Chapter 684

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Chiropractors

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GENERAL PROVISIONS

684.010 Definitions. As used in this chapter:

(1) "Active senior" means a person who:

(a) Is licensed under ORS 684.054;

(b) Is at least 60 years of age; and

(c) Has been in practice for 25 years or more.

(2) "Chiropractic" is defined as:

(a) That system of adjusting with the hands the articulations of the bony framework of the human body, and the employment and practice of physiotherapy, electrotherapy, hydrotherapy and minor surgery.

(b) The chiropractic diagnosis, treatment and prevention of body dysfunction; correction, maintenance of the structural and functional integrity of the neuromusculoskeletal system and the effects thereof or interferences therewith by the utilization of all recognized and accepted chiropractic diagnostic procedures and the employment of all rational therapeutic measures as taught in approved chiropractic colleges.

(3) "Chiropractic physician" means a person licensed by ORS 677.060, 684.025, 684.100, 684.155 or 688.010 to 688.201 and this section as an attending physician.

(4) "Drugs" means all medicines and preparations and all substances, except over-the-counter nonprescription substances, food, water and nutritional supplements taken orally, used or intended to be used for the diagnosis, cure, treatment, mitigation or prevention of diseases or abnormalities of humans, which are recognized in the latest editions of the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia, official National Formulary, or any supplement to any of them, or otherwise established as drugs.

(5) "Impaired chiropractic physician" means a chiropractic physician unable to practice chiropractic with reasonable skill and safety by reason of habitual or excessive use or abuse of drugs, alcohol or other substances that impair ability.

(6) "Minor surgery" means the use of electrical or other methods for the surgical repair and care incident thereto of superficial lacerations and abrasions, benign superficial lesions, and the removal of foreign bodies located in the superficial structures; and the use of antiseptics and local anesthetics in connection therewith. [Amended by 1953 c.541 §2; 1975 c.492 §1; 1987 c.726 §1; 1995 c.493 §1; 1997 c.264 §4; 2005 c.627 §17; 2007 c.618 §1]

684.015 Prohibited practices. (1) Without first complying with the provisions of this chapter, no person shall:

(a) Practice or attempt to practice chiropractic.

(b) Buy, sell or fraudulently obtain a diploma or license to practice chiropractic, whether recorded or not.

(c) Use the title "Chiropractic," "D.C.," "Chiropractor," "Chiropractic D.C.," or "Ph.C.," or any word or title to induce belief that the person is engaged in the practice of chiropractic.

(d) Place upon any door a sign for the purpose of displaying any of the titles mentioned in paragraph (c) of this subsection.

(2) The display of such titles or any of them fraudulently obtained is prima facie evidence that such person is fraudulently engaged in the practice of chiropractic and subject to this chapter.

(3) No person practicing under this chapter shall administer or write prescriptions for, or dispense drugs, practice optometry or naturopathic medicine or do major surgery. [Formerly 684.110]

684.020 License required to practice chiropractic; exceptions. (1) Except as provided in ORS 684.107, it is unlawful for any person to practice chiropractic in this state unless the person first obtains and maintains an active license, as provided in this chapter.

(2) Subsection (1) of this section shall not apply to a student of chiropractic engaging in clinical studies during the period of the student's enrollment in an institution authorized to confer a doctoral degree in chiropractic. The clinical studies may take place on the premises of the educational institution or in a clinical setting located off the premises of the institution if the facility, the institution staff and the course of study to be pursued off the premises of the educational institution meet minimum requirements for supervision and patient care prescribed by the rules of the State Board of Chiropractic Examiners and the clinical study is performed under the direct supervision of a member of the faculty of the institution. [Amended by 1991 c.892 §1; 1995 c.493 §2; 1995 c.499 §3; 2001 c.598 §1]

684.023 [1975 c.492 §11; 1985 c.354 §3; repealed by 1987 c.726 §2]

684.025 Application of chapter; rules. (1) This chapter does not prevent a person licensed under ORS 684.054 from the administration of the anesthetics or antiseptics authorized in ORS 684.010 or the use of radiopaque substances administered by mouth or rectum necessary for Roentgen diagnostic purposes.

(2) Neither this section nor ORS 684.010 authorizes the administration of any substance by the penetration of the skin or mucous membrane of the human body for a therapeutic purpose.

(3) This chapter does not prohibit a person licensed under ORS 684.054 from accepting a referral from a practitioner licensed under ORS chapter 686. The care rendered as a result of the referral must be in writing and in accordance with ORS 686.040 (4) and only as prescribed and diagnosed by a licensee under ORS chapter 686. The applicable standard of care is established under ORS chapter 686.

(4)(a) This chapter does not prevent a person licensed under ORS 684.054 from providing emergency first aid, including administering emergency oxygen.

(b) A person may not administer emergency oxygen unless the person has received training in the administration of oxygen. The State Board of Chiropractic Examiners shall adopt rules that establish training requirements.

(c) As used in this subsection, "emergency oxygen" means oxygen delivered at a minimum flow rate for a specified period of time as determined and regulated by the United States Food and Drug Administration. [Formerly 684.115; 1987 c.726 §4; 1997 c.264 §5; 2007 c.618 §2]

684.030 Application of public health laws. Chiropractic physicians shall observe and be subject to all state and municipal regulations relating to the control of contagious and infectious diseases, sign birth and death certificates, and report all matters pertaining to public health to the proper health officers the same as other practitioners.

684.035 Chapter not applicable to other methods of healing. Nothing in this chapter shall be construed to interfere with any other method or science of healing in this state. [Formerly 684.120]

LICENSING

684.040 Application for license; qualifications; fees. (1) Any person applying for a license to practice chiropractic in this state shall make application to the State Board of Chiropractic Examiners, upon such form and in such manner as may be provided by the board. The application must be accompanied by nonrefundable fees of:

(a) $150; and

(b) The amount established by the board by rule under ORS 181.534.

(2) Each applicant shall furnish to the board:

(a) Evidence satisfactory to the board of the applicant's good moral character.

(b) A certificate of proficiency in the fundamental sciences (Part I, taken subsequent to January 1, 1971) issued to the applicant by the National Board of Chiropractic Examiners.

(c) Evidence of successful completion of at least two years of liberal arts and sciences study, in any college or university accredited by either the Northwest Association of Schools and Colleges or a like regional association or in any college or university in Oregon approved for granting degrees by the Oregon Student Assistance Commission.

(d) A diploma and transcript, certified by the registrar, or other documents satisfactory to the board evidencing graduation from a chiropractic school or college approved by the board under the board's academic standards, or from a school accredited by the Council on Chiropractic Education or its successor agency, under standards that are accepted and adopted biennially by the board in the version applied to that school by the accrediting agency.

(e) A statement of any other health care provider license in this state held by the applicant, with identifying information required by the board.

(3) The board may waive the requirements of subsection (2)(c) of this section for any applicant for a license to practice chiropractic if the applicant is licensed in another state and practiced chiropractic in that state, but the applicant must pass the examination authorized by ORS 684.050 or by ORS 684.052. [Amended by 1953 c.432 §2; 1969 c.191 §1; 1973 c.31 §4; 1975 c.492 §2; 1985 c.354 §4; 1987 c.376 §1; 1989 c.805 §1; 1991 c.300 §1; 1991 c.892 §2; 1995 c.493 §3; 1997 c.264 §6; 1997 c.652 §41; 2005 c.730 §84]

684.050 Examination; reexamination fee. (1) Examinations for license to practice chiropractic shall be made by the State Board of Chiropractic Examiners according to the method deemed to be the most practicable to test the applicant's qualifications.

(2) The board shall give an examination on subjects described in subsection (3) of this section. The board shall determine the passing score. The applicant shall, however, be given credit for all sections passed. The board may authorize an applicant to retake all or part of an examination upon payment of a fee not to exceed $100.

(3) The schedule of minimum educational requirements to enable any person to practice chiropractic in this state includes the basic science subjects of anatomy, physiology, chemistry, pathology and public health and hygiene; also the clinical subjects of physical diagnosis, differential diagnosis, lab-

oratory diagnosis, theory and practice of chiropractic, nutrition and dietetics, physiotherapy, electrotherapy, hydrotherapy, chiropractic orthopedics, written and practical roentgenology, eye-ear-nose-throat, proctology, obstetrics and gynecology, minor surgery, jurisprudence, psychology, office procedure and other subjects that the board may, from time to time, require, except internal medicine and major surgery. The minimum number of academic hours in an approved chiropractic college may not be less than 4,200 or the equivalent requirement in semester or quarter credits. The board may recognize a national chiropractic testing agency for grades received in both basic science and clinical subjects. [Amended by 1975 c.492 §3; 1987 c.376 §2; 1991 c.300 §2; 1995 c.493 §4; 1997 c.264 §7; 2007 c.618 §3]

684.052 Use of nationally administered test. In lieu of an examination in any or all required subjects, the State Board of Chiropractic Examiners may accept a passing grade on a test administered by a national testing agency approved by the board if the test is no less strict than a test administered under ORS 684.050. [1969 c.191 §7]

684.054 Issuing license; ancillary personnel; fees; notification of address change required. (1) Upon complying with ORS 684.040, and earning a passing grade on the examination authorized by ORS 684.050 or 684.052, an applicant shall be licensed as a chiropractic physician upon payment of a fee of $100 unless the State Board of Chiropractic Examiners refuses to grant the license on grounds specified in ORS 684.100.

(2) Every chiropractic physician shall promptly notify the board of any change in the professional address of the chiropractic physician.

(3) After meeting the standards of the board established under ORS 684.155 for ancillary personnel, an applicant shall be certified as ancillary personnel upon payment of a fee of $50. The annual renewal fee for the certificate is $50. In addition, the board may charge an application fee of $25 and an examination fee of $35. [1969 c.191 §3; 1989 c.805 §2; 1991 c.300 §3]

684.060 Reciprocity; fee. A person licensed to practice chiropractic under the laws of any other state who demonstrates to the satisfaction of the State Board of Chiropractic Examiners that the person possesses qualifications at least equal to those required of persons eligible for licensing under this chapter and who meets the requirements of ORS 684.040 may be issued a license to practice in this state without examination upon payment of a fee of $100. In addition, the board may fix the minimum number of years of practice required to qualify for a license under this section. [Amended by 1969 c.191 §4; 1991 c.300 §4; 1991 c.892 §5]

684.070 [Repealed by 1975 c.492 §12]

684.080 [Repealed by 1975 c.492 §12]

684.090 Annual registration; fees; rules; failure to renew license. (1) In addition to meeting the requirements of ORS 684.092, each person practicing chiropractic within this state shall, on or before the renewal date of each year after a license is issued to the person, pay to the State Board of Chiropractic Examiners an annual registration fee in an amount determined by rule of the State Board of Chiropractic Examiners and approved by the Oregon Department of Administrative Services.

(2) The maximum annual registration fee for a person actively practicing chiropractic may not exceed $300.

(3) The maximum annual registration fee for a person not actively practicing chiropractic may not exceed $175.

(4) The maximum annual registration fee for an active senior may not exceed 75 percent of the annual active registration fee.

(5) The board, at least 30 days prior to the renewal date, shall mail to the last-known professional address of each licensed chiropractor in this state a notice of the requirements of ORS 684.092 and that the registration fee will be due on or before the renewal date next following.

(6) The annual registration fee is payable only by personal, corporate or certified check, by money order or by credit card.

(7) The failure, neglect or refusal of any person holding a license or certificate to practice under this chapter to pay the annual fee and to show compliance with or exemption from the requirement of ORS 684.092 during the time the license remains in force shall cause the license to expire after a period of 30 days from the renewal date of the year for which the failure occurs.

(8) The licenses not renewed on time shall not be renewed except upon written application and a payment to the board of the fee for the license category plus a delinquent fee of $100 for each week or portion thereof, not to exceed $500, and upon compliance with or exemption from the requirements of ORS 684.092. A licensee who pays the annual renewal fee and shows compliance or exemption within 12 months of the expiration date of the license shall not be required to submit to an examination for the reissuance of a license. [Amended by 1957 c.40 §1; 1969 c.191 §8; 1971 c.14 §2; 1974 c.48 §1; 1975 c.492 §4; 1989 c.805 §3; 1991 c.300 §5; 1991 c.892 §6; 1995 c.493 §5; 1997 c.264 §8; 2001 c.598 §2; 2001 c.745 §1; 2007 c.618 §4]

684.092 Completion of continuing education and pain management program required; exemptions. (1) Except as provided in subsection (3) of this section, a chiropractic physician submitting a fee under ORS 684.090 shall, at the same time, verify with satisfactory evidence the successful completion of approved continuing chiropractic education during the preceding 12-month period as provided in subsection (2) of this section and completion, or documentation of previous completion, of:

(a) A pain management education program approved by the State Board of Chiropractic Examiners and developed in conjunction with the Pain Management Commission established under ORS 409.500; or

(b) An equivalent pain management education program, as determined by the board.

(2) A chiropractic physician submitting a fee under ORS 684.090 shall verify completion during the previous 12-month period of:

(a) At least 20 hours of approved continuing chiropractic education, for a person actively practicing chiropractic.

(b) At least six hours of approved continuing chiropractic education, for an active senior.

(3) The State Board of Chiropractic Examiners may exempt a chiropractic physician from the requirements of subsection (1) of this section upon an application by the chiropractic physician showing by evidence satisfactory to the board that the chiropractic physician is unable to comply with the requirements because of unusual or extenuating circumstances or because no program has been approved by the board. [1969 c.191 §5; 1995 c.79 §345; 1995 c.493 §6; 1997 c.264 §9; 2001 c.987 §16; 2007 c.618 §5]

684.094 Procedure for approving continuing education courses. (1) The State Board of Chiropractic Examiners shall require a person seeking approval of a program of continuing chiropractic education to submit proof that the course complies with the continuing education requirements established by the board.

(2) The board may approve any program covering new, review, experimental, research or specialty subjects in the field of chiropractic to be presented by persons reasonably qualified to do so.

(3) Approval granted to a program under subsection (2) of this section shall be reviewed periodically and approval shall be withdrawn from a program that fails to meet the requirements of the board. [1969 c.191 §6; 1991 c.892 §15; 1995 c.493 §7; 1997 c.264 §10]

684.100 Grounds for discipline of licensee or refusal to license; restoration; suspension; competency examinations; confidential information. (1) The State Board of Chiropractic Examiners may refuse to grant a license to any applicant or may discipline a person upon any of the following grounds:

(a) Fraud or misrepresentation.

(b) The practice of chiropractic under a false or assumed name.

(c) The impersonation of another practitioner of like or different name.

(d) A conviction of a felony or misdemeanor involving moral turpitude. A copy of the record of conviction, certified to by the clerk of the court entering the conviction, is conclusive evidence of the conviction.

(e) Commitment to a mental institution. A copy of the record of commitment, certified to by the clerk of the court entering the commitment, is conclusive evidence of the commitment.

(f) Habitual intemperance in the use of intoxicants or controlled substances to such an extent as to incapacitate the person from the performance of professional duties.

(g) Unprofessional or dishonorable conduct, including but not limited to:

(A) Any conduct or practice contrary to recognized standard of ethics of the chiropractic profession or any conduct or practice that does or might constitute a danger to the health or safety of a patient or the public or any conduct, practice or condition that does or might impair a physician's ability safely and skillfully to practice chiropractic.

(B) Willful ordering or performance of unnecessary laboratory tests or studies; administration of unnecessary treatment; failure to obtain consultations or perform referrals when failing to do so is not consistent with the standard of care; or otherwise ordering or performing any chiropractic service, X-ray or treatment that is contrary to recognized standards of practice of the chiropractic profession.

(C) Gross malpractice or repeated malpractice.

(h) Failing to notify the board of a change in location of practice as provided in ORS 684.054.

(i) Representing to a patient that a manifestly incurable condition of sickness, disease or injury can be permanently cured.

(j) The use of any advertising making untruthful, improper, misleading or deceptive statements.

(k) The advertising of techniques or modalities to infer or imply superiority of

treatment or diagnosis by the use thereof that cannot be conclusively proven to the satisfaction of the board.

(L) Knowingly permitting or allowing any person to use the license of the person in the practice of any system or mode of treating the sick.

(m) Advertising either in the name of the person or under the name of another person, clinic or concern, actual or pretended, in any newspaper, pamphlet, circular or other written or printed paper or document, professing superiority to or a greater skill than that possessed by other chiropractic physicians that cannot be conclusively proven to the satisfaction of the board.

(n) Aiding or abetting the practice of any of the healing arts by an unlicensed person.

(o) The use of the name of the person under the designation, "Doctor," "Dr.," "D.C.," "Chiropractor," "Chiropractic D.C.," "Chiropractic Physician," or "Ph.C.," or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise.

(p) The advertising or holding oneself out to treat diseases or other abnormal conditions of the human body by any secret formula, method, treatment or procedure.

(q) Violation of any provision of this chapter or any rule adopted thereunder.

(r) Gross incompetency or gross negligence.

(s) The suspension or revocation by another state of a license to practice chiropractic, based upon acts by the licensee similar to acts described in this section. A certified copy of the record of suspension or revocation of the state making the suspension or revocation is conclusive evidence thereof.

(t) Failing to give prior notice to patients of the permanent or temporary closure of the physician's practice or failing to give reasonable access to the records and files of the physician's patients at any time.

(u) The suspension or revocation by another licensing board in the state of a license to practice as another type of health care provider.

(v) An act or conduct that results in a judgment of wrongdoing by a court of competent jurisdiction in any state or a finding of wrongdoing in an administrative proceeding in any state. The act or conduct must be rationally connected to the ability to practice chiropractic or chiropractic assisting.

(2) The board may, at any time two years or more after the refusal, revocation or cancellation of registration under this section, by a majority vote, issue a license restoring to or conferring on the person all the rights and privileges of the practice of chiropractic as defined and regulated by this chapter. Any person to whom those rights have been restored shall pay to the board the annual registration fee for the license category plus one-half thereof.

(3) If the board determines that a chiropractic physician's continuation in practice would constitute a serious danger to the public, the board may suspend the license of the chiropractic physician without a hearing. Simultaneously with the order of suspension, the board must institute proceedings for a hearing provided under this section and the suspension may continue unless injunctive relief is obtained from a court of competent jurisdiction showing just cause or undue burden under the circumstances existing.

(4) If a physician refuses a written request for an informal interview with the board, the board shall have grounds to suspend or revoke the license of a physician pursuant to this section.

(5) Prior to or following an informal interview as described in this section, the board may request any Oregon licensed chiropractic physician in good standing to assist the board in preparing for or conducting any professional competency examination as the board may deem appropriate.

(6) Notwithstanding any other provisions of ORS 684.010, 684.040, 684.050, 684.090, 684.100, 684.112, 684.130, 684.150 and 684.155, the board may at any time direct and order a professional competency examination limited to the area of practice out of which a specific complaint has arisen and make an investigation, including the taking of depositions or otherwise in order to fully inform itself with respect to the performance or conduct of a physician licensed under ORS 684.010, 684.040, 684.050, 684.090, 684.100, 684.112, 684.130, 684.150 and 684.155.

(7) If the board has reasonable cause to believe that any:

(a) Chiropractic physician is or may be unable to practice with reasonable skill and safety to patients, the board may:

(A) Cause a competency examination of the physician for purposes of determining the physician's fitness to practice chiropractic with reasonable skill and safety to patients; or

(B) Require the fingerprints and relevant personal history data of the physician for the purpose of requesting a state or nationwide criminal records check under ORS 181.534.

(b) Person certified to provide physiotherapy, electrotherapy or hydrotherapy pursuant to ORS 684.155 (1)(c) is or may be unable to provide the therapies with rea-

sonable skill and safety to patients, the board may:

(A) Cause a competency examination of the person for purposes of determining the person's fitness to provide the therapies with reasonable skill and safety to patients; or

(B) Require the fingerprints and relevant personal history data of the person for the purpose of requesting a state or nationwide criminal records check under ORS 181.534.

(8) Refusal by any person to take or appear for a competency examination scheduled by the board or to submit fingerprints and relevant personal history data as required by the board under subsection (7) of this section shall constitute grounds for disciplinary action.

(9) In disciplining a person as authorized by subsection (1) of this section, the board may use any or all of the following methods:

(a) Suspend judgment.

(b) Place the person on probation.

(c) Suspend the license of the person to practice chiropractic in this state.

(d) Revoke the license of the person to practice chiropractic in this state.

(e) Place limitations on the license of the person to practice chiropractic in this state.

(f) Impose a civil penalty not to exceed $10,000.

(g) Take other disciplinary action as the board in its discretion finds proper, including assessment of the costs of the disciplinary proceedings.

(10)(a) Any information that the board obtains pursuant to ORS 684.100, 684.112 and 684.155 (9) is confidential as provided under ORS 676.175.

(b) Any person who reports or provides information to the board under ORS 684.090, 684.100, 684.112, 684.150 and 684.155 and who provides information in good faith shall not be subject to an action for civil damages as a result thereof. [Amended by 1953 c.556 §2; 1971 c.734 §129; 1973 c.265 §1; 1975 c.492 §5; 1979 c.744 §56; 1985 c.354 §5; 1987 c.376 §3; 1987 c.726 §3; 1989 c.224 §135; 1989 c.565 §1; 1991 c.892 §7; 1997 c.791 §36; 2005 c.730 §§45,84b; 2007 c.618 §6]

684.103 Diversion program for impaired chiropractic physicians. (1) In addition to or instead of any disciplinary action under ORS 684.100, the State Board of Chiropractic Examiners may refer an impaired chiropractic physician to a board-approved diversion program.

(2) The program administrator shall report to the board and provide all pertinent information concerning an impaired chiropractic physician who is referred to the program. [1997 c.264 §3]

Note: 684.103 was added to and made a part of ORS chapter 684 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

684.105 Discipline procedure; review of board orders. (1) Where the State Board of Chiropractic Examiners proposes to refuse to issue a license, or proposes to revoke or suspend a license, opportunity for hearing shall be accorded as provided in ORS chapter 183.

(2) Judicial review of orders under subsection (1) of this section shall be in accordance with ORS chapter 183. [1971 c.734 §131]

684.107 Exemption from licensure requirement for person licensed in another state. A person licensed to practice chiropractic under the laws of another state is exempt from the licensure requirement in ORS 684.020 if that person:

(1) Is practicing in Oregon on a single, temporary assignment for a specific sporting, performing arts or educational event not to exceed 15 days; and

(2) Is actively engaged in the practice of chiropractic in the state in which the person is licensed. [1995 c.499 §2]

684.110 [Amended by 1953 c.541 §2; renumbered 684.015]

684.112 Records of chiropractor also licensed to practice other healing art; submission to board. A person licensed under this chapter, who is also licensed to practice any other healing art, shall maintain in-office and patient records and files, the services provided to the patient, diagnostic and therapeutic procedures employed, the nature of such procedures and services and whether such procedures and services were rendered as a chiropractor. Such records pertaining to a specific complaint shall be submitted to the State Board of Chiropractic Examiners for inspection at its request. [1975 c.492 §8]

684.115 [1953 c.541 §2; renumbered 684.025]

684.120 [Renumbered 684.035]

STATE BOARD

684.130 State Board of Chiropractic Examiners; appointment, qualifications, terms and removal of members; confirmation. (1) There is established the State Board of Chiropractic Examiners. The board shall be composed of five chiropractors and two public members who are residents of this state. The chiropractor members must have practiced chiropractic in this state for five years prior to appointment. Annually, upon the expiration of the term of any members of the board, the Governor shall appoint one or more qualified persons to the board to serve for a period of three years.

(2) The Governor shall fill vacancies on the board, occasioned by death or otherwise. Upon sufficient proof to the Governor of the inability or misconduct of a member of the board, the member shall be dismissed and the Governor shall appoint as successor a person qualified to fill the vacancy.

(3) All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. [Amended by 1971 c.650 §33; 1973 c.792 §39; 1975 c.492 §10; 1991 c.892 §8; 1997 c.264 §11; 2007 c.618 §7]

684.140 Officers of board. The State Board of Chiropractic Examiners shall annually elect a president, a vice president and a secretary-treasurer from its membership. The board shall keep a record of the proceedings of the board which shall be open to public inspection at all times during business hours. [Amended by 1991 c.892 §9]

684.150 Powers and duties of board; rules. (1) The State Board of Chiropractic Examiners shall adopt a seal which shall be affixed to all licenses issued by it. The board shall from time to time adopt such rules as it deems proper and necessary for the administration of this chapter and the performance of its work. Upon receipt of a complaint, the board has authority to make investigations, administer oaths, take affidavits, summon witnesses, and require the production of evidence, documents and records pertaining to the complaint. The board may also take testimony as to matters pertaining to its duties and for the administration of this chapter. A majority of the board constitutes a quorum.

(2) The board shall meet as a board of examiners during the months of January and July each year on such days and at such times and places as may be found necessary for the performance of its duties.

(3) The board shall adopt a schedule of minimum educational requirements, which shall be without prejudice or discrimination as to the different colleges teaching chiropractic. [Amended by 1975 c.492 §6; 1987 c.376 §4; 2001 c.598 §2a]

684.155 Additional powers of board; rules. In addition to any other powers granted by this chapter, the State Board of Chiropractic Examiners may:

(1) Adopt necessary and proper rules:

(a) Establishing standards and tests to determine the moral, intellectual, educational, scientific, technical and professional qualifications of applicants for licenses to practice in this state.

(b) To enforce the provisions of this chapter and to exercise general supervision over the practice of chiropractic within this state.

(c)(A) To establish standards and procedures to certify ancillary personnel as qualified to provide physiotherapy, electrotherapy or hydrotherapy under the direction of a chiropractic physician, and to establish continuing education requirements as a condition of maintaining such certification.

(B) As used in this paragraph, "ancillary personnel" means a chiropractic physician's staff personnel who are directed or designated, by spoken or written words or other means, to follow and carry out the chiropractic physician's orders or directions.

(2) Issue, deny, suspend and revoke licenses and limited licenses, assess costs of proceedings and place persons on probation as provided in this chapter.

(3) Without the necessity of prior administrative proceedings or hearing and entry of an order or at any time during such proceedings if they have been commenced, institute proceedings to enjoin the practice of any person operating in violation of this chapter.

(4) Make its personnel and facilities available to other regulatory agencies of this state, or other bodies interested in the development and improvement of the practice of chiropractic in this state, upon such terms and conditions for reimbursement as are agreed to by the board and the other agency or body.

(5) Determine the chiropractic schools, colleges and institutions and the training acceptable in connection with licensing under this chapter and approve residency, internship and other training programs carried on by chiropractic schools, colleges or institutions or chiropractic facilities.

(6) Prescribe the time, place, method, manner, scope and subjects of examinations under this chapter.

(7) Prescribe all forms that it considers appropriate for the purposes of this chapter, and require the submission of photographs and relevant personal history data by applicants for licenses to practice chiropractic in this state.

(8) For the purpose of requesting a state or nationwide criminal records check under ORS 181.534 require each applicant for a license or certification, or renewal of a license or certification, to be fingerprinted.

(9) Subject to ORS 684.150, administer oaths, issue notices and subpoenas in the name of the board, enforce subpoenas in the manner authorized by ORS 183.440, hold hearings and perform such other acts as are reasonably necessary to carry out its duties under this chapter.

(10) Establish specialty certificate requirements within the practice of chiropractic, adopt rules applicable to specialty certification and require specialty certification for chiropractic physicians engaging in practices identified by the board as requiring specialty certification. [1975 c.492 §9; 1987 c.726 §11; 1989 c.805 §4; 1991 c.892 §10; 1995 c.493 §8; 1997 c.264 §12; 2001 c.598 §2b; 2005 c.730 §46]

684.156 Continuing authority of board upon lapse, suspension, revocation or voluntary surrender of license. The lapse, suspension or revocation of a license issued under ORS chapter 684 by the operation of law or by order of the State Board of Chiropractic Examiners or by the decision of a court of law, or the voluntary surrender of a license by a licensee, shall not deprive the board of jurisdiction to proceed with any investigation of or any action or disciplinary proceeding against the licensee or to revise or render null and void an order of disciplinary action against the licensee. [2001 c.598 §5]

Note: 684.156 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 684 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

684.157 Power of board to contract for diversion program; adoption of program rules. The State Board of Chiropractic Examiners may enter into contracts to make services available to impaired chiropractic physicians and may, in accordance with ORS chapter 183, adopt rules for the administration of a diversion program for impaired chiropractic physicians. [1997 c.264 §2]

684.160 Compensation and expenses of board members. (1) A member is entitled to compensation and expenses as provided in ORS 292.495.

(2) Such per diem and mileage, and other incidental expenses necessarily connected with the State Board of Chiropractic Examiners shall be paid out of the account of the State Board of Chiropractic Examiners and not otherwise. [Amended by 1967 c.10 §2; 1969 c.314 §85]

684.170 [Amended by 1967 c.637 §31; repealed by 1973 c.427 §25 (684.171 enacted in lieu of 684.170)]

684.171 State Board of Chiropractic Examiners Account. All moneys received by the State Board of Chiropractic Examiners under this chapter shall be paid into the General Fund in the State Treasury and placed to the credit of the State Board of Chiropractic Examiners Account which is hereby established and such moneys are appropriated continuously and shall be used only for the administration and enforcement of this chapter. [1973 c.427 §26 (enacted in lieu of 684.710); 1991 c.892 §11]

684.180 [Repealed by 1969 c.191 §10]

684.185 Peer review committees; duties; appointment; confidentiality of information. (1) The State Board of Chiropractic Examiners shall appoint and form peer review committees. The peer review committee shall evaluate complaints against chiropractic physicians that are referred to it by the board and report to the board regarding those complaints.

(2) The members of a peer review committee shall be appointed from among those in the profession who are in active practice with five or more years of practice representing various geographic areas in this state. Members shall be representative of affiliated and nonaffiliated chiropractic physicians and representative of various aspects of the practice of chiropractic. To be appointed a member must receive at least four votes from members of the state board. Members shall serve three-year terms. No member may serve more than two consecutive terms.

(3) The peer review process shall be governed by rules of the state board adopted pursuant to ORS chapter 183. The state board shall provide appropriate training for members of peer review committees.

(4) Members of a peer review committee acting pursuant to this section are agents of the state board and are subject to provisions of ORS 30.260 to 30.300.

(5) Peer review shall not be used to replace independent medical examinations.

(6) Upon receipt of a complaint under this chapter, the peer review committee shall conduct an investigation as described under ORS 676.165.

(7) Any information provided to a peer review committee in the performance of its duties is confidential and shall not be subject to public disclosure or admissible as evidence in any judicial proceeding, except that as a part of a peer review report, this information may be disclosed to the state board and the person being reviewed who may then use the information in any disciplinary or court proceeding brought by the board. Peer review committee information that becomes part of the record of a board investigation into licensee or applicant conduct or part of a contested case proceeding, consent order or stipulated agreement involving licensee or applicant conduct is confidential as provided under ORS 676.175.

(8) Any person who reports or provides information to a peer review committee in the performance of its duties and who provides information in good faith shall not be subject to an action for civil damages as a result thereof. [1987 c.376 §5; 1991 c.892 §12; 1997 c.264 §13; 1997 c.791 §37; 2001 c.598 §3]

Note: 684.185 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 684 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

ENFORCEMENT

684.190 Enforcement of chapter. (1) The district attorneys shall prosecute all persons charged with violation of any of the provisions of this chapter. The executive director of the State Board of Chiropractic Examiners, under the direction of the board, shall aid the district attorneys in the enforcement of this chapter.

(2) The justice courts of the several counties have concurrent jurisdiction with the circuit courts in the enforcement of this chapter. [Amended by 1991 c.892 §13; 1995 c.658 §113]

684.200 Report of suspected violation; confidentiality of information; liability of supplier. (1) Any licensee licensed by the State Board of Chiropractic Examiners shall, and any other person may, report to the board any suspected violations of this chapter.

(2) Information pertaining to the report required by subsection (1) of this section shall remain confidential and not be subject to public disclosure except as considered necessary by the board in the enforcement of this chapter.

(3) Any person who reports or provides information to the board under this section in good faith shall not be subject to an action for civil damages as a result thereof. [1985 c.354 §7; 1991 c.892 §14]

PENALTIES

684.990 Penalties. Violation of ORS 684.020 (1) is a Class A misdemeanor. [Amended by 2001 c.598 §4]