



Rhode Island Department of Health

PUBLIC NOTICE

The Director of the Rhode Island Department of Health has determined to amend the rules and regulations listed below to remove the specific dollar value of all fees for licensing, laboratory and administrative services provided by the Department of Health from the individual regulations and reference all such fees to a new consolidated fee regulation (to be promulgated separately). These amendments are proposed pursuant to the authority contained in Public Law 2012-241, enacted by the General Assembly on 15 June 2012, and the relevant sections of the respective professional practice and licensure acts.

The following seventy-five (75) regulations are proposed to be amended:

1. Food Code
2. Rules and Regulations Establishing Educational and Experience Requirements for Registration as a Sanitarian
3. Rules and Regulations for Asbestos Control
4. Rules and Regulations for Bottled Water
5. Rules and Regulations for Certifying Analytical Laboratories
6. Rules and Regulations for Determination of Need for New Health Care Equipment and New Institutional Health Services
7. Rules and Regulations for Lead Poisoning Prevention
8. Rules and Regulations for Licensing Assisted Living Residences
9. Rules and Regulations for Licensing Athletic Trainers
10. Rules and Regulations for Licensing Birth Centers
11. Rules and Regulations for Licensing Chemical Dependency Professionals
12. Rules and Regulations for Licensing Clinical Laboratories and Stations
13. Rules and Regulations for Licensing Clinical Social Workers and Independent Clinical Social Workers
14. Rules and Regulations for Licensing Doctors of Acupuncture and Acupuncture Assistants
15. Rules and Regulations for Licensing Home Nursing Care Providers and Home Care Providers
16. Rules and Regulations for Licensing Hospice Care
17. Rules and Regulations for Licensing Interpreters for the Deaf
18. Rules and Regulations for Licensing Kidney Disease Treatment Centers
19. Rules and Regulations for Licensing Massage Therapists
20. Rules and Regulations for Licensing Mental Health Counselors and Marriage and Family Therapists
21. Rules and Regulations for Licensing Occupational Therapists and Occupational Therapy Assistants
22. Rules and Regulations for Licensing of Hospitals
23. Rules and Regulations for Licensing of Midwives
24. Rules and Regulations for Licensing of Nursing Facilities
25. Rules and Regulations for Licensing of Nursing Home Administrators
26. Rules and Regulations for Licensing Physical Therapists and Physical Therapist Assistants
27. Rules and Regulations for Licensing Psychologists
28. Rules and Regulations for Licensing Rehabilitation Hospital Centers

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29. Rules and Regulations for Licensing Respiratory Care Practitioners
30. Rules and Regulations for Licensing Speech Pathologists and Audiologists
31. Rules and Regulations for Licensing Swimming and Wading Pools, Hot Tubs, and Spas
32. Rules and Regulations for Licensure and Discipline of Chiropractic Physicians
33. Rules and Regulations for Limited Medical Registration
34. Rules and Regulations for Radon Control
35. Rules and Regulations for the Certification of Administrators of Assisted Living Residences
36. Rules and Regulations for the Certification of Health Plans
37. Rules and Regulations for the Control of Radiation
38. Rules and Regulations for the Licensing of Freestanding Ambulatory Surgical Centers
39. Rules and Regulations for the Licensing of Freestanding Emergency Care Facilities
40. Rules and Regulations for the Licensing of Nurses and Standards for the Approval of Basic Nursing Education Programs
41. Rules and Regulations for the Licensing of Nursing Service Agencies
42. Rules and Regulations for the Licensing of Organized Ambulatory Care Facilities
43. Rules and Regulations for the Licensing of Podiatrists
44. Rules and Regulations for the Licensing of Radiographers, Nuclear Medicine Technologists, Radiation Therapists and Radiologist Assistants
45. Rules and Regulations for the Licensure and Discipline of Physicians
46. Rules and Regulations for the Licensure of Barbers, Hairdressers/Cosmeticians, Manicurists, Estheticians, and Instructors
47. Rules and Regulations for the Licensure of Clinical Laboratory Science Practitioners
48. Rules and Regulations for the Licensure of Physician Ambulatory Surgery Centers and Podiatry Ambulatory Surgery Centers
49. Rules and Regulations for the Licensure of Physician Assistants
50. Rules and Regulations for the Licensure of Veterinarians
51. Rules and Regulations for the Registration of Body Piercing Technicians and Body Piercing Establishments
52. Rules and Regulations for the Registration of Distributors of Controlled Substances in Rhode Island
53. Rules and Regulations for the Registration of Tanning Facilities
54. Rules and Regulations for the Registration of Tattoo Artists and Tattoo Parlors
55. Rules and Regulations for the Utilization Review of Health Care Services
56. Rules and Regulations Governing Vital Statistics
57. Rules and Regulations Pertaining to Certification of Managers in Food Safety
58. Rules and Regulations Pertaining to Dentists, Dental Hygienists, and Dental Assistants
59. Rules and Regulations Pertaining to Embalmers, Funeral Directors, and Funeral Service Establishments
60. Rules and Regulations Pertaining to Opticians
61. Rules and Regulations Pertaining to Optometrists
62. Rules and Regulations Pertaining to Permits for Screening Programs
63. Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers, and Distributors
64. Rules and Regulations Pertaining to Public Drinking Water
65. Rules and Regulations Pertaining to Rhode Island Certificates of Registration for Nursing Assistants, Medication Aides, and the Approval of Nursing Assistant and Medication Aide Training Programs
66. Rules and Regulations Pertaining to the Certification of Public Drinking Water Supply Treatment and Public Water Supply Transmission and Distribution Operators

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67. Rules and Regulations Pertaining to the Licensing of Dietitians/Nutritionists
 68. Rules and Regulations Pertaining to the Medical Examiner System
 69. Rules and Regulations Pertaining to the Newborn Metabolic, Endocrine, and Hemoglobinopathy Screening Program and the Newborn Hearing Loss Screening Program
 70. Rules and Regulations Pertaining to the Processing and Distribution of Shellfish
 71. Rules and Regulations Prescribing Minimum Standards for Processing, Storage and Transportation of Fish and Fishery Products
 72. Rules and Regulations Related to the Licensure of Hearing Aid Dealers and Fitters
 73. Rules and Regulations Related to the Medical Marijuana Program
 74. Rules and Regulations Related to the Practice of Electrolysis
 75. Rules and Regulations Relating to Emergency Medical Services
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Notice is hereby given in accordance with the provisions of §42-35-3(a)(2) of the Rhode Island General Laws, as amended, that the Director is affording all interested persons the opportunity to submit data, views, or arguments in writing on this matter. Opportunity for public hearing shall be granted if requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members. *Otherwise, no hearing shall be convened.* Should a hearing be requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members, *a hearing shall be scheduled only for the regulation(s) for which the request for hearing was received.* All regulations for which a public hearing is not requested will be filed with the Rhode Island Secretary of State pursuant to Chapter 42-35 of the Rhode Island General Laws, as amended, shortly after the **10 September 2012** deadline (as below).

Such input or requests for public hearing must be received in writing **no later than Monday, 10 September 2012**. Such input or requests should be addressed to: Michael Fine, M.D., Director, Rhode Island Department of Health, Three Capitol Hill, Room #401, Providence, Rhode Island 02908-5097.

In the development of these amendments, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach, duplication, or overlap was identified based upon available information.

Copies of all regulations are available for public inspection in the Cannon Building, Room #201, Rhode Island Department of Health, Three Capitol Hill, Providence, Rhode Island 02908-5097, on the Secretary of State's website: <http://www.sos.ri.gov/rules/>, by calling 401-222-7767, or by e-mail to Bill.Dundulis@health.ri.gov.

Signed this 3rd day of August 2012

Original signed by Michael Fine, MD

Michael Fine, M.D., Director of Health

**RULES AND REGULATIONS
FOR LICENSURE AND DISCIPLINE
OF CHIROPRACTIC PHYSICIANS**

[R5-30-CHI]



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

January 1964

AS AMENDED:

September 1979

July 1989

February 1994

November 1997

June 2001

November 2001

January 2002 (re-filing in
accordance with the provisions of
section 42-35-4.1 of the Rhode
Island General Laws, as amended)

May 2003

January 2007 (re-filing in
accordance with the provisions of
section 42-35-4.1 of the Rhode Island
General Laws, as amended)

September 2007

January 2012 (re-filing in
accordance with the provisions of
section 42-35-4.1 of the Rhode Island
General Laws, as amended)

August 2012 (Proposed)

COMPILER'S NOTES:

Proposed Additions: Underlined

Proposed Deletions: ~~Strikeouts~~

INTRODUCTION

These amended *Rules and Regulations for Licensure and Discipline of Chiropractic Physicians (R5-30-CHI)* are promulgated pursuant to the authority conferred under section 5-30-2 of the General Laws of Rhode Island, for the purpose of adopting minimum standards for the licensure of chiropractic physicians practicing in this state.

In the development of the rules and regulations consideration was given to the following issues pursuant to the provisions of section 42-35-3(c) of the General Laws: (1) alternative approach to the regulations; and (2) duplication or overlap with other state regulations; Based on the available information, no known duplication, overlap or alternative approach was identified.

These amended regulations shall supersede all previous *Rules and Regulations for Licensing of Chiropractic Physicians* promulgated by the Department of Health and filed with the Secretary of State.

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Section 1.0 *Definitions*

Wherever used in these rules and regulations, the following terms shall be construed as follows:

- 1.1 **"Act"** refers to Chapter 5-30 of the General Laws of Rhode Island, entitled "Chiropractic Physicians."
- 1.2 **"Board"** refers to the state Board of Chiropractic Physicians within the Rhode Island Department of Health, established pursuant to the provisions of section 5-30-1.1 of the Rhode Island General Laws, as amended.
- 1.3 The **"practice of chiropractic medicine"** pursuant to section 5-30-1 of the Act, means the science and the art of mechanical and material healing as follows: the employment of a system of palpating and adjusting the articulations of the human spinal column and its appendages by hand and electro-mechanical appliances, and the employment of corrective orthopedics and dietetics for the elimination of the cause of disease provided that chiropractic physicians may not write prescriptions for drugs for internal medication nor practice major surgery as defined in Chapter 5-37 of the Rhode Island General Laws, as amended.
- 1.4 **"Chiropractic physician"** means an individual licensed to practice chiropractic medicine pursuant to the provisions of the Act and the rules and regulations herein.
- 1.5 **"Director"** means the Director, Rhode Island Department of Health.
- 1.6 **"Division"** refers to the Division of Professional Regulation, Rhode Island Department of Health.
- 1.7 **"Hour of instruction"** means a documentable unit of participation in a learning experience in a chiropractic medicine-related subject as:
 - a) approved by the Council on Chiropractic Education; or
 - b) conducted by the Chiropractic Society of Rhode Island (C.S.R.I., Inc.) or by the major chiropractic society or association in another state or jurisdiction and approved by the Division; or
 - c) completion of post-graduate study at an educational session or institution approved by the Division.
- 1.7.1 For the purposes of approval by the Division, an educational session(s) may be audited by a Board member without charge. Provided, however, said educational session may not be applied toward the Board member's own continuing education requirement as described herein.
- 1.8 **"Licensure"** is synonymous with the term **"certification"** for the purposes of the rules and regulations herein.
- 1.9 **"Physiotherapist"** means an individual licensed to practice physiotherapy/ chiropractic medicine in this state pursuant to the provisions of the Act and the regulations herein.

1.10 ***"Physiotherapy"*** means the treatment and instruction of human beings within the scope of chiropractic medical practice as defined in section 5-30-1 of the Rhode Island General Laws, as amended, to prevent, correct, alleviate and limit physical disability, physical dysfunction, and pain from injury, disease and any other bodily conditions, including the use of physical measures, activities, and devices, for prevention and therapeutic purposes; and the provision of consultative, educational, and other advisory services for the purpose of reducing the incidence and severity of physical disability, physical dysfunction and pain. No person licensed to practice physiotherapy shall represent him/herself out as practicing physical therapy as defined in Chapter 5-40 of the Rhode Island General Laws, as amended, and the regulations adopted thereunder.

Section 2.0 *Licensure Requirements*

2.1 *Chiropractic Medicine:*

No person shall practice chiropractic medicine or any of its branches without a license issued in accordance with the provisions of the Act and the rules and regulations herein, pursuant to section 5-30-3 of the Act.

2.1.1 Furthermore, no one shall represent himself/herself to be a chiropractic physician, or use the title "Doctor of Chiropractic Medicine", "D.C.", "Ph.C", "M.C.", "Chiropractic Physician", or use any word or title to induce the belief that he/she is engaged in the practice of chiropractic medicine, without having a license to practice chiropractic medicine in accordance with the provisions of the rules and regulations and the Act.

2.2 *Physiotherapy:*

No person licensed to practice chiropractic medicine issued under the provisions of the Act and the regulations herein shall practice physiotherapy or any of its branches without a license authorizing him/her to practice physiotherapy in accordance with the provisions of section 5-30-8 of the Act and section 3.2 herein.

Section 3.0 *Qualifications for Licensure*

3.1 *Chiropractic Medicine:*

An applicant seeking licensure to practice chiropractic medicine in this state shall present evidence satisfactory to the Division, verified by oath, that he/she:

- a) is of good moral character;
- b) is more than twenty-three (23) years of age;
- c) has satisfactorily completed credit courses equal to two (2) years of pre-professional study, of no less than sixty (60) credit hours, acceptable by an accredited academic college toward a bachelor of science or bachelor of arts degree before commencing the study of chiropractic medicine.

Any person graduating from a chiropractic medicine education program on or after July 5, 1999 must present evidence that before he/she commenced the study of chiropractic medicine, he/she had satisfactorily completed credit courses equal to four (4) years of pre-professional study at an accredited academic institution and earned a bachelor of science or bachelor of arts degree; and

- d) has successfully graduated from a school or college of chiropractic medicine accredited by the Council on Chiropractic Education and approved by the Division;
- e) has completed a residential academic course of at least four (4) years, (each year consisting of at least nine [9] months of study) and one (1) year of clinical internship; and

- f) has successfully passed:
 - i) Parts I and II examinations of the National Board of Chiropractic Examiners; and
 - ii) The Written Clinical Competency Examination (WCCE) or Part III of the National Board of Chiropractic Examiners; and
 - iii) Part IV of the National Board of Chiropractic Examiners.

3.2 ***Physiotherapy***

An applicant seeking licensure to practice physiotherapy in this state in addition to the practice of chiropractic medicine shall:

- a) have completed a course of four (4) years, of eight (8) months each, at a school of chiropractic medicine approved by the Division; or
- b) have completed a course of three (3) years, of nine (9) months each, at a school of chiropractic medicine approved by the Division and an additional year of at least six (6) months in physiotherapy and all branches thereof at such school; or
- c) have served as an intern for six (6) months in any year at an institution approved by the Division, and the applicant shall satisfy the Division that he/she is otherwise qualified to practice physiotherapy in addition to chiropractic medicine; or
- d) holds a certificate of completion of a physiotherapy program from a college or school of chiropractic medicine accredited by the Council of Chiropractic Education and;
- e) shall have successfully passed the examination of the National Board of Chiropractic Examiners section in physiotherapy.

Section 4.0 ***Application for Licensure and Fee***

4.1 Application for licensure to practice chiropractic medicine and/or physiotherapy in this state shall be made on forms provided by the Division, which shall be completed, notarized and submitted to the Board twenty-one (21) days prior to the scheduled date of the Board meeting at which the application is scheduled to be reviewed. Such application shall be accompanied by the following documents:

- a) i) ***For U.S. Citizens:*** a certified copy of birth certificate;
- ii) ***For Foreign Nationals:*** if a certified copy of birth certificate cannot be obtained, immigration papers or resident alien card or such other birth-verifying papers acceptable to the Board;
- b) three (3) letters from three (3) licensed chiropractic physicians attesting to the applicant's moral character, including one (1) letter from a faculty member at a college of chiropractic medicine if the applicant has graduated within five (5) years of application;

- c) a statement from the board of chiropractic medicine in each state in which the applicant has held or holds licensure or registration to be submitted to the Division of this state attesting to the licensure status of the applicant during the time period applicant held licensure or registration in said state;
- d) supporting official transcript of education credentials as set forth in section 3.0 herein, including the official notification of the national examination results submitted directly to the Board by the National Board of Chiropractic Examiners;
- e) two (2) unmounted passport photographs of the applicant (head and shoulder view) approximately 2x3 inches in size;
- f) the application fee (non-refundable) ~~made payable by check or money order to the General Treasurer, State of Rhode Island,~~ as follows:
 - i) for chiropractic medicine license: ~~ninety dollars (\$90.00);~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health;*
 - ii) for physiotherapy license: ~~sixty dollars (\$60.00)~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* unless examination for both chiropractic medicine and physiotherapy are taken at the same sitting in which case one fee ~~of ninety dollars (\$90.00)~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* shall be charged; and
- g) such other information as the Board may deem necessary.

Section 5.0 *Licensing of Chiropractic Physicians with the Practice of Physiotherapy*

5.1 *By Examination:*

Applicants shall be required to successfully pass such examination(s) as established by the Division to determine the applicant's qualifications to practice chiropractic medicine and physiotherapy.

5.1.1 *For Chiropractic Physicians:*

Written Examinations:

The Division shall utilize for the examination in the basic sciences, subjects of microbiology, anatomy, physiology, chemistry and pathology, vertebral palpation and adjusting, the National Board of Chiropractic Examiners' examinations (Parts I and II) and the Written Clinical Competency Examination (WCCE or Part III) and Part IV of the National Board of Chiropractic Examiners, or such other examination that, in the opinion of the Division, is substantially equivalent thereto.

5.1.2 *For Physiotherapists:*

- a) The applicant shall qualify for licensure based upon the requirements of section 3.2 (e) herein.

- b) The Division shall issue a separate, numbered certificate to each licensee certified for the practice of physiotherapy.

5.1.3 *Passing Score:*

The Division shall accept the recommended passing score for Parts I, II, III, IV and the Special Purposes Examination for Chiropractic (SPEC) examinations of the National Board of Chiropractic Examiners as acceptable for applicants seeking licensure in Rhode Island.

5.2 *By Endorsement*

A license may be issued to a chiropractic physician duly authorized to practice chiropractic medicine in any other state, and who has been practicing chiropractic medicine in that state for at least five (5) years and desires to reside permanently and practice chiropractic medicine in this state, provided the laws of that state require qualifications of a grade equal to those required in Rhode Island in accordance with section 3.0 herein, and provided that equal rights are accorded by that state to chiropractic physicians of Rhode Island.

5.2.1 If the chiropractic physician meets the above requirements, he/she shall submit an application in accordance with the provisions of section 4.0 herein to the Division by endorsement and the Division may, in its discretion, exempt him/her.

- a) If the jurisdiction in which the applicant is currently licensed requires continuing education, the application submitted in accordance with section 5.2.1 (above) shall include documented evidence that the continuing education requirements in that jurisdiction have been met by the applicant during the five (5) years prior to application for licensure in Rhode Island.

5.2.2 If the Division exempts the applicant, said individual shall pay a fee of ~~sixty-two dollars and fifty cents (\$62.50)~~ as set forth in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health for a certificate of exemption from that examination, and upon receipt of that fee, the Division shall recommend the applicant to the Director to be granted a license to practice chiropractic medicine in this state.

Section 6.0 *Continuing Education*

6.1 Every chiropractic physician licensed to practice chiropractic medicine in Rhode Island under the provisions of the Act and the regulations herein, on or before the thirtieth (30th) day of October of every third year after the 1980 registration, shall apply to the Board for certification of triennial registration of continuing education.

6.2 The application shall include satisfactory evidence to the Board of completion of at least sixty (60) hours of instruction as defined in section 1.7 herein, and completed over the three (3) year period preceding recertification. No less than fifty (50) hours of this 60-hour requirement shall be in clinically-related courses.

- 6.2.1 The Board may designate that course work in specific practice areas in specific amounts be included in the time period above. Notification of specific requirements, if any, will be made to each licensee prior to the start of the three year cycle. In addition, within a given three (3) year cycle, the Board may designate that licensees attend programs in specific content areas in response to emerging public health concerns or other immediate concerns identified by the Board. Adequate notice shall be given to allow all licensees the opportunity to attend any specific content area courses so designated.
- 6.2.2 At least thirty (30) hours of instruction in the three (3) year continuing education cycle shall be obtained in live, didactic learning experiences. Such live learning experiences shall include hours of instruction acquired through attendance or participation at programs that provide for direct interaction between faculty and participants and may include lectures, symposia, live teleconferences, or workshops.
- 6.3 It shall be the sole responsibility of the individual practitioner to obtain documentation from the sponsoring organization, agency, institution or other as approved by the Division, of his/her participation in a learning experience or course and the number of dated hours of instruction earned.
- 6.3.1 The documents shall be safeguarded by the individual practitioner for review by the Board as may be requested. These documents shall be retained by each licensee for no less than two (2) years (i.e., from the date of license renewal) and are subject to random audit by the Department.
- 6.4 A chiropractic physician failing to comply with the requirements herein shall be subject to the sanctions of the Act, except when the educational requirements for a practitioner are waived by the Division for due cause such as an applicant has suffered hardship or for any sufficient reason which prevented the applicant from meeting the continuing educational requirements and said reasons are found acceptable to the Division.

Section 7.0 *Issuance and Renewal of License and Fee*

- 7.1 Upon recommendation of the Board, the Director shall issue an initial license to applicants who have satisfactorily met the licensure requirements herein. Subsequent to the initial license issuance, license renewals shall be issued upon recommendation of the Board to the Director for those applicants who meet the licensure requirements herein, including the continuing education requirements. Said license to practice chiropractic medicine and/or chiropractic medicine with physiotherapy, unless sooner suspended or revoked shall expire on the following October 30th following the date of issuance of the original license and annually on November 1st thereafter.
- 7.2 Every person so licensed who wishes to renew his/her license shall file with the Division, during the month of October, a renewal application duly executed together with the renewal fee ~~of one hundred seventy dollars (\$170.00) made payable by check to the General Treasurer, state of Rhode Island,~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.*

- 7.3 Any person who allows his/her license to lapse by failing to renew it on or before the first of November annually as provided herein, may be reinstated by the Director upon submission of an application and on payment of the current renewal fee, unless the license has been suspended or revoked.

Section 8.0 *Rights and Duties of Chiropractic Physicians*

- 8.1 Chiropractic physicians shall be entitled to the same services of the laboratories of the Department of Health and other institutions, and shall be subject to the same duties and liabilities, and shall be entitled to the same rights and privileges in their professional calling pertaining to public health, which may be imposed or given by law or regulation upon or to physicians qualified to practice medicine pursuant to section 5-37-2 of the General Laws of Rhode Island, as amended, however, the chiropractic physicians shall not write prescriptions for drugs for internal medication nor practice major surgery, pursuant to the provisions of section 5-30-11 of the Act.
- 8.2 The name of the licensed chiropractic physician shall be included in any advertisement, sign, stationery or other means which identifies the offering of chiropractic medical treatment.
- 8.3 Chiropractic medical records shall be legible and contain the identity of the chiropractic physician or physician extender and supervising chiropractic physician by name and professional title who is responsible for rendering, ordering, supervising or billing each diagnostic or treatment procedure. The records shall contain sufficient information to justify the course of treatment, including, but not limited to, patient histories, including medications, examination results, and test results leading to a differential diagnosis; and reports of consultations and hospitalizations.

Section 9.0 *Grounds for Denial, Revocation or Suspension of License*

- 9.1 Pursuant to the provisions of section 5-30-13 of the Act, the Division may, after due notice and hearing, in its discretion refuse to grant a license to any chiropractic physician, if the applicant has not furnished satisfactory evidence that he or she has completed the continuing requirements in accordance with the statutory and regulatory provisions herein. Furthermore, any violation of the statutory and regulatory provisions herein shall be due cause for the Division to impose such sanctions as denial, suspension or revocation, which shall include unprofessional conduct as defined in section 5-30-13 and which includes but is not limited to:
- a) the use of any false or fraudulent statement in any document connected with the practice of chiropractic medicine;
 - b) the obtaining of any fee by willful fraud or misrepresentation either to a patient or insurance plan;
 - c) the willful violation of a privileged communication;
 - d) knowingly performing any act which in any way aids or assists an unlicensed person to practice chiropractic medicine in violation of the Act;

- e) the practice of chiropractic medicine under a false or assumed name that shall include the practice of chiropractic medicine under a fictitious name that does not include the name of a chiropractic physician in its advertising;
- f) the advertising for the practice of chiropractic medicine in a deceptive or unethical manner which shall include soliciting professional patronage by agents or persons or profiting from acts of those representing themselves to be agents of the licensed chiropractic physician;
- g) the obtaining of a fee as personal compensation or gain for an employer or for a person on a fraudulent representation that a manifestly incurable condition can be permanently cured;
- h) habitual intoxication or addiction to the use of drugs;
- i) *sexual misconduct*: any violation of the chiropractic physician-patient relationship in which the licensed chiropractic physician engages in, or attempts to induce a patient who is not the chiropractic physician's spouse to engage in any sexual activity, whether consensual or non-consensual, while such a physician-patient relationship exists;
- j) willful or repeated violations of any of the rules and regulations of the Rhode Island Department of Health;
- k) gross incompetence in the practice of his/her profession;
- l) repeated acts of immorality or repeated acts of gross misconduct in the practice of his/her profession;
- m) the procuring or aiding or abetting in procuring a criminal abortion; and
- n) A chiropractic physician providing services to a person who is making a claim as a result of a personal injury, who charges or collects from the person any amount in excess of the reimbursement to the chiropractic physician by the insurer as a condition of providing or continuing to provide services or treatment.

Advertising

- 9.2 Any person practicing pursuant to the provisions of Chapter 5-30 of the Rhode Island General Laws, as amended, shall be required to post his/her name on the premises where the services are being offered in such a manner as to be clearly visible to the public at the entrance to the premises and on any sign visible outside of the premises which offers the delivery of chiropractic medical services.
- 9.3 Any chiropractic physician or group of chiropractic physicians who advertise in print media shall state the name(s) of the chiropractic physician(s) responsible for said advertisement.

Section 10.0 *Rules Governing Practices and Procedures*

- 10.1 All hearings and reviews required under the provisions of the Act shall be held in accordance with the provisions of the Act and the *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*.

Section 11.0 ***Severability***

- 11.1 If any provisions of these rules and regulations or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.

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Monday, 30 July 2012