CHAPTER 43-06
CHIROPRACTORS

43-06-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Approved and accredited doctor of chiropractic program" means a doctor of chiropractic program approved by the board and accredited by a board-approved entity, such as the council on chiropractic education or its successor or equivalent.
2. "Board" means the state board of chiropractic examiners.
3. "Certified chiropractic clinical assistant" means an individual certified by the board who in accordance with section 43-06-16.1 assists with basic health care duties in the practice of chiropractic under the supervision of a licensed doctor of chiropractic in good standing with the board.
4. a. "The practice of chiropractic" includes:
    (1) The examination, evaluation, and diagnosis by means including x-ray, other appropriate diagnostic imaging, clinical laboratory procedures, or pertinent examinations taught by chiropractic colleges accredited by the council on chiropractic education or its successor or equivalent;
    (2) The treatment of patients by means of the adjustment or manipulation of the spinal column, the vertebral articulations, the appendicular skeleton not excluding the skull, and of any displaced tissue of any kind or nature;
    (3) The practice of physiotherapy, electrotherapy, or hydrotherapy;
    (4) All other procedures, treatments, and interventions taught by chiropractic colleges accredited by the council on chiropractic education or its successor;
    (5) The rating and reporting of any permanent impairment of function and the providing of professional opinions regarding any matter included in this definition of practice of chiropractic as set out herein;
    (6) Delegation of basic health care duties in the practice of chiropractic to a certified chiropractic clinical assistant; and
    (7) Telehealth.
   b. The practice of chiropractic does not include prescribing for, removal of, or administering to any person any medicine or drug to be taken internally which is now or hereafter included in materia medica, nor performing any surgery, except as is provided in this section, nor practicing obstetrics.
5. "Telehealth" means the use of electronic communications to provide and deliver chiropractic-related information and chiropractic services, including chiropractic-related information and services, over any distance. Telehealth encompasses chiropractic care and chiropractic promotion activities, including education, advice, reminders, interventions, and the monitoring of interventions.

43-06-02. Who is exempt from the provisions of this chapter.

This chapter does not apply to:

1. Chiropractors from the District of Columbia, or other states, territories, or countries who are in actual consultation in this state.
2. Students enrolled in an approved and accredited doctor of chiropractic program, who qualify for the preceptorship program. Under this exception:
   a. The student shall perform the duties of an intern under the supervision of a chiropractor licensed in the state of North Dakota.
   b. The student and the licensed chiropractor shall meet the requirements established for the preceptorship by an approved and accredited doctor of chiropractic program and must be approved by the program and by the board.
3. A graduate of a program who has not completed the examination requirements in section 43-06-10.1 who applies for a graduate internship under this exception:
   a. The graduate, under the supervision of a North Dakota licensed chiropractor, shall perform the duties of an intern.

b. The graduate shall submit an initial application for North Dakota licensure.
c. The graduate must be sponsored by a chiropractor with a current and valid North Dakota license in good standing, including no active complaints, with at least three years of experience.
d. The graduate and the licenseholder shall provide proof of malpractice insurance.
e. The graduate intern authorization granted by the board terminates within fifteen months from the date issued by the board.

4. Nothing in this chapter is to be construed to impinge upon the practice of medicine by a physician and surgeon or an osteopathic physician and surgeon who has adequate training in the use of manipulative and adjustive procedures of the spine and appendicular skeleton.
5. A chiropractor who is licensed in another jurisdiction of the United States or credentialed to practice chiropractic in another country if that chiropractor is teaching, demonstrating, or providing chiropractic in connection with teaching or participating in an educational seminar in the state for no more than sixty days in a calendar year.
6. A chiropractor who is licensed in another jurisdiction of the United States or credentialed to practice chiropractic in another country if that chiropractor is practicing chiropractic in North Dakota as a member of the health care team for a sports, cultural, or performing arts group. Treatment may only be performed on members of the team or group the chiropractor is traveling with, for no more than sixty days in a calendar year.

43-06-03. State board of chiropractic examiners - Members - Appointment - Qualifications.

1. The state board of chiropractic examiners consists of seven members appointed by the governor. The members are:
   a. Five doctors of chiropractic;
   b. One certified chiropractic clinical assistant; and
   c. One consumer member.
2. Each doctor of chiropractic appointed must:
   a. Have a license to practice chiropractic in North Dakota.
   b. Have been a resident of this state and have practiced chiropractic in this state for at least five consecutive years immediately before appointment to the board.
   c. Remain a resident of this state and continue in active practice in this state during the term of office.
   d. Be a licensee in good standing and must not be the subject of a pending investigation by the board for violations under this chapter.
3. Each certified chiropractic clinical assistant appointed must:
   a. Be certified as a chiropractic clinical assistant and meet the requirements of section 43-06-16.1.
   b. Be actively engaged in the practice of a certified chiropractic clinical assistant in the state for at least one year immediately preceding appointment to the board.
4. Each consumer member appointed:
   a. Must be a resident of the state for at least five years immediately preceding appointment to the board.
   b. May not have personal or familial financial relationships to the chiropractic profession.
   c. May not be, and may not be a spouse of, a doctor of chiropractic, certified chiropractic clinical assistant, or licensed health care professional.
5. An individual appointed to the board as a certified chiropractic clinical assistant may not participate in any activities related to the clinical examination of chiropractic licensure applicants.
6. An individual appointed to the board as a consumer may not participate in any activities related to the clinical examination of chiropractic or certified chiropractic clinical assistant licensure applicants.

43-06-04. Board of chiropractic examiners - Members - Term of office.

1. Each member of the board shall qualify by taking the oath of office required of civil officers and shall hold office for a term of five years and until the member's successor is appointed and qualified. The terms of office of the members of the board must be so arranged that only one term expires on the thirty-first day of August of any year except:
   a. Every fifth year, the governor shall appoint a doctor of chiropractic and a certified chiropractic clinical assistant to the board.
   b. One year after the appointments in subdivision a, the governor shall appoint a doctor of chiropractic and a consumer member to the board.
2. A member may not serve for more than two consecutive five-year terms.
3. If a member of the board is absent from two consecutive regular meetings, the board may declare a vacancy. Vacancies on the board must be filled by appointment by the governor.

43-06-04.1. Powers and duties of board.

1. The board shall administer the provisions of this chapter and the administrative rules of the board relating to the practice of chiropractic. The board has all powers, rights, and duties as provided in chapter 28-32.
2. The board shall verify the qualifications of applicants for licenses to practice chiropractic and of applicants for certification to practice as a certified chiropractic clinical assistant. The board shall examine and renew the licenses or certification of duly qualified applicants.
3. The board shall regulate the practice of chiropractic and shall enforce the provisions of this chapter and the rules of the board. The board shall investigate complaints of violations and cause the prosecution of persons violating the provisions of this chapter or the administrative rules of the board.
4. The board may appoint a peer review committee and employ personnel and incur expenses as may be necessary for the performance of the board's duties and the enforcement of this chapter.
5. The board may inspect upon probable cause, at all reasonable times, any chiropractic office or place where chiropractic services are performed.
6. The board may set fees for licensure and renewal.
7. The board may adopt and amend rules and regulations, consistent with this chapter governing the practice of chiropractic and the diagnosis and treatment of patients, the enforcement of this chapter, and proper performance of the board's duties, including:
   a. A code of ethical conduct governing the practice of chiropractic.
   b. Requirements, standards, and examinations to determine the intellectual, educational, scientific, technical, and professional qualifications of applicants for license or certification.
   c. Matters pertaining to the content and conduct of examination.
   d. Matters pertaining to the operation and registration of chiropractic facilities.
   e. Matters pertaining to the practice and certification of chiropractic specialties by licensed doctors of chiropractic.
   f. The quantity, type, and character of postgraduate study to be done by any licensee in order to comply with this chapter.
   g. Set policies and procedures on what constitutes professional or unprofessional conduct.
   h. Any other rules or regulations as may be necessary to give this chapter full force and effect.

43-06-05. Meetings of board - When held - Place of meeting - Quorum - Officers - Seal - Compensation - Expenses - How paid.

The board shall hold regular meetings twice yearly at approximate six-month intervals and such special meetings as the board may deem necessary. The meetings must be held at such places as the board may designate. Four members of the board constitute a quorum. At the first meeting of the board of each calendar year, the members of the board shall elect from their

membership a president, vice president, and secretary-treasurer. Each shall hold office for one year and until a successor is elected and qualified. The board shall have a seal and may adopt appropriate rules necessary to carry out the provisions of this chapter. A member of the board shall receive compensation in an amount to be fixed by regulation of the board for each day or portion of a day spent in the discharge of duties, such mileage as is provided by section 54-06-09, and must be reimbursed for actual and necessary expenses incurred in the discharge of official duties in accordance with section 44-08-04. In addition to the compensation, expenses, and mileage, the secretary-treasurer of the board is entitled to receive such salary as must be fixed by a resolution of the board adopted at a regular meeting.

43-06-06. Fund - How disbursed - Where deposited.

Repealed by S.L. 1971, ch. 510, § 15.

43-06-07. Records of the board.

1. The board shall keep a record of all its proceedings and a register of applications for licenses to practice chiropractic showing:
   a. The name and location of the institution from which each applicant received the applicant's degree of doctor of chiropractic.
   b. The date when the degree of doctor of chiropractic was granted.
   c. Whether the applicant was licensed or rejected.
2. The board shall maintain a register of certified chiropractic clinical assistants. A register is prima facie evidence of all matters recorded in the register.

43-06-08. License required - Application - Examination required - Fee.

A person may not practice chiropractic in this state unless that person has a license from the state board of chiropractic examiners. A person who desires a license shall:

1. Apply to the board;
2. Submit an official transcript of successful completion of all required examinations;
3. Submit an official transcript and diploma from an approved and accredited doctor of chiropractic program. The applicant may submit an application while the applicant is enrolled in the applicant's last term but the board may not issue a license until the applicant has graduated and has provided the board with an official transcript and diploma as provided in this section; and
4. Pay to the board a fee, to be determined by the board from time to time, of an amount not to exceed five hundred dollars.

43-06-09. Chiropractor - Qualifications.

An applicant for licensure to practice chiropractic in this state must have a degree from or be enrolled in the last term of college at an approved and accredited doctor of chiropractic program.

43-06-09.1. Conviction not bar to licensure or certification - Exceptions.

Conviction of an offense does not disqualify a person from licensure or certification under this chapter unless the board determines that the offense has a direct bearing upon a person's ability to serve the public as a chiropractor or certified chiropractic clinical assistant, or that, following conviction of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1.

43-06-10. Examination - Subjects covered.

Repealed by S.L. 2021, ch. 307, § 14.

43-06-10.1. National board examination.

The board shall accept all parts of the national board examination, or its successor or equivalent, providing all other requirements are met.

43-06-11. License - When issued - Who issues - Title used by licensed chiropractor.

A license to practice chiropractic in this state must be issued by the board to an applicant who has submitted proof of the required qualifications and passed the required examination. A license to practice chiropractic may not be granted except upon the affirmative vote of at least a quorum of the board. A licensed chiropractor may use the title doctor of chiropractic, chiropractor, chiropractic physician, or D.C.

43-06-11.1. Criminal history record checks.

The board may require any applicant, licensee, or certificate holder under this chapter to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24. All costs associated with obtaining a criminal history record check are the responsibility of the applicant, licensee, or certificate holder.

43-06-12. Re-examination - Fee.

Repealed by S.L. 2021, ch. 307, § 14.

43-06-13. Term of license - Renewal - Fee - Requirements.

1. A license to practice chiropractic in this state is valid for one year and must be renewed on or before the first day of September of each year.
2. A renewal applicant shall pay a fee for renewal of a license. The fee for renewal of a license must be determined by the board from time to time, but may not exceed five hundred dollars.
3. The board shall establish by rule the number of hours necessary for annual continuing education.
4. The board shall establish by rule the accepted programs for the annual continuing education requirement.
5. A license that has not been renewed, as a result of nonpayment of annual registration fees required by this chapter or as a result of the failure by the licensee to attend the required annual continuing education, may be reinstated by procedure adopted by the board in administrative rules. In either case, the board may charge an additional administrative fee to be fixed by the board at the time of consideration of the reinstatement, not to exceed four hundred dollars.
6. In addition to the payment of fees, the board, after an investigation, may require a chiropractor whose license has not been renewed to submit to a re-examination as to the applicant's qualifications to practice chiropractic before the applicant is reinstated, if the board in the exercise of the board's discretion finds and determines the best interests of the public and the applicant will be served thereby.

43-06-14. License - How recorded.

Repealed by S.L. 1989, ch. 506, § 17.

43-06-14.1. Peer review of services and fees.

1. The board, upon receipt of a complaint, may appoint a peer review committee for the purpose of investigation of the matter and rendering an opinion thereon.
2. The peer review committee must be appointed by the board and function as its agent and may consist of different individuals for review of different cases.
3. The peer review committee shall investigate each inquiry submitted by the board. It shall examine such witnesses, review such patient and business records, and otherwise take whatever action is necessary to best ascertain the facts. It shall transmit all information it possesses to the board and shall report its findings to the board. The board shall furnish copies of the findings to the party making the complaint and to the chiropractor.
4. The determinations of the peer review committee must be presumed valid and may be considered as prima facie evidence in any further proceedings by the board.

5. The provision of treatment rendered to a patient by a chiropractor constitutes the consent of the chiropractor to the submission of all necessary records and other information concerning the treatment to the board or peer review committee.
6. The board may adopt rules it considers necessary and appropriate to implement the peer review system and activities established under this chapter.
7. All data and information, including patient records acquired by the board or the peer review committee, in the exercise of its duties and functions, are confidential and closed to the public. All board and peer review committee meetings wherein patient testimony or records are taken or reviewed are confidential and closed to the public.
8. Except a patient, any party, including any governmental agency, making a request under this section may be charged a fee by the board equal to the administration costs of performing the review.

43-06-15. Grounds for denial of licensure, revocation, or suspension of license or other action of the board - Signed written statement - Investigation - Hearing.

1. The board may deny an application for licensure and may revoke, suspend, or take such other action as provided in this section regarding the license of any chiropractor in this state who:
   a. Has a mental or physical condition such that the person is unable to safely engage in the practice of chiropractic.
   b. Has been declared incompetent or seriously mentally ill by a court of competent jurisdiction and thereafter has not been declared competent or released from supervision.
   c. Is suffering from alcoholism or drug addiction which endangers the public by impairing the chiropractor's ability to practice safely.
   d. Procured the license to practice by fraud or mistake.
   e. Has engaged in unprofessional or dishonorable conduct, including false or misleading advertising, rendering excessive or inappropriate treatment, or charging unconscionable fees.
   f. Has been convicted of a crime involving sexual misconduct, infliction of physical harm or bodily injury to another individual, corruption, dishonesty, illegal possession or distribution of drugs, or any crime that would affect the person's ability to practice as a licensed chiropractor. A copy of the record of conviction or plea of guilty or nolo contendere is conclusive evidence.
   g. Has aided, assisted, or enabled any unlicensed person to practice chiropractic contrary to this chapter or rule of the board.
   h. Has engaged in the practice of abortion.
   i. Has made use of any advertising statement of a character tending to deceive or mislead the public.
   j. Has failed to maintain a chiropractic facility in safe and sanitary conditions.
   k. Has incurred a disciplinary action, suspension, or revocation in another jurisdiction; has surrendered a license while a disciplinary complaint was pending in another jurisdiction; or has entered a settlement agreement to avoid or resolve a disciplinary complaint in another jurisdiction as a result of acts similar to acts described in this section or rule of the board. A certified copy of the board order in the other jurisdiction is conclusive evidence.
   l. Has committed any violation of the provisions of this chapter, the code of ethics, or rules as adopted by the board, including the failure to submit for physical or mental examination or to provide information as required by the board.
   m. Has practiced chiropractic while the license to practice was suspended or revoked.
   n. Has, while under probation, violated the terms of probation.
   o. Has failed to properly supervise a certified chiropractic clinical assistant or who has delegated duties to a certified chiropractic clinical assistant which are beyond the assistant's education or training or which are beyond the scope of practice of a certified chiropractic clinical assistant.

2. Any person, health care facility, business, or organization is immune from civil liability or criminal prosecution for submitting a signed written statement and other reports and information to the board under subsection 5 or for otherwise reporting to the board violations or alleged violations under this chapter. The reports are not public records.
3. Members of the board and persons employed by the board or engaged in the investigation or prosecution of violations and in the preparation and management of charges of violations of this chapter on behalf of the board, including members of any peer review committee, are immune from civil liability and criminal prosecution for any actions, transactions, or publications in the execution of, or relating to, their duties under this chapter.
4. A doctor of chiropractic who is the subject of an investigation by, or on behalf of, the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by, or on behalf of, the board relating to the subject of the investigation and providing copies of patient records or any pertinent information requested by the board, to assist the board in the board's investigation.
5. Any person, including a member of the board, may file a signed written statement and other reports and information with any member of the board against a licensed chiropractor charging the chiropractor with any of the offenses or conditions set forth in subsection 1. The statement must set forth a specification of the charges. When the statement has been filed, the board shall make an investigation as provided by subsection 6.
6. When the statement and other reports and information have been filed, the board shall notify the licensed chiropractor of the allegations and thereafter shall investigate to determine whether the allegations in the statement constitute a basis for further proceedings. The investigation must be conducted in such manner and at such time and place as in the judgment of the board will best ascertain the facts. The board may appoint a peer review committee. The board, in order to pursue the investigation, may subpoena and examine witnesses and records, including patient records, and copy, photograph, or take samples. The board may require the licensed chiropractor to give statements under oath, to submit to a physical or mental examination, or both, by a physician or physicians and other qualified evaluation professionals selected by the board if it appears to be in the best interests of the public that this evaluation be secured. The board may examine and review any relevant medical or psychological records, including test results and x-rays relative to the examination or treatment of the licensed chiropractor. A written request from the board constitutes authorization to release information. The medical or psychological information is not public record.
7. If, based on the investigation or report from a peer review committee, the board has reasonable cause to believe there is a basis for further proceedings, the board shall prepare a complaint and serve the complaint, along with a notice of hearing, on the licensed chiropractor and thereafter proceed with a hearing on the matter under chapter 28-32. All hearings must be held in Bismarck unless the board and the licensed chiropractor agree otherwise.
8. After the hearing, the board, under section 28-32-39, shall make and give notice of the board's determination or decision as to whether the offenses charged have been committed or the conditions charged do not exist. If the finding is in the negative, the board shall dismiss the charges. If the finding is in the affirmative, the board:
    a. Shall revoke the license;
    b. Shall suspend the licensee's right to practice for a period not to exceed one year;
    c. Shall suspend the board's judgment of revocation on terms and conditions determined by the board;
    d. Shall place the licensee on probation; or
    e. Shall take any other disciplinary action which the board in the board's discretion considers proper, including the ordering of an adjustment to a patient's bill or refund of an amount previously paid, including reasonable interest from the date of the order, to a patient or payer of any unconscionable fees for chiropractic services.

f. In addition to the actions imposed in subdivisions a through e, may:
   (1) Require payment of all costs of proceedings resulting in a disciplinary action, including administrative costs, investigation costs, attorney's fees, peer review committee costs, witness costs and fees, the costs of the offices of administrative hearings services, and court costs.
   (2) Impose a civil penalty not exceeding ten thousand dollars for each separate violation, to deprive the chiropractor of any economic advantage gained by reason of the violation found and to reimburse the board for the cost of the investigation and proceedings.

9. In cases of revocation, suspension, or probation, the board shall record the facts of the case and all actions of the board.
10. On the expiration of a term of suspension, the licensee must be reinstated by the board if the chiropractor applies to the board and furnishes evidence, satisfactory to the board, that the licensee is then of good character and conduct or restored to good health and the licensee has not practiced chiropractic during the term of suspension and is competent to practice in this state. If the evidence fails to establish those facts to the satisfaction of the board, the board may require the applicant to submit to an examination in accordance with this chapter or shall proceed to hearing on revocation with notice as provided in subsection 7.
11. Any licensed chiropractor may take corrective action or voluntarily relinquish the chiropractor's license to the board before a formal order of the board on such terms and conditions as may be agreed by the licensed chiropractor and the board.

43-06-16. Duties of chiropractor.

Every licensed chiropractor practicing in this state shall:

1. Observe all state and municipal regulations relating to the control of contagious and infectious diseases.
2. Sign death and birth certificates.
3. Sign certificates pertaining to public health.
4. Report to the proper health officer in the manner required of licensed physicians.

All certificates signed by a chiropractor licensed to practice in this state are of the same force and effect as those signed by other licensed physicians.

43-06-16.1. Certified chiropractic clinical assistant.

1. A person may not practice as a certified chiropractic clinical assistant or claim to be a chiropractic assistant without certification from the board. The fee for initial certification may not exceed one hundred dollars per year and must be set by the board from time to time. The board may grant a temporary certification to an initial applicant who is waiting for a criminal history background check to be completed. This temporary certification expires automatically upon the applicant receiving a regular certification or being notified the application has been denied.
2. To be certified to practice as a certified chiropractic clinical assistant, an applicant shall provide evidence satisfactory to the board the applicant:
   a. Graduated from high school, or holds a graduate equivalency degree.
   b. Is at least eighteen years of age.
   c. Successfully completed the certified chiropractic clinical assistant program and examination by the federation of chiropractic licensing boards.
   d. Successfully completed a criminal history record check as authorized by section 43-06-11.1.
   e. Completed an application in a manner and form provided by the board.
   f. Paid all applicable fees relative to the application process as determined by the board.
   g. Received practical experience to the extent required to demonstrate competency to safely provide patient care pertinent to the chiropractic office at which the certified chiropractic clinical assistant is employed.

3. A certified chiropractic clinical assistant who is certified in another jurisdiction may apply for certification. The applicant shall provide evidence satisfactory to the board the applicant:
   a. Has current practice privilege in good standing as a certified chiropractic clinical assistant or equivalent granted by at least one jurisdiction with requirements similar to or greater than the requirements of this board; and
   b. Presented to the board current documentation that any practice privilege granted by another jurisdiction as a certified chiropractic clinical assistant or equivalent has not been suspended, revoked, or otherwise restricted for any reason except nonrenewal.
4. A minimum passing examination result is required to obtain certification. The board may accept a chiropractic clinical assistant program examination such as the federation of chiropractic licensing board-certified chiropractic clinical assistant program examination or its board-approved successor or equivalent.
5. The fee for renewal of the certification may not exceed one hundred dollars per year and must be set by the board from time to time. A certificate in this state is valid for one year and must be renewed on or before March first of every year.
   a. A certified chiropractic clinical assistant shall obtain three hours of continuing education every year after the initial certification to renew certification. These hours must be a program or seminar approved by providers of approved continuing education, a seminar approved for continuing education by another state's board of chiropractic examiners or equivalent, or a seminar otherwise approved by the board. Proof of meeting continuing education requirements must be submitted with the certified chiropractic clinical assistant's renewal application.
   b. For an applicant who first receives initial certification between December first of the year immediately before renewal and March first, the certification is deemed to be automatically renewed on March first for an additional year without payment of an additional renewal fee.
6. A certified chiropractic clinical assistant must be under the direct supervision of a North Dakota licensed chiropractor in good standing with the board. Direct supervision means the oversight provided by the chiropractor over the clinical services performed by a certified chiropractic clinical assistant, and requires the chiropractor to be on the premises at all times and readily available to instruct the certified chiropractic clinical assistant throughout the performance of the clinical services.
7. The certified chiropractic clinical assistant may assist the chiropractor in patient care involving physiotherapy, electrotherapy, hydrotherapy, chiropractic rehabilitative therapy, administrative processes, and other activities as needed to assist in the practice of chiropractic. The certified chiropractic clinical assistant may perform delegated duties commensurate with the certified chiropractic clinical assistant's education and training, but may not evaluate, interpret, design, or modify established treatment programs of chiropractic care or violate any statute. Certified chiropractic clinical assistants may not participate in clinical decisionmaking, render manipulative chiropractic care, create or change the course of a chiropractic treatment plan, or represent themselves as independent health care providers. A certified chiropractic clinical assistant may not perform medical imaging unless also licensed under chapter 43-62.
8. The board may deny certification of an applicant, or may revoke, suspend, or take other appropriate disciplinary or corrective action regarding the certification of any certified chiropractic clinical assistant who:
   a. Has a mental or physical condition that renders the individual unable to safely engage in patient care.
   b. Has been declared incompetent by a court.
   c. Is suffering from alcoholism or drug addiction that endangers the public by impairing the certified chiropractic clinical assistant's ability to practice safely.
   d. Procured the certification to practice by fraud or mistake.
   e. Has engaged in unprofessional or dishonorable conduct.

f. Has been convicted of a crime involving sexual misconduct, infliction or physical harm or bodily injury to another individual, corruption, or dishonesty which would affect the certified chiropractic clinical assistant's ability to safely engage in patient care.
g. Has aided or assisted a noncertified individual to practice as a certified chiropractic clinical assistant.
h. Has made advertising statements that are deceiving or misleading to the public.
i. Has had disciplinary action taken in another jurisdiction.
j. Has committed any violation of regulations regarding chiropractic found in this chapter or rules adopted by the board.
k. Has practiced as a certified chiropractic clinical assistant while the certification was suspended or revoked.
l. Is found to have committed unprofessional conduct, which includes:
(1) Willfully harassing, abusing, or intimidating a patient either physically or verbally.
(2) Any conduct that has endangered or is likely to endanger the health or safety of the public.
(3) Conviction of a crime related to the qualification of a certified chiropractic clinical assistant.
(4) Conviction of a felony or any offense involving sexual misconduct, infliction of physical harm or bodily injury to another individual, dishonesty, or corruption.
(5) Conviction of violating any law or regulation concerning the dispensing or administration of narcotics, dangerous drugs, or controlled substances.
(6) Knowingly making or signing any false certificates related to the chiropractic care administered.
(7) Participation in any act of fraud.
(8) Except as required by law, the unauthorized disclosure of any information about a patient revealed or discovered during the course of examination or treatment.
(9) Delegating professional responsibilities to a person that is not certified to provide the services.
(10) Initiating or engaging in any sexual conduct, sexual activities, or sexualizing behavior involving a current patient even if the patient attempts to sexualize the relationship, except when the patient is the certified chiropractic clinical assistant's spouse or significant other.

9. Disciplinary procedures will be conducted in accordance with chapter 28-32, with the following provisions:
a. Complaints must be filed and signed in written form or may be considered by the board on the board's own motion.
b. The board shall notify the certified chiropractic clinical assistant and the employer regarding any complaints filed. Full and timely cooperation is required in the investigation.
c. The board may appoint a peer review committee at the board's discretion. The peer review committee has the same authority as a peer review committee appointed under section 43-06-14.1.
d. If the board finds probable cause to impose disciplinary action, the board shall prepare a complaint and serve the complaint to the certified chiropractic clinical assistant and employer.

10. Certification is not required for individuals who solely perform administrative activities of a nonclinical nature.

43-06-17. Right of chiropractor to practice in public and private hospitals and institutions.

A licensed chiropractor may practice under the same standards as other health practitioners in any public or private hospital or other institution in this state, when requested so to do by any patient or the guardian of any patient.

43-06-17.1. Temporary suspension - Appeal.

1. If based on verified evidence the board determines by a clear and convincing standard that the evidence presented to the board indicates that the continued practice by the chiropractor would create significant risk of serious and ongoing harm to the public while a disciplinary proceeding is pending, and that immediate suspension of the chiropractor's license is required to reasonably protect the public from the risk of harm, the board may order a temporary suspension ex parte. For purposes of this section, "verified evidence" means testimony taken under oath and based on personal knowledge. The board shall give prompt written notice of the suspension of the chiropractor, which must include a copy of the order and complaint, the date set for a full hearing, and, upon request, a specific description of the nature of the evidence, including a list of all known witnesses and a specific description of any documents relied upon by the board in ordering the temporary suspension must be made available to the chiropractor.
2. An ex parte suspension remains in effect until a final order is issued after a full hearing or appeal under this section or until the suspension is otherwise terminated by the board.
3. The board shall conduct a hearing on the merits of the allegations to determine what disciplinary action, if any, will be taken against the chiropractor who is the subject of the ex parte suspension. That hearing must be held not later than thirty days from the issuance of the ex parte temporary suspension order. The chiropractor is entitled to a continuance of the thirty-day period upon request for a period determined by the hearing officer.
4. The chiropractor may appeal the ex parte temporary suspension order before the full hearing. For purposes of appeal, the district court shall decide whether the board acted reasonably or arbitrarily. The court shall give priority to the appeal for prompt disposition.
5. Any medical record of a patient, or other document containing personal information about a patient, which is obtained by the board is an exempt record as defined in section 44-04-17.1.

43-06-18. State's attorney to enforce law.

The state's attorney of each county in this state shall enforce section 43-06-19 and prosecute all violations of this section, and the executive director of the board, under the direction of the board, shall aid in the enforcement of this chapter.

43-06-19. Penalty.

1. It is a class B misdemeanor for any person who fraudulently procures a license to practice chiropractic or who, without complying with the provisions of this chapter:
   a. Practices or attempts to practice chiropractic;
   b. Advertises as a chiropractor; or
   c. Uses the terms or letters, doctor of chiropractic, chiropractor, D.C., chiropractic physician, or any other title that will induce the belief that the person is engaged in the practice of chiropractic.
2. It is an infraction for any person that fraudulently procures a certification to practice as a certified chiropractic clinical assistant or that, without complying with the provisions of this chapter:
   a. Practices or attempts to practice as a certified chiropractic clinical assistant;
   b. Advertises as a certified chiropractic clinical assistant; or

c. Uses the terms or letters certified chiropractic clinical assistant, certified chiropractic clinical assistant, or any other title that will induce the belief the person is engaged in the practice of chiropractic as a certified chiropractic assistant.