 must be taken at a Live Seminar

Maximum of 12hrs can be taken Online

Must take 2 hrs of Ethics & Law each year, live or online

Must take 4hrs of Tech or Billing or History & Exam each year, live or online

Name: _____

My Relicensing Period: _____

CE Provider Name	Course Title	Date Taken	Course:		Course Code	*Category	Instructor	Hours	Fec Paid
			Live	Online		A, B, C			

90

Board of Chiropractic Examiners
901 P Street, Suite 142A
Sacramento, California 95814
www.dca.ca.gov

T (916) 263-5355
F (916) 327-0059
TT/TDD (800) 735-2929
Consumer Complaint Hotline
(866) 543-1311

^aCategory

A) Mandatory

Ethics and Law, History Taking and Physical Examination Procedures

Chiropractic Adjustive Technique or Chiropractic Manipulation Techniques, Proper and Ethical Billing and Coding

B) Other Courses Related to Chiropractic

Philosophy of chiropractic, instruction in basic sciences, diagnostic testing procedures and differential diagnosis, pain management theory, physiotherapy, manipulation under anesthesia, special population care, adverse event avoidance, pharmacology, cardiopulmonary resuscitation, principles of practice, wellness, rehabilitation, public health

C) Other (Describe)

Provide separate attachment

TOP ENFORCEMENT VIOLATIONS

3. Sexual Misconduct:

- Erotic behavior
- Inappropriate touching
- Sexual contact or having sexual relations with a patient, client, customer, or employee

How to prevent:

1. Have new pt watch you adjust others first.
2. Have someone else in the room or open adjusting format.
3. Trust your instinct, refuse care to... refer out.

7th Attendance Word

TOP ENFORCEMENT VIOLATIONS

3. Sexual Misconduct:

Pediatric Doctor Story



TOP ENFORCEMENT VIOLATIONS

4. Excessive Treatment:

- Treatment beyond what is reasonable/necessary or within the standard of care
- Failure to document necessity (conduct a thorough exam, diagnose the condition, implement a treatment plan, and conduct follow-up exams to assess progress)



TOP ENFORCEMENT VIOLATIONS

5. Violation(s) involving Drugs/Alcohol:

- DUI
- Possession or use of any illicit drugs
- Practicing while impaired
- Prescription medication abuse



TOP ENFORCEMENT VIOLATIONS

6. Conviction of a crime(s):

- Theft
- Domestic violence
- DUI
- Vandalism

**8th Attendance
Word**



TOP ENFORCEMENT VIOLATIONS

7. False and/or misleading Advertising:

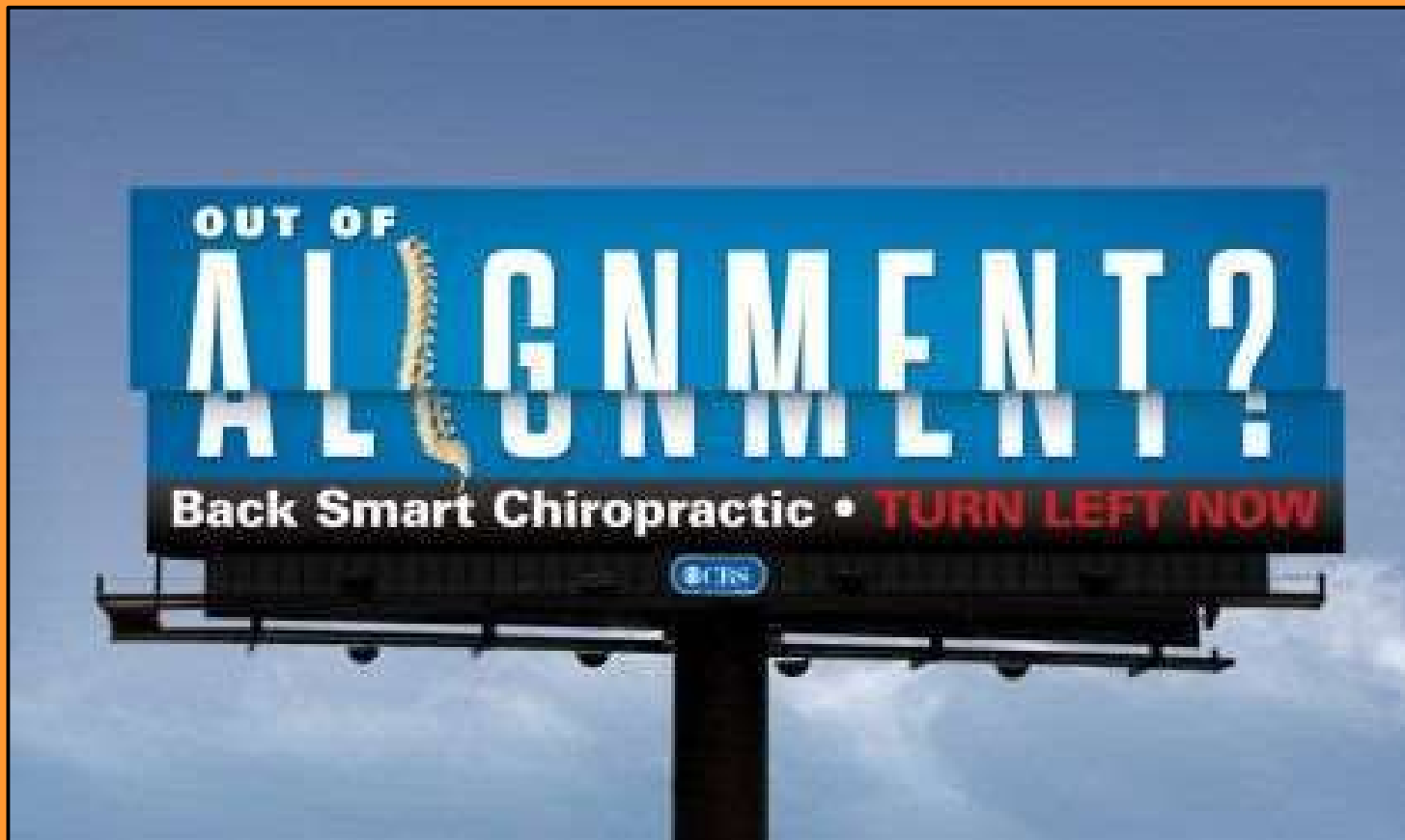
- Sensational claims
- No “D.C.” after chiropractor’s name
- Fraud/misrepresentation



Chiropractic Check List

Advertising

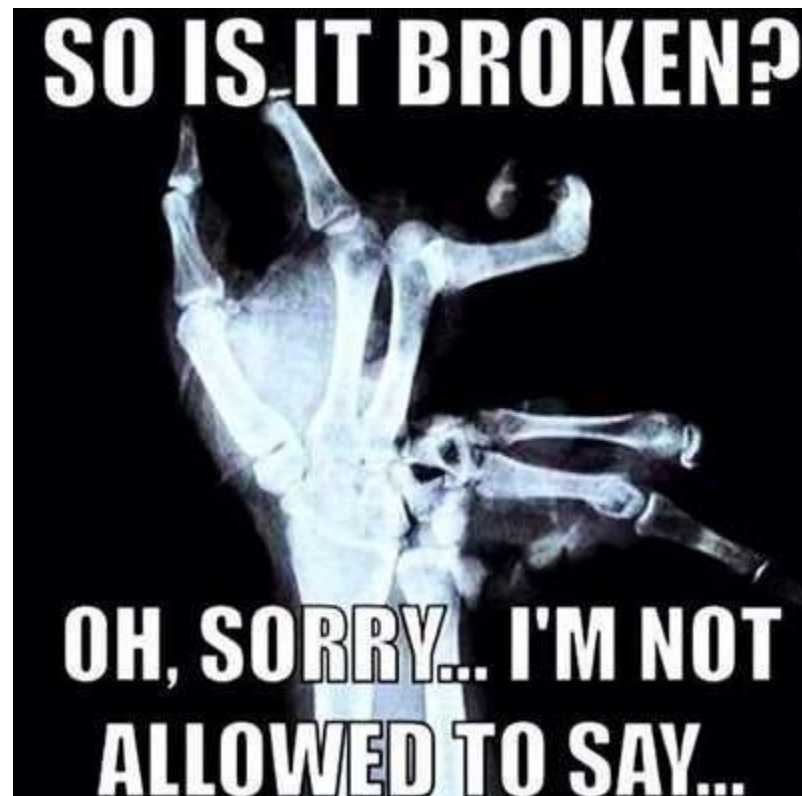
Read through all your ads (website too). Be sure DC is after your name, (not physician) and that no one can interpret your ad as saying you will cure anything or that you are a physical therapist.



TOP ENFORCEMENT VIOLATIONS

8. Beyond Scope of Practice:

- Performing surgical procedures
- Furnishing/prescribing controlled substances
- Claiming to treat/cure cancer



If it's grey, stay away!

Scope of practice questions?
Call your malpractice insurance company.
Get a professional opinion letter
from an attorney.



TOP ENFORCEMENT VIOLATIONS

9. Negligence/Incompetence:

- Physical harm to patient
- Failure to exercise appropriate standard of care

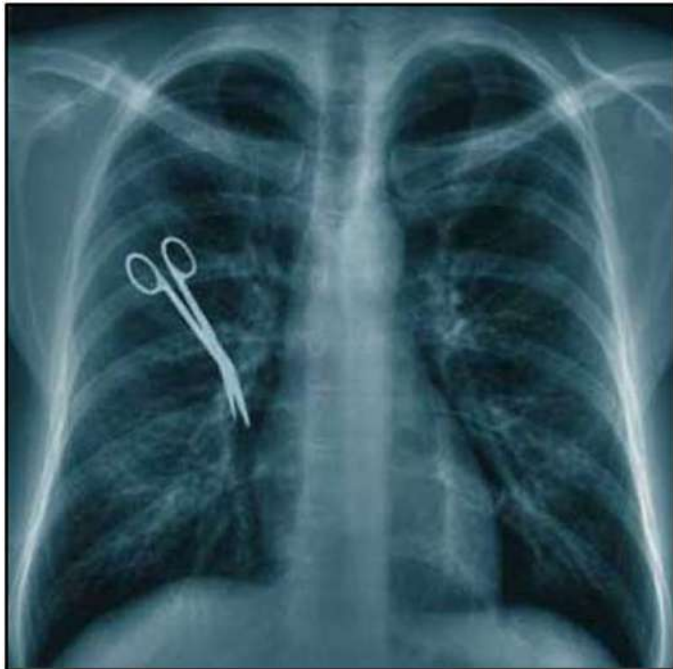


Statue of Limitations?

365 days

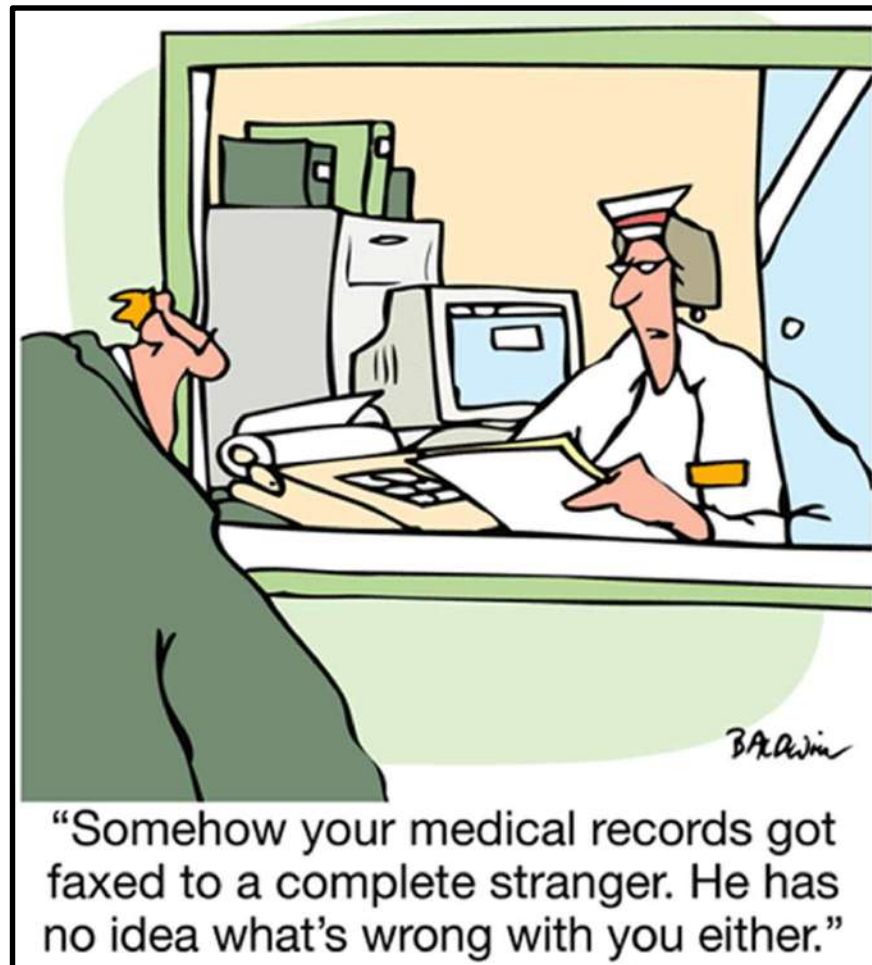
Upon discovery

**How long after an adjustment until
negative response is realized?**



TOP ENFORCEMENT VIOLATIONS

10. Fail to release Pt records within 15 days of request:
— Includes requests from pt, pt attorney, pt representative, insurance co, or BCE representatives



FREE OR DISCOUNTED SERVICES

Licensees may advertise that they will perform certain designated routine professional services free or at a discount if such advertising claims are truthful. However, no charge shall be made for any other professional services rendered or commodities provided to a patient during any office visit in which free or discounted services are offered or provided unless, prior to the accrual of any charges, the patient shall have been informed of the cost of such additional services and/or commodities and shall have agreed to pay for them.

TOP ENFORCEMENT VIOLATIONS

11. Payment for Referrals:

- Discounts
- Cash/gift cards
- Free services

9th & 10th

Attendance Words



CURE VS PREVENT VS DECREASE RISK

What are you promising patients?

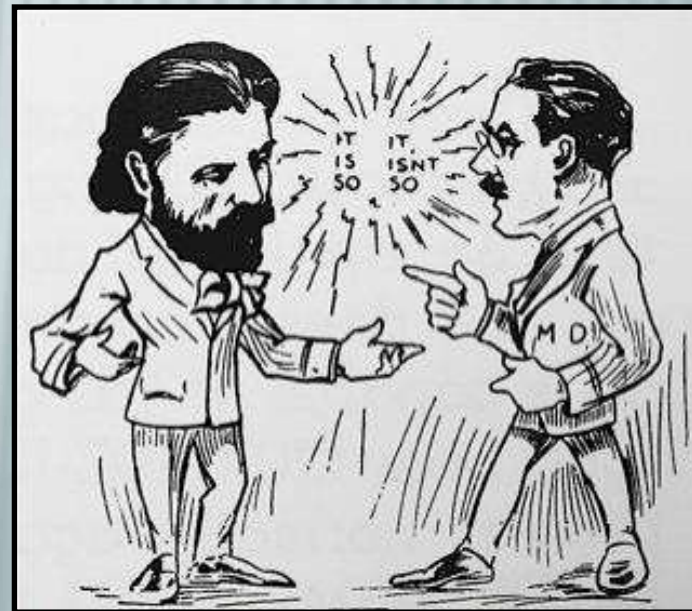
Can you say I will prevent cancer? NO!

Can you say here are the aspects of health we will measure? See wellness presentation.



Outrageous Claims?

Never say you prevent something,
rather use the idea of decreasing risk.
Testimonials & supportive peer reviewed
literature posted in your office are really
effective!



Refer a Friend! Legal or illegal?

As a small business, we rely on customer referrals. Please share this offer with a friend. Refer a Friend & Enter a Raffle to Receive \$400!

- × Redemption Code: abc-123
- × Expires 4/30/16
- × 1 Referral equals 1 Ticket in the raffle. As this voucher is offered free of charge, it is not valid for cash value or other redemption value. Other restrictions may apply: call for details.

Illegal!

Prepay! Legal or illegal?

Escrow account only necessary if DC can not refund out of pocket.

Have signed contract contingency plan if patient wants to stop care. Prorate care; all possibilities are okay as long as it is in the contract.

If pt becomes a WC/PI case contract stops, and then resumes one the WC/PI case ends.

Legal

Fee Schedules!

Decide how much you want to get paid per hour.

Then divide that out as a time element for the given billing code.



Waive Co-pays! Legal or illegal?

You CAN waive co-pays.

You can NOT advertise it unless you contact and inform insurance companies.

Advertisement includes your website.



Waiving or Discounting Copays or Deductibles



May waive or discount govt copays or deductibles if:

- Not offered as part of any advertisement or solicitation;
 - Do not routinely waive copays or deductibles; and
 - Waive or discount after
 - good faith determination that the beneficiary is in financial need, or
 - unable to collect after reasonable collection efforts.
- (42 USC 1320a-7a(i)(6); 42 CFR 1003.101; *see also* Adv. Op. 12-16)
- Document factors such as local cost of living; patient's income, assets and expenses; patient's family size; scope and extent of bills.

370. LICENSE RENEWAL FEES.

- ✖ The following represents fees for license renewals
 - (a) Annual license renewal for active and inactive licenses: \$313
 - (b) License restoration for forfeited and cancelled licenses: double the annual renewal fee
 - (c) Inactive to active status license renewal: same as the annual license renewal fee

24 HOUR CE REQUIREMENTS

Must complete by the end of your birthday month.

Finish early to avoid practicing without a license!

24 hours a year, with a maximum of 12 hours online

24 hours of CE required within the following categories:

- Board of Chiropractic Examiners approved classes
- Courses may be repeated within same licensure year
- Earn up to 12hrs of distance learning per licensure year
- Technique is NOT required but is an option, see below
- No more than 24 hours of CE may be earned in a calendar year
- Ineligible courses: financial management, income generation, practice building, collections, self-motivation and patient recruitment

24 HOUR CE REQUIREMENTS

6 of the 24 hours must include:

(can be taken live or online)

- ☐ Two hours of ethics and law
- ☐ Four hours in one of the following topics:
 - Chiropractic adjustive or manipulation tech
 - History taking and physical exam procedures
 - Proper and ethical billing and coding



Chiropractic Service Template

The Big Idea!

PRACTICE OF CHIROPRACTIC

Scope of Practice

(1) A duly licensed chiropractor may manipulate and adjust the spinal column and other joints of the human body and in the process thereof a chiropractor may manipulate the muscle and connective tissue related thereto.



PRACTICE OF CHIROPRACTIC



(2) As part of a course of chiropractic treatment, a duly licensed chiropractor may use all necessary mechanical, hygienic, and sanitary measures incident to the care of the body, including, but not limited to, air, cold, diet, exercise, heat, light, massage, physical culture, rest, ultrasound, water, and physical therapy techniques in the course of chiropractic manipulations and/or adjustments.

(3) Other than as explicitly set forth in section 10(b) of the Act, a duly licensed chiropractor may treat any condition, disease, or injury in any patient, including a pregnant woman, and may diagnose, so long as such treatment or diagnosis is done in a manner consistent with chiropractic methods and techniques and so long as such methods and treatment do not constitute the practice of medicine by exceeding the legal scope of chiropractic practice as set forth in this section.

(4) A chiropractic license issued in the State of California does not authorize the holder thereof:

A) to practice surgery or to sever or penetrate tissues of human beings, including, but not limited to severing the umbilical cord.

B) to deliver a human child or practice obstetrics.

C) to practice dentistry

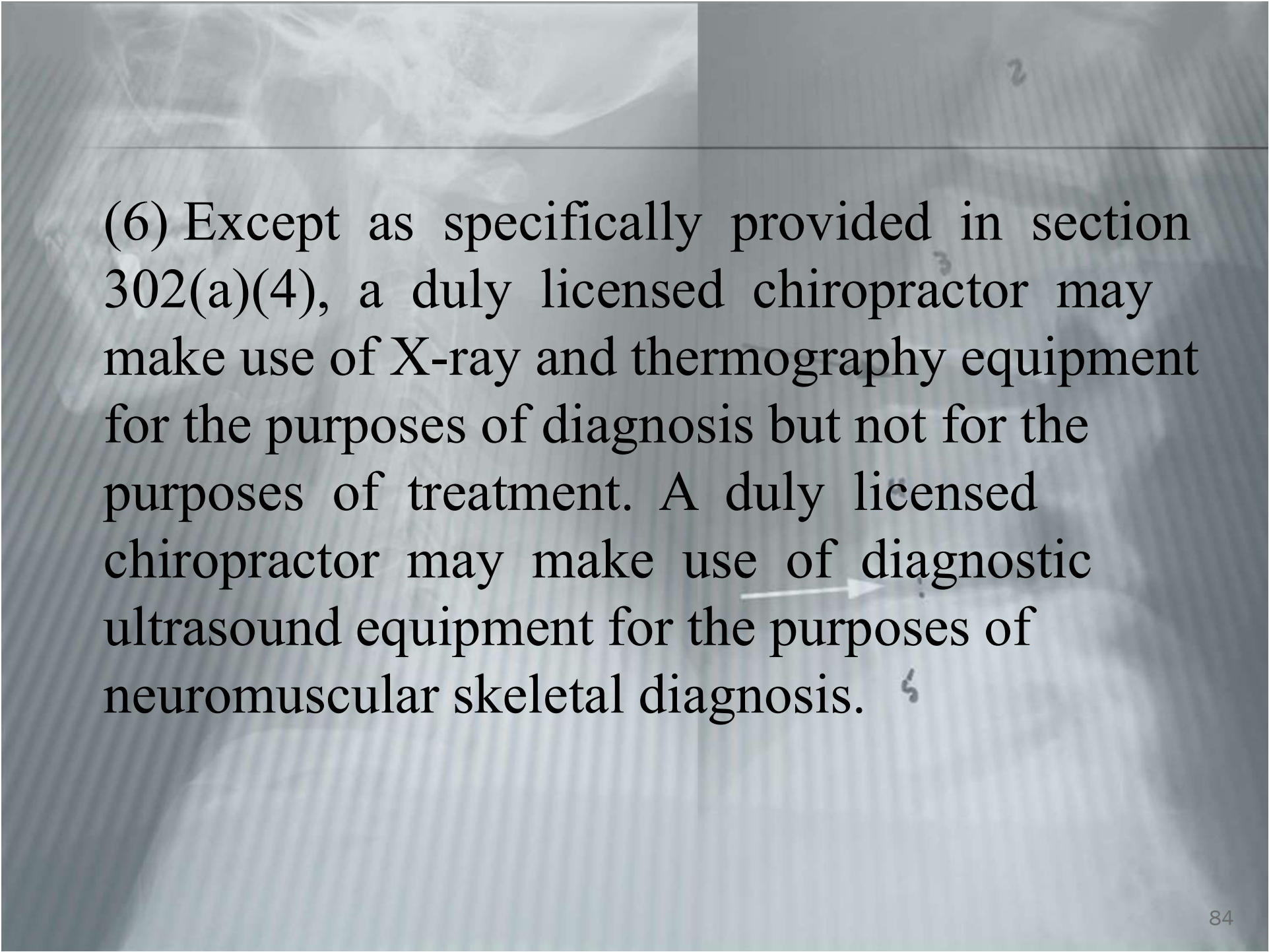
D) to practice optometry

E) to use any drug or medicine included in materia medica.

F) to use a lithotripter.

G) to use ultrasound on a fetus for either diagnostic or treatment purposes; or to perform a mammography.

(5) A duly licensed chiropractor may employ the use of vitamins, food supplements, foods for special dietary use, or proprietary medicines, if the above substances are also included in section 4057 of the Business and Professions Code, so long as such substances are not included in materia medica as defined in section 13 of the Business and Professions Code.



(6) Except as specifically provided in section 302(a)(4), a duly licensed chiropractor may make use of X-ray and thermography equipment for the purposes of diagnosis but not for the purposes of treatment. A duly licensed chiropractor may make use of diagnostic ultrasound equipment for the purposes of neuromuscular skeletal diagnosis.

(7) A duly licensed chiropractor may only practice or attempt to practice or hold himself or herself out as practicing a system of chiropractic. A duly licensed chiropractor may also advertise the use of the modalities authorized by this section as a part of a course of chiropractic treatment, but is not required to use all of the diagnostic and treatment modalities set forth in this section. A chiropractor may not hold himself or herself out as being licensed as anything other than a chiropractor or as holding any other healing arts license or as practicing physical therapy or use the term “physical therapy” in advertising unless he or she holds another such license.

LASERS?

You can't use any laser in the practice of chiropractic which hasn't been properly approved or cleared by the United States Food and Drug Administration (FDA).



303. FILING OF ADDRESSES

Each person holding a license to practice chiropractic in the State of California under any and all laws administered by the board shall file his proper and current place of practice address of his principal office and, where appropriate, each and every sub-office, with the board at its office in Sacramento and shall immediately notify the board at its said office of any and all changes of place of practice address, giving both his old and his new address within 30 days of change.

§306.3. INVESTIGATORS; AUTHORITY TO INSPECT PREMISES

The board or its designee may inspect the physical premises of any chiropractic office during regular business hours.

Business Hours	
Monday	9:00 am - 5:00 pm
Tuesday	9:00 am - 5:00 pm
Wednesday	9:00 am - 5:00 pm
Thursday	9:00 am - 5:00 pm
Friday	9:00 am - 5:00 pm
Saturday	CLOSED
Sunday	CLOSED



308. DISPLAY OF LICENSE

Each person holding a license shall display a current active license in a conspicuous place in the licensee's principal office or primary place of practice.

No licensed DC of Chiropractic shall display any chiropractic license, certificate or registration, which is not currently active and valid.

§310. CHANGE OF NAME

Any licensee who shall change his name according to the law, shall, within 10 days of such change, reregister his name with the Executive Officer of the board by submitting to the board office a written statement of the change and evidence of legal documentation.

Change My Name

§310.2. USE OF TITLE BY UNLICENSED PERSONS

No person shall engage in the practice of chiropractic, as defined in Section 302, without holding a license which is in an active status, issued by the Board. Any person who advertises or promotes, in any manner, the words “DC” or “chiropractor”, the letters, prefixes or suffixes “Dr.” or “D.C.”, or any other word, title or letters indicating or implying that he or she is engaged in the practice of chiropractic, or who represents or holds himself or herself out as a DC of chiropractic without having, at the time of so doing, a valid, unrevoked, or unsurrendered license, is in violation of the Chiropractic Initiative Act.

§312. ILLEGAL PRACTICE

Unlicensed individuals are not permitted to diagnose, analyze, or perform a chiropractic adjustment. An “unlicensed individual” is defined as any person, including a student or graduate of a chiropractic institution, who does not hold a valid California chiropractic license. An **exemption** is hereby created for student DCs participating in board approved preceptorship programs.

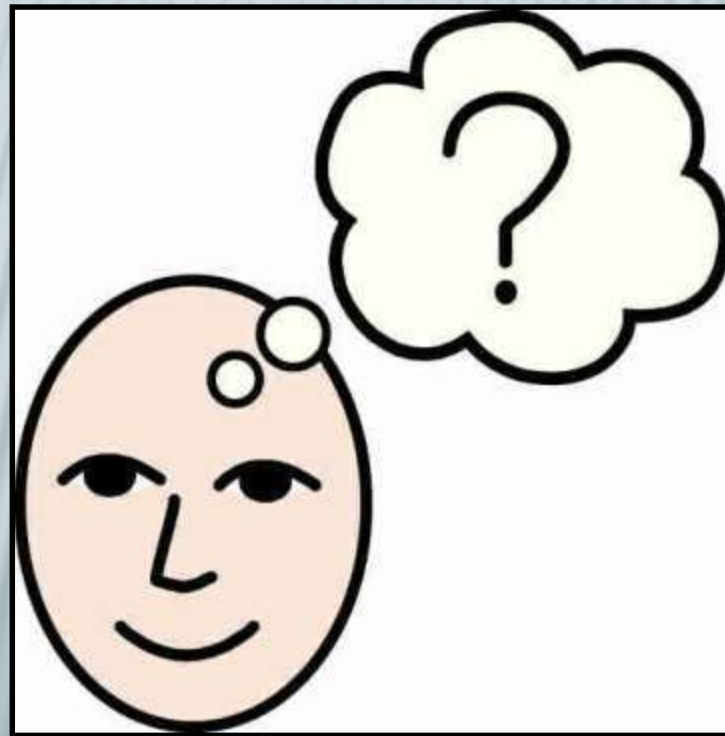
OWNERSHIP OF A PRACTICE

No unlicensed individual may own a chiropractic practice regardless of the form in which the practice is established (individual ownership, partnership, corporation, etc).

This does not preclude a layperson from owning the facilities in which the practice is conducted, and the equipment provided. It does prohibit a layperson from being in a position of making and/or influencing decisions relating to diagnosis, or treatment of patients which are matters requiring chiropractic licensure.

What Is The Public Perception?

Chiropractors perform many exams & adjustments that pts are unfamiliar with, be sure to explain as you go! (verbalize your routine spinal assessment ~ AK, leg checks, palpation etc.)

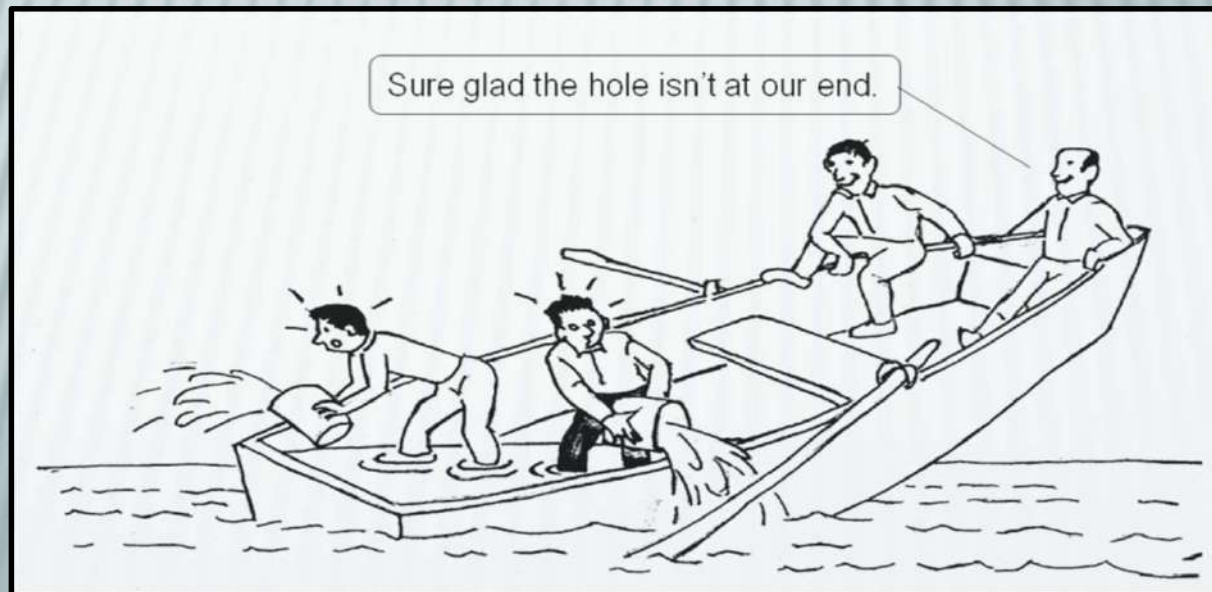


Let Them Know What You're Doing!

- 1. What you're about to do**
- 2. Why you're doing it**
- 3. What you're looking for**
- 4. What you found**
- 5. What it means**
- 6. What you're going to do about it**
- 7. What are your expectations**

RESPONSIBILITY FOR CONDUCT ON PREMISES

(a) Every licensee is responsible for the conduct of employees or other persons subject to his supervision in his place of practice, and shall insure that all such conduct in his place of practice conforms to the law and to the regulations herein.



RESPONSIBILITY FOR CONDUCT ON PREMISES

(b) Where a chiropractic license is used in connection with any premises, structure or facility, no sexual acts or erotic behavior involving patients, patrons or customers, including, but not necessarily limited to, sexual stimulation, masturbation or prostitution, shall be permitted on said premises, structure or facility.



(c) This section shall not apply to sexual contact between a licensed chiropractor and his or her spouse or person in an equivalent domestic relationship when that chiropractor provides professional treatment.



UNPROFESSIONAL CONDUCT

- ✘ The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license;
- ✘ Conviction of a crime which is substantially related to the qualifications, functions & duties of a chiropractor

318. CHIROPRACTIC PATIENT RECORDS/ACCOUNTABLE BILLINGS.

Chiropractic Patient Records. Each licensed chiropractor is required to maintain all active and inactive chiropractic patient records for five years from the date of the DC's last treatment of the patient unless state or federal laws require a longer period of retention. Active chiropractic records are all chiropractic records of patients treated within the last 12 months. Chiropractic patient records shall be classified as inactive when there has elapsed a period of more than 12 months since the date of the last patient treatment.

CHIROPRACTIC PATIENT RECORDS/ACCOUNTABLE BILLINGS

Active & inactive pt records must include all of the following:

- ✖ Pt's full name, date of birth, and social security number (if available);
- ✖ Patient gender, height and weight. An estimated height and weight is acceptable where the physical condition of the patient prevents actual measurement

CHIROPRACTIC PATIENT RECORDS/ACCOUNTABLE BILLINGS

- ✘ Patient history, complaint, diagnosis/analysis, and treatment must be signed by the primary treating DC. Thereafter, any treatment rendered by any other DC must be signed or initialed by said DC;
- ✘ Signature of patient;
- ✘ All chiropractic X-rays, or evidence of the transfer of X-rays
- ✘ Signed written informed consent as specified in Section 319.1.

- ✖ X-Rays: Must keep for 7 yrs from discharge date
- ✖ Written records- Must be kept for 5 yrs following the last date of treatment
- ✖ Statute of limitations for malpractice against DC's is 1 years



STORY TIME

- × Triple bill insurance M-W-F
- × Changing billing codes just to get paid
- × Triple bill x-ray 3 views
- × Unreadable x-ray; no retake
- × X-ray & exam pts naked
- × Multiple DUI's same day

What have you heard?

319.1. INFORMED CONSENT

A licensed DC shall verbally and in writing inform each pt of the material risks of proposed care.

“Material” shall be defined as a procedure inherently involving known risk of serious bodily harm. The chiropractor shall obtain the patient's written informed consent prior to initiating clinical care. The signed written consent shall become part of the pt's record. A violation of this section constitutes unprofessional conduct and may subject the licensee to disciplinary action.

319.1. INFORMED CONSENT

Must include the following:

- ✖ Explanation of procedures used in office (chiropractic, x-ray, physio therapy) & benefits
- ✖ Consequences of NOT getting this care
- ✖ Alternatives to chiropractic
- ✖ Risks of procedures used in office

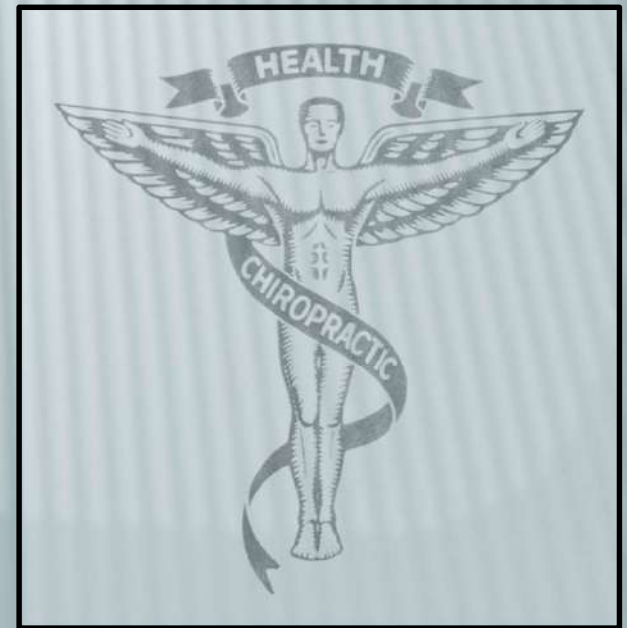


PROPER TITLES

- Dr. Marcus Strutz
- Dr. Marcus Strutz, Chiropractic Physician
- Dr. Marcus Strutz, Chiropractor
- Dr. Marcus Strutz, DC
- Marcus Strutz, DC
- Marcus Strutz, Doctor of Chiropractic

Are there any problems in the above examples?

- ✘ Anyone who advertises or promotes (uses) the terms “Dr.” or “D.C.” or anything implying or indicating they are a chiropractor must have a valid, unrevoked, and unsurrendered license.
- ✘ Any chiropractor using the term “Dr.” or “DC” must put either “D.C.” or “Chiropractor” after their name.
- ✘ Physician, not allowed in CA.



UNPROFESSIONAL CONDUCT

- ✗ Breach of confidentiality – unauthorized disclosure of a patient's information
- ✗ HIPPA federal rules – Do they apply to you?

Only applies to “covered entities.”

Covered entities are those DCs, facilities, or billing services that use any form of electronic billing (e.g. email, computerized fax).



UNPROFESSIONAL CONDUCT

✕ How can you be NOT subject to HIPPA rules?

Don't do any electronic billing

Fax bills only with a conventional phone line

DC'S MANDATORY REPORTERS

Child abuse

- Suspected child abuse must be reported within 36 hours to either the police, sheriff, or child protective services

Elder and dependent adult abuse

- Elder = age 65 or older
- Dependent adult = age 18-64

DC'S MANDATORY REPORTERS

Required for any of physical abuse, abandonment, abduction, isolation, financial abuse, neglect, or other treatment resulting in physical harm or mental suffering

- ❖ Must be reported in writing within 2 days to either police/sheriff or adult protective services/county welfare
- ❖ No liability for good faith reporting

UNPROFESSIONAL CONDUCT

- × Use of cappers or steerers to obtain business.
- × Offering, giving, receiving, or accepting anything as compensation for referring pts to any person
- × Waiving, abrogating, or rebating insurance deductibles and/or co-pays when used as an advertising and/or marketing procedure, UNLESS the insurance co. is informed of each occurrence of this in writing.

FREE AND DISCOUNTED SERVICES

- ✖ Truthful advertising of free or discounted services is permissible.
- ✖ No charge for other services on the same day as free or discounted services UNLESS the patient has been informed of the cost and has consented to payment of them.



NEW PATIENT SPECIAL!

FREE EXAMINATION*
(\$37 if X-rays needed)

Includes:

- Consultation
- Computerized Nervous System Scan
- Report of Doctor's Findings

CALL [REDACTED] TODAY!
*LIMITED TIME OFFER

SECTION 317(T) OF THE RULES & REGULATIONS

Gift cards are considered "Unprofessional Conduct" (subject to license revocation) to do the following:

- ✖ The offering, delivering, receiving or accepting of any rebate, refund, commission, preference, patronage, dividend, discount or other consideration as compensation or inducement for referring patients to any person;
- ✖ If, in the course of normal business, a small, nominal gift is given (Christmas, for example) as a thank you to customers that year is permissible.

SECTION 317(T) OF THE RULES & REGULATIONS

- × It is a grey area to give a gift card **AFTER** somebody refers someone to you.
- × It is definitely wrong to tell anyone **IN ADVANCE** that you send a thank you gift card when someone refers a patient. This would come into play if the DC were accused by the board and then investigators from the board go out and start talking to a bunch of the DC's patients to find out if they were aware in any way that the DC will send you a thank you gift card when you refer a patient.

GROUPON AND OTHERS AS ILLEGAL REFERRAL FEES

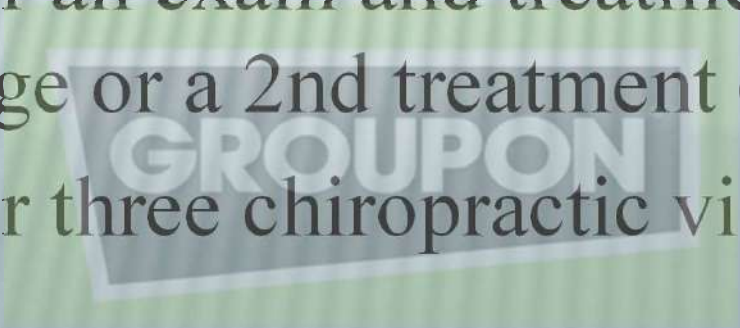
- × California Business & Professions Code Section 650 prohibits the offer, or acceptance by a chiropractor, of any commission, discount, or other consideration as compensation or inducement for referring patients, clients, or customers to any person, irrespective of the practitioner's membership, proprietary interest or co-ownership in or with that person. Section 650 is the law typically used to prosecute chiropractors who form relationships with marketers, attorneys, and other referral sources and who have structured the compensation in such a way as to “pay for referrals.”
- × The following all constitute “fee for referrals” that violate Section 650:

GROUPON AND SOCIAL MEDIA DISCOUNTS

Many DCs contract with Groupon and its' competitors to sell certificates for adjustments, exams, x-rays and massages.

Here are examples of some deals:

- ✖ Consultation, exam, digital x-rays, three chiropractic adjustments, and a 30-minute massage for \$99 (\$325 value)
- ✖ \$28 for an exam and treatment plus a 60-minute massage or a 2nd treatment (\$175 value)
- ✖ \$49 for three chiropractic visits (\$610 value)



Despite the variety of services offered, these programs **all have two things in common:**

(1) the DC is offering a **significant discount** –92% in the third example, and

(2) the chiropractor is **sharing the income from each certificate sale** – usually around 50% – with the website. While we are **unaware of any state board taking action** against a licensee for a Groupon-style offering, we believe these programs could create significant civil and criminal liability for California chiropractors.

LICENSE REVOCATION ACTIONS!

- ✖ A DC hires a marketer, pays that person \$100 per person for each new patient referred to the office.
- ✖ A DC hires a marketer, and pays that person 10% of the revenue generated from treatment provided to patients referred by the marketer to the DC.
- ✖ A lawyer seeks to be paid \$500 for each new patient the lawyer refers to the DC's office.

Medicare's Anti-Kickback Statute criminalized the payment of kickbacks for patient referrals.

Subsequent laws expanded it to all federal pay programs. Kickbacks include “any remuneration,” a very broad definition, which includes coupons. The Office of the Inspector General issued a “Special Fraud Alert” regarding ads offering “discounts” given to Medicare beneficiaries. Then a “Special Advisory Bulletin” appeared on offering inducements to Medicare beneficiaries. Essentially, it said a **provider could not offer a patient anything worth more than \$10, and combined \$50 in a year for multiple gifts.**

CONCLUSION!

Eventually, we expect the Board to adopt a regulation, or the Legislature to pass legislation, that explicitly prohibits the use of these deals.

We recommend that DCs DO NOT use these types of marketing campaigns as they could violate Section 650 and could constitute insurance fraud.

ETHICS & LAW

- Chiropractic Scope of Practice
 - ❑ Things you MUST do
 - ❑ Illegal things you should NOT do
- Board Investigations, Malpractice & Crimes
 - ❑ BCE is required to protect “the public”
 - ❑ You can be sued for Professional Negligence
 - ❑ Jail time for certain offenses that occur in chiropractic offices

ETHICS & LAW

- Reporting Abuse
 - ❑ Child Abuse & Neglect
 - ❑ Elder or Dependent Adult Abuse

CHIROPRACTIC SCOPE OF PRACTICE

302(a) Scope of Practice.

(6) Except as specifically provided in section 302(a)(4), a duly licensed chiropractor may make use of X-ray and thermography equipment for the purposes of diagnosis but not for the purposes of treatment. A duly licensed chiropractor may make use of diagnostic ultrasound equipment for the purposes of neuromuscular skeletal diagnosis.

(7) A duly licensed chiropractor may only practice or attempt to practice or hold himself or herself out as practicing a system of chiropractic. A duly licensed chiropractor may also advertise the use of the modalities authorized by this section as a part of a course of chiropractic treatment, but is not required to use all of the diagnostic and treatment modalities set forth in this section. A chiropractor may not hold himself or herself out as being licensed as anything other than a chiropractor or as holding any other healing arts license or as practicing physical therapy or use the term "physical therapy" in advertising unless he or she holds another such license.

CHIROPRACTIC ADVERTISING

§311. Advertisements.

Constructive educational publicity is encouraged, but the use by any licensee of advertising which contains misstatements, falsehoods, misrepresentations, distorted, **sensational or fabulous statements**, or which is intended or has a tendency to deceive the public or impose upon **credulous or ignorant persons**, constitutes grounds for the imposition of any of the following disciplinary penalties:

CHIROPRACTIC ADVERTISING

- (a) Suspension of said licensee's right to practice in this State for a period not exceeding 1 year.
- (b) Placing said licensee upon probation.
- (c) Taking such other action, excepting the revocation of said licensee's license, in relation to disciplining said licensee as the board in its discretion may deem proper.

CHIROPRACTIC ADVERTISING

- ✘ The California Board of Chiropractic Examiners accused a, DC of using misleading advertising and practicing beyond chiropractic's legal scope. The challenged claims include:
- ✘ The best way to help children who have an ear infection is to boost their immune system through the use of homeopathic remedies.
- ✘ Children vaccinated against childhood diseases are more likely to contract those diseases as an adult.

CHIROPRACTIC ADVERTISING

- ✖ Chiropractic adjustments help the immune system function at 100% capacity.
- ✖ The complaint (shown below) also challenged DC's use of homeopathic remedies, flower remedies, homeopathic consulting, fertility/infertility counseling, allergy testing, bioenergetics testing, hair analysis, functional nutrition, and other services that fall outside the scope of Chiropractic practice.

WHEREFORE, Complainant (Exec. Director of the BCE) requests that a hearing be held on the matters herein alleged and that, following the hearing, the Board of Chiropractic Examiners issue a decision:

1. Revoking or suspending Chiropractor License
2. Ordering, DC to pay the Board of Chiropractic Examiners the reasonable costs of the investigation and enforcement of this case pursuant to Title 16, California Code of Regulations, section 317.5;

3. Taking such other and further action as
deemed necessary & proper.

CATHERINEA. HAYES

Executive Director

Board of Chiropractic Examiners

State of California

Complainant

CHIROPRACTIC ADVERTISING

Jan 28, 2009: Citation Issued

CCR	302.(a)	EXCEED SCOPE OF PRACTICE
CCR	311.	ADVERTISEMENTS
CCR	317.(p)	ADVERTISING VIO 17500 B&P
CCR	317.(q)	PARTCPATN IN FRAUD/MISREPRESNT

June 2, 2009: Citation Paid In Full

CCR	302.(a)	EXCEED SCOPE OF PRACTICE
CCR	311.	ADVERTISEMENTS
CCR	317.(p)	ADVERTISING VIO 17500 B&P
CCR	317.(q)	PARTCPATN IN FRAUD/MISREPRESNT

So, one way to help a child who has an ear infection is to boost their immune defenses. This may be done by eliminating all refined sugar and dairy products, and reduce high fat foods. Make sure they get lots of fiber in the form of fruits, vegetables, and grains. A vitamin/mineral supplement may be considered to get adequate vitamins A, C, E, and B complex ,as well as, zinc and chromium. Essential fatty acids, such as flax oil, help to enhance immunity. Golden seal is a natural antibiotic; use it with Echinacea, an herbal immune system booster.

Homeopathy, while not accredited in California, may be used to encourage the body to fight the infection. Remedies are based on symptoms and are best administered by a Homeopathic practitioner. A common Homeopathic remedy is Belladonna when the ear ache comes on suddenly and is hot and throbbing.

One commonly utilized homeopathic treatment used to alleviate ear pain is to warm some garlic oil, oregano oil, mullein oil, or a combination, and using a dropper, put some in the ear.

CHIROPRACTIC ADJUSTMENTS allow for proper alignment of the cranium and the vertebrae in the neck, reduce accompanying muscle spasms, allow lymph drainage, and restore the proper nerve supply needed for optimum functioning of the structures in the head and neck, including the ear canal. Subluxations, or misalignments of the spine, may reduce the healing capacity of the body. Chiropractic adjustments may allow the body to self-heal by allowing full expression of the nervous system, which controls many of the bodily functions.

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SECTION 317: UNPROFESSIONAL CONDUCT

- Gross Negligence
- Repeated Negligent Acts
- Incompetence
- “Clearly Excessive” treatments or diagnostic tests
- Conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any drug or alcoholic beverage
- The unauthorized disclosure of any information about a patient...

SECTION 317: UNPROFESSIONAL CONDUCT

- The offering, delivering, receiving or accepting of any rebate, refund, commission, preference, patronage, dividend, discount or other consideration as compensation or inducement for referring patients to any person

SECTION 317: UNPROFESSIONAL CONDUCT

- Waive, abrogate or rebate the deductible and/or co-payment amounts of any insurance policy by forgiving any or all of any patient's obligation for payment thereunder, **when used as an advertising and/or marketing procedure**, unless the insurer is notified in writing of the fact of such waiver, abrogation, rebate or forgiveness in each instance...

- Not referring a patient to a physician and surgeon or other licensed health care provider who can provide the appropriate management of a patient's physical or mental condition, disease or injury within his or her scope of practice, if in the course of a diagnostic evaluation a chiropractor detects an abnormality that indicates that the patient has a physical or mental condition, disease, or injury that is not subject to appropriate management by chiropractic methods and techniques...
- The offer, advertisement or substitution of a spinal manipulation for vaccination

“INCOMPETENCE” & “REFERRALS”

- Most incompetence is NOT KNOWING WHAT IS WRONG WITH YOUR PT...
 - Failure to diagnose brain concussions
 - Failure to diagnose torn spine ligaments
 - Failure to procure the proper treatment for both of these COMMON injuries

UNPROFESSIONAL CONDUCT?

- ✖ **HEMET: DC accused of sexual battery**
- ✖ Police arrested a 46-year-old Hemet DC Nov 20, 2012. DC was booked on suspicion of sexual battery and penetration with a foreign object. Police will also refer case to the State Medical Board. His bail was set at \$500,000.
- ✖ He was taken into custody at 11 a.m. at his business.



“COMPETENT” EXAMS & RE-EXAMS

- × Perform a Consultation
- × Examine EVERY Symptom
- × Diagnose every Symptom & Exam Result
- × Make a Treatment Plan for EVERY Diagnosis



REPORTING ABUSE

Licensed DCs in California MUST Report

- + Child Abuse & Neglect

 - (Calif. Penal Code 11165-11174.3)

- + Elder or Dependent Adult Abuse

 - (Calif. Welfare & Institutions Code 15600)

REPORTING ABUSE

Child Abuse Includes:

- Physical Injury inflicted by “other than accidental means” on a child
- Child Sexual Abuse
 - Sexual Assault
 - Sex acts with children
 - Intentional masturbation in the presence of children
 - Child molestation

REPORTING ABUSE

- Sexual Exploitation
 - Preparing, selling or distributing pornographic materials involving children
 - Performances involving obscene sexual conduct
 - Child Prostitution

HOW TO REPORT ABUSE

How Much Do You Need to Know or Believe?

- ❑ “Known” Child Abuse
- ❑ “Reasonably Suspected” Child Abuse
- ❑ “Reasonably Suspected” Child Neglect

Who Do You Report To?

- ❑ Any Police or Sheriff Department
(except school police or security)
- ❑ County Probation Department
- ❑ County Welfare Department

HOW TO REPORT ABUSE

- ❑ How do you report to police?
 - ❑ “Immediately” by telephone, and
 - ❑ “Within 36 hours” in writing (mail, fax or electronic)
 - ❑ Include in your written report any “non-privileged” information/evidence
- ❑ Can I go to JAIL for NOT reporting?
 - ❑ YES! Up to 6 months (misdemeanor) and/or
 - ❑ \$1,000 fine
 - ❑ Hmm... a misdemeanor on your record
 - ❑ Could the BCE discipline you or remove your license?

DEFINITIONS

✕ Penal Code 11165.1?

+ (a) "Sexual assault" means conduct in violation of one or more of the following sections: Section 261 (rape), subdivision (d) of Section 261.5 (statutory rape), 264.1 (rape in concert), 285 (incest), 286 (sodomy), subdivision (a) or (b), or paragraph (1) of subdivision (c) of Section 288 (lewd or lascivious acts upon a child), 288a (oral copulation), 289 (sexual penetration), or 647.6 (child molestation).

WEIRDITIES IN THE LAW

- ✗ California DC overhears his/her pt on a cell phone while standing outside the exam room door...
 - + Pt is a parent who calls his child by name (which the DC knows is his daughter)
 - + Pt says, “Let’s not tell mom about our game”
- ✗ Must the DC report Child Abuse?
 - + Standard is “knows” or “reasonable suspicion”
 - + “Reasonable” means what would the average, reasonable person think of what you overheard

“OTHER THAN ACCIDENTAL”

- × California Chiropractor sees a child with
+ Bruises
 - × “Defensive” Bruises (forearms)
 - × Backside or buttocks



“OTHER THAN ACCIDENTAL”

- ✗ California Chiropractor sees a child with
 - + Neck injury
 - + Back injury
 - + Arm injury
- ✗ Does the story add up?
 - + Multiple/different stories about how child is hurt
 - + You suspect injury “not accidental”
 - + X-ray room is a good place to ask child “how it happened” (very casually, please...)

WHAT ABOUT “ELDER” ABUSE?

- × Any Mandated Reporter who
 - + In his or her professional capacity, or
 - + Within the scope of his or her employment
 - + Has observed or has knowledge of an incident
 - + That reasonably appears to be:
 - × Physical abuse
 - × Abandonment
 - × Abduction
 - × Isolation
 - × Financial abuse
 - × Or neglect
- × OR... is TOLD by an elder or dependent adult...

DO NOT HAVE TO REPORT WHEN...

- ✖ If you are TOLD by an elder if:
 - + No “independent” evidence that corroborates story
 - + Elder has been diagnosed with dementia or a mental illness, or is under court ordered conservatorship
- ✖ Failure to report Elder Abuse
 - + Is a misdemeanor
 - + Up to 6 months in jail
 - + Up to \$1,000 fine (or both jail and fine)

