

## Adopted Rule with Proposed Technical Amendments

[All appropriate references to license are removed and replaced with certificate.]

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### Certified Chiropractic Assistants

**811-010-0110** (1) Ancillary personnel authorized by ORS 684.155(c) shall be known as Certified Chiropractic Assistants.

(2) Certified Chiropractic Assistants may be certified ~~licensed~~ upon compliance with the following standards and procedures:

(a) The Certified Chiropractic Assistant shall successfully complete a Board approved training course offered by an association, college or otherwise approved vendor. The initial training course shall be at least six hours in length, four hours of which must be in physiotherapy, electrotherapy and hydrotherapy and must have been completed within the 12 months preceding the application date;

(b) The applicant shall complete an application form and an open book examination supplied by the Board;

(c) If an applicant has a certificate or license from another state and adequate documentation of training, the Board may waive the requirement for the initial training course; and

(d) A person initially certified ~~licensed~~ between March 1st and May 31st is exempt from the continuing education requirement for renewal.

(3) The training course verification form, completed application form, completed examination, and fees in the following amounts shall be submitted to the Board:

(a) Application fee - \$25;

(b) Examination fee - \$35; and

(c) Certification fee - \$50.

(4) The applicant shall be at least 18 years of age.

(5) The Certified Chiropractic Assistant shall not perform electrotherapy, hydrotherapy, or physiotherapy until he or she receives a certificate ~~license~~ from the Board.

(6) A Certified Chiropractic Assistant shall be directly supervised by the Chiropractor at all times. The supervising Chiropractor must be on the premises.

(7) The scope of practice does not include performing physical examinations, taking initial histories, taking X-rays, interpretation of postural screening, doing manual muscle testing or performing osseous adjustments or manipulations.

(8) Certified Chiropractic Assistants shall report to the Board, in writing, his/her mailing address and place of employment. Notification of a change of mailing address or place of employment must be made within 10 days of the change.

(9) On or before each June 1, the Board of Examiners shall send the renewal notice to the Certified Chiropractic Assistant at the last known mailing address.

(10) On or before each August 1 the Certified Chiropractic Assistant shall mail to the Board of Examiners the renewal form with the following:

(a) Renewal fee of \$50; and

(b) Evidence of successful completion of six hours of Board approved continuing education during the 12 months preceding. No continuing education hours may be carried over into the next renewal year.

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(11) Continuing education programs may be comprised of subjects that are pertinent to clinical practices of chiropractic. Continuing education must meet the criteria outlined in OAR 811-015-0025 sections (8), (9) and (10), excluding the requirement for the evaluation form in subsection (10)(a).

(12) The failure, neglect or refusal of any person holding a certificate to show compliance with subsection (10)(a) and (b) of this rule shall cause the certificate to automatically expire August 1 and the Certified Chiropractic Assistant must reapply.

(13) The Certified Chiropractic Assistant's certificate ~~license~~ shall be displayed at all times in the Chiropractic Physician's office during the Certified Chiropractic Assistant's employment.

(14) The Board may refuse to grant a certificate ~~license~~ to any applicant, may suspend or revoke a certificate ~~license~~, or may impose upon an applicant for certification ~~license~~ or Certified Chiropractic Assistant a civil penalty not to exceed \$1,000 upon finding of any of the following:

(a) Cause, which is defined as, but not limited to, failure to follow directions, unprofessional or dishonorable conduct, injuring a patient, or unlawful disclosure of patient information. The supervising Chiropractic Physician is required to notify the Board, in writing, of any dismissal of a Certified Chiropractic Assistant for cause within ten days. The Board shall determine if there is cause for action and shall be governed by the rules of the Board adopted pursuant to ORS Chapter 183;

~~(b) Fraud or misrepresentation in applying for or procuring certification, or certification renewal; (same language below)~~

~~(e)~~ (b) Conviction of a misdemeanor involving moral turpitude or a felony; or

~~(d)~~ (c) Failure to notify the Board of a change of location of employment as required by these rules.

(15) The service of the Certified Chiropractic Assistant is the direct responsibility of the licensed Chiropractic Physician. Violations may be grounds for disciplinary action against the Chiropractic Physician under ORS 684.100(9).

**(16) Unprofessional or dishonorable conduct is defined as: any unethical, deceptive, or deleterious conduct or practice harmful to the public; any departure from, or failure to conform to, the minimal standards of acceptable Certified Chiropractic Assistant practice; or a 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 Certified Chiropractic Assistant:**

(a) **Engaging in any conduct or verbal behavior with or towards a current patient that may reasonably be interpreted as sexual, seductive, sexually demeaning or romantic (also see ORS 684.100).**

(b) **Use of protected or privileged information obtained from the patient to the detriment of the patient.**

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**(c) A certificate licensee shall not engage in sexual relations or have a romantic relationship with a current patient unless a consensual sexual relationship or a romantic relationship existed between them before the commencement of the Certified Chiropractic Assistant-patient relationship.**

**(d) "Sexual relations" means:**

**(A) Sexual intercourse; or**

**(B) Any touching of sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the Certified Chiropractic Assistant licensee for the purpose of arousing or gratifying the sexual desire of either Certified Chiropractic Assistant or patient.**

**(e) In determining whether a patient is a current patient, the Board may consider the length of time of the Certified Chiropractic Assistant-patient contact, evidence of termination of the Certified Chiropractic Assistant-patient relationship, the nature of the Certified Chiropractic Assistant-patient relationship, and any other relevant information.**

**(f) A patient's consent to, initiation of or participation in sexual behavior or involvement with a Certified Chiropractic Assistant does not change the nature of the conduct nor lift the prohibition.**

**~~(17) Charging fees for unnecessary services;~~**

**(17) Practicing outside the scope of the practice of a Certified Chiropractic Assistant in Oregon;**

**(18) Charging a patient for services not rendered;**

**(19) Intentionally causing physical or emotional injury to a patient;**

**(20) Directly or indirectly engaging in threatening, dishonest, or misleading fee collection techniques;**

**(21) Soliciting or borrowing money from patients;**

**(22) Possessing, obtaining, attempting to obtain, furnishing, or prescribing controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs; illegally using or dispensing controlled drugs;**

**(23) Aiding, abetting, or assisting an individual to violate any law, rule or regulation intended to guide the conduct of Certified Chiropractic Assistants or other health care providers; or**

**(24) Violating the rights of privacy or confidentiality of the patient unless required by law to disclose such information;**

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**(25) Perpetrating fraud upon patients or third party payors, relating to the practice of chiropractic;**

**(26) Using any controlled or illegal substance or intoxicating liquor to the extent that such use impacts the ability to safely conduct the practice of a Certified Chiropractic Assistant;**

**(27) Practicing as a Certified Chiropractic Assistant without a current Oregon certificate license;**

**(28) Allowing another person to use one's Certified Chiropractic Assistant certification for any purpose;**

**(29) Resorting to fraud, misrepresentation, or deceit in applying for or taking the certificate license exam or obtaining a certificate license or renewal thereof;**

**(30) Impersonating any applicant or acting as a proxy for the applicant in any Certified Chiropractic Assistant certificate license examination;**

**(31) Disclosing the contents of the certificate licensure examination or soliciting, accepting, or compiling information regarding the contents of the examination before, during, or after its administration;**

**(32) Failing to provide the Board with any documents requested by the Board;**

**(33) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to, waiver of confidentiality privileges, except attorney-client privilege;**

**(34) Claiming any academic degree not actually conferred or awarded;**

**(35) Disobeying a final order of the Board; and**

**(36) Splitting fees or giving or receiving a commission in the referral of patients for services.**

**(37) Receiving a suspension or revocation by another state of a certificate or license for a Chiropractic Assistant, or other license or certificate, based upon acts by the Certified Chiropractic Assistant or applicant that describes acts similar to this section. A certified copy of the record of suspension or revocation of the state making that is conclusive evidence thereof.**