

**NOTICE OF INTENT TO AMEND THE RULES TO THE
GEORGIA BOARD OF CHIROPRACTIC EXAMINERS,
BOARD RULE 100-4-.01 *ADVERTISING.*,
BOARD RULE 100-4-.02 *DIPLOMATE STATUS/CERTIFICATIONS.*, AND
NOTICE OF PUBLIC HEARING.**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Chiropractic Examiners, (hereinafter "Board") proposes to amend a rules of the Georgia Board of Chiropractic Examiners, Rule 100-4-.01 Advertising and Rule 100-7-.02 Diplomate Status/Certifications (hereinafter "proposed rule amendments").

This notice, together with an exact copy of the proposed rule amendments and a synopsis of the proposed rule amendments, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 5:30 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia Board of Chiropractic Examiners web page at <http://www.sos.ga.gov/plb/chiropractic>. Copies may also be requested by contacting the Georgia Board of Chiropractic Examiners office at 478-207-2440.

A public hearing is scheduled to begin at 10:00 a.m. on November 19, 2009 at the Professional Licensing Boards Division, 237 Coliseum Dr., Macon, GA 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendmetns. At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. To ensure their consideration, written comments must be received on or before November 12, 2009. Written comments should be addressed to Randall Vaughn, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Chiropractic Examiners, 237 Coliseum Drive, Macon, Georgia 31217. FAX: 866/888-1304.

The proposed rule amendments will be considered for adoption by the Georgia Board of Chiropractic Examiners at its meeting scheduled to begin at 10:05 a.m. on November 19, 2009, at the Professional Licensing Boards Division, 237 Coliseum Dr., Macon, GA 31217. According to the Department of Law, State of Georgia, the Georgia Board of Chiropractic Examiners has the authority to add this new rule pursuant to authority contained in O.C.G.A. §§ 43-1-25, 43-9-6.1, 43-9-12 and 43-9-16.

At its meeting on September 24, 2009 meeting, the Board voted that the formulation and adoption of this new rule does not impose excessive regulatory cost on any licensee and any cost

to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. O.C.G.A. §§43-1-25, 43-9-6.1, 43-9-12 and 43-9-16.

Also, at its meeting on September 24, 2009 the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. O.C.G.A. §§ 43-1-25, 43-9-6.1, 43-9-12 and 43-9-16 to adopt or implement differing actions for businesses as listed at O.C.G.A. §50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of chiropractic.

For further information, contact the Board office at 478-207-2440.

This notice is given in compliance with O.C.G.A. §50-13-4.

This 19th day of October, 2009.



Randall D. Vaughn
Division Director
Professional Licensing Boards

Posted: October 19, 2009

**SYNOPSIS OF THE PROPOSED RULE AMENDMENTS OF
THE GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
BOARD RULE 100-4-.01 ADVERTISING.,**

Purpose: Removes the listing of certifications and diplomate status from the Advertising rule as they are listed in Rule 100-4-.02.

Main Features: Removes the listing of certifications and diplomate status from the Advertising rule as they are listed in Rule 100-4-.02.

**DIFFERENCES OF THE PROPOSED RULE AMENDMENTS OF
THE GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
BOARD RULE 100-4-.01 ADVERTISING.**

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

100-4-.01 Advertising.

(1) Defined. Advertising shall mean any information communicated in a manner designed to attract public attention to the practice of the licensee or the chiropractic profession. Advertising shall include but not be limited to any communication which is published, displayed, printed, broadcast, or spoken including the use of newspapers and other publications, telephone directories, pamphlets, handouts, billboards, window displays, radio, television, telephone, computer, internet, fax or other telecommunication device or any other means or medium.

(2) A licensee shall not make any false, misleading, or deceptive communication in any form of advertising nor shall the licensee utilize any form of advertising which has the capacity or tendency to deceive, mislead, or confuse the recipient in any manner including but not limited to the following:

(a) Advertising which contains a misrepresentation of any fact or facts including advertising which has the capacity or tendency to mislead, deceive, or confuse any potential recipient either through false or misleading claims or by failing to disclose relevant or material facts;

(b) Advertising which conveys the impression of professional superiority or other superior attributes that cannot be substantiated. Licensees may not advertise that they have certifications or have attained diplomate status without having been conferred the title of diplomate or having received certifications by one or more of the following boards:

~~(i) Diplomate American Chiropractic Board of Radiology (DACBR);~~

~~(ii) Diplomate American Chiropractic Rehabilitation Board (DACRB);~~

~~(iii) Diplomate American Chiropractic Board of Nutrition (DACBN);~~

~~(iv) Diplomate American Board of Chiropractic Internists (DABCI);~~

~~(v) Certification Chiropractic Sports Physicians (CCSP);~~

~~(vi) Diplomate American Board of Chiropractic Orthopedics (DABCO);~~

~~(vii) Diplomate American Board of Forensic Professionals (DABFP);~~

~~(viii) Diplomate American Chiropractic Academy of Neurology (DACAN);~~

~~(ix) Certification American Chiropractic Board of Thermologists (CACBT)~~

~~(x) Diplomate American Board of Chiropractic Neurology (DABCN)~~

~~(xi) Diplomate American Chiropractic Board of Sports Physicians (DACBSP);~~

~~(xii) Diplomate American Chiropractic Board of Occupational Health (DACBOH);~~

~~(xiii) Diplomate American Chiropractic Neurology Board (DACNB);~~

(c) Advertising that has the capacity or tendency to create false or unjustified expectations of beneficial treatment or successful cures;

(d) Advertising that contains any guarantee of the results of any services;

(e) Advertising of services that the licensee is not licensed to perform in this state;

(f) Advertising, including that place in a classified or telephone directory, under a heading which may foster confusion about the professional status of the chiropractor or under a professional heading in which the chiropractor is not licensed;

(g) Advertising a transaction that is in itself illegal;

(3) Chiropractors licensed under this chapter may only use the terms chiropractor, chiropractors, doctors(s) of chiropractic, and/or D.C. The use of the term Chiropractic Physicians is not authorized.

(4) Licensees may advertise that they will perform designated chiropractic services free or at a discount if, in fact, no compensation in any form for such services will be requested from the patient, their insurer, or any third party subject to the following provisions:

(i) A detailed account of the advertised services being offered free or at a discount must be presented in writing to, and signed by, the patient, clearly explaining that **ANY**

FURTHER TREATMENT WILL BE PROVIDED AT RATES REGULARLY CHARGED BY THIS OFFICE. A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01 (h)(i) which requires that such records be retained for not less than seven (7) years from the date of service.

(ii) If a charge is made for any service rendered on the same day that an advertised free or discounted service is rendered, a detail account of those services offered for a fee must be provided in writing to, and signed by the patient, clearly explaining that these treatments are not a part of any offer of free or discounted services. A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01(h)(i) which requires that such records be retained for not less than seven (7) years from the date of services.

(iii) For the purpose of this Section, no separate charge shall be made for the professional evaluation of diagnostic tests or procedures which are provided without cost or at a discount whether such professional evaluation is made at the time of the initial office visit or at a later date.

(5) Nothing in this Section shall be so interpreted as to interfere with or prohibit fee discounts or offers of discounted fees in connection with any managed care plan, group plan, Medicare, or similar entity.

Authority O.C.G.A. §§ 43-1-25, 43-9-6.1, 43-9-12 and 43-9-16.

**SYNOPSIS OF THE PROPOSED RULE AMENDMENTS OF
THE GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
BOARD RULE 100-4-.02 *DIPLOMATE STATUS/CERTIFICATIONS***

Purpose: Recognizes two need organizations for Diplomate Status/Certifications.

Main Features: Adds the Diplomate of Council on Extremity Adjusting and the Diplomate of American Board of Quality Assurance and Utilization Review Physicians to the rule.

**DIFFERENCES OF THE PROPOSED RULE AMENDMENTS OF
THE GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
BOARD RULE 100-4-.02 *DIPLOMATE STATUS/CERTIFICATIONS***

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

100-4-.02 Diplomate Status/Certifications.

Effective January 7, 2008

Licensees may not advertise that they have certifications or have attained diplomate status without having been conferred the title of diplomate or having received certifications and having active diplomate and/or certifications by one or more of the following boards:

(xxiv) Diplomate of Council on Extremity Adjusting (CEA)

(xxv) Diplomate of American Board of Quality Assurance and Utilization Review Physicians (ABQAURP).

Authority O.C.G.A. §§ 43-1-25, 43-9-6.1, and 43-9-12.