

**LAWS AND REGULATIONS RELATING TO
THE KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS**



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DISCLAIMER

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Kentucky Revised Statutes

312.015 Definitions for chapter.

As used in this chapter, unless the context otherwise requires:

- (1) "Board" means the Kentucky State Board of Chiropractic Examiners;

- (2) Subject to the limitations of subsection (4) of this section "chiropractic" means the science of diagnosing and adjusting or manipulating the subluxations of the articulations of the human spine and its adjacent tissues;

- (3) Subject to the limitations of subsection (4) of this section "chiropractor" means one qualified by experience and training and licensed by the board to diagnose his patients and to treat those of his patients diagnosed as having diseases or disorders relating to subluxations of the articulations of the human spine and its adjacent tissues by indicated adjustment or manipulation of those subluxations and by applying methods of treatment designed to augment those adjustments or manipulation. The terms "chiropractic," "doctor of chiropractic," and "chiropractor" shall be synonymous, and shall be construed to mean a practitioner of chiropractic as defined in this section.

- (4) "Peer review" means an evaluation, based upon generally accepted standards, by a peer review committee established in KRS 312.200 or by other persons performing peer review pursuant to KRS 312.200(3), of the appropriateness, quality, utilization, and cost of chiropractic health care and health service provided to a patient.

- (5) The practice of chiropractic shall not include the practice of medicine or osteopathy as defined in KRS 311.550, the practice of podiatry as defined in KRS 311.380, the practice of dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS 320.210, the practice as a nurse as defined in KRS 314.011, or the practice of pharmacy by persons licensed and registered under KRS 315.050.

Effective: July 14, 1992

History: Amended 1992 Ky. Acts ch. 252, sec. 1, effective July 14, 1992. – Amended 1988 Ky. Acts ch. 426, sec. 4, effective July 15, 1988. -- Amended 1976 Ky. Acts ch. 359, sec. 1, effective June 19, 1976. -- Created 1962 Ky. Acts ch. 179, sec. 1, effective June 14, 1962.

312.017 Types of treatment prohibited -- Scope and methods of chiropractic treatment -- Referral of patients.

- (1) No chiropractor shall:
 - (a) Treat or attempt to treat contagious or communicable diseases;

 - (b) Treat or attempt to treat cancer;

 - (c) Treat by use of x-ray or radiological methods;

 - (d) Perform surgery;

(e) Treat or attempt to treat by use of acupuncture; or

(f) Administer prescription drugs or controlled substances.

(2) Subject to the limitations in this chapter, a chiropractor shall examine, diagnose and treat the human body within the scope of chiropractic as defined in this section and KRS 312.015 and by methods taught in accredited chiropractic colleges as stated in KRS 312.085. A chiropractor may refer a patient to a physician, licensed medical laboratory or licensed health facility for testing or examination to aid in differential diagnosis or treatment. However, nothing contained herein shall require any licensed health care provider to accept such a referral.

(3) No chiropractor shall otherwise treat a patient for any disorder or by any method except as provided in this chapter. Chiropractic patients whose diagnosis is not within the chiropractic scope of practice, as defined in this section and KRS 312.015, shall be referred by the chiropractor to a medical doctor or other licensed health practitioner for treatment of that condition.

Effective: July 15, 1988

History: Amended 1988 Ky. Acts ch. 426, sec. 5, effective July 15, 1988. -- Created 1976 Ky. Acts ch. 359, sec. 2.

312.018 Practice without license prohibited -- Exceptions.

(1) No person shall engage or attempt to engage in the practice of chiropractic or hold himself out to be a doctor of chiropractic in Kentucky unless licensed in accordance with the provisions of this chapter.

(2) The provisions of subsection (1) of this section shall not apply to volunteer health practitioners providing services under KRS 39A.350 to 39A.366.

(3) Nothing in this chapter shall be construed to prevent a student of chiropractic from engaging in clinical practice under the supervision of a licensed chiropractor as part of the student's educational program.

Effective: June 27, 2019

History: Amended 2019 Ky. Acts ch. 49, sec. 1, effective June 27, 2019. -- Amended 2007 Ky. Acts ch. 96, sec. 11, effective June 26, 2007. -- Created 1976 Ky. Acts ch. 359, sec. 3, effective June 19, 1976.

312.019 Powers of board.

(1) The board shall administer the provisions of this chapter and the administrative regulations promulgated by the board relating to the practice of chiropractic.

- (2) The board shall pass upon the qualifications of applicants for a license, certification, or registration to practice chiropractic. It shall examine, license, certify, register, and renew the license, certification, or registration of duly qualified applicants.
- (3) The board may deny, revoke, limit, impose probationary conditions, refuse to renew, or suspend any license, certification, or registration issued by it.
- (4) The board shall adopt a seal which shall be affixed to all licenses, certifications, and registrations issued by the board and to such other documents as the board deems necessary.
- (5) The board shall regulate the practice of chiropractic by persons licensed or certified by it and shall enforce the provisions of this chapter and the administrative regulations of the board. The board may investigate violations and cause the prosecution of persons violating the provisions of this chapter or the administrative regulations promulgated by the board.
- (6) The board may employ such personnel and incur such expenses as may be necessary for the performance of its duties and the enforcement of this chapter.
- (7) The board may prescribe and collect reasonable fees for the issuance and renewal of licenses, certifications, and registrations and the administration of examinations as provided in KRS 312.095 and 312.175.
- (8) The board may inspect at all reasonable times any chiropractic office or place where chiropractic services are performed and inspect chiropractic records, a copy of which may be obtained by the board, and question all persons.
- (9) The board may promulgate and from time to time amend administrative regulations, consistent with the provisions of this chapter and in accordance with the provisions of KRS Chapter 13A, governing the practice of chiropractic and the diagnosis and treatment of patients, the enforcement of this chapter and the proper performance of its duties, including but not limited to:
 - (a) A code of ethical conduct governing the practice of chiropractic;
 - (b) Requirements, standards, and examinations to determine the moral, physical, intellectual, educational, scientific, technical, and professional qualifications of applicants for licenses and certifications;
 - (c) Matters pertaining to the content and conduct of examinations;
 - (d) Matters pertaining to the operation and registration of chiropractic clinics;
 - (e) Matters pertaining to the practice and certification of chiropractic specialties by licensed doctors of chiropractic;

(f) The type, character, and location of postgraduate study to be done by any licensee in order to comply with the provisions of KRS 312.175;

(g) Regulation of forms of advertising or solicitation that are false, misleading, or deceptive or otherwise in violation of this chapter. The board may require a seventy-two (72) hour rescission period for consumers responding to certain forms of solicitation or advertising proposing or offering a series or course of treatments. The board may require that advertisements or solicitations stating coverage available from third-party payors include a conspicuous notice that persons may be required to submit to an independent evaluation which may result in a determination that the all or part of the services are unreasonable or unnecessary;

(h) Establishing a recommended course of pre-chiropractic education to be completed prior to entry into chiropractic college and the establishment of a preceptorship program for students enrolled in accredited chiropractic colleges that conform to KRS 312.085 to meet the standards of accreditation of the Council on Chiropractic Education.

(i) Registration and regulation of chiropractic management consultants operating in Kentucky. The board may impose annual registration fees not to exceed two hundred dollars (\$200); and

(j) Establishing minimum standards for recordkeeping in chiropractic offices, the issuance of itemized statements, and requiring that any record or report include the name of the treating chiropractor.

(10) The board shall develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by a chiropractor licensed by the board. The guidelines shall include investigation, inquiry, and hearing procedures which ensure the process does not revictimize the alleged victim or cause harm if a chiropractor is falsely accused.

(11) The board, the hearing officer, and investigators hired by the board shall receive training on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, the characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedure in sex offense cases, and effective intervention with victims and offenders.

Effective: June 24, 2003

History: Amended 2003 Ky. Acts ch. 126, sec. 1, effective June 24, 2003. -- Amended 1994 Ky. Acts ch. 265, sec. 17, effective July 15, 1994; and ch. 470, sec. 18, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 252, sec. 2, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 426, sec. 6, effective July 15, 1988. -- Created 1976 Ky. Acts ch. 359, sec. 4, effective June 19, 1976. Legislative Research Commission Note (7/15/94). This statute was amended by 1994 Ky. Acts chs. 265 and 470, which were companion bills and are substantively identical. These Acts have been codified together. For the few minor variations between the Acts, Acts ch. 470 prevails under KRS 446.250, as the Act which passed the General Assembly last.

312.021 Certification of specialties -- Advertising restrictions.

(1) No licensed doctor of chiropractic shall advertise or hold himself out to the public in any manner which is false, deceptive, misleading, or as being especially qualified or advanced in any branch of the practice of chiropractic except as certified by the board.

(2) The board shall identify by administrative regulation those specialties of the chiropractic for which certification may be granted and shall establish by administrative regulation the procedures for obtaining and maintaining such certification and the fees therefor.

Effective: June 24, 2003

History: Amended 2003 Ky. Acts ch. 126, sec. 2, effective June 24, 2003. -- Created 1976 Ky. Acts ch. 359, sec. 5, effective June 19, 1976.

312.025 Kentucky State Board of Chiropractic Examiners.

The Kentucky State Board of Chiropractic Examiners shall consist of five (5) members, appointed by the Governor, who shall be doctors of chiropractic of integrity and ability who at the time of their appointment have been actual residents of the State of Kentucky for at least two (2) years next preceding their appointment and have been engaged in the actual practice of chiropractic for at least five (5) years next preceding their appointment.

Effective: June 19, 1976

History: Amended 1976 Ky. Acts ch. 206, sec. 5, effective June 19, 1976; and ch. 359, sec. 6, effective June 19, 1976. -- Amended 1974 Ky. Acts ch. 227, sec. 1. -- Created 1962 Ky. Acts ch. 179, sec. 2, effective June 14, 1962.

Legislative Research Commission Note. This section was amended by two 1976 Acts which were in conflict and could not be compiled together. The later amendment by 1976 Ky. Acts ch. 359, sec. 6, as printed above, prevails.

312.035 Terms of board members -- Vacancies.

Each member of the board shall serve for a term of three (3) years and until his successor is appointed and qualified. Appointments to fill vacancies shall be for the unexpired term, and shall be made in accordance with the provisions of KRS 312.015 to 312.175.

Effective: July 15, 1980

History: Amended 1980 Ky. Acts ch. 188, sec. 185, effective July 15, 1980. -- Created 1962 Ky. Acts ch. 179, sec. 3, effective June 14, 1962.

312.045 Suspending member of board.

The Governor may suspend any member of the board for misfeasance, malfeasance, gross inefficiency or misconduct, or upon any of the constitutional grounds upon which officers may be suspended by the Governor of this state.

Effective: June 14, 1962

History: Created 1962 Ky. Acts ch. 179, sec. 4, effective June 14, 1962.

312.055 Officers of board -- Salary of executive secretary -- Compensation of board members.

(1) The board shall elect from its members a president, vice-president, and a secretary or an executive secretary. The executive secretary shall receive an annual salary to be established by the board by promulgation of administrative regulations.

(2) Each member of the board shall receive his necessary traveling expenses and members other than the executive secretary shall receive a per diem not to exceed one hundred dollars (\$100) for each day they actually spend in the discharge of their official duties.

Effective: June 24, 2003

History: Amended 2003 Ky. Acts ch. 126, sec. 3, effective June 24, 2003. -- Amended 1992 Ky. Acts ch. 252, sec. 3, effective July 14, 1992. -- Amended 1976 Ky. Acts ch. 359, sec. 7, effective June 19, 1976. -- Created 1962 Ky. Acts ch. 179, sec. 5, effective June 14, 1962.

312.065 Meetings of board -- Call of meetings, notice.

The board shall hold meetings at least annually for the transaction of business. A majority of the board shall constitute a quorum for the transaction of business. The State Property and Buildings Commission shall, at the request of the board, provide an office at the capitol where meetings may be held. The president of the board or a majority of its members may for necessary or appropriate cause call other meetings by transmitting prior written notice of the time and place set for the meeting to all board members.

Effective: June 24, 2003

History: Amended 2003 Ky. Acts ch. 126, sec. 4, effective June 24, 2003. -- Amended 1976 Ky. Acts ch. 359, sec. 8, effective June 19, 1976. --Created 1962 Ky. Acts ch. 179, sec. 6, effective June 14, 1962.

312.085 Application to practice chiropractic -- Course of study -- Qualifications.

(1) Any persons desiring to practice chiropractic in this state shall make application to the board, in the form and manner established by the board by the promulgation of administrative regulations. Each applicant shall have satisfactorily completed not less than sixty (60) semester credit hours of study from a college or university accredited by the Southern Association of Colleges and Schools or other regional accrediting agencies as recognized by the United States Department of Education and the Council on Higher Education Accreditation, be a graduate of a college or university accredited by the Council on Chiropractic Education or their successors, and which maintains a standard and reputability approved by the board.

(2) The board may by administrative regulation require a two-year pre-chiropractic course of instruction to be completed prior to entry into chiropractic college. The board may by administrative regulation establish a preceptorship program where students or graduates of accredited chiropractic colleges as stated in this section may work with and under the direction and supervision of a licensed doctor of chiropractic prior to the taking of the appropriate licensing examination.

(3) Applications shall be signed in applicant's own handwriting, and shall be sworn to and before an officer authorized to administer oaths, and shall recite the history of the applicant as to his educational experience, his length of study of chiropractic, what collateral branches he has studied, the length of time he has been engaged in clinical practice, accompanying same with a diploma, or diplomas awarded to applicant by a college or colleges in which such studies were pursued. Certificates of attendance from the college or colleges from which he is a graduate, stating dates of matriculation, graduation, and number of months and hours in attendance shall accompany the application, with satisfactory evidence of good character and reputation. If in accordance with KRS Chapter 335B, no license shall be issued to any person convicted of a felony unless he has been pardoned and approved by the board.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 158, sec. 56, effective June 29, 2017. -- Amended 2015 Ky. Acts ch. 113, sec. 11, effective June 24, 2015. -- Amended 2003 Ky. Acts ch. 126, sec. 5, effective June 24, 2003. -- Amended 1992 Ky. Acts ch. 90, sec. 1, effective July 14, 1992; and ch. 252, sec. 4, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 443, sec. 17, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 426, sec. 7, effective July 15, 1988. -- Amended 1976 Ky. Acts ch. 359, sec. 9, effective June 19, 1976. -- Created 1962 Ky. Acts ch. 179, sec. 8, effective June 14, 1962.

312.115 Examination of applicants -- Subjects tested.

(1) Examination for a license to practice chiropractic shall be made by the board according to the method deemed by it to be the most practicable and expeditious to test the applicants' qualifications. Examination papers shall be designated by number, and not by name of applicant, so that the identity of the applicant will not be disclosed to members of the board until after the examination papers are graded.

(2) The examination shall consist of a written test including questions of essay or objective type designed to measure the applicants' knowledge of the subjects of anatomy, physiology, pathology, neurology, histology, hygiene, bacteriology, chemistry, chiropractic orthopedics, diagnosis, the use and effects of X-ray and chiropractic principles and practices as taught in chiropractic schools and colleges. The national board tests of the National Board of Chiropractic Examiners may be accepted as a part or all of the written examination. A portion of the licensing examination shall consist of a practical demonstration of clinical competency to be evaluated by the board by such methods as it may designate prior to the examination.

Effective: July 15, 1988

History: Amended 1988 Ky. Acts ch. 426, sec. 9, effective July 15, 1988. -- Amended 1976 Ky. Acts ch. 359, sec. 12, effective June 19, 1976. -- Created 1962 Ky. Acts ch. 179, sec. 11, effective June 14, 1962.

312.145 Form of license -- Inquiry into identity of licensee -- Current names and addresses of all facilities to be provided.

(1) Any license issued by the board shall be numbered. The license shall be open to public inspection, and in all actions or proceedings in any court, a transcript, or any part thereof,

certified under the seal of the board to be a true copy, shall be entitled to admission in evidence.

(2) The board may at any time inquire into the identity of any person claiming to hold a license to practice chiropractic in the state, and after due service of a notice in writing, require him to prove to the satisfaction of the board that he is the person authorized to practice under the license by virtue of which he claims the privilege to practice in this state. When the board finds that a person claiming to be the holder of a license to practice in this state is not in fact the person to whom the license was issued, it shall reduce its findings to writing and file them in its office, and such findings shall be prima facie evidence that the claimant does not hold a license to practice in this state.

(3) Ownership or operation of a chiropractic facility within this state constitutes the practice of chiropractic requiring licensure. A chiropractic facility using an assumed name shall include the name of the owner or operator, and either the word "chiropractic" or "chiropractors."

(4) By application and renewal, every chiropractor must annually provide the board with the name and address of each facility where the chiropractor practices. The chiropractor shall notify the board within ten (10) days of any change of address or change in practice location. All correspondence from the board shall be sent to the most recent address of record.

Effective: June 24, 2003

History: Amended 2003 Ky. Acts ch. 126, sec. 7, effective June 24, 2003. -- Amended 1992 Ky. Acts ch. 252, sec. 7, effective July 14, 1992. -- Amended 1976 Ky. Acts ch. 359, sec. 14, effective June 19, 1976. -- Created 1962 Ky. Acts ch. 179, sec. 14(1) and (2), effective June 14, 1962.

312.150 Charges against licensee -- Grounds -- Disciplinary proceedings -- Opportunity for hearing required -- Penalty for sexual contact with patient.

(1) Charges may be preferred by the board against the holder of a license to practice chiropractic in this state on any of the following grounds:

(a) That fraud, misrepresentation, concealment of material facts, or deceit was used in obtaining or retaining the license;

(b) That the licensee no longer possesses a good moral character;

(c) That the licensee has been convicted of a felony or violation of any law involving moral turpitude;

(d) That the licensee solicits or advises patients utilizing false, deceptive, or misleading statements or information;

(e) That the licensee is impaired by drugs or alcohol to the extent that it may affect the health, welfare, or safety of patients;

(f) That the licensee is in any way guilty of any deception, misrepresentation, fraud, or unethical conduct in the practice of chiropractic;

(g) That the licensee has violated any of the provisions of this chapter, or any of the administrative regulations of the board;

(h) That the licensee failed to attend and complete annual continuing chiropractic education courses as provided in KRS 312.175;

(i) That the licensee failed to provide a complete copy of the patient's medical records or an itemized statement to the patient upon request, pursuant to KRS 422.317, within ten (10) business days; or

(j) That the chiropractor failed to provide notice of a change in address or change in the name and address of the facility where the chiropractor practices as required by KRS 312.145(4).

(2) Unprofessional conduct shall include any departure or the failure to conform to the minimal standards of acceptable chiropractic practice or the willful or careless disregard for the health, welfare, or safety of patients, in any of which cases proof of actual injury need not be established. Unprofessional conduct shall include, but not be limited to, the following acts of a chiropractor:

(a) Gross ignorance of, or incompetence in, the practice of chiropractic;

(b) Performing unnecessary services;

(c) Charging a patient an unconscionable fee or charging for services not rendered;

(d) Directly or indirectly engaging in threatening, dishonest, or misleading fee collection techniques, including having patients enter into a contract for a course of treatment;

(e) Perpetrating fraud upon patients, third-party payors, or others, relating to the practice of chiropractic, including violations of the federal Medicaid and Medicare laws;

(f) Advertising that the licensee shall accept for services rendered assigned payments from any third-party payor as payment in full, if the effect is to give the impression of eliminating the need for payment by the patient of any required deductible or copayment applicable in the patient's health benefit plan; or advertising a fee or charge for a service or treatment different from the fee or charge the licensee submits to a third-party payor for that service of treatment. The licensee shall attach to any claim form submitted to any thirdparty payor a copy of any coupon or a summary of the terms of any discount given;

(g) Accepting for services rendered assigned payments from any third-party payor as payment in full, if the effect is to eliminate the need for payment by the patient of any required deductible or copayment applicable in the patient's health benefit plan, or collecting a fee or charge the licensee submits to a third-party payor for that service or treatment.

However, in instances where the intent is not to collect excessive remuneration from a third-party payor but rather to provide services at a reduced rate to a patient unable to afford the deductible or copayment, the services may be performed for a lesser charge or fee. The third-party payor shall be informed by the licensee of the reduced charge; or

(h) Conviction of a misdemeanor offense under KRS Chapter 510 involving a patient while the patient was under the care of the chiropractor, or a felony offense under KRS Chapter 510, 530.064(1)(a), or 531.310, or the chiropractor having been found by the board to have had sexual contact as defined in KRS 510.010 with a patient while the patient was under the care of the chiropractor.

(3) Upon receipt and due consideration of any charges, the board upon an affirmative vote shall determine whether the nature and quality of the charges are such that further investigation or initiation of disciplinary proceedings against the charged licensee is indicated. If disciplinary proceedings are not warranted, the charges shall be dismissed with or without prejudice. If the board determines that disciplinary proceedings are appropriate, the case may be resolved informally by agreed order or set for hearing to be conducted in accordance with KRS Chapter 13B.

(4) Except for revocation for nonrenewal, no license shall be revoked or suspended without an opportunity for a hearing. The board may at any time proceed against a licensee on its own initiative either on the basis of information contained in its own records or on the basis of information obtained through its informal investigation.

(5) If the board substantiates that sexual contact occurred between the chiropractor and a patient while the patient was under the care of or in a professional relationship with the chiropractor, the chiropractor's license may be revoked or suspended with mandatory treatment of the chiropractor as prescribed by the board. The board may require the chiropractor to pay a specified amount for mental health services for the patient which are needed as a result of the sexual contact.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 182, sec. 59, effective July 12, 2006. -- Amended 2003 Ky. Acts ch. 126, sec. 8, effective June 24, 2003. -- Amended 1996 Ky. Acts ch. 318, sec. 258, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 265, sec. 18, effective July 15, 1994; and ch. 470, sec. 19, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 252, sec. 8, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 426, sec. 10, effective July 15, 1988. -- Amended 1976 Ky. Acts ch. 359, sec. 15, effective June 19, 1976. -- Created 1962 Ky. Acts ch. 179, sec. 14(3) and (4), effective June 14, 1962.

Legislative Research Commission Note (7/15/94). This statute was amended by 1994 Ky. Acts chs. 265 and 470, which were companion bills and are substantively identical. These Acts have been codified together. For the few minor variations between the Acts, Acts ch. 470 prevails under KRS 446.250, as the Act which passed the General Assembly last.

312.152 Witnesses under subpoena.

(1) Subpoenas for witnesses, whose evidence is deemed material to an investigation or hearing authorized by KRS 312.150 and this section, may be issued by the board or any officer of the board and under the seal of the board, commanding the witness to appear before the board at a time and place to be named, and to bring books, records, and documents that may be specified, or to submit books, records, and documents for inspection. Subpoenas may be served by any sheriff or deputy.

(2) When any witness who has been served with a subpoena fails or refuses to appear at the time and place named; or fails or refuses to answer any lawful question propounded; or fails to produce the books, records, or documents required; or is guilty of disorderly or contumacious conduct at the hearing, the board may invoke the aid of the Franklin Circuit Court and any order or subpoena of the court requiring the attendance and testimony of witnesses and the production of documentary evidence may be enforced and shall be valid anywhere in the state.

(3) Witnesses shall be entitled to the same fees and mileage as they may be entitled to by law for attending as witnesses in a Circuit Court.

(4) Witnesses who testify under subpoena shall be entitled to the same protection and immunities as witnesses in judicial proceedings.

Effective: June 24, 2003

History: Created 2003 Ky. Acts ch. 126, sec. 9, effective June 24, 2003.

312.160 Appeal -- Reporting of disciplinary matters.

(1) Any licensed person who has been disciplined after a hearing shall have the right to appeal to the Franklin Circuit Court in accordance with KRS Chapter 13B. If the person who has been disciplined fails to appeal within thirty (30) days after the final order is mailed or personally served, the final order of the board shall be final.

(2) Any disciplinary matter shall be reported to the Healthcare Integrity and Protection Data Bank or to the board's authorized agent.

Effective: June 24, 2003

History: Amended 2003 Ky. Acts ch. 126, sec. 10, effective June 24, 2003. -- Amended 1996 Ky. Acts ch. 318, sec. 259, effective July 15, 1996. -- Amended 1976 Ky. Acts ch. 359, sec. 17, effective June 19, 1976. -- Created 1962 Ky. Acts ch. 179, sec. 14(9) to (11), effective June 14, 1962.

312.163 Disciplinary powers of board -- Imposition of penalty -- Procedural rights of licensee.

(1) In addition to the other powers granted to the board under this chapter, the board may, in connection with any person whom the board, after a hearing adjudges unqualified or whom the board, after a hearing, finds to have performed one (1) or more of the acts described in KRS 312.150:

- (a) Revoke the license to practice;
 - (b) Suspend the license to practice;
 - (c) Publicly reprimand or censure the person;
 - (d) Place the person on probation for a period and upon the terms and conditions that the board may establish;
 - (e) Require payment of all costs of proceedings resulting from the disciplinary action; and
 - (f) Limit the license to practice.
- (2) The board may also impose a penalty not exceeding five thousand dollars (\$5,000) for each separate violation.
- (3) A licensee subject to any disciplinary proceeding under this chapter shall be afforded an administrative hearing conducted in accordance with KRS Chapter 13B and may appeal any final order of the board to the Franklin Circuit Court.

Effective: June 24, 2003

History: Amended 2003 Ky. Acts ch. 126, sec. 11, effective June 24, 2003. -- Amended 1996 Ky. Acts ch. 318, sec. 260, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 252, sec. 9, effective July 14, 1992. -- Created 1988 Ky. Acts ch. 426, sec. 1, effective July 15, 1988.

312.165 Restoration of license.

The board may, at any time after the refusal or revocation of a license, for good and sufficient reason appearing to it, issue a license to the person affected, conferring upon him all the rights and privileges of and pertaining to the practice of chiropractic, as defined and regulated by this chapter.

History: Amended 1976 Ky. Acts ch. 359, sec. 18, effective June 19, 1976. -- Created 1962 Ky. Acts ch. 179, sec. 15, effective June 14, 1962.

312.175 Annual renewal of licenses -- Educational requirements -- Renewal notices to licensees -- Failure to renew -- Restoration of licenses.

(1) Each person licensed to practice chiropractic in this state shall, on or before the first day of March, annually renew his license and pay a renewal fee of not more than one hundred dollars (\$100) for each inactive licensee and not more than five hundred dollars (\$500) for each active licensee each year to the board. In addition to the payment of the renewal fee, the active licensee applying for a license renewal shall furnish to the board satisfactory evidence that he has attended an educational program in the year preceding each application for renewal. Satisfactory evidence of attendance of postgraduate study at an institution approved by the board shall be considered equivalent. Provided, however, that licenses may be renewed by the board, at its discretion, and the applicant may be excused from paying the renewal fee or

attending the annual educational program, or both, in instances where the applicant submits an affidavit to the board evidencing that he, for good cause assigned, suffered a hardship which prevented the applicant from renewing the license or attending the educational program at the proper time.

(2) The board shall send a written notice to every person holding a valid license to practice chiropractic within this state at least forty-five (45) days prior to the first day of March in each year, directed to the last known address of the licensee, and shall enclose with the notice proper blank forms for application for annual license renewal. The board shall, within forty-five (45) days, notify every person failing to renew his license after it is due that he is delinquent and is subject to a late penalty of three hundred dollars (\$300). If the licensee fails to renew his license within forty-five (45) days after the mailing of the delinquent notice then his license shall be revoked for nonrenewal. Any licensee whose license has been revoked for failure to renew his license may have his license restored upon the payment of a restoration fee not to exceed five hundred dollars (\$500) for each delinquent year or any part thereof in addition to the renewal fee of not more than five hundred dollars (\$500) and upon presentation of satisfactory evidence of postgraduate study of a standard approved by the state board or upon a showing that he is an exception as provided for in subsection (1) of this section.

(3) Any licensee whose license has been revoked for less than four (4) years, may not apply for a license pursuant to KRS 312.085. The licensee may only apply for restoration pursuant to subsection (2) of this section.

(4) Any licensee whose license has been revoked for more than four (4) years may apply for a license by examination, as long as the licensee pays a restoration fee not to exceed five hundred dollars (\$500) for each delinquent year, or any part thereof, in addition to the renewal fee of not less than five hundred dollars (\$500) and not more than three thousand dollars (\$3,000).

Effective: June 24, 2015

History: Amended 2015 Ky. Acts ch. 113, sec. 12, effective June 24, 2015. -- Amended 2003 Ky. Acts ch. 126, sec. 12, effective June 24, 2003. -- Amended 2001 Ky. Acts ch. 61, sec. 7, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 252, sec. 10, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 443, sec. 6, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 426, sec. 11, effective July 15, 1988. -- Amended 1976 Ky. Acts ch. 359, sec. 19, effective June 19, 1976. -- Created 1962 Ky. Acts ch. 179, sec. 17, effective June 14, 1962.

312.190 Chiropractor may sign death certificates and other legal documents.

Any person licensed under this chapter may sign death certificates and sign and execute all legal documents and certificates with the same authority as members of other schools or systems of treatment.

Effective: October 1, 1942

History: Repealed 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2643a-14.

Formerly codified as KRS 312.130.

**312.200 Peer review committee -- Initiation of peer review -- Report of findings --
Licensure of other persons performing peer review of chiropractic claims.**

(1) The board shall appoint a peer review committee not to exceed five (5) doctors of chiropractic licensed under this chapter, none of whom are in direct business relationship with the provider, insurer, or patient whose case is being reviewed. Members of the peer review committee shall serve at the pleasure of the board.

(2) Peer review shall occur upon submission by a patient, the patient's representative, insurer, or chiropractor, in accordance with the procedures and fees approved by the board, of an inquiry about a treatment rendered to a patient by a chiropractor. The peer review committee shall examine each inquiry submitted to it and shall report its findings to the board and furnish copies of the findings to the patient, chiropractor, and third-party payor. The findings of the peer review committee on each inquiry reviewed may include a determination of whether or not the chiropractor properly utilized services and rendered or ordered appropriate Treatment or services and whether or not the cost of the treatment was unconscionable.

(3) Other persons performing peer review of chiropractic claims shall be licensed by the board and complete annually a board approved utilization review course, in addition to the required annual education in KRS 312.175. Persons performing review services under this subsection shall annually register with the board and pay a registration fee not to exceed one hundred dollars (\$100).

Effective: July 14, 1992

History: Amended 1992 Ky. Acts ch. 252, sec. 11, effective July 14, 1992. -- Created 1988 Ky. Acts ch. 426, sec. 2, effective July 15, 1988.

312.210 Immunity from personal civil liability.

Members of the board, its employees and members of the peer review committee acting in good faith on an informed basis shall be immune from personal civil liability.

Effective: July 15, 1988

History: Created 1988 Ky. Acts ch. 426, sec. 3, effective July 15, 1988.

**312.220 Duty of treating chiropractor utilizing telehealth to ensure patient's informed consent and maintain confidentiality -- Board to promulgate administrative regulations --
Definition of "telehealth".**

(1) A treating chiropractor who provides or facilitates the use of telehealth shall ensure:

(a) That the informed consent of the patient, or another appropriate person with authority to make the health care treatment decision for the patient, is obtained before services are provided through telehealth; and

(b) That the confidentiality of the patient's medical information is maintained as required by this chapter and other applicable law. At a minimum, confidentiality shall be maintained through appropriate processes, practices, and technology as designated by the board and that conform to applicable federal law.

(2) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section and as necessary to:

(a) Prevent abuse and fraud through the use of telehealth services;

(b) Prevent fee-splitting through the use of telehealth services; and

(c) Utilize telehealth in the provision of chiropractic services and in the provision of continuing education.

(3) For purposes of this section, "telehealth" means the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of health or medical data, and continuing education.

Effective: July 14, 2000

History: Created 2000 Ky. Acts ch. 376, sec. 11, effective July 14, 2000.

312.991 Penalties -- Injunction or restraining order.

(1) Any person who shall practice or attempt to practice chiropractic in violation of the provisions of this chapter, or any person who shall buy, sell or fraudulently obtain any diploma or license to practice chiropractic, whether recorded or not; or any person who shall use the title to induce the public to believe that he is engaged in the practice of chiropractic, without first complying with the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment in the county jail for not more than six (6) months or both. Each adjustment or treatment shall constitute a separate offense.

(2) Any advertisement or sign of whatsoever nature to induce the public to believe that one is a chiropractor or practices chiropractic shall be prima facie evidence of a violation of this chapter, provided the person displaying such sign or causing such advertisement has not been licensed to practice chiropractic as provided in this chapter.

(3) Whenever in the judgment of the board any person has engaged or is about to engage in the acts or practices that constitute, or will constitute, a violation of any of the provisions of this chapter or the rules and regulations adopted by the board, the board may make application to the Franklin Circuit Court for an order enjoining such acts or practices. Upon a showing by the board that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court. Any order of the Franklin Circuit Court shall be enforceable and shall be valid anywhere in this state and the order of the court shall be reviewable as provided in the Rules of Civil Procedure in the case of other injunctions and restraining orders.

Effective: June 19, 1976

History: Amended 1976 Ky. Acts ch. 359, sec. 20, effective June 19, 1976. -- Created 1962 Ky. Acts ch. 179, sec. 20.

Kentucky Administrative Regulations

201 KAR 21:001. Definitions for 201 KAR Chapter 21.

RELATES TO: KRS 312.015, 312.200

STATUTORY AUTHORITY: KRS 312.019(9)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(9) authorizes the Kentucky Board of Chiropractic Examiners to promulgate administrative regulations consistent with KRS Chapter 312, regulating the practice of chiropractic. This administrative regulation establishes the definitions for 201 KAR Chapter 21.

Section 1. Definitions.

(1) "Accepted standards" means those standards of review, care, skill, and treatment that are recognized by a reasonably prudent chiropractor as being acceptable under similar conditions and circumstances.

(2) "Accredited chiropractic college or university" means a chiropractic college or university fully accredited by the Council on Chiropractic Education or its successor and that: (a) Maintains a standard and reputability approved by the board pursuant to 201 KAR 21:055; and (b) Meets all educational standards for preceptorship programs as established by the Council on Chiropractic Education.

(3) "Adjacent tissues" means all structures and joints contained within the upper and lower extremity.

(4) "Advertisement of free or discounted services" means any advertisement or solicitation, by any medium, offering free or discounted examinations, consultation, treatment, goods, or other services.

(5) "Appropriate chiropractic treatment" means a determination made of treatment and other services performed which, by virtue of a substantiated and properly diagnosed condition, appear to be of a type consistent with that diagnosis.

(6) "Bill for treatment" means all services provided to a patient, regardless of the monetary consideration paid to the chiropractor.

(7) "Board" is defined by KRS 312.015(1).

(8) "Committee" means the peer review committee established by KRS 312.200.

(9) "Complaint" means an allegation alleging misconduct that might constitute a violation of KRS Chapter 312 or 201 KAR Chapter 21.

(10) "Complete notice of right of rescission" means a conspicuous statement, of not less than ten (10) point font in any advertisement of free or discounted services that reads substantially as follows: "You have the right to rescind, within seventy-two (72) hours, any obligation to pay for services performed in addition to this free or discounted service."

(11) "Conviction" means a finding of guilt resulting from a plea of guilty or nolo contendere, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment, or the sentence being deferred or suspended.

(12) "Hearing officer" is defined by KRS 13B.010(7).

(13) "Licensee" means a person who performs chiropractic and who is licensed under KRS 312.015 through 312.991 and 201 KAR Chapter 21, as a chiropractor.

(14) "Notice of rescission" means notice by the consumer rescinding any agreement to pay for unadvertised additional services performed or to be performed in addition to the free or discounted service.

(15) "Ownership or operation of a chiropractic facility" as established in KRS 312.145(3), means continued, ongoing ownership by a licensee, or in the event of the death or permanent disability of the licensee, ownership or operation of the facility by the licensee's spouse, heirs, successors, or assigns as can be designated by or in the licensee's estate, for up to twelve (12) months.

(16) "Patient" means an individual who receives treatment from a chiropractor.

(17) "Peer review" is defined by KRS 312.015(4).

(18) "Preceptor" means a licensed doctor of chiropractic, who, after approval of the board, pursuant to 201 KAR 21:085, and an accredited chiropractic college or university, provides an opportunity for an undergraduate intern to work in the doctor's office.

(19) "Promotional items" means small tangible items such as pens, magnets, pads, cups, and similar. These are not considered advertising unless the item contains an offer for free or discounted services.

(20) "Properly utilized services" means appropriate treatment services rendered, including the frequency and duration of those services and that are substantiated as being necessary and reasonable by clinical records and reports prepared by the treating chiropractor.

(21) "Seventy-two (72) hour right of rescission" means the right of a consumer to rescind within seventy-two (72) hours any agreement to pay for services if performed the same day in addition to the advertised free or discounted service at an additional unadvertised cost, or any agreement entered into on the same date to submit to a series, or course of treatments at an additional unadvertised cost.

(22) "Unconscionable fees" means charges or bills for treatment submitted for services performed that are unreasonable charges for those services as compared to the usual and customary charges by a chiropractor or by a health care provider other than a chiropractor for the same or similar services in the locality where the services were performed.

(23) "Undergraduate intern" means an individual studying at an accredited chiropractic college or university and who is in the final academic year prior to receiving a degree in chiropractic.

(24) "Unlawful solicitation" means offering money or something of value to a potential patient or patient in exchange to seek treatment from the licensee. (40 Ky.R. 1508; Am. 2118; eff. 3-20-2014; 47 Ky.R. 774, 1374; eff. 2-4-2021.)

201 KAR 21:015. Code of ethical conduct and standards of practice.

RELATES TO: KRS 312.019(9)(a)

STATUTORY AUTHORITY: KRS 312.019(9)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(9)(a) authorizes the board to promulgate and amend administrative regulations for the practice of chiropractic, including adopting a code of ethical conduct. This administrative regulation establishes the minimum standards of professional and ethical conduct and practice that a licensee shall maintain.

Section 1. Each licensee shall comply with the minimum standards of professional and ethical conduct established in subsections (1) through (10) of this section.

(1) A licensee shall not advertise the licensee's services except as provided by 201 KAR 21:065.

(2) A licensee shall not commit an act of sexual misconduct, sexual harassment, or any act punishable as a sexual offense.

(3) A licensee shall refrain from chemical or substance abuse. The chemical or substance abuse shall not have to take place in a chiropractic office for the board to take action against a licensee.

(4)(a) Division of a professional fee shall not be made, except upon the basis of actual services rendered.

(b) Unless prohibited by law, each licensed chiropractor of a business entity shall be allowed to pool or apportion fees received in accordance with a business agreement.

(5)(a) A licensee shall not pay or receive compensation for the referral or unlawful solicitation of patients.

(b) A licensee, employee of a licensee, agent of a licensee, contractor of a licensee, or anyone acting in concert with the licensee shall not provide monetary compensation or other consideration of value to an individual in order to induce or entice the individual to commence a chiropractor-patient relationship or continue as a patient of the licensee.

(6)(a) Telemarketing shall be permitted only if the telemarketing is nontargeted, taken from a general list of phone numbers, and if not violating the state's no-call provisions.

(b) The licensee shall be held responsible for the content of any contact made by a telemarketer, agent, employee, or contractor representing the chiropractor.

(7) A licensee shall report to the board any reasonably suspected violation of KRS Chapter 312 or 201 KAR Chapter 21 by another licensee or applicant within thirty (30) days.

(8) A licensee shall report to the board any guilty plea, criminal conviction other than minor traffic violations, civil judgment, settlement, or civil claim made against the licensee within thirty (30) days.

(9) A licensee shall report to the board any discipline from another state licensing board within thirty (30) days of receiving notice of final disciplinary action.

(10) A licensee shall report to the board any malpractice settlement over \$10,000 within thirty (30) days of the settlement of the claim.

Section 2. Each licensee shall comply with the minimum standards of practice established in subsections (1) through (6) of this section.

(1) A licensee shall keep in confidence whatever the licensee may learn about a patient in the discharge of professional duties. Information shall be divulged by the licensee only if required by law or authorized by the patient.

(2) A licensee shall render care to each patient that is consistent with treatment and care that would be rendered by a reasonably prudent chiropractor licensed in the Commonwealth of Kentucky and shall give a candid account of a patient's condition to the patient, or to those responsible for the patient's care.

(3) A licensee shall inform the patient of the licensee's clinical diagnosis, treatment plan, and expected outcome of treatment prior to the onset of care.

(4) A licensee shall give timely notice to the licensee's patient or to those responsible for a patient's care if the licensee withdraws from a case so that the patient may obtain another chiropractor.

(5) A licensee shall not abandon a patient.

(6) A licensee shall practice the licensee's profession in accordance with the provisions of KRS Chapter 312 and 201 KAR Chapter 21.

Section 3. (1) Each licensee shall cooperate with the board by:

- (a) Submitting germane documents requested by the board;
- (b) Submitting in writing a complete explanation covering the matter contained in the complaint filed with the board;
- (c) Appearing before the board at the time and place designated;
- (d) Properly responding to a subpoena issued by the board; and
- (e) The board shall in each renewal cycle, audit a minimum of fifteen (15) percent of renewals to assure compliance with continuing education requirements. Licensees, if selected for audit, shall cooperate and provide requested information so the audit may be conducted.

(2) A licensee shall comply with an order issued by the board.
(6 Ky.R. 163; eff. 10-3-1979; Am. 16 Ky.R. 1610; eff. 4-12-1990; 32 Ky.R. 1727; 33 Ky.R. 1070; eff. 10-18-2006; 40 Ky.R. 1410; 2118; eff. 3-20-2014; 42 Ky.R. 1282; eff. 12-16-2015; 45 Ky.R. 1079; eff. 1-23-2019; 47 Ky.R. 776, 1375; eff. 2-4-2021.)

201 KAR 21:025. Board; officers, duties, and compensation.

RELATES TO: KRS 312.019, 312.055

STATUTORY AUTHORITY: KRS 312.019

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.055 requires the election of certain officers by the board. KRS 312.019(6) authorizes the board to employ personnel and incur expenses necessary for the performance of its duties. This administrative regulation establishes the duties of the officers, field personnel, and administrative staff, establishes the terms and procedure for election of officers, and establishes compensation.

Section 1. The officers of the board shall perform the duties established in this section.

- (1) The president shall be the chief executive of the board. The president shall preside over all meetings of the board.
- (2) The vice president shall perform the duties of the president during the president's absence or inability to serve. The vice president shall perform other reasonable duties delegated to him by the president or by the board.
- (3) The executive secretary shall, if necessary or upon the discretion of the board:
 - (a) Record and present the minutes of a meeting to the board at the next scheduled meeting;
 - (b) Supervise the administrative functions of the board; and
 - (c) Perform other reasonable duties delegated to the executive secretary by the board.

Section 2. The board may employ a field coordinator as a part of the regular staff of the board. The field coordinator shall be paid a salary as the board may determine.

- (1) The field coordinator may be a member of the board, except that the president or executive secretary, as referenced in KRS 312.055(1), shall not serve as field coordinator.
- (2) The field coordinator shall:
 - (a) Investigate complaints against licensees referred by the board for investigation and report findings to the board;
 - (b) Not vote on any matter relative to formal or informal complaints against any licensee if:
 1. Any of the charges were investigated by him in the capacity of field coordinator; and
 2. The field coordinator is a board member; and
 - (c) Perform other reasonable duties as are delegated by the board.
- (3)
 - (a) If the field coordinator is a member of the board, following the appointment as field coordinator, he or she shall serve until the conclusion of his term of appointment as a member of the board.
 - (b) A member who has been appointed to the position of field coordinator, who is reappointed to the board following the expiration of the original term, shall

continue in the position of field coordinator until a successor is appointed, and accepts and assumes the duties of the position.

- (c) A person appointed as field coordinator may be reappointed by the board to the position.
- (4) The administrative staff shall assist the board in the performance of its duties and shall:
 - (a) Keep an accurate and up-to-date file of all licensees of the board, including:
 - 1. Addresses, e-mail addresses, and telephone numbers;
 - 2. Status as to whether or not they are in active practice or are inactive;
 - 3. Whether a licensee is in practice in this state or out of it;
 - 4. Documents establishing attendance at educational programs if these have been requested by the board;
 - 5. All fees paid by licensees; and
 - 6. Providing to the board, at least once each year, the names of licensees who are delinquent in the payment of fees or attendance of educational programs;
 - (b) Transmit notices for renewal of licenses as provided by KRS 312.175(2);
 - (c) Transmit notices of special meetings of the board; and
 - (d) Attend to the correspondence and communications of the board.

Section 3. A member elected as president, vice president, or executive secretary shall serve in office for one (1) year. An officer may be reelected by the board. Officer elections shall take place at the last meeting of the calendar year and shall take effect the first meeting of the following calendar year.

Section 4. Salary and Per Diem Compensation. Board members shall receive \$100 per day for each day of actual service to the board.

Section 5. Financial Audit of Board Accounts.

- (1) The board shall cause, on a biennial basis, an independent financial audit of board accounts to be conducted and a report made to the board of the results.
- (2) The biennial financial audit shall be conducted by the Kentucky Auditor of Public Accounts, or by an independent auditor qualified and licensed as a certified public accountant, and retained by the board. If the Auditor of Public Accounts declines to perform the audit, the board shall perform the audit.
- (3) The audit shall be of the previous year's accounts, unless the board finds that a broader audit is necessary, and votes to conduct a broader audit by a majority of the board. The board vote shall define the scope of the audit sought.

(6 Ky.R. 164; eff. 10-3-1979; Am. 16 Ky.R. 1612; eff. 4-12-1990; 32 Ky.R. 1728; 33 Ky.R. 1071; eff. 10-18-2006; 43 Ky.R. 766, 1169; eff. 2-3-2017; 47 Ky.R. 778, 1376; eff. 2-4-2021; 49 Ky.R. 1976; eff. 9-27-2023.)

201 KAR 21:035. Seal.

RELATES TO: KRS 312.019

STATUTORY AUTHORITY: KRS 312.019

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(4) requires the board to adopt a seal which shall be affixed to all licenses, certifications, and registrations issued by the board

and to such other documents as the board deems necessary. This administrative regulation adopts the seal that shall be used by the Kentucky Board of Chiropractic Examiners.

Section 1. The official seal of the board shall consist of two (2) concentric circles with the words "Kentucky Board of Chiropractic Examiners" between the two (2) circles. The likeness of two (2) hands in the position of a chiropractic adjustment shall appear within the inner circle with the words "Utile Dulce" immediately below the likeness.

Section 2. The official seal shall be affixed to all licenses, certifications, and registrations issued by the board and to other documents the board deems necessary or appropriate. (6 Ky.R. 165; eff. 10-3-1979; Am. 16 Ky.R. 1614; eff. 4-12-1990; 48 Ky.R. 105, 1525; eff. 11-23- 2021.)

201 KAR 21:041. Licensing; standards, fees.

RELATES TO: KRS 312.085, 312.095, 312.145, 312.175

STATUTORY AUTHORITY: KRS 312.019, 312.085, 312.095, 312.175

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(9) authorizes the Kentucky Board of Chiropractic Examiners to promulgate administrative regulations consistent with KRS Chapter 312, regulating the practice of chiropractic. This administrative regulation establishes the procedures relating to application for licensure, license renewal, and fees.

Section 1. Initial Application. An applicant for initial licensure shall submit to the board:

- (1)
 - (a) A completed, notarized Application for Licensure with a two (2) inch by two (2) inch passport photo taken within the past six (6) months of application; and
 - (b) A nonrefundable application fee of \$350.
- (2) If the initial applicant graduated from chiropractic school more than four (4) years ago, proof of successfully passing the Special Purposes Examination for Chiropractic given by the National Board of Chiropractic Examiners within the past six (6) months shall be submitted to the board unless the initial applicant submits proof acceptable to the board of active practice under a license in good standing in another state or jurisdiction. In determining whether to accept proof of active practice, the board shall consider the following submitted by the licensee in writing:
 - (a) The number, or approximate number, of patients treated per week;
 - (b) The practice location or locations, and address or addresses at which the licensee has practiced, and the month and years of practice at each respective location; and
 - (c) Any relevant information the licensee may submit to show active practice.

Section 2. Licenses. Each license by the board shall:

- (1) Set forth the:
 - (a) Name of the issuing board;
 - (b) Name of the licensee;
 - (c) Number of license; and
 - (d) Date of the license issuance;
- (2) Be signed by a minimum of three (3) members of the board; and
- (3) Have the seal of the board affixed.

Section 3. License Renewal.

- (1)
 - (a) Each licensee of the board shall annually renew the license on or before the first day of March.
 - (b)
 1. A licensee seeking active status shall:
 - a. Submit a completed Application for Annual License Renewal that includes the notarized affidavit, if applicable; and
 - b. Pay a renewal fee of \$250.
 2. A licensee seeking inactive status shall:
 - a. Submit a completed Application for Annual License Renewal that includes the notarized affidavit, if applicable; and
 - b. Pay a renewal fee of seventy-five (75) dollars.
- (2) The amount of the restoration fee established by KRS 312.175(2) and (4) shall be \$250 per year, or any part of a year.
- (3) Continuing education requirements.
 - (a) Each active licensee shall complete at least twelve (12) hours of board-approved continuing education, with:
 1. No more than eight (8) hours completed in a day; and
 2. Proof of completion submitted with the Application for Annual License Renewal upon request by the Board.
 - (b)
 1. A new licensee shall complete a two (2) hour jurisprudence course, provided by the board, by the licensee's first renewal.
 2. A new licensee shall not be required to complete the continuing education requirements set out in paragraph (a) of this subsection until after the licensee's first renewal and before the licensee's second renewal.
 - (c) An inactive licensee may renew the inactive license without meeting the continuing education requirements required by this subsection.
 - (d) A continuing education course shall not be repeated for credit within the same renewal period.

Section 4. Activation of an Inactive License.

- (1) To activate an inactive license, a licensee shall submit:
 - (a) A completed Application for Activation or Reinstatement of Kentucky License;
 - (b) The renewal fee required by Section 3(1)(b) of this administrative regulation;
 - (c) Proof that the licensee has met the continuing education requirements established by Section 3(3) of this administrative regulation; and
 - (d) License verification from each state or jurisdiction from which the licensee has held a license.
- (2) If the licensee was inactive for more than four (4) years, proof of successfully passing the Special Purposes Examination for Chiropractic given by the National Board of Chiropractic Examiners within the past six (6) months shall be submitted to the board unless the licensee submits proof acceptable to the board of active practice under a license in good standing in another state or jurisdiction. In determining whether to accept proof of active practice, the board shall consider the following submitted by the licensee in writing:
 - (a) The number, or approximate number, of patients treated per week;
 - (b) The practice location or locations, and address or addresses at which the licensee has practiced, and the month and years of practice at each respective location; and

(c) Any relevant information the licensee may submit to show active practice.

Section 5. Denial or Refusal of License. The board may deny or refuse to renew a license if an applicant or licensee:

- (1) Has a conviction for a felony or violation of any law involving moral turpitude; or
- (2) Violates any of the provisions of KRS Chapter 312 or 201 KAR Chapter 21.

Section 6. Change of Address. Each licensee shall notify the board within ten (10) days of each change of mailing address or place of business.

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(6 Ky.R. 165; eff. 10-3-1979; Am. 16 Ky.R. 44; 344; eff. 9-2-1989; 34 Ky.R. 1530; 2279; eff. 5-2-2008; 35 Ky.R. 989; 1437; eff. 1-5-2009; 36 Ky.R. 855; 1194; eff. 1-4-2010; 40 Ky.R. 1411; 2119; eff. 3-20-2014; 43 Ky.R. 768; eff. 2-3-2017; 47 Ky.R. 131, 950; eff. 11-19-2020; 49 Ky.R. 1978; 50 Ky.R. eff. 9-27-2023.)

201 KAR 21:042. Standards, application and approval of continuing education

RELATES TO: KRS 312.017, 312.085, 312.095, 312.145, 312.175

STATUTORY AUTHORITY: KRS 312.019, 312.085, 312.095, 312.175

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(9) authorizes the Kentucky Board of Chiropractic Examiners to promulgate administrative regulations consistent with KRS Chapter 312, regulating the practice of chiropractic. This administrative regulation establishes standards for continuing education and the procedures relating to the application and approval of continuing education.

Section 1. Standards for Continuing Education.

- (1) Continuing education shall be approved by the board, or by a committee designated by the board to act between sessions of the board.
- (2) The continuing education program shall be:
 - (a)
 1. A post graduate course of study at or sponsored by a chiropractic college accredited by the Council on Chiropractic Education or its successors; or
 2. Sponsored by a national or state chartered organization of chiropractors, or a chiropractic college; and
 - (b) Open to all doctors of chiropractic in Kentucky who desire to attend.
- (3) The instructors and speakers shall be in the field of chiropractic, chiropractic education, or allied sciences.
- (4) The programs to be presented shall contain subjects of clinical benefit to licensees and on a postgraduate level of education.
- (5) The programs shall comply with the Kentucky chiropractic scope of practice as defined by KRS 312.017.
- (6) The board or its designated committee shall determine if:
 - (a) Online versus live education is appropriate for the subject matter being offered; and
 - (b) To approve programs as proposed.

Section 2. Requirements for Online Continuing Education.

- (1) Any entity submitting an online course for approval shall:
 - (a) Be Pre-Approved Continuing Education (PACE) Commission certified; and
 - (b) Submit the program through the PACE pre-check program using the Kentucky Board of Chiropractic Examiners Continuing Education Application form.
- (2) The program shall:
 - (a) Have a mechanism to ensure that users view each page of the program;
 - (b) Ensure the user has earned all of the time required for the program;
 - (c) Have a mechanism in place for the user to be able to contact the provider regarding questions about the continuing education programs;
 - (d) Include a mechanism to evaluate the user's knowledge of the subject matter contained in the program;
 - (e) Provide a printed verification or allow the user to print verification only upon completion of the program;
 - (f) Ensure that the course time cannot be earned away from the program and that automatic lock out occurs if the keyboard becomes unattended; and
 - (g) Have an original recording date within five (5) years from the time the course is approved for credit by the board.
- (3) Programs shall be completed and earned one (1) at a time. The user of a program shall not earn credit for multiple windows or programs completed simultaneously.

Section 3. Application for Approval.

- (1) The sponsoring party of a proposed educational program for license renewal shall apply for approval of the program prior to its presentation by submitting the Kentucky Board of Chiropractic Examiners Continuing Education Application, and by providing to the board:
 - (a) The name of the course;
 - (b) The name of the sponsoring organization;
 - (c) The objective of the program;
 - (d) The number of classroom hours over which the educational program will be presented, and the dates presented;
 - (e) The names of the instructors and speakers and the name and address of the institution with which they are associated, if applicable;
 - (f) The instructors' or speakers' educational background and other relevant qualifications;
 - (g) The name and address of the person authorized to certify attendance; and
 - (h) An educational program review fee as established in subparagraph 1. through 3. of this paragraph.
 1. Live Events Only - A live event is an event at which both the presenter and attendee are present in person. A minimum fee of twenty-five (25) dollars for a live one-time event of sixteen (16) hours or less. Any event over sixteen (16) hours will be two (2) dollars per requested credit hour with a maximum fee of \$100. For events with multiple dates and locations there will be an additional twenty-five (25) dollar fee.
 2. Online Events Only - A minimum fee of twenty-five (25) dollars for a live one-time event or recorded event of sixteen (16) hours or less. Any event over sixteen (16) hours will be two (2) dollars per requested credit hour with a maximum fee of \$100. The online event shall remain approved for one (1) calendar year.
 3. Live Event That Will Also Be Recorded To Be Used As Online CE – A minimum fee of fifty (50) dollars for an event of sixteen (16) hours or less. Any event over sixteen (16) hours will be two (2) dollars per requested credit hour with a maximum fee of \$100.

- The online event shall remain approved for one (1) calendar year.
- (2) The educational program may be monitored by an officer of the board, the field coordinator of the board, or a person designated by the president of the board.
 - (3)
 - (a) A proposed program shall be received by the board for approval at least sixty (60) days prior to the date of the presentation.
 - (b) The board, or a designee of the board to act between meetings of the board, shall give written notification of the board's approval or disapproval of the program to the sponsoring party not more than thirty (30) days after receiving the proposed educational program.
 - (c) An online course shall remain approved for one (1) calendar year from a date of the event provider's choosing if that date is no earlier than sixty (60) days from the date the board received the submission for approval.

Section 4. Incorporation by Reference.

- (1) "Kentucky Board of Chiropractic Examiners Continuing Education Application", DPL-KBCE-05, June 2023, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Chiropractic Examiners, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:00 p.m. This material is also available on the board's Web site at www.kbce.ky.gov.

(40 Ky.R. 1509; Am. 2120; eff. 3-20-2014; 47 Ky.R. 132, 950; eff. 11-19-2020; 49 Ky.R. 1981; 50 Ky.R. 52, 639, eff. 9-27-2023.)

201 KAR 21:045. Specialties.

RELATES TO: KRS 312.015, 312.017, 312.019, 312.021

STATUTORY AUTHORITY: KRS 312.019, 312.021 NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.021 requires the board to identify by administrative regulation those specialties of chiropractic for which certification may be granted and to establish by administrative regulation the procedure for obtaining and maintaining certification and the fees therefor. This administrative regulation establishes requirements for obtaining specialty certification.

Section 1. (1) A licensee in active practice and in good standing with the board who makes a written request to the board, provides proof of education, and pays the fee established in Section 3 of this administrative regulation shall be certified as a specialist in the licensee's field of certification, if the licensee holds certified or diplomate status with a certification granting entity.

- (2) The certification or diplomate program shall be:
 - (a) Recognized by the American Chiropractic Board of Specialties or comparable authority with a comparable education level; and
 - (b) Within the scope of practice as established by KRS 312.015 and 312.017.

(3) Specialties certified shall include those such as radiology, nutrition, orthopedics, neurology, and pediatrics as approved by the American Board of Chiropractic Specialties.

(4) The complete list of approved and certified specialties is available on the board's current Web site.

Section 2. The applicant for certified status under Section 1 of this administrative regulation shall submit with the applicant's written request proof of current status with the specialty certificate issuing board. Certification by the board shall be for a stated period of time not exceeding one (1) year.

Section 3. The fees currently charged by the board are \$100 for certification of each specialty and thirty (30) dollars for annual renewal.

Section 4. Advertisement of Designation of Chiropractic Certifications.

(1) Advertisement of chiropractic specialties shall include the word "chiropractic" with any specialty designation and conform to the standards established in 201 KAR Chapter 21.

(2) Any designation or certification not recognized by the board may only be advertised if:

(a) The designation or certification is not abbreviated, but is written out;

(b) The certifying or conferring college, university, or organization is named; and

(c) Proof of attainment of the advertised designation or certification is on file at the board office. (6 Ky.R. 163; eff. 10-3-1979; 16 Ky.R. 1610; eff. 4-12-1990; 32 Ky.R. 1727; 33 Ky.R. 1070; eff. 10-18-2006; 40 Ky.R. 1410; 2118; eff. 3-20-2014; 42 Ky.R. 1282; eff. 12-16-2015; 45 Ky.R. 1080, 2073; eff. 1-23-2019; 47 Ky.R. 778, 1377; eff. 2-4-2021.)

201 KAR 21:051. Board hearings.

RELATES TO: KRS 312.150, 312.160, 312.163

STATUTORY AUTHORITY: KRS 312.019(5), (9)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.109(5) authorizes the board to enforce and investigate violations. KRS 312.019(9) authorizes the board to promulgate administrative regulations consistent with KRS Chapter 312, governing the practice of chiropractic. KRS 312.150 authorizes disciplinary action to be taken against a licensee. KRS 312.160 requires a right to an appeal for a licensed person disciplined after a hearing. This administrative regulation establishes procedural guidelines for board hearings and the processing of complaints against a licensee.

Section 1. Complaints and Investigations.

(1) A complaint may be made by any person, organization, or entity. A complaint made by a person, organization, or entity shall be in writing and shall be signed by the person offering the complaint. The complaint shall contain:

(a) The name, phone number, and address of the person making the charge and the name and address of the place of business of the person or persons against whom charges are made; and

(b) A clear and concise description of the issues of fact.

(2) Upon receipt of a complaint against a licensee, the board shall send a copy of the complaint to the licensee for a response.

- (a) The complaint shall be sent to the last known address of the licensee that the board has on file. Proof of mailing of the complaint to the licensee's last address on file shall constitute proof of service of the complaint.
 - (b) The licensee shall file a response within twenty (20) days from the date of the board's letter.
 - (c) The board shall review the complaint and the licensee's response before it determines if the nature and quality of the charges warrant dismissal, further investigation, or the initiation of a hearing.
 - (d) In making its determination, the board shall consider if the charges if proven would warrant sanction by the board.
 - (e) If the licensee fails to file a response within twenty (20) days of service of the complaint, the board may, based on lack of good cause, treat such failure as a default by the licensee, which in this case shall be equivalent to a finding that the factual allegations of the complaint may be taken as true. The board shall also have the authority to grant extensions of time for filing of a response based on the reason.
- (3) The board may proceed against a licensee on its own initiative either on the basis of information contained in its own records or on the basis of information obtained through its own investigation.
- (4) The filing of formal charges shall require the affirmative vote of a majority of the board.
- (5)(a) If the board finds that allegations against a licensee are insufficient for initiation of a formal disciplinary procedure, it shall dismiss the matter and notify all interested parties.
- (b) If the board determines that disciplinary proceedings are appropriate, the board shall issue a notice of disciplinary action and inform the licensee of the specific reason for the board's action, including the:
 1. Statutory or regulatory violation;
 2. Factual basis on which the disciplinary action is based; and
 3. Penalty to be imposed.
 - (c) The licensee, or the complainant may appeal the disciplinary action established in the notice of disciplinary action to the board. An appeal shall be made within twenty (20) days of the date of the board's notice.
 1. A written request for an administrative hearing shall be filed with the board within twenty (20) calendar days of the date of the board's notice. This request shall be sent to the Board of Chiropractic Examiners by mail or delivery to the board's address as shown on the board's notice of disciplinary action.
 2. If the request for a hearing is not timely filed, the notice of disciplinary action shall be effective upon the expiration of the time for the licensee to request a hearing.
 - (d) The board may resolve the matter informally through mediation or negotiation. Any agreed order reached through mediation or negotiation shall be approved by the board and signed by the individual who is the subject of the complaint, the individual's attorney, and the chair of the board.

Section 2. (1) The hearing shall be held in accordance with KRS Chapter 13B.

- (2) The respondent shall be entitled to a reasonable continuance of the hearing date, for good cause, as recommended to the board by the hearing officer.
- (3) The board shall keep a record of the hearing at least for as long as the matter is pending for a decision or appeal, and for the duration of the disciplinary action.
- (4) It shall take a majority of the board to sustain the charges against the respondent licensee. The hearing officer shall issue a recommended order pursuant to KRS Chapter 13B, which the board shall consider, along with any exceptions filed by the parties, before issuing a final order.
- (5) If the board sustains some or all of the charges, the board shall by majority vote establish the sanction under law that it finds warranted. The order of the board shall be mailed to the parties by certified mail, return receipt requested.

Section 3. Pursuant to KRS 312.160, the respondent may, within thirty (30) days of receipt of the order, appeal to the Franklin Circuit Court. In the absence of an appeal, the order of the board shall be final at the expiration of the thirty (30) day period. (2 Ky.R. 607; rejected 3 Ky.R. 364; resubmitted over rejection; reprinted 431; eff. 10-1-76; Am. 16 Ky.R. 1615; eff. 4-12-90; 32 Ky.R. 1734; 33 Ky.R. 1071; eff. 10-18-2006; 40 Ky.R. 1414; 2121; eff. 3-20-2014; 47 Ky.R. 781, 1377; eff 2-4-2021.)

201 KAR 21:052. Appeal of denial of license.

RELATES TO: KRS 312.150

STATUTORY AUTHORITY: KRS 312.019(3), (9), 312.163 NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(3) authorizes the board to deny, limit, or refuse to renew any license, certification, or registration it issued. KRS 312.019(9) authorizes the board to promulgate administrative regulations consistent with KRS Chapter 312, governing the practice of chiropractic. KRS 312.163 provides disciplinary powers of the board after a hearing. This administrative regulation establishes requirements relating to the appeal of denial of a license.

Section 1. Right of Appeal of Denial of License.

- (1) If the board denies an application for licensure, activation, restoration, reinstatement, certification of specialty, or application for renewal of licensure, the board shall issue a notice of denial informing the applicant of the specific reason for the board's action, including:
 - (a) The statutory or regulatory violation; and
 - (b) The factual basis on which the pending denial is based.
- (2) A written request for an administrative hearing shall be filed with the board within twenty (20) calendar days of the date of the board's notice. This request shall be sent to the Kentucky Board of Chiropractic Examiners, at the address indicated for the board on the board's notice.
- (3) If the request for an appeal is not timely filed, the notice of denial shall be effective upon the expiration of the time for the applicant to request an appeal.
- (4) The administrative hearing shall be conducted in accordance with KRS Chapter 13B. (40 Ky.R. 1511; eff. 3-20-2014; 47 Ky.R. 783; eff. 2-4-2021.)

201 KAR 21:053. Appeal of revocation of probation.

RELATES TO: KRS 312.150, 312.163

STATUTORY AUTHORITY: KRS 312.019(9), 312.163

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(9) authorizes the board to promulgate administrative regulations consistent with KRS Chapter 312. KRS 312.163(3) requires the board to provide an administrative hearing to a licensee who is the subject of board discipline. This administrative regulation establishes procedures for a licensee to appeal a revocation of probation.

Section 1. Revocation of Probation.

(1) If the board moves to revoke the probation of a licensee, the board shall issue to the last known address on file with the board for the licensee, a notice of revocation and inform the licensee:

- (a) The factual basis on which the revocation is based;
- (b) Each probation term violated; and
- (c) That the licensee may appeal the revocation to the board. An appeal shall be made within fifteen (15) days of the date of notification of revocation.

(2) A written request for an administrative hearing shall be filed with the board within fifteen (15) calendar days of the date of the board's notice. This request shall be sent to the Kentucky Board of Chiropractic Examiners, at its address as indicated on the notification of revocation.

(3) If the request for an appeal is not filed by the deadline established in subsections (1)(c) and (2) of this section, the notice of revocation shall be effective upon the expiration of the time for the licensee to request an appeal.

(4) The administrative hearing shall be conducted in accordance with KRS Chapter 13B. (40 Ky.R. 1512; Am. 2122; eff. 3-20-2014; 47 Ky.R. 784; eff. 2-4-2021.)

201 KAR 21:054. Emergency orders.

RELATES TO: KRS 312.019(3)

STATUTORY AUTHORITY: KRS 312.019(3), 312.150

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(1) authorizes the Board of Chiropractic Examiners to promulgate administrative regulations relating to the practice of chiropractic. KRS 312.019(3) authorizes the board to suspend or limit any license issued by it. This administrative regulation establishes procedures for the emergency suspension or restriction of a license if there is an immediate danger to the health, welfare, or safety of a patient or the general public.

Section 1. Emergency Order of Suspension or Limitation. (1) The board president or the board as a whole may take emergency action, which shall be in accordance with KRS 13B.125, by issuing an emergency order to suspend or limit a license to practice chiropractic. An emergency order shall:

- (a) Be based upon a finding by the board president or the board as a whole that:
 - 1. The emergency order is in the public interest; and

2. There is substantial evidence of immediate danger to the health, welfare, or safety of a patient or the general public;
- (b) Specify the factual basis that caused the emergency condition to exist;
- (c) Specify the statutory or regulatory violation that caused the emergency condition to exist; and
- (d) Be served on a licensee in accordance with KRS 13B.050(2).

(2) Upon receipt of an emergency order, a licensee shall immediately comply with the emergency order of suspension or limitation.

(3) A licensee may appeal the emergency order. An appeal shall be:

- (a) Made by a written request to the board;
- (b) In accordance with KRS 13B.125; and
- (c) Made within thirty (30) days after receipt of the order.

(4) A chiropractor's license shall be revoked if:

- (a) The licensee does not request a hearing; or
- (b) The condition that resulted in the emergency order is not corrected within thirty (30) calendar days of service of the emergency order.

(5) The emergency order shall be affirmed if there is substantial evidence of an immediate threat to public health, safety, or welfare. (40 Ky.R. 1513; eff. 3-20-2014; 48 Ky.R. 106, 1525; eff. 11-23-2021.)

201 KAR 21:055. Colleges and universities; accreditation, approval.

RELATES TO: KRS 312.019(2), (9)(b), 312.085

STATUTORY AUTHORITY: KRS 312.019(9)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019 requires the board to pass upon the qualifications of applicants for a license. KRS 312.085 requires each applicant to be a graduate of a chiropractic college or university that maintains a standard and reputability approved by the board. This administrative regulation establishes the requirements for board approval of educational institutions.

Section 1. A person who makes application to the board to practice chiropractic shall be a graduate of a chiropractic college or university that shall be accredited as required by KRS 312.085. In addition to accreditation, the chiropractic college or university shall offer a course of study, provide a faculty, and have a physical plant and facility approved by the board. The following minimum standards shall apply:

(1)(a) The chiropractic college or university shall have well-stated goals and purposes to prepare the doctor of chiropractic as a competent health care provider, well-educated to diagnose and treat patients and to render the augmentative treatment provided for by KRS 312.015.

(b) It shall have a course of study, an administration, teaching staff, a physical plant and facility capable of achieving these objectives.

(2)(a) The chiropractic college or university shall offer courses of instruction to teach and train its graduates, as established by the Council on Chiropractic Education, as doctors of chiropractic to diagnose and treat their patients and to render augmentative care.

(b) It shall require for graduation and completion the amount and quality of classroom instruction and laboratory and clinical experience required of chiropractic colleges or universities by the Council on Chiropractic Education.

(c) The college or university shall also offer courses of continuing education on a postgraduate level. (6 Ky.R. 167; eff. 10-3-79; Am. 16 Ky.R. 1617; eff. 4-12-90; 32 Ky.R. 1736; 33 Ky.R. 1073; eff. 10-18-2006; 47 Ky.R. 785, 1378; eff. 2-4-2021.)

201 KAR 21:065. Professional advertising; seventy-two (72) hour right of rescission.

RELATES TO: KRS 312.019(9)(g), 312.021, 312.991

STATUTORY AUTHORITY: KRS 312.019(9), 312.021(1) NECESSITY, FUNCTION, AND

CONFORMITY: KRS 312.021(1) requires that advertising shall not be false, deceptive, or misleading. KRS 312.019(9)(g) authorizes the board to promulgate administrative regulations to regulate forms of advertising and authorizes the board to establish a seventy-two (72) hour rescission period for a consumer responding to certain forms of solicitation or advertising. This administrative regulation establishes limits of permissible professional advertising to safeguard the public from false or misleading statements and nuisance type advertising. This administrative regulation also establishes the forms of solicitation or advertising in which the responding consumer shall be granted a seventy-two (72) hour rescission period.

Section 1. A licensee may advertise chiropractic services through any medium if the advertisement is not false, deceptive, or misleading.

(1) An advertisement shall include:

(a) If the business name used in the advertisement has the word "chiropractic" in it, then additional information shall not be required; or

(b) If the word "chiropractic" is not included in the name of the business, then the advertisement shall contain the name of at least one (1) doctor in the office and clearly identify them as a doctor of chiropractic, or clearly state in some manner that the office is a chiropractic office. Words or letters designating the particular doctor degree held by the chiropractor. "D.C." shall designate a doctor of chiropractic.

(2) Deviation from these requirements shall first be approved by the board.

Section 2. Consumer Rights, Notice.

(1)(a) The board may choose, in accordance with this administrative regulation, to require a licensee to place a consumer notice of a seventy-two (72) hour right of rescission on any advertisement offering a free or discounted service.

(b) A chiropractor advertising free or discounted services shall in any advertisement or solicitation provide the consumer with notice, in print of no less than ten (10) point font, of the seventy-two (72) hour right of rescission. The notice shall include information on the form and manner in which the patient shall exercise the right of rescission.

(2)(a) Within ten (10) days of a notice of rescission, the chiropractor shall tender to the consumer any payment made by the consumer prior to the rescission for an unadvertised service performed.

(b) If payment had not yet been made by the consumer for an unadvertised service, the consumer's account shall not be billed for that service.

(3)(a) In order to be effective, the notice of rescission shall be given by the consumer to the chiropractor within seventy-two (72) hours of the completion of the advertised free or discounted service or agreement to submit to a series or course of treatments.

(b) The notice shall be:

1. In writing; and
2. Express the intention of the consumer to rescind his or her obligation.

(c) If notice of rescission is given by mail, it shall be effective if it:

1. Is properly addressed;
2. Has sufficient postage affixed; and
3. Is postmarked.

Section 3. (1) A written advertisement may be sent or delivered to an individual addressee only if it is not prompted or precipitated by a specific event or occurrence involving or relating to the addressee or addressees as distinct from the general public.

(2) A licensee who advertises a fee for routine services and accepts the employment shall perform the services for the amount advertised, and a statement to that effect shall be included in every advertisement in which a fee is listed.

Section 4. If a complaint is filed with the board regarding an advertisement of a licensee, the board shall request, and the licensee shall submit, a copy of the advertisement, including audio or video if the advertisement is in audio or video medium.

Section 5. A licensee shall post his or her name on the premises where a chiropractic service is being offered, and the name(s) of all associate licensees who practice chiropractic on the premises. The posted names shall be clearly visible to the public at the entrance to the premises, or on a sign visible outside of the premises, that offers the delivery of chiropractic services. (6 Ky.R. 168; eff. 10-3-1979; Am. 16 Ky.R. 1618; eff. 4-12-1990; 34 Ky.R. 621; 1391; eff. 12-17-2007; 40 Ky.R. 1415; 2122; eff. 3-20-2014; 47 Ky.R. 876; eff. 2-4-2021.)

201 KAR 21:070. Licensing examination requirements.

RELATES TO: KRS 312.019(9), 312.115(2)

STATUTORY AUTHORITY: KRS 312.019(9), 312.115

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(9) authorizes the Kentucky Board of Chiropractic Examiners to promulgate administrative regulations consistent with KRS Chapter 312. KRS 312.115(2) provides that the examination for a chiropractic license may consist in part of the National Board Examination of the National Board of Chiropractic Examiners. This administrative regulation establishes the chiropractic licensing examination procedures.

Section 1. (1) An applicant for licensure shall hold a National Board of Chiropractic Examiners Certificate of Attainment, which demonstrates that the applicant has passed the National Board of Chiropractic Examiners (NBCE) examination, parts I, II, III, and IV, by the NBCE's recommended passing score.

(2)(a) An official National Board of Chiropractic Examiners transcript of scores for parts I, II, III, and IV shall be on file with the Kentucky Board of Chiropractic Examiners.

(b) Official transcripts shall be requested by the applicant to be sent to the Kentucky Board of Chiropractic Examiners directly from the National Board of Chiropractic Examiners.

(3) The state's requirement for successful completion (passage) of all parts of the National Board of Chiropractic Examiners examination shall be the National Board of Chiropractic Examiners recommended passing score. (16 Ky.R. 93; eff. 9-2-1989; 34 Ky.R. 1532; 2186; 2280; 35 Ky.R. 4; eff. 5-2-2008; 48 Ky.R. 108; eff. 11-23-2021.)

201 KAR 21:075. Peer review committee procedures and fees.

RELATES TO: KRS 312.200

STATUTORY AUTHORITY: KRS 312.015, 312.019, 312.200

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.200 requires the board to appoint a peer review committee and establish procedures and fees for the review of submitted claims. This administrative regulation establishes fees and procedures pertaining to the peer review committee.

Section 1. Peer Review Committee.

(1) The board shall appoint a Peer Review committee of up to five (5) members. All members of the peer review committee may serve a three (3) year term.

(a) Each member of the Peer Review committee shall serve until their successor is appointed and qualified.

(b) Appointments to fill vacancies shall be for the unexpired term.

(c) Applicants for appointment to the Peer Review committee shall make application on the same form utilized by applicants for appointment to the board, except filed with the board and not the Governor's office, and shall include a cover letter stating that the application is for the Peer Review Committee.

(2) Members of the Peer Review committee shall be doctors of chiropractic of integrity and ability who at the time of their appointment have been actual residents of the Commonwealth of Kentucky for at least two (2) years next preceding their appointment, and have been engaged in the actual practice of chiropractic for at least five (5) years next preceding their appointment.

(3) Any member of the peer review committee shall not hold an elected position in any state organization or association relating to or consisting of licensees of this board or the practice of chiropractic.

(4)

(a) Beginning on March 1, 2021, the longest-serving member on the Peer Review committee shall be replaced by a member with a three (3) year appointment.

(b) In 2022, the next longest-serving member of the Peer Review committee shall be replaced by a member with a three (3) year appointment.

(c) In 2023, the next longest-serving member on the Peer Review committee shall be

replaced by a member with a three (3) year appointment.

(d) In 2024, the next longest-serving member shall be replaced by a member with a three-year appointment.

(e) Thereafter, each appointee to the Peer Review committee shall be appointed to a three (3) year term.

(f) This subsection shall not prohibit any member of the peer review committee from serving consecutive terms.

Section 2. Procedures and Fees of Peer Review Committee.

(1) Peer review shall not take place until the patient has submitted a release permitting photocopies of the applicable treatment or billing records prepared by the chiropractor in the regular course of business.

(a) Treatment records shall not be released for peer review without the patient's authorization.

(b) The acceptance of, or the request for, payment by a chiropractor shall constitute the consent of the chiropractor to the submission of all necessary records and other information concerning the treatment or the cost to the peer review committee. (2)

(a) Each claim shall be assigned to an individual member of the committee who shall review the submitted records and response from the charged party and report his findings to the full committee, which shall review the findings and either adopt those findings or modify them as determined by majority vote.

(b) A copy of the findings shall be forwarded to the board, the patient, the chiropractor, and insurer or other third party payor.

(3)

(a) The peer review committee shall elect a chair.

(b) The committee may recommend for the board's approval a contract with or employment of third parties to perform administrative functions or to aid in obtaining records necessary for appropriate review of claims.

(c)

1. The peer review committee shall recommend to the board that a complaint be filed against a chiropractor if it appears from the review of a claim that reasonable cause exists to believe that the chiropractor has violated any portion of KRS Chapter 312 or 201 KAR Chapter 21 for which a chiropractor may be disciplined.

2. The peer review committee shall transmit all complaint information the committee possesses to the board.

(4)

(a) A chiropractor, insurer, or other third party payor requesting review shall submit with the request a service fee of fifty (50) dollars payable to "B.C.E. Peer Review."

(b) An additional fee shall be charged for claims requiring more than one (1) hour of review by the committee calculated at fifty (50) dollars per hour, which sum shall be due prior to the delivery of committee findings to all parties.

(c) All fees shall be paid by the chiropractor, insurer, or other third party payor requesting the review.

(5) Each member of the peer review committee shall comply with the requirements and standards established in 201 KAR 21:095.

Section 3. Annual Report.

(1) An annual summary of the findings of the peer review committee shall be prepared by

the committee and submitted to the board.

(2) The report shall be made available to interested persons upon request and upon payment of the cost of reproduction.

(3) A report or summary submitted to the public by the board shall not disclose the name or identity of any patient without the patient's consent.

(16 Ky.R. 94; Am. 345; 535; eff. 10-8-1989; 40 Ky.R. 1417; 2123; eff. 3-20-2014; 47 Ky.R. 789, 1380; eff. 2-4-2021; 49 Ky.R. 1983; eff. 9-27-2023.)

201 KAR 21:085. Preceptorship Program.

RELATES TO: KRS 312.019(9)(h), 312.085(2)

STATUTORY AUTHORITY: KRS 312.019(9), 312.085(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(9)(h) and 312.085(2)

authorize the board to establish a preceptorship program through which students at accredited colleges and universities may work at the direction and under the supervision of a licensed doctor of chiropractic prior to graduation. This administrative regulation establishes the preceptorship program.

Section 1. Requirements of Preceptor. A preceptor shall:

(1) Be approved by the Kentucky State Board of Chiropractic Examiners for participation;

(2) Have a current Kentucky license that is active and in good standing;

(3) Have been in practice for five (5) years or more in Kentucky;

(4) Provide evidence of malpractice insurance;

(5) Be of good moral character, proof of which shall be evidenced by at least three (3) letters of reference from persons outside the licensee's family;

(6) Not practice while impaired by alcohol or narcotics;

(7) Have not been found in violation of a requirement of 201 KAR Chapter 21, other than for a minor advertising violation, for the preceding two (2) years and have no present investigations (including during a term as preceptor) for possible violations; and

(8) Comply and be qualified as applicable. The board shall encourage development of extension faculty designation for all preceptors approved by the colleges or university.

Section 2. Preceptor Relationship with College or University and Intern.

(1) The preceptor shall make a joint application to the board and the college or university.

(2) The preceptor shall arrange or confer with the college or university representative prior to the beginning date of each session to plan the program duration, organization, and substance.

(3) The preceptor shall maintain any records and reports related to the student's performance in compliance with the standards established by the Council on Chiropractic Education and the college or university the student attends.

(4)(a) The preceptor may request the college or university to withdraw any student whose performance is unsatisfactory or whose health status prevents the student's successful completion of the practicum education assignment.

(b) A statement, in writing, of the reason for that action shall be provided by the preceptor to the college, university, or student upon request.

(5) The preceptor shall not be liable for the payment of any wage, salary, or compensation of any kind for services properly required of and performed by an intern.

(6) The preceptor shall provide the college or university with a written code of ethics that applies to the preceptor's office.

(7) The preceptor shall ensure that interns shall be allowed to perform only those duties that are lawful and ethical in the practice of chiropractic.

(8)(a) The preceptor shall assume the risk of any accident or injury to any intern while on preceptor's premises, which shall include working areas.

(b) The preceptor shall maintain premises liability insurance.

Section 3. Requirements of Intern.

(1) The intern shall submit a fee of \$200 to the board for each semester he or she is participating in the preceptorship program.

(2) The intern shall remain in good standing academically and demonstrate an acceptable level of performance, both quantitatively and qualitatively, in the college or university outpatient clinic.

(3) The intern shall complete, sign, and submit all application materials from the internship program to the college or university clinic director for verification and approval.

(4) The intern shall serve in the preceptorship program for a term established by the college or university for the purpose of augmenting his competence in all areas of chiropractic practice.

(5) The intern shall provide both the college or university and the preceptor with a current telephone number and address.

(6) The intern shall be responsible for following all reasonable and lawful policies and procedures of the preceptor's office.

(7) The intern shall be responsible for providing and wearing professional attire.

(8) The intern shall be responsible for his own transportation and living arrangements.

- (9) The intern shall report to the preceptor on time.
- (10) The intern shall not submit for publication any material relating to his preceptorship without prior written approval of the preceptor and the college or university.
- (11) The intern shall make reports as required by the Council on Chiropractic Education and the college or university under which the preceptorship is conducted.
- (12) The intern shall provide evidence of professional liability insurance from the college or university.
- (13) The intern shall respond to any inquiry by the board within twenty (20) days. (16 Ky.R. 96; Am. 346; eff. 9-2-1989; 32 Ky.R. 1743; 33 Ky.R. 1073; eff. 10-18-2006; 40 Ky.R. 1419; 2124; eff. 3-20-2014; 47 Ky.R. 791, 1381; eff. 2-4-2021.)

201 KAR 21:090. Pre-chiropractic education requirements.

RELATES TO: KRS 312.019, 312.085

STATUTORY AUTHORITY: KRS 312.019(2), (9)(h), 312.085(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(2) requires the board to pass upon the qualifications of applicants for a license to practice chiropractic. KRS 312.019(9) (h) and 312.085(2) authorize the board to establish by administrative regulation a two (2) year prechiropractic course of instruction to be completed prior to entry into chiropractic college. This administrative regulation establishes that course of instruction.

Section 1. Pre-chiropractic Education. An applicant for licensure shall have satisfactorily completed, prior to attending chiropractic college, and as a part of the applicant's required minimal sixty (60) semester credit hours of pre-chiropractic education, the course of instruction established and required by the Council on Chiropractic Education. (16 Ky.R. 97; Am. 347; eff. 9-2-1989; 35 Ky.R. 2796; 36 Ky.R. 568; eff. 9-16-2009; 41 Ky.R. 2026; eff. 7-15-2015; 48 Ky.R. 109; eff. 11-23-2021.)

201 KAR 21:095. Licensure, registration, and standards of persons performing peer review.

RELATES TO: KRS 312.175, 312.200(3)

STATUTORY AUTHORITY: KRS 312.019(9)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(9) authorizes the board to promulgate administrative regulations consistent with KRS Chapter 312 governing the practice of chiropractic. KRS 312.200(3) requires that persons performing peer review of chiropractic claims be licensed by the board, complete annually a board approved utilization review course, and annually register with the board and pay a registration fee. This administrative regulation establishes the requirements for the licensure, review course, registration, and registration fee for persons to perform peer review services.

Section 1. Requirements for Licensure and Registration. A person performing chiropractic peer review shall:

- (1) Hold a current active license to practice chiropractic within the Commonwealth of

Kentucky;

(2)

(a) For the first year that a person seeks to register to perform peer review, have previously successfully completed a course consisting of a minimum of 100 hours of utilization review and independent medical examination from a chiropractic college or university accredited by the Council on Chiropractic Education; and

(b) For each year thereafter that a person seeks to register to perform peer review, have completed six (6) hours of continuing education in topics specifically related to utilization review and approved by the board to meet this requirement; and

(3) Register annually with the board, by June 1 of each year, by:

(a) Presenting evidence of satisfactory compliance with the requirements established in this section and of having met the education requirements of KRS 312.175;

(b) Completing the Application for Chiropractic Peer Reviewer; and

(c) Paying a registration fee of fifty (50) dollars.

Section 2. In performing peer review activities, a licensee shall:

(1) Render the actual review service and documented report;

(2) Personally retain a copy of all records associated with each peer review case for a minimum of seven (7) years;

(3) Employ minimum standards associated with the practice of chiropractic and comply with the code of ethical conduct established in 201 KAR 21:015;

(4) Provide a report that includes the rationale for the determination in order that the licensee provider is given adequate information to appeal;

(5) Sign all reports, unless the review is performed under the Kentucky Chiropractic Board of Examiners Peer Review Committee, in which case, the board's administrator or designee shall sign the determination;

(6) Review in accordance with accepted standards as defined in 201 KAR 21:001;

(7) Review thoroughly and rely on all documents provided to the reviewer;

(8) List in the resulting report all documents provided to the reviewer and list all documents reviewed; and

(9) Personally conduct the review and prepare the report.

Section 3. Complaint Procedure Related to Peer Reviewers. A complaint against a peer reviewer alleging a violation of this administrative regulation or any other provision of KRS Chapter 312 or 201 KAR Chapter 21 shall be filed and processed according to the procedure established in 201 KAR 21:051.

Section 4. Incorporation by Reference.

(1) "Application for Chiropractic Peer Reviewer", DPL-KBCE-02, March 2023, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Chiropractic Examiners, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:00 p.m. This material is also available on the board's Web site at www.kbce.ky.gov.

(19 Ky.R. 1934; Am. 2238; eff. 3-17-1993; 35 Ky.R. 2126; 2770; 36 Ky.R. 29; eff. 7-31-2009; 40 Ky.R. 1421; eff. 3-20-2014; 47 Ky.R. 134, 951; eff. 11-19-2020; 49 Ky.R. 1985; 50 Ky.R. eff. 9-27-2023.)

201 KAR 21:100. Minimum standards for recordkeeping or itemized statements.

RELATES TO: KRS 312.019(9)(j)

STATUTORY AUTHORITY: KRS 312.019

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(9)(j) authorizes the board to promulgate administrative regulations to establish minimum standards for recordkeeping and issuance of itemized statements. This administrative regulation establishes standards for recordkeeping and issuance of itemized statements.

Section 1. Office Visits; Recordkeeping.

- (1) The patient's records shall include the initial history, exams, re-exams, diagnosis, update diagnosis, standing orders or plan of care (updated as needed or at re-exam), and appropriate diagnostic and imaging studies. This information shall be legibly recorded in the patient's records and properly identified.
- (2) Legible documentation, whether electronically generated, computer generated, typewritten, or hand written, shall record each visit, and shall include:
 - (a) Date of the visit;
 - (b) Patient name, symptoms and findings, comment and interval history, if any;
 - (c) Procedures performed, if any;
 - (d) Additional pertinent comments, instructions, or orders;
 - (e) The treating doctor's name; and
 - (f) The name and relationship to the patient of any other person present during any portion of the examination.

Section 2. Requests for Records. Requests for office records, or itemized statements, including dates, services and fees, shall be honored within ten (10) business days of receipt of the request.

Section 3. Record Maintenance. All patient records shall be maintained for a minimum of seven (7) years. (19 Ky.R. 1243; Am. 1532; eff. 12-16-1992; 32 Ky.R. 1745; 33 Ky.R. 1075; eff. 10-18-2006; 40 Ky.R. 1423; eff. 3-20-2014; 48 Ky.R. 110; eff. 11-23-2021.)

201 KAR 21:105. Telehealth chiropractic services.

RELATES TO: KRS 211.332, 211.334, 211.335, 211.336, 312.019, 312.220, 29 U.S.C. 794(d)

STATUTORY AUTHORITY: KRS 211.332, 211.336, 312.220

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.220(2) requires the board to promulgate administrative regulations in accordance with KRS Chapter 13A to implement and as necessary to: (a) Prevent abuse and fraud through the use of telehealth services; (b) Prevent fee-splitting through the use of telehealth services; and (c) Utilize telehealth in the provision of chiropractic services and in the provision of continuing education. KRS 312.220(1) requires that a treating chiropractor utilizing telehealth ensures the patient's informed consent and maintains confidentiality. KRS 211.336 establishes requirements for a state agency that promulgates administrative regulations relating to telehealth. This administrative regulation establishes the requirements for telehealth for chiropractic services.

Section 1. Definitions.

- (1) "Client" means the person receiving the services of the chiropractor.

(2) "Telehealth" is defined by KRS 211.332(5) and 312.220(3).

(3) "Telehealth chiropractic services " means the practice of chiropractic as defined by KRS 312.220(3), between the chiropractor and the patient that is provided, using:

- (a) Interactive audio, video, or other electronic media; or
- (b) Electronic media for diagnosis, consultation, treatment, and transfer of health or medical data.

Section 2. Client Requirements. A practitioner-patient relationship may commence via telehealth. An in-person initial meeting shall not be required unless the provider determines it is medically necessary to perform those services in person as set forth in KRS 211.336(2)

(a). A licensed health care practitioner may represent the client at the initial meeting. A credential holder using telehealth to deliver chiropractic services shall, upon initial contact with the client:

- (1) Make attempts to verify the identity of the client;
- (2) Obtain alternative means of contacting the client other than electronically such as by the use of a telephone number or mailing address;
- (3) Provide to the client alternative means of contacting the credential holder other than electronically such as by the use of a telephone number or mailing address;
- (4) Provide contact methods of alternative communication the credential holder shall use for emergency purposes such as an emergency on call telephone number;
- (5) Document if the client has the necessary knowledge and skills to benefit from the type of telehealth provided by the credential holder;
- (6) Use secure communications with clients, including encrypted text messages via e-mail or secure Web sites, and not use personal identifying information in non-secure communications;
- (7) In accordance with KRS 312.220(1)(a) and 900 KAR 12:005, Section 2(3), obtain the informed consent of the client; and
- (8) Inform the client in writing about:
 - (a) The limitations of using technology in the provision of telehealth chiropractic services;
 - (b) Potential risks to confidentiality of information, or inadvertent access of protected health information, due to technology in the provision of telehealth chiropractic services;
 - (c) Potential risks of disruption in the use of telehealth chiropractic services;
 - (d) When and how the credential holder will respond to routine electronic messages;
 - (e) In what circumstances the credential holder will use alternative communications for emergency purposes;
 - (f) Who else may have access to client communications with the credential holder;
 - (g) How communications may be directed to a specific credential holder;
 - (h) How the credential holder stores electronic communications from the client; and
 - (i) How the credential holder may elect to discontinue the provision of services through telehealth.

Section 3. Competence, Limits on Practice, Maintenance, and Retention of Records. A credential holder using telehealth to deliver telehealth chiropractic services shall:

- (1) Limit the practice of telehealth chiropractic services to the area of competence in which proficiency has been gained through education, training, and experience;
- (2) Maintain current competency in the practice of telehealth chiropractic through continuing education, consultation, or other procedures, in conformance with current standards of scientific and professional knowledge;

- (3) Document the client's presenting problem, purpose, or diagnosis;
- (4) Follow the record-keeping requirements of 201 KAR 21:100;
- (5) Use methods for protecting health information, which shall include authentication and encryption technology as required by KRS 211.332(5)(c) and 312.220(1)(b); and
- (6) Ensure that confidential communications obtained and stored electronically shall not be recovered and accessed by unauthorized persons when the credential holder disposes of electronic equipment and data.

Section 4. Compliance with Federal, State, and Local Law. A credential holder using telehealth to deliver telehealth chiropractic services shall:

- (1) Maintain patient privacy and security in accordance with 900 KAR 12:005, Section 2(2);
- (2) Comply with Section 508 of the Rehabilitation Act, 29 U.S.C. 794(d), to make technology accessible to a client with disabilities;
- (3) Be licensed or otherwise authorized by law to practice chiropractic where the client is physically present; and
- (4) Comply with applicable state laws and administrative regulations if the credential holder provides telehealth services from a location outside of Kentucky.

Section 5. Representation of Services and Code of Conduct. A credential holder using telehealth to deliver chiropractic services or who practices telehealth chiropractic:

- (1) Shall not engage in false, misleading, or deceptive advertising of telehealth chiropractic services;
- (2) Shall comply with the code of ethical conduct and standards of practice established in 201 KAR 21:015;
- (3) Shall not allow fee-splitting through the use of telehealth chiropractic services in compliance with KRS 312.220(2)(b); and
- (4) Shall conform to KRS Chapter 312 and 201 KAR 21:001 through 21:105 governing the provision of chiropractic services in Kentucky and in consideration of the scope of practice relating to chiropractic.

Section 6. A person holding a license as a chiropractor who provides telehealth services to a person physically located in Kentucky shall be subject to the laws and administrative regulations governing chiropractic services in Kentucky.

(49 Ky.R. 2032; 50 Ky.R. 641; eff. 9-27-2023.)