

C. Evidence produced pursuant to subsection B of this section is not admissible in evidence or usable in any manner in a criminal prosecution, except for perjury, false swearing, tampering with physical evidence or any other offense committed in connection with the appearance made pursuant to this section against the person testifying or the person producing the person's private papers.

41-1092.11. Licenses; renewal; revocation; suspension; annulment; withdrawal

A. If a licensee makes timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

B. Revocation, suspension, annulment or withdrawal of any license is not lawful unless, before the action, the agency provides the licensee with notice and an opportunity for a hearing in accordance with this article. If the agency finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, the agency may order summary suspension of a license pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

41-1092.12. Private right of action; recovery of costs and fees; definitions

A. If an agency takes an action against a party that is arbitrary, capricious or not in accordance with law, the action is an appealable agency action if all of the following apply:

1. Within ten days after the action that is arbitrary, capricious or not in accordance with law, the party notifies the director of the agency in writing of the party's intent to file a claim pursuant to this section. This notice shall include a description of the action the party claims to be arbitrary, capricious or not in accordance with law and reasons why the action is arbitrary, capricious or not in accordance with law.

2. The agency continues the action that is arbitrary, capricious or not in accordance with law more than ten days after the agency receives the notice.

3. The action is not excluded from the definition of appealable agency action as defined in section 41-1092.

B. This section only applies if an administrative remedy or an administrative or a judicial appeal of final agency action is not otherwise provided by law.

C. If the party prevails, the agency shall pay reasonable costs and fees to the party from any monies appropriated to the agency and available for that purpose or from other operating monies of the agency. If the agency fails or refuses to pay the award within fifteen days after the demand, and if no further review or appeal of the award is pending, the prevailing party may file a claim with the department of administration. The department of administration shall pay the claim within thirty days in the same manner as an uninsured property loss under title 41, chapter 3.1, article 1, except that the agency is responsible for the total amount awarded and shall pay it

from its operating monies. If the agency had appropriated monies available for paying the award at the time it failed or refused to pay, the legislature shall reduce the agency's operating appropriation for the following fiscal year by the amount of the award and shall appropriate that amount to the department of administration as reimbursement for the loss.

D. If the administrative law judge determines that the appealable agency action is frivolous, the administrative law judge may require the party to pay reasonable costs and fees to the agency in responding to the appeal filed before the office of administrative hearings.

E. For the purposes of this section:

1. "Action against the party" means any of the following that results in the expenditure of costs and fees:

(a) A decision.

(b) An inspection.

(c) An investigation.

(d) The entry of private property.

2. "Agency" means the department of environmental quality established pursuant to title 49, chapter 1, article 1.

3. "Costs and fees" means reasonable attorney and professional fees.

4. "Party" means an individual, partnership, corporation, association and public or private organization at whom the action was directed and who has expended costs and fees as a result of the action against the party.

SUBSTANTIVE POLICY STATEMENTS

A written expression that explains the current approach to a statutory or regulatory requirement.

An agency shall ensure that the first page of each substantive policy statement includes the following notice:

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona revised statutes section 41-1033 for a review of the statement.

ACTIVITIES OUTSIDE THE SCOPE OF PRACTICE

COLONIC IRRIGATION

The Board has determined that colonic irrigation is considered to be outside the scope of practice of chiropractic in the State of Arizona.

PROSTATE TREATMENT

The Board has determined that penetration of the rectum by a rectal probe for the administration of ultrasound, diathermy or other modalities is considered to be outside the scope of practice of chiropractor in the State of Arizona.

FACE LIFT

The Board has determined that treatment to improve facial appearance by a method other than that which might result from the adjustment of the spine is considered to be outside the scope of chiropractic in the State of Arizona.

Failure to cease such activities, which are outside the scope, will result in formal action by the board

ADOPTED 8/12/81

ADVERTISING "SPECIALIST" OR "EXPERT"

The Board of Chiropractic Examiners has determined that advertisements incorporating the words "SPECIALIST" or "EXPERT" constitute advertising of a nature likely to deceive or defraud the public.

Arizona law authorizes the practice of two chiropractic specialties after certification by the Board: Acupuncture and Physiotherapy.

The Board will view advertising such as "Specialist in low back problems", "Industrial Specialist", "Accident Specialist", "Techniques Specialist", or "Expert" as being potentially deceptive advertising.

An example of acceptable language would be "Practice limited to ... " only if such can be proven to be the case. Techniques such as "Palmer", "Applied Kinesiology", "Activator", "Grostitic", etc. may be listed, but the advertising may not infer that one technique is superior to another, or that the chiropractor is somehow superior to others because he/she uses that procedure.

Certification by any specialty council of A.C.A. or specific technique certification by any similar professional association is not recognized by statute or rule in Arizona.

A.R.S. §32-924.A.13 provides the "Advertising in a false, deceptive or misleading manner" is grounds for disciplinary action.

ADOPTED 11/16/83

USE OF UNLICENSED CHIROPRACTORS

The Board has determined that:

1. An unlicensed chiropractor may not adjust any patient even if under the direct supervision of a licensed chiropractor.
2. An unlicensed chiropractor may not take x-rays of any patient, even if under the direct supervision of a licensed chiropractor.
3. An unlicensed chiropractor may be used by a licensed chiropractor as an assistant for procedures such as consultation and examination.

A doctor applying to take the licensure exam is an unlicensed chiropractor until he or she has passed the examination, paid the original license fee and been advised of his or her license number.

ADOPTED 10/23/81

SUBSTANTIVE POLICY STATEMENT ON PRACTICE GUIDELINES

The Board of Chiropractic Examiners has determined that the Board will not use The practice guidelines developed by either the Mercy or Wyndham Conferences as a regulatory standard in Arizona. In particular, the board notes that those guidelines do not define the term "recognized standards of the profession" occurring in A.R.S. §32-924(B)(15).

The Board recognizes that its decision not to use those particular guidelines does not prevent or deter other agencies and private businesses from adopting those guidelines to advise or regulate chiropractic physicians participating in those agencies' or business' programs.

Adopted November 8, 1995

REQUIREMENT TO REINSTATE A LICENSE PLACED ON PERMANANT RETIREMENT STATUS

In order to have a retired license reinstated to active practice, the licensee is required to take and pass the SPEC examination administered by the National Board of Chiropractic Examiners with a score of 75% or better and produce evidence of having completed 12 hours of continuing education if the license has been on retirement status for one year or less, or 24 hours of continuing education if the license has been on retirement status in excess of one year. This is a minimum requirement. All other requirements of A.R.S. §32-923 apply.

Adopted January 1999

PROCEDURES FOR REVIEWING STUDENT LOAN DEFAULTS

The U.S. Department of Health and Human Services, Office of the Inspector General, will notify the Arizona State Board of Chiropractic Examiners when an Arizona chiropractor has defaulted on a Health Education Student Loan. The default will normally result in exclusion from participation in the Medicare, Medicaid, and all federal health care programs as defined in 1128B(f) of the Social Security Act. Section 1128(e) of the Act requires the appropriate licensing or certification authority be notified of such an exclusion and requested to make appropriate investigations.

When a notice of student loan default is received, the following actions will be taken:

1. Notify the doctor in writing of the notice with instructions to respond in writing. A copy of this letter will be sent to HHS (Attention: Health Care Administrative Sanctions)
2. If the doctor acknowledges the default and indicates he/she is attempting to rectify the matter, it will be placed in a hold file and followed-up at least quarterly to ensure that the doctor is still attempting to resolve the matter.
3. If the doctor fails to respond or indicates in the written response that he/she does not intend to make arrangements to resolve the matter, it will be placed on the Board's agenda to consider opening a complaint.

**SUBSTANTIVE POLICY STATEMENT
APPEAL OF A FAILING GRADE IN THE ACUPUNCTURE EXAMINATION**

A. An applicant who fails the acupuncture examination shall be notified of such in writing. If the applicant has failed the examination for the first time, they shall be offered the opportunity to retake the examination at its next sitting and/or request an appeal and review of up to 6 of the questions that the applicant answered incorrectly. If the applicant wishes to appeal and review the examination questions, he/she must submit a written request to the Board within 30 days of notice.

B. An applicant who fails the acupuncture examination for the second time shall be offered the opportunity to reapply for certification. The applicant shall also be offered the opportunity to request an appeal and review of up to 6 of the questions that the applicant answered in correctly. The board member(s) choosing the questions to be reviewed may recommend that a limited number of questions less than, or in excess of, the 6 identified in this policy be open to review if the board member can site good cause for the recommendation. If more than 6 questions will be reviewed, the board must approve the recommendation. If the applicant wishes to appeal and review the examination questions, he/she must submit a written request to the Board within 30 days of notice.

C. A request to appeal and review questions answered incorrectly shall proceed as follows:

- The Board must approve the review.
- The applicant may only view questions given on the examination, which the applicant answered incorrectly.
- The applicant will not be provided with the correct answers to those questions, but rather, must make his argument based on the answers he has provided.
- The applicant may not view more than 6 of the questions given on a 50 questions examination, or the percentage equivalent if the examination is comprised of more or less than 50 questions. The board member(s) recommend that a limited number of questions less than, or in excess of, the 6 identified in this policy be open to review if the board member can site good cause for the recommendation. IF more than 6 questions will be reviewed, the board must approve the recommendation.
- A board member and/or staff shall choose the questions to be reviewed.
- The applicant must view the questions at the board's office, by appointment with the deputy director.

- The applicant may bring a book(s) and a writing utensil. The board's staff will provide paper. The applicant may not use any audiotape or recording device.
- The applicant may not make notes in or on any materials that will leave the office in order to protect the integrity of the examination.
- The applicant cannot be accompanied by a third party.
- The applicant shall have one hour to review the questions.
- The applicant must leave any materials on which he has made notes of any nature at the Board's office.
- An applicant with a disability may request reasonable accommodation by contacting the Board's office.

D. Following the completion of the applicants review of questions, the matter will be scheduled for a future Board meeting agenda at the discretion of the Executive Director. The applicant shall be allowed a limited period of time to argue the merits of his answers before the Board.

The Board shall have the final authority to determine if the applicant's argument carries sufficient weight to credit the applicant with a correct answer to the applicable question.

In order for the applicant to pass the examination, he must meet the passing score as per Arizona Revised Statutes. Therefore, the applicant must successfully argue the merits of enough failed questions to bring his total score up to the passing score to be deemed eligible for certification.

E. If the applicant fails to achieve a passing score and is denied certification, the applicant shall be notified of the right to request a hearing. If the applicant has already been provided the opportunity to review questions as per the policy above, the applicant shall not be provided another review of questions in order to prepare for the hearing.

SUBMISSION OF EARLY APPLICATIONS

The Board shall not accept or process a signed and notarized application or completed fingerprint card if the application and/or fingerprint card is dated more than 90 days preceding the date the applicant is expected to sit the jurisprudence examination.

SUBSTANTIVE POLICY STATEMENT ON LASERS

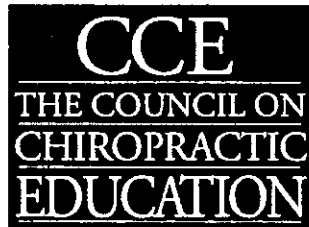
A laser approved by the Federal Drug Administration for therapeutic use is acceptable as a treatment device provided the laser is used within the scope of the practice of chiropractic in this State. A license issued by the Arizona Radiation Regulatory Agency is required for each laser with a IIIb or above classification. A doctor of chiropractic is responsible for obtaining the appropriate license, adhering to the laws governing the use of the laser and knowing and applying the appropriate protocol for use of the laser.

The statutes and rules applicable to chiropractic assistants apply when an unlicensed person uses a laser. Any contradicting rule that appears outside of the Chiropractic Act does not supercede the statutes and rules governing the practice of chiropractic.

Adopted: November 13, 2003

資料 7

The Council on Chiropractic Education



Standards

for

Doctor of Chiropractic Programs

and

Requirements for Institutional Status

January 2004

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Foreword

This manual describes the Council on Chiropractic Education (CCE), its process of accreditation and its educational standards of the CCE for Doctor of Chiropractic Degree Programs (DCP's).

Description and Role of The Council on Chiropractic Education (CCE)

The CCE is an autonomous national organization. It develops its own *Bylaws*, and the requirements and procedures for accreditation of chiropractic programs and institutions, which are applied by the Commission on Accreditation (COA).

The accreditation requirements indicate the minimum education that must be completed by individuals awarded the doctor of chiropractic (D.C.) degree by the accredited programs. The accredited programs are dedicated to the purpose of producing a competent doctor of chiropractic who will provide quality patient care.

The accreditation process for review and evaluation of DCPs emphasizes the use of outcomes assessment measures.

The CCE validates the requirements for accreditation, demonstrating its awareness of the importance of these requirements to the profession and to the public that the profession serves.

The CCE does not seek to define or support any philosophy regarding the practice of chiropractic, nor are the CCE *Standards* intended to support or accommodate any philosophical position. These are the responsibility of the profession and each educational DCP, giving consideration to requirements of the jurisdiction within which the professional may practice, professional associations, and in the final analysis, the practitioner's own philosophy of chiropractic.

Purpose of the Council on Chiropractic Education

The CCE seeks to ensure the quality of chiropractic education in the United States by means of:

1. Accreditation, certifying the quality and integrity of DCPs and continuing to afford institutional status to solitary purpose chiropractic institutions so recognized before 2002.
2. Educational improvement, stimulating educational excellence within DCPs; and
3. Public information, informing the educational community and the public of the nature, quality and integrity of chiropractic education.

To fulfill its mission, the CCE seeks to accomplish the following goals:

1. Overview

To maintain the CCE as a viable and effective, primarily programmatic, educationally oriented organization consistent with regulations established by the U.S. Secretary of Education.

2. Accreditation