

ALL IN ONE DAY SEMINAR, CLINICAL EVIDENCE BASED PRACTICE OF CHIROPRACTIC: REHABILITATION, ETHICS & LAW-CURRENT LAWS AND CHIROPRACTIC ADJUSTIVE TECHNIQUE.

Presented by
Mark Cymerint D.C.

California Approval Numbers:
CA-D-26-06-05034 Rehabilitation
CA-D-26-06-05036 Ethics & Law Current Laws
CA-D-26-06-05035 Adjustive Technique

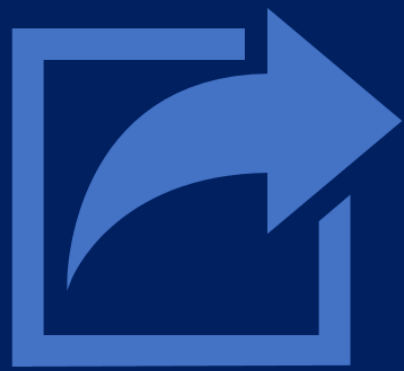


BOARD REGULATIONS CONCERNING PRODUCT AND SERVICE REFERENCES IN CONTINUING EDUCATION

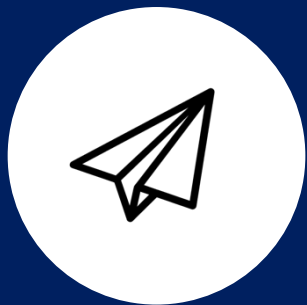
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Please note- The Board requirement to is to take the quiz and be notified of your correct and incorrect answers. Once you submit the quiz, you will receive an email to view your score. If there are any issues on your quiz, WE WILL NOTIFY YOU. If not, you will receive your CE certificate within 5 business days.

Once submitted, please allow 5 business days to receive a PDF copy of your CE Certificate via email. Please make sure to keep a copy of your CE Certificate, as we charge a duplication fee for any copies you might request from our records in the future.



ETHICS & LAW – CURRENT LAWS



I. SCOPE OF PRACTICE – CURRENT LAWS

- A. REVIEW OF THE SPECIFIC STATE LAWS, RULES AND REGULATIONS RELATED TO THE PRACTICE OF CHIROPRACTIC
- B. COMMON BOARD VIOLATIONS
 - a) Review of the top 10 most common board violations
 - b) Simple ways to prevent violations
- C. A REVIEW OF NEW LAWS THAT AFFECT THE CHIROPRACTIC PROFESSION



SCOPE OF PRACTICE

§302. Practice of Chiropractic.

(a) Scope of Practice.

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

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

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

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

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



SCOPE OF PRACTICE

§302. Practice of Chiropractic.

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

The use of such substances by a licensed chiropractor in the treatment of illness or injury must be within the scope of the practice of chiropractic as defined in section 7 of the Act.

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

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



USE OF LASER

§ 302.5. Use of Laser

(a) A duly licensed chiropractor and any person under their direct or indirect supervision, as defined in section 312, shall:

(1) Not use any laser in the practice of chiropractic which has not been properly approved or cleared by the United States Food and Drug Administration (FDA).



FILING OF ADDRESS

§ 303. Filing of Address

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



SCOPE OF PRACTICE

§306.3. Investigators; Authority to Inspect Premises.

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

§307. Refund of Fees.

The board is not authorized or permitted by law to return any portion of the license application fee of a qualified applicant.

§308. Display of License.

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

(b) Any licensed Doctor of Chiropractic with more than one place of practice shall obtain from the Board a Satellite Office Certificate for each additional place of practice. Said certificate must be renewed annually.

(c) A licensed Doctor of Chiropractic must display in a conspicuous place a current active Satellite Office Certificate at the office for which it was issued.

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



TOP 10 BOARD DISCIPLINARY ACTIONS

INSURANCE FRAUD:

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

UNLICENSED PRACTICE:

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

SEXUAL MISCONDUCT:

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

EXCESSIVE TREATMENT:

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

VIOLATION(S) INVOLVING DRUGS/ALCOHOL:

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



TOP 10 BOARD DISCIPLINARY ACTIONS

CONVICTION OF A CRIME(S):

- Theft
- DUI
- Domestic violence
- Vandalism

FALSE AND/OR MISLEADING ADVERTISING:

- Sensational claims
- Fraud/misrepresentation
- No "D.C." after chiropractor's name

BEYOND SCOPE OF PRACTICE:

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

NEGLIGENCE/INCOMPETENCE:

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

FAILURE TO RELEASE PATIENT RECORDS WITHIN 15 DAYS OF REQUEST:

- Includes requests from patient, patient attorney, patient representative, insurance company, or BCE representatives

PAYMENT FOR REFERRALS:

- Discounts
- Free services
- Cash/gift cards



ACM Insurance Updates Dec. 2024

MEDICARE UPDATES

Great news for 2025! The Medicare deductible has been updated to \$257.00, a small bump from last year's \$240.00.

As always, Medicare covers spinal manipulation for subluxations, keeping your care focused and effective. New year, new fee schedule—here's to a healthy 2025!



BLUE SHIELD UPDATE

Heads Up, Providers! Blue Shield keeps things running smoothly by asking providers to attest every 90 days. It's a quick way to confirm your practice details and ensure patients can find you easily. Timely updates mean no hiccups with claims and happy patients!

Don't have a Blue Shield account yet? No problem! Visit their provider portal to sign up—it's simple. Just gather your NPI and practice details, follow the prompts, and you'll be set up in no time. Let's keep everything running like clockwork!



UHC UPDATE

Some UnitedHealthcare Senior Plans now require prior authorization for certain services. A quick eligibility check before care keeps everything running smoothly and ensures hassle-free claims. Let's keep things seamless for you and your patients!



H.R.539 - CHIROPRACTIC MEDICARE COVERAGE MODERNIZATION ACT OF 2025

119th Congress (2025-2026)

What is this bill?

- Expands Medicare coverage for chiropractic services
- Recognizes chiropractors as “physicians” under Medicare

Why was it proposed?

- Current Medicare limits care to **spinal manipulation only**
- Coverage has **not kept up with modern practice**

This bill is designed to modernize Medicare coverage for chiropractic care. Currently, Medicare only reimburses for spinal manipulation, which doesn't reflect the full scope of what chiropractors are trained and licensed to do today.

Current Legislative Status: This bill has not yet been passed into law and remains under congressional review.
For full details and updates, visit: <https://www.congress.gov/bill/119th-congress/house-bill/539>



H.R.539 - CHIROPRACTIC MEDICARE COVERAGE MODERNIZATION ACT OF 2025

119th Congress (2025-2026)

What Would Change?

- Expanded Coverage
 - Covers all services within chiropractic scope of license
- Alignment with Other Systems
 - VA, Department of Defense & Private insurance

Conditions

- Provider education/verification requirement
- Spinal manipulation remains covered

The biggest change is that Medicare would cover all services within a chiropractor's licensed scope, not just spinal manipulation. This brings Medicare more in line with other systems like the VA and private insurance, while still maintaining certain requirements for providers.

Current Legislative Status: This bill has not yet been passed into law and remains under congressional review.
For full details and updates, visit: <https://www.congress.gov/bill/119th-congress/house-bill/539>



H.R.539 - CHIROPRACTIC MEDICARE COVERAGE MODERNIZATION ACT OF 2025

119th Congress (2025-2026)

Impact on Patients & Providers

- Improves **access to care**
- Reflects **modern chiropractic practice**
- Supports **evidence-based, cost-effective care**

This bill is about improving access and aligning policy with current clinical practice. It recognizes the broader role chiropractors can play in patient care.

Medicare Coverage Before vs After

Current

- Spinal manipulation only
- Limited recognition
- Outdated model

Proposed

- Full scope of chiropractic services
- Recognized as physicians
- Modernized, aligned with other systems

Current Legislative Status: This bill has not yet been passed into law and remains under congressional review.
For full details and updates, visit: <https://www.congress.gov/bill/119th-congress/house-bill/539>



BCE NEWS: ADVERTISING CHIROPRACTIC SERVICES:

[https://www.chiro.ca.gov/about us/spring 2018.pdf](https://www.chiro.ca.gov/about_us/spring_2018.pdf)

- Whether you choose to advertise your services online or through other avenues such as TV, radio, or signage it is crucial that understand and comply with the Board of Chiropractic Examiners (Board's) rules and regulations to prevent deceptive advertising.
- Advertising must be in compliance with the California Codes or Regulations (CCR) Title 16, section 311, and the Business and Professions code section 651.
- CCR section 311 reads: *Constructive educational publicity is encouraged, but the use by any licensee of advertising which contains misstatements, falsehoods, misrepresentations, distorted, sensational or fabulous statements, or which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons, constitutes grounds for the imposition of any of the following disciplinary penalties*



THE CHIROPRACTIC INITIATIVE ACT OF CALIFORNIA

[HTTPS://WWW.CHIRO.CA.GOV/LAWS REGS/INITIATIVE ACT.SHTML](https://www.chiro.ca.gov/laws_regs/initiative_act.shtml)

§ 15. Noncompliance with and violations of act

Any person who shall practice or attempt to practice chiropractic, or any person who shall buy, sell or fraudulently obtain a license to practice chiropractic, whether recorded or not, or who shall use the title "chiropractor" or "D.C." or any word or title to induce, or tending to induce belief that he or she is engaged in the practice or chiropractic, without first complying with the provisions of this act; "(or any licensee under this act who uses the word "doctor" or the prefix "Dr." without the word "chiropractor," or "D.C." immediately following his or her name) or the use of the letters "M.D." or the words "doctor of medicine," or the term "surgeon," or the term "physician," or the word "osteopath," or the letters "D.O." or any other letters, prefixes or suffixes, the use of which would indicate that he or she was practicing a profession for which he or she held no license from the State of California, or any person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100) and not more than seven hundred fifty dollars (\$750), or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment.



(Initiative Measure, Stats. 1923, p. xcii, § 15. Amended by Stats. 1988, c. 1094, § 2.)

PRIVACY RISKS OF SOCIAL MEDIA

- Social media platforms present strong marketing opportunities for healthcare professionals.
- However, many licensees find themselves inadvertently breaching patient confidentiality and violating the Health Insurance Portability and Accountability Act (HIPAA).
- HIPAA requires all individually identifiable health information to be protected.
- Common Violations Include:
 - Uploading photos of patients on social media networking sites, which can possibly lead to penalties and tighter regulatory scrutiny.
 - Unintentionally disclosing information that allows other community member to guess the patient's identity.
 - Responding to negative reviews on rating sites such as Yelp. Healthcare providers may inadvertently share personal details about a patient's treatment or reveal diagnostics as they try to rebut criticism.



HEALTHCARE PROFESSIONALS SHOULD CONSIDER A RISK MANAGEMENT APPROACH

- Regularly monitor social media conversations for possible HIPAA violations.
- Be sure to do your own research before using social media to communicate with your patients. Familiarize yourself with HIPAA confidentiality requirements and understand how it protects the patient privacy. Specific guidelines found via HIPAA website:
<https://www.hhs.gov/hipaa/for-professionals/index.html>
- Develop a social media policy in which your practice identifies how social media will be used, who in your office is permitted to use your practice's social media accounts, and what types of information may be shared.
- Regularly train your employees on HIPAA compliances and social media policy.
- Have a system in place to help you not only prevent, but also react to a HIPAA noncompliance issues and implement corrective action immediately.



§ 15. NONCOMPLIANCE WITH AND VIOLATIONS OF ACT

§ 316. Responsibility for Conduct on Premises

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

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

(c) The commission of any act of sexual abuse, sexual misconduct, or sexual relations by a licensee with a patient, client, customer or employee is unprofessional conduct and cause for disciplinary action. This conduct is substantially related to the qualifications, functions, or duties of a chiropractic license.

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



INFORMED CONSENT TO CHIROPRACTIC CARE

Cymerint Chiropractic Center
25283 Cabot Rd, Ste 109
Laguna Hills, CA 92653
(959) 707-5785
markcymerintdc@gmail.com
markcymerintdc.com

This Informed Consent to Chiropractic Care form is intended to provide you with the necessary information regarding chiropractic care, its potential risks, material risks, and benefits, and to obtain your consent to proceed with treatment. Please read the entire document carefully and ask any questions you may have before signing.

I, _____ (Patient Name), hereby request and consent to chiropractic care and related diagnostic procedures performed by Mark Cymerint, D.C., at Cymerint Chiropractic Center.

1. Chiropractic Care

Chiropractic care involves the diagnosis and treatment of musculoskeletal disorders, primarily through manual manipulation, instrument posture balancing of the spine and other joints. We may employ the use of cold laser, to reduce inflammation and or pain. The goal of chiropractic care is to restore joint mobility, reduce pain, and promote overall health and well-being.

1. Potential Risks and Side Effects

As with any form of health care, there are potential risks and side effects associated with chiropractic care. Although the majority of patients do not experience any significant complications, it is important to be aware of the potential risks, which may include:

- Mild discomfort or soreness at the site of the adjustment, typically lasting no more than a few days.
- Dizziness, lightheadedness, or fainting, which may occur immediately following an adjustment.
- Bruising, swelling, or tenderness at the site of the adjustment or surrounding soft tissues.
- Fractures, dislocations, or other injuries to the bones or joints, which are rare but can occur in cases of severe osteoporosis, and pre-existing joint instability.
- Nerve irritation or injury, which can cause numbness, tingling, weakness, or pain in the arms, legs, or other areas.
- In extremely rare cases, complications such as stroke or spinal cord injury can occur in a chiropractic office but may or may not have a cause and effect as a result of chiropractic adjustments.

In addition to the above-listed risks and side effects, the following list includes other possible adverse situations and extenuating circumstances that may be associated with chiropractic care:

- Aggravation of pre-existing conditions, such as herniated discs or spinal stenosis.
- Temporary increase in pain or discomfort.
- Soft tissue injuries, such as sprains, strains, or muscle tears.
- Incomplete or slow recovery from treatment.
- Inflammation or irritation of the joints or surrounding tissues.
- Loss of sensation or changes in sensation.
- Headaches or migraines.
- Fatigue or tiredness.
- Insomnia or difficulty sleeping.
- Digestive issues, such as constipation or diarrhea.
- Difficulty with balance or coordination.
- Exacerbation of pre-existing neurological conditions.
- Development or worsening of allergies or asthma.
- Worsening of anxiety or depression symptoms.
- Mood swings or irritability.
- Tinnitus or ringing in the ears.
- Changes in vision or eye function.
- Jaw pain or temporomandibular joint (TMJ) dysfunction.
- Changes in menstrual cycle or menstrual pain.
- Difficulties with pregnancy or breastfeeding.
- Adverse reactions to supplements or recommendations provided by the chiropractor.



- Blood clots or deep vein thrombosis (DVT).
- Allergic reactions to chiropractic equipment or materials.
- Adverse interactions between chiropractic care and medications.
- Inability to participate in certain activities or exercises due to treatment.
- Injuries sustained while traveling to or from the clinic.
- Slips, trips, or falls within the clinic.
- Injuries from chiropractic equipment malfunction.

Miscommunication or misunderstanding regarding treatment recommendations.

- Emotional distress or upset related to treatment.
- Financial difficulties or stress due to the cost of care.
- Inadequate response to treatment, resulting in the need for additional care.
- Increased risk of injury during chiropractic adjustment for patients with certain medical conditions.
- Changes in blood pressure.
- Skin irritation or rash.
- Development of scar tissue.
- Complications related to undiagnosed medical conditions.
- Injuries related to at-home exercises or self-care recommendations.
- Adverse effects on the immune system.
- Exacerbation of autoimmune disorders.
- Effects on blood sugar levels.
- Hormonal imbalances.
- Interference with other ongoing treatments or therapies.
- Injuries related to the use of therapeutic devices, such as electrical muscle stimulation or ultrasound, flexion distraction motorized table, cold laser devices.
- Complications related to the use of spinal traction devices.
- Injuries sustained during the performance of chiropractic adjustments on infants or young children.
- Any other unforeseen or unpredictable adverse events or circumstances that may occur during or after chiropractic care.
- Alternatives to Chiropractic Care

Alternatives to chiropractic care may include, but are not limited to, the following:

- Medical care, including medications for pain relief or muscle relaxation.
- Physical therapy or exercise programs to improve strength, flexibility, and overall function.
- Acupuncture, massage therapy, or other complementary and alternative therapies.
- No treatment, accepting the risk that symptoms may worsen or not improve.
- Acknowledgment and Consent

I have read this document in its entirety and understand the potential risks and benefits associated with chiropractic care. I have had the opportunity to ask questions and have received satisfactory answers. I understand that there are no guarantees regarding the outcome of chiropractic care, and I acknowledge that results may vary among individuals.

I understand that I am free to withdraw my consent and discontinue treatment at any time. By signing below, I voluntarily consent to receive chiropractic care at Cymerint Chiropractic Center.

Patient Name (please print) _____ Patient Signature _____

Date _____

Parent/Guardian Name (if applicable) _____

Parent/Guardian Signature (if applicable) _____

Date _____

DC Name and Signature _____ Date _____



CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS MAILING ADDRESS

DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
1625 North Market Blvd. | Suite N-327
SACRAMENTO, CA 95834

Telephone: (916) 263-5355

Fax: (916) 327-0039

CA Relay Service TT/TDD: (800) 735-2929

Consumer Complaint Hotline: (866) 543-1311

chiro.info@dca.ca.gov

AFTER TODAYS SEMINAR, A CERTIFICATE OF ATTENDANCE WILL BE PASSED OUT TO EACH ATTENDEE, YOU WILL NEED TO KEEP THIS FOR YOUR RECORDS FOR 5 YEARS IN CASE OF AUDIT. IF LOST A DUPLICATE COPY IS AVAILABLE FOR \$35.



BOARD OF CHIROPRACTIC EXAMINERS' UPDATED FEE SCHEDULE



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS
1625 N. Market Blvd., Suite N-327, Sacramento, CA 95834
P (916) 263-5355 | Toll-Free (866) 543-1311 | F (916) 327-0039 | www.chiro.ca.gov



BOARD OF CHIROPRACTIC EXAMINERS' UPDATED FEE SCHEDULE **EFFECTIVE JANUARY 1, 2023**

[Senate Bill 1434 \(Roth, Chapter 623, Statutes of 2022\)](#) amends [Business and Professions Code section 1006.5](#) and implements the following fee schedule for the Board of Chiropractic Examiners beginning January 1, 2023:

Fee Description	Fee Amount
Doctor of Chiropractic License Application	\$345
Doctor of Chiropractic Reciprocal License Application	\$283
Doctor of Chiropractic Initial License	\$137
Doctor of Chiropractic License Renewal (Annual)	\$336
Doctor of Chiropractic License Restoration	\$672
Doctor of Chiropractic Duplicate/Replacement License	\$71
Satellite Certificate Application	\$69
Satellite Certificate Renewal (Annual)	\$50
Satellite Certificate Duplicate/Replacement	\$71
Chiropractic Corporation Certificate Application	\$171
Chiropractic Corporation Certificate Renewal (Annual)	\$62
Chiropractic Corporation Special Report Filing	\$98
Chiropractic Corporation Certificate Duplicate/Replacement	\$70
Petition for Early Termination of Probation or Reduction of Penalty	\$3,195
Petition for Reinstatement of a Revoked or Surrendered License	\$4,185

BCE Fee Schedule **Effective January 1, 2023** **Page 2**

Fee Description	Fee Amount
License Certification	\$83
Continuing Education Provider Application	\$291
Continuing Education Provider Renewal (Biennial)	\$118
Continuing Education Course Application	\$116 per hour of instruction
Preceptor	\$72
Referral Service Application	\$279



NEW CHIROPRACTIC BOARD UPDATES 2025

Expedited Licensure for Honorably Discharged Members of the United States Armed Forces

Each Department of Consumer Affairs (DCA) licensing program is required to expedite the licensure/registration process for an applicant that served as an active duty member of the Armed Forces of the United States and was honorably discharged.

For an applicant's license/registration to be expedited, the applicant must:

Supply evidence that they were an active duty member of the Armed Forces of the United States who was honorably discharged.

Expedited Licensure and Initial Fee Waiver for Spouses or Domestic Partners of Active-Duty Military Personnel

Each DCA licensing board and bureau is required to expedite the licensure/registration process for spouses and domestic partners of those on active duty in the Armed Forces. Beginning July 1, 2022, each board and bureau must also waive the initial application and license fee for military spouses. Please note: Not all fees collected by DCA boards and bureaus or required for licensure are waived for military spouses. Please contact the specific board or bureau for more information about which fees may be waived.

For an applicant's license/registration to be expedited, the applicant must:

Supply evidence that they are married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official orders, and;

Hold a current license/registration in another state, district or territory of the United States in the profession or vocation for which the applicant is seeking a license/registration.



CALIFORNIA EVIDENCE CODE § 1563

Section 1563 establishes the **procedures for producing business records**, including medical records, when served with a subpoena (typically a subpoena duces tecum).

What It Governs

- Procedures for responding to a subpoena for business or medical records
- Requirements for producing patient records in legal proceedings
- Certification and affidavit requirements when records are produced

Why It Matters

- You may receive subpoenas for patient records
- You must respond properly and within required timelines
- Improper disclosure can violate HIPAA and state confidentiality laws
- Failure to comply can result in penalties or court sanctions

Key Compliance Takeaways

- Verify validity of the subpoena before releasing records
- Ensure proper patient authorization (if required)
- Follow statutory copying and certification procedures
- Maintain confidentiality and document all disclosures



CALIFORNIA EVIDENCE CODE § 1563

What a chiropractor may charge when responding to a subpoena duces tecum for medical records:

Copying Costs

\$0.10 per page for standard paper copies
*(This is the subpoena rate —
lower than patient-request rates.)*

Clerical / Retrieval Fee **\$15 flat fee per subpoena**

This is not per page — it is per subpoena.

Postage

Actual cost of postage or delivery

No markup allowed.

X-Rays / Imaging

Actual cost of reproduction

Important Distinction

The \$0.25 per page limit
(Health & Safety Code §
123110) applies to **patient
requests**, not subpoena
production.

For subpoenas, the lower
**\$0.10 per page + \$15 clerical
fee** applies.

FEES A CHIROPRACTOR CAN CHARGE FOR A COPY OF RECORDS

As of my knowledge cutoff in September 2021, California law allows healthcare providers, including chiropractors, to charge a reasonable fee for copying and providing medical records to patients or authorized individuals. However, the specific fee structure may vary, and it's essential to refer to the most up-to-date information and consult the relevant statutes to determine the exact fees permissible in California. In general, California law stipulates that the fees charged for copying medical records should reflect the actual costs incurred by the healthcare provider. These costs may include expenses for supplies, labor, postage, and preparation of an explanation or summary if requested by the patient. Additionally, there may be restrictions on the maximum fees that can be charged for certain types of records, such as X-rays.

It is in my clinical opinion, that the [\(Click Here\)](#) California Code, Evidence Code - EVID § 1563 you are allowed to charge \$15 plus the actual cost of review of file, or retrieval and/or return of records that are off site plus mileage. So, an itemized statement should reflect all of the above charges and fees.

To obtain accurate and current information on the fees charged by chiropractors in California for copying records, it's recommended to consult the California statutes, such as the California Health and Safety Code or the California Business and Professions Code. Alternatively, you can contact the California Board of Chiropractic Examiners or the California Chiropractic Association for guidance on the specific fee structure allowed in the state.

SAMPLE ITEMIZED STATEMENT – COPY OF RECORDS

Orange County Chiropractic Center
1111 Pacific Coast Hwy
Newport Beach, CA 90210
(949) 888-8888

1. California Evidence Code EVID 1563 Copy of Records Fee	\$15.00
2. Doctor additional review of patient chart	\$30.00
3. Off site retrieval and return of records, staff hourly rate + mileage (9 miles) 30 minutes total each way (\$25.00 each way)	<u>\$50.00</u>
TOTAL:	\$95.00

Payment for records produced is due at time of retrieval. All copies of documents can be done BY the requesting party (“copy of records” service) at the doctor’s office via digital copy equipment.

NOTE: The doctor does not provide equipment to make copies.

SCOPE OF PRACTICE AZ

State Laws for Arizona Licensees Only

California DC's can skip slides marked AZ



SCOPE OF PRACTICE - AZ

§32-922.01. RECIPROCITY; REQUIREMENTS

- A. The board shall issue a license to practice chiropractic under this section to an applicant who meets the following requirements:
 - 1. Holds a current license to practice chiropractic issued after examination by a licensing board in another state or country in which, in the opinion of the board, the licensing requirements are at least substantially equivalent to those of this state and the other state or country grants similar reciprocal privileges to chiropractors licensed in this state.
 - 2. Receives a grade of at least seventy-five per cent on the Arizona jurisprudence examination.
 - 3. Pays the original license fee of one hundred dollars.
- B. The applicant shall pay the application fee prescribed by section §32-921 and present proof satisfactory to the board that:
 - 1. A license issued by any other state has not been sanctioned for any cause that is a basis of a sanction imposed by the board pursuant to this chapter, except for failure to pay fees.
 - 2. The applicant has not previously failed to pass the examination in this state.
 - 3. The applicant has been engaged in the practice of chiropractic continuously for not less than three of the five years immediately preceding the application



SCOPE OF PRACTICE - AZ

§32-923. CHANGE OF ADDRESS; ANNUAL RENEWAL FEE; FAILURE TO RENEW; WAIVERS; DEFINITION

- A. Every person who is licensed pursuant to this chapter shall notify the board in writing of any change in residence or office address and telephone number within thirty days after that change. The board shall impose a penalty of fifty dollars on a licensee who does not notify the board as required by this subsection.
- B. Except as provided in section §32-4301, every person who is licensed to practice chiropractic in this state shall annually make a renewal application to the board before January 1 after original issuance of a license and shall pay a renewal license fee of not more than two hundred twenty-five dollars as established by the board. The renewal application shall be made on a form and in a manner prescribed by the board. At least thirty days before the renewal application and renewal fee are due, the board shall send by first class mail a renewal application and notice requiring license renewal and payment of the renewal fee.



SCOPE OF PRACTICE - AZ

§32-924. GROUNDS FOR DISCIPLINARY ACTION; HEARING; CIVIL PENALTY; DEFINITION

A. The following are grounds for disciplinary action, regardless of where they occur:

1. Employment of fraud or deception in securing a license.
2. Practicing chiropractic under a false or assumed name.
3. Impersonating another practitioner.
4. Habitual use of alcohol, narcotics or stimulants to the extent of incapacitating the licensee for the performance of professional duties.
5. Unprofessional or dishonorable conduct of a character likely to deceive or defraud the public or tending to discredit the profession.
6. Conviction of a misdemeanor involving moral turpitude or of a felony.
7. Gross malpractice, repeated malpractice or any malpractice resulting in the death of a patient.
8. Representing that a manifestly incurable condition can be permanently cured, or that a curable condition can be cured within a stated time, if this is not true.
9. Offering, undertaking or agreeing to cure or treat a condition by a secret means, method, device or instrumentality.
10. Refusing to divulge to the board on demand the means, method, device or instrumentality used in the treatment of a condition.
11. Giving or receiving or aiding or abetting the giving or receiving of rebates, either directly or indirectly.
12. Acting or assuming to act as a member of the board if this is not true.
13. Advertising in a false, deceptive or misleading manner.
14. Having had a license refused, revoked or suspended by any other state or country, unless it can be shown that the action was not taken for reasons that relate to the ability to safely and skillfully practice chiropractic or to any act of unprofessional conduct.
15. Any conduct or practice contrary to recognized standards in chiropractic or any conduct or practice that constitutes a danger to the health, welfare or safety of the patient or the public or any conduct, practice or condition that impairs the ability of the licensee to safely and skillfully practice chiropractic.
16. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any of the provisions of this chapter or any board order.



§32-925. PRACTICE OF CHIROPRACTIC; LIMITATIONS

A. A doctor of chiropractic is a portal of entry health care provider who engages in the practice of health care that includes:

1. The diagnosis and correction of subluxations, functional vertebral or articular dysarthrosis or neuromuscular skeletal disorders for restoring and maintaining health.
2. Physical and clinical examinations, diagnostic x-rays and clinical diagnostic laboratory procedures that are limited to nasal swabs, oral swabs, sputum collection, urine collection, finger pricks or venipuncture in order to determine the propriety of a regimen of chiropractic care or to form a basis for referring patients to other licensed health care professionals, or both.

3. Treatment by:

- a) Physical medicine modalities, therapeutic procedures and adjustment of the spine or bodily articulations.
- b) Procedures related to the correction of subluxations and neuromuscular skeletal disorders.
- c) Prescription of orthopedic supports.
- d) Acupuncture.

B. A doctor of chiropractic who is licensed under this chapter shall not prescribe or administer medicine or drugs, perform surgery or practice obstetrics.



§32-931. CONTINUING EDUCATION; REQUIREMENTS

- A. The board by rule may require each licensee to complete up to twelve hours of continuing education each calendar year as a condition of licensure renewal.
- B. Continuing education shall cover topics listed in section §32-922, subsection B and section §32-922.02 and shall be taught by a faculty member of a college or university that is accredited by or has status with the council on chiropractic education or is accredited by an accrediting agency recognized by the United States department of education or the council on postsecondary accreditation.

Beginning July 1, 2012, the board shall adopt rules to prescribe the continuing education requirements.

- C. Compliance with this section shall be documented at the times and in the manner as prescribed by the board in rule 20 of 121
- D. Failure of a person holding a license to practice chiropractic to comply with this section without adequate cause being shown is grounds for probation or suspension of the person's license.



R4-7-501. DISPLAY OF LICENSES

- A licensee shall, at all times, display the license issued to the licensee by the Board in a conspicuous place at all locations where the licensee engages in the practice of chiropractic, including mobile practices. A licensee shall, upon request of any person, produce for inspection the license renewal certificate for the current calendar year.



NEW ORDERS & LAWS CONCERNING CHIROPRACTORS

- COVID-19 Updates
- Most recent Governor's orders for California



environmental services, laundry, security, engineering and facilities management, administrative, billing, and volunteer personnel." To the extent that other staff, including correctional officers, meet this definition they would be required to comply with the testing requirements. This Order does not apply to inmates.

In state correctional facilities, other staff who do not meet this definition are subject to vaccine verification and testing pursuant to separate state requirements.

If a homeless provider also acts as a daycare facility - what do they do if the ratio of childcare professionals fall below state requirements?

The homeless provider should confer with the California Department of Social Services (who license day care facilities) to discuss impacts and alternatives.

Covered health care settings

What facilities/offices are not covered under this Order?

- Acupuncture office
- **Chiropractic office**
- Naturopathic doctor office
- Occupational therapy office
- Optometry office
- Outpatient physical, speech, occupational therapy offices
- Pharmacies
- Podiatry office
- First aid offices (e.g., at a resort or theme park)

Does the Order cover unlicensed group and transitional housing facilities and homes?

No, the Order only covers those adult and residential care facilities licensed by the California Department of Social Services.

Are school-based clinics covered?

School-based clinics that are licensed are covered under the Order and would be required to follow all applicable rules for unvaccinated healthcare workers. Nurses' offices that are not licensed would be not covered by the State Health Officer Order.

Will home health and hospice agencies be required to verify vaccine status of their staff?

Home health and hospice agencies are covered by the Order only with respect to agency staff who are providing care on site at one of the covered settings.

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH MOST CURRENT GUIDELINES

**FOR MORE
INFORMATION, VISIT:**

CDPH.CA.GOV



CHIROPRACTORS ARE ESSENTIAL WORKERS

www.covid19.ca.gov/essential-workforce/

Essential workforce, if remote working is not practical:

1. Health care providers and caregivers (including physicians, dentists, psychologists, mid-level practitioners, nurses, assistants, and aids; infection control and quality assurance personnel; pharmacists; physical, respiratory, speech and occupational therapists and assistants; social workers and providers serving individuals with disabilities including developmental disabilities; optometrists; speech pathologists; [chiropractors](#); diagnostic and therapeutic technicians; and radiology technologists).



CHIROPRACTORS ARE ESSENTIAL WORKERS

www.covid19.ca.gov/essential-workforce/

2. Workers required for effective clinical, command, infrastructure, support service, administrative, security and intelligence operations across the direct patient care and full healthcare and public health spectrum, including accounting, administrative, admitting and discharge, engineering, **accrediting, certification, licensing, credentialing,** epidemiological, source plasma and blood donation, food service, environmental services, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians; emergency medical services workers; prehospital workers including but not limited to urgent care workers; inpatient and hospital workers; outpatient care workers; home care workers; workers at long-term care facilities, residential and community-based providers; workplace safety workers).



DEPARTMENT OF CONSUMER AFFAIRS **DCA WAIVERS THAT AFFECT CHIROPRACTIC**

FOR MORE INFORMATION, VISIT:

[HTTPS://WWW.DCA.CA.GOV/LICENSEES/DCA_WAIVERS.SHTML](https://www.dca.ca.gov/licenses/dca_waivers.shtml)

SEARCH THROUGH WAIVERS TO FIND ONES
THAT AFFECT CHIROPRACTIC



CalOSHA COVID-19 Revised Emergency Temporary Standards

Effective January 14, 2022



3205 COVID-19 Prevention



3205.1 Multiple COVID-19 Infections and COVID-19 Outbreaks



3205.2 Major COVID-19 Outbreaks



3205.3 COVID-19 Prevention in Employer-Provided Housing



3205.4 COVID-19 Prevention in Employer-Provided Transportation

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For more information, see Cal/OSHA: <https://www.dir.ca.gov/dosh/coronavirus/ETS.html>

Please read before entering.

IF YOU HAVE



Please call our office before coming inside.

Clinic Phone # _____

The clinic staff may ask you to wear a mask or use tissues to cover your cough.

Thank you for helping us keep our patients and staff safe.



CS 315889-B 03/12/2020

For more information: www.cdc.gov/COVID19

<https://www.cdc.gov/coronavirus/2019-ncov/healthcare-facilities/index.html>

Thank you, Docs!

A brief evaluation survey will be emailed to you in the coming days.
Please fill out the evaluation ASAP & press “submit”.

Hope you enjoyed the seminar and I thank you for your continued support!
We really appreciate all of you!

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