

A NEW SET OF LAWS GOVERNING CHIROPRACTIC: The Practice Act Has Changed

Great News for Chiropractors and their Patients!!

Click [HERE](#) for special video message from Dr. Tom Ayres, President of the NCBOCE

HB 415 was passed unanimously by both the House and the Senate. It was signed into law by Governor Cooper on August 30, 2021.

Here are some details about the new law.

What is this about?

This is a revision and update of the Chiropractic Practice Act that can be found in Chapter 90, Article 8 of the NC General Statutes (laws).

Why was this necessary?

Our practice act had become obsolete in places and did not reflect the current stage of maturity in the profession. However, there was also a tone in the language of the previous law that reflected a more paternalistic role for the board and almost seemed to impugn the trustworthiness of the chiropractic profession. The current board felt strongly that the chiropractic profession should be allowed to mature and operate on a level playing field with other professions.

When does the new law take effect?

The new law takes effect October 1, 2021.

Who decided what the new law should include?

Beginning in the summer of 2020, the board began meeting with stakeholders. Meetings were held to collect feedback from the NC Chiropractic Association, the Carolina Chiropractors, and multiple leaders within the profession. We also surveyed the chiropractic laws in other states. Additionally, the laws governing other NC health professions were reviewed. In the end, the board sought input from many sources, including legal and legislative, and drafted the language that ultimately became this law.

How does this affect chiropractic practice?

Some of the changes strengthen the board's ability to issue position statements and make rules to clarify the expectations for chiropractic physicians and their assistants in NC.

Some of the changes make it easier to manage the board in an online environment.

Some of the changes strengthen the board's ability to seek and obtain records in a complaint investigation. It also clarifies what records are public and which are not. The law states that patient records must be maintained for 7 years past the time the health record is closed.

Importantly, the law protects the personal email addresses and home physical addresses of our licensees.

The law also allows for civil penalties in the event of certain violations of our practice act.
NOTE: the funds generated by the civil penalties do not go to the board, they fund schools.

How does this affect the Standard of Care?

Under the old law, the standard of care was linked to the “usual and customary method taught in the majority of recognized chiropractic colleges”. This was problematic because some legitimate techniques were not taught in the majority of colleges, but even monitoring what is taught in the majority of colleges is difficult to assess and monitor. Additionally, the colleges look to the states to define the standard of care. So if our state was tied to what is taught in the colleges, it became an academic positive feedback loop where we were looking to the colleges and they were looking to us to define the standard of care.

The new law allows the board to determine the standard of care using the legally accepted definition, “...*the standards of practice among members of the same health care profession with similar training and experience situated in the same or similar communities under the same or similar circumstances...*” (NC GS 90-21.12).

This is similar to how standard of care issues are handled in most other professions.

How has the Scope of Practice changed with this new law?

It hasn't. The scope of practice has not changed.

What does the new law say about Enticements and Advertising?

Prior to this law being passed, the Enticements provision limited doctors to items of \$10 or less in value that could be provided to potential patients i.e. t-shirts. There is no longer a limit on such items in our state practice act law.

NOTE: There may be federal or other regulations that control patient enticements.

Previously, chiropractic licenses had to be renewed by “the first Tuesday after the first Monday in January”. The new law simplifies this and makes the renewal date December 31 of each year.

As of October 1, 2021 doctors of chiropractic will no longer be required to post the advertising disclaimer in their advertisements. Doctors will now be held to the standard of avoiding “false or misleading” advertisements just as in other health care professions.

Did the license renewal fee change?

No- there is no change in the fee for chiropractic physician license renewal.

Where can I read the new law?

The full bill can be read here:

<https://www.ncleg.gov/Sessions/2021/Bills/House/PDF/H415v4.pdf>

Also- the complete chiropractic practice act can be found on the board's web site.

NOTE: the new law will not be reflected on the web site until it takes effect. Read the new law here:

https://www.ncleg.net/Enactedlegislation/Statutes/HTML/ByArticle/Chapter_90/Article_8.html