

Missouri Revised Statutes

Chapter 331 Chiropractors

August 28, 2008

Practice of chiropractic, definition.

331.010. 1. The "practice of chiropractic" is defined as the science and art of examination, diagnosis, adjustment, manipulation and treatment both in inpatient and outpatient settings, by those methods commonly taught in any chiropractic college or chiropractic program in a university which has been accredited by the Council on Chiropractic Education, its successor entity or approved by the board. It shall not include the use of operative surgery, obstetrics, osteopathy, podiatry, nor the administration or prescribing of any drug or medicine nor the practice of medicine. The practice of chiropractic is declared not to be the practice of medicine and operative surgery or osteopathy within the meaning of chapter 334, RSMo, and not subject to the provisions of the chapter.

2. The practice of chiropractic may include meridian therapy/acupressure/acupuncture with certification as required by the board.

(RSMo 1939 § 10051, A.L. 1969 H.B. 85, A.L. 1982 S.B. 520, A.L. 1995 S.B. 69, et al., A.L. 2004 H.B. 1246, A.L. 2007 H.B. 780 merged with S.B. 308)

Prior revision: 1929 § 13546

Construing terms of this chapter.

331.020. Whenever in this chapter occurs the word "board", or "the board", such words shall be construed to mean the state board of chiropractic examiners.

(RSMo 1939 § 10061)

Prior revision: 1929 § 13556

Application for license, requirements, fees--reciprocity--rulemaking, procedure.

331.030. 1. No person shall engage in the practice of chiropractic without having first secured a chiropractic license as provided in this chapter.

2. Any person desiring to procure a license authorizing the person to practice chiropractic in this state shall be at least twenty-one years of age and shall make application on the form prescribed by the board. The application shall contain a statement that it is made under oath or affirmation and that representations contained thereon are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration, and shall give the applicant's name, address, age, sex, name of chiropractic schools or colleges which the person attended or of which the person is a graduate, and such other reasonable information as the board may require. The applicant shall give evidence satisfactory to the board of the successful completion of the educational requirements of this chapter, that the applicant is of good moral character, and that the chiropractic school or college of which the applicant is a graduate is teaching chiropractic

in accordance with the requirements of this chapter. The board may make a final determination as to whether or not the school from which the applicant graduated is so teaching.

3. Before an applicant shall be eligible for licensure, the applicant shall furnish evidence satisfactory to the board that the applicant has received the minimum number of semester credit hours, as required by the Council on Chiropractic Education, or its successor, prior to beginning the doctoral course of study in chiropractic. The minimum number of semester credit hours applicable at the time of enrollment in a doctoral course of study must be in those subjects, hours and course content as may be provided for by the Council on Chiropractic Education or, in the absence of the Council on Chiropractic Education or its provision for such subjects, such hours and course content as adopted by rule of the board; however in no event shall fewer than ninety semester credit hours be accepted as the minimum number of hours required prior to beginning the doctoral course of study in chiropractic. The examination applicant shall also provide evidence satisfactory to the board of having graduated from a chiropractic college having status with the Commission on Accreditation of the Council on Chiropractic Education or its successor. Any senior student in a chiropractic college having status with the Commission on Accreditation on the Council on Chiropractic Education or its successor may take a practical examination administered or approved by the board under such requirements and conditions as are adopted by the board by rule, but no license shall be issued until all of the requirements for licensure have been met.

4. Each applicant shall pay upon application an application or examination fee. All moneys collected pursuant to the provisions of this chapter shall be nonrefundable and shall be collected by the director of the division of professional registration who shall transmit it to the department of revenue for deposit in the state treasury to the credit of the chiropractic board fund. Any person failing to pass a practical examination administered or approved by the board may be reexamined upon fulfilling such requirements, including the payment of a reexamination fee, as the board may by rule prescribe.

5. Every applicant for licensure by examination shall have taken and successfully passed all required and optional parts of the written examination given by the National Board of Chiropractic Examiners, including the written clinical competency examination, under such conditions as established by rule of the board, and all applicants for licensure by examination shall successfully pass a practical examination administered or approved by the board and a written examination testing the applicant's knowledge and understanding of the laws and regulations regarding the practice of chiropractic in this state. The board shall issue to each applicant who meets the standards and successful completion of the examinations, as established by rule of the board, a license to practice chiropractic. The board shall not recognize any correspondence work in any chiropractic school or college as credit for meeting the requirements of this chapter.

6. The board shall issue a license without examination to persons who have been regularly licensed to practice chiropractic in any other state, territory, or the District of Columbia, or in any foreign country, provided that the regulations for securing a license in the other jurisdiction are equivalent to those required for licensure in the state of Missouri, when the applicant furnishes satisfactory evidence that the applicant has continuously practiced chiropractic for at least one year immediately preceding the applicant's application to the board and that the applicant is of good moral character, and upon the payment of the reciprocity license fee as established by rule of the board. The board may require an applicant to successfully complete the Special Purposes Examination for Chiropractic (SPEC) administered by the National Board of Chiropractic Examiners if the requirements for securing a license in the other jurisdiction are not equivalent to those required for licensure in the state of Missouri at the time application is made for licensure under this subsection.

7. Any applicant who has failed any portion of the practical examination administered or approved by the board three times shall be required to return to an accredited chiropractic college for a semester of additional study in the subjects failed, as provided by rule of the board.

8. A chiropractic physician currently licensed in Missouri shall apply to the board for certification prior to engaging in the practice of meridian therapy/acupressure/acupuncture. Each such application shall be accompanied by the required fee. The board shall establish by rule the minimum requirements for the specialty certification under this subsection. "Meridian therapy/acupressure/acupuncture" shall mean methods of diagnosing and the treatment of a patient by stimulating specific points on or within the body by various methods

including but not limited to manipulation, heat, cold, pressure, vibration, ultrasound, light, electrocurrent, and short-needle insertion for the purpose of obtaining a biopositive reflex response by nerve stimulation.

9. The board may through its rulemaking process authorize chiropractic physicians holding a current Missouri license to apply for certification in a specialty as the board may deem appropriate and charge a fee for application for certification, provided that:

(1) The board establishes minimum initial and continuing educational requirements sufficient to ensure the competence of applicants seeking certification in the particular specialty; and

(2) The board shall not establish any provision for certification of licensees in a particular specialty which is not encompassed within the practice of chiropractic as defined in section 331.010.

(RSMo 1939 § 10054, A.L. 1945 p. 637, A.L. 1947 V. I p. 225, A. 1949 H.B. 2071, A.L. 1969 H.B. 85, A.L. 1981 S.B. 16, A.L. 1988 S.B. 598, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3, A.L. 1997 S.B. 141, A.L. 2004 H.B. 1246, A.L. 2007 S.B. 272)

Prior revision: 1929 § 13549

Temporary license issued, when.

331.032. Notwithstanding any other provision of law to the contrary, the board of chiropractic examiners may issue a temporary license to practice chiropractic as follows:

(1) To a chiropractor holding a current and unrestricted license to practice chiropractic issued pursuant to the laws of a state other than Missouri;

(2) A temporary license issued pursuant to this section shall be valid for a maximum period of ninety days and the board shall not issue more than two temporary licenses to an applicant during any calendar year;

(3) An applicant for a temporary license shall submit to the board a complete application on a form prescribed by the board, pay an application fee as determined by rule of the board and furnish proof satisfactory to the board that the applicant meets all requirements for licensure, or examination therefor, as set forth in section 331.030;

(4) In addition to all other requirements herein, an applicant for a temporary license pursuant to this section shall include with such applicant's application the name of the chiropractic school or college from which the applicant graduated and the date of such graduation, and evidence of such applicant's current and unrestricted licensure in another state, including the number of such license and a photocopy thereof along with any other evidence deemed necessary by the board;

(5) All provisions of this chapter that apply to applicants for and holders of licenses to practice chiropractic, other than as specified in this section, shall apply to applicants for and holders of temporary licenses, including the board's authority to conduct any investigation the board considers appropriate to verify an applicant's credentials, moral character and fitness to receive a temporary license and the board's authority to take actions pursuant to the provisions of this chapter or any other provision of state law. The board of chiropractic examiners may adopt rules the board considers necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

(L. 2001 H.B. 567)

Subject to state and municipal regulations.

331.040. Chiropractic practitioners shall be subject to the state and municipal regulations relating to the control of contagious diseases, the reporting and certifying of deaths, and all matters pertaining to public health, and such reports shall be accepted by the officer or department to whom such report is made.

(RSMo 1939 § 10056)

Prior revision: 1929 § 13551

Insurance peer review committee members exempt from damage suit, when.

331.045. No chiropractor licensed under the provisions of this chapter while acting as a member of an insurance peer review committee functioning for the sole purpose of arbitrating insurance claims shall be liable in damages to any person subject to the actions of the committee for any decision or recommendation made by the committee or by a person acting in his official capacity as a member of any such committee if the decision or recommendation was made within the scope and function of the committee and if the decision or recommendation was made without malice and was supported by creditable evidence upon consideration of the record made available.

(L. 1975 H.B. 479 § 1)

License, renewal, requirements, fee--license lapse, reinstatement procedure--inactive license status, procedure.

331.050. 1. All persons once licensed to practice chiropractic in this state shall pay on or before the license renewal date a renewal license fee and shall furnish to the board satisfactory evidence of the completion of the requisite number of hours, which shall not be less than twelve hours nor more than twenty-four hours per year, of postgraduate study or not less than twenty-four hours nor more than forty-eight hours if renewal occurs biennially. The postgraduate study required shall be a course of study approved by the board. The requisite number of hours is to be determined by the board. The board may set the requisite number of hours between the range of twelve to twenty-four hours, but may not increase the number of hours in excess of twelve hours by more than four hours in any two-year period. The board shall give advance notice of one year to all chiropractors licensed in the state before increasing the number of required hours. The educational requirements may be waived by the board upon presentation to it of satisfactory evidence of the illness of the chiropractor or for other good cause. A notice that the renewal fee will be due on the renewal date shall, on or before the first day of the month immediately preceding the renewal date, be mailed to all chiropractors licensed in the state for more than three months. Each practitioner of chiropractic shall display in his or her office, in a conspicuous place, his or her renewal license together with his or her original license showing that such practitioner of chiropractic is lawfully entitled to practice chiropractic. Failure of the licensee to receive the renewal form shall not relieve the licensee of the duty to renew his or her license and pay the fee required by this chapter.

2. Any licensee who allows his or her license to lapse by failing to renew the license as provided in sections 331.010 to 331.100 may be reinstated upon satisfactory explanation of such failure to renew his or her license and the payment of a reactivation fee and the current renewal fee. Any delinquent licensee who has been out of active practice for more than five years shall be required to return to an accredited chiropractic college for a semester of additional study in the clinical subjects prior to the board reviewing his or her request for reinstatement, and to pass a practical examination administered by the board.

3. Notwithstanding any law to the contrary any person licensed pursuant to this chapter may apply to the state board of chiropractic examiners for an inactive license status on a form furnished by the board. Upon receipt of the completed inactive status application form and the board's determination that the license meets the requirements established by rule the board shall place the license on inactive status. A person whose license is inactive or who has discontinued the practice of chiropractic because of retirement shall be allowed to practice only on himself or herself and such person's immediate family.

4. During any period of inactive status the licensee shall not be required to comply with the board's requirements for continuing education.

5. If a licensee is granted inactive status the licensee may return to active status within five years of the license being placed on inactive status by notifying the board in advance in writing, paying the appropriate fees, and meeting all established requirements of the board as defined by rule excluding the licensing examination as a condition of reinstatement.

(RSMo 1939 § 10057, A.L. 1945 p. 637, A.L. 1947 V. I p. 225, A.L. 1969 H.B. 85, A.L. 1981 S.B. 16, A.L. 1987 H.B. 667, et al., A.L. 1999 H.B. 343, A.L. 2001 H.B. 567, A.L. 2004 H.B. 1246)

Prior revision: 1929 § 13552

Denial, revocation or suspension of certificate, grounds for--time penalties do not run if person being penalized does not keep board furnished with certain information.

331.060. 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

- (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent* that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;
- (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;
- (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;
- (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
- (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;
- (6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule

or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed. False, misleading or deceptive advertisements or solicitations shall include, but not be limited to:

(a) Promises of cure, relief from pain or other physical or mental condition, or improved physical or mental health;

(b) Any self-laudatory statement;

(c) Any misleading or deceptive statement offering or promising a free service. Nothing herein shall be construed to make it unlawful to offer a service for no charge if the offer is announced as part of a full disclosure of routine fees including consultation fees;

(d) Any misleading or deceptive claims of patient cure, relief or improved condition; superiority in service, treatment or materials; new or improved service, treatment or material, or reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use any such claim if it is readily verifiable by existing documentation, data** or other substantial evidence. Any claim which exceeds or exaggerates the scope of its supporting documentation, data or evidence is misleading or deceptive;

(e) Failure to use the term "chiropractor", "doctor of chiropractic", "chiropractic physician", or "D.C." in any advertisement, solicitation, sign, letterhead, or any other method of addressing the public;

(f) Attempting to attract patronage in any manner which castigates, impugns, disparages, discredits or attacks other healing arts and sciences or other chiropractic physicians;

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(16) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof;

(17) Fails to maintain a chiropractic office in a safe and sanitary condition;

(18) Engaging in unprofessional or improper conduct in the practice of chiropractic;

(19) Administering or prescribing any drug or medicine or attempting to practice medicine, surgery, or osteopathy within the meaning of chapter 334, RSMo;

(20) Being unable to practice as a chiropractic physician with reasonable skill and safety to patients because of one of the following: professional incompetency; illness, drunkenness, or excessive use of drugs, narcotics, or chemicals; any mental or physical condition. In enforcing this subdivision the board shall, after a hearing before the board, upon a finding of probable cause, require the chiropractor for the purpose of establishing his competency to practice as a chiropractic physician to submit to a reexamination, which shall be conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the chiropractic physician's professional competence by at least three chiropractic physicians, or to submit to a mental or physical examination or combination thereof by at least three physicians. One examiner shall be selected by the chiropractic physician compelled to take the examination, one selected by the board, and one shall be selected by the two examiners so selected. Notice of the physical or mental examination shall be given by personal service or certified mail. Failure of the chiropractic physician to submit to an examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control. A chiropractic physician whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that he can resume competent practice with reasonable skill and safety to patients.

(a) In any proceeding under this subdivision, neither the record of proceedings nor the orders entered by the board shall be used against a chiropractic physician in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(b) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the following: denying his application for a license; permanently withholding issuance of a license; administering a public or private reprimand; suspending or limiting or restricting his license to practice as a chiropractic physician for a period of not more than five years; revoking his license to practice as a chiropractic physician; requiring him to submit to the care, counseling or treatment of physicians designated by the chiropractic physician compelled to be treated. For the purpose of this subdivision, "license" includes the certificate of registration, or license, or both, issued by the board.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination:

(1) Censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years; or

(2) May suspend the license, certificate or permit for a period not to exceed three years; or

(3) Revoke the license, certificate or permit.

4. If at any time after disciplinary sanctions have been imposed under this section or under any provision of this chapter, the licensee removes himself from the state of Missouri, ceases to be currently licensed under the provisions of this chapter, or fails to keep the Missouri state board of chiropractic examiners advised of his current place of business and residence, the time of his absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed.

(RSMo 1939 § 10058, A.L. 1969 H.B. 85, A.L. 1971 H.B. 78, A.L. 1972 S.B. 609, A.L. 1981 S.B. 16, A.L. 1987 H.B. 667, et al.)

Prior revision: 1929 § 13553

*Word "extend" appears in original rolls, apparent typographical error.

**Word "date" appears in original rolls, apparent typographical error.

CROSS REFERENCE:

Administrative procedure and review, Chap 536, RSMo

(1963) State board of chiropractic examiners had statutory power to revoke license of chiropractic doctor, who had administered and prescribed ear drops, vitamins and placebo pills in his professional capacity to a patient for which he expected to make a charge for professional services. State ex rel. Gibson v. Missouri Board of Chiropractic Examiners (A.), 365 S.W.2d 773.

(1998) Subdivision (14) of subsection 2 does not require an intent to use false, misleading or deceptive advertising for discipline purposes. Seger v. Downey, 969 S.W.2d 298 (E.D.Mo.).

Fees, how set, collection and disposition--board fund established, transferred to general revenue, when--salaries and expenses, how paid.

331.070. 1. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter. All fees provided for in this chapter shall be collected by the director of the division of professional registration who shall transmit them to the department of revenue for deposit in the state treasury to the credit of a fund to be known as the "State Board of Chiropractic Examiners' Fund". All the salaries and expenses for the operation of the board shall be appropriated and paid from such fund; provided, however, the board shall create no expense exceeding the sum received from time to time as fees.

2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

(RSMo 1939 § 10059, A.L. 1969 H.B. 85, A.L. 1981 S.B. 16, A.L. 1985 S.B. 99)

Prior revision: 1929 § 13554

Violation of chapter a misdemeanor--penalty.

331.080. Any person who shall practice chiropractic or attempt to practice chiropractic, or who shall use the title of doctor of chiropractic, or any word, title, or letters, to induce belief that he is engaged in the practice of chiropractic, without first complying with the provisions of this chapter, or any person who shall buy, sell, or fraudulently obtain any diploma or license to practice chiropractic shall be deemed guilty of a class A misdemeanor. It shall be the duty of the several prosecuting attorneys of this state to prosecute all persons charged with the violation of any provision of this chapter, and it shall be the duty of the executive secretary of the board, under the direction of said board, to aid said attorneys of this state, in the enforcement of this chapter.

(RSMo 1939 § 10060, A.L. 1981 S.B. 16)

Prior revision: 1929 § 13555

Board may request injunction, restraining order or other court order, when, procedure.

331.085. 1. Upon application by the board, and the necessary burden having been met, a court of general

jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

- (1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required by this chapter upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or
 - (2) Engaging in any practice or business authorized by a certificate of registration or authority, permit or license issued pursuant to this chapter upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client or patient of the licensee.
2. Any such action shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.
 3. Any action brought pursuant to this section shall be in addition to and not in lieu of any penalty provided in this chapter and may be brought concurrently with other actions to enforce the provisions of this chapter.
 4. Nothing in this section shall be construed to prohibit a person licensed or registered pursuant to chapter 334, RSMo, whose license is in good standing from acting within the scope of his or her practice.

(L. 1999 H.B. 343 merged with S.B. 8 & 173)

State board of chiropractic examiners created--appointment --qualifications--terms--removal.

331.090. 1. The "Missouri State Board of Chiropractic Examiners" shall consist of five chiropractors, not more than two of whom shall be graduated from the same school or college of chiropractic, and one voting public member, to be appointed by the governor, with the advice and consent of the senate, from nominees submitted by the director of the division of professional registration, for a term of five years; except that, of the chiropractic members appointed for the terms which begin in 1989, one shall be appointed for a term of three years and one for a term of four years, of the chiropractic members appointed for the terms which begin in 1990, one shall be appointed for a term of four years and one shall be appointed for a term of five years, and the chiropractic member appointed for the term which begins in 1991 shall be appointed for a term of five years. Beginning in 2002, all successors to members shall be appointed to terms of four years from the date of their appointment and until their successors have been appointed and qualified. Each member shall be limited to two full consecutive terms. A member may be removed by the governor for incompetence or improper conduct. The chiropractors shall be United States citizens and shall have been residents of this state for one year and shall have practiced chiropractic continuously for a period of at least two years prior to such appointment. No person shall be appointed to the state board of chiropractic examiners who practices any other method of healing than chiropractic as defined in this chapter. The president of the Missouri State Chiropractors Association in office at the time shall, at least ninety days prior to the expiration of the term of a board member, other than the public member, or as soon as feasible after a vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five chiropractors qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri State Chiropractors Association shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

2. The public member shall be at the time of his or her appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or

technical judgment of a licensee or a candidate for licensure.

(RSMo 1939 § 10052, A.L. 1981 S.B. 16, A.L. 1988 S.B. 598, A.L. 1999 H.B. 343, A.L. 2001 H.B. 567)

Prior revision: 1929 § 13547

CROSS REFERENCE:

Public member, additional duties, RSMo 620.132

Organization of board--duty of officers--compensation, powers--meetings--liability for official acts, exception.

331.100. 1. The board shall elect a president and secretary at the first regular meeting held after January first of each year. Each member of the board shall receive as compensation for his services the sum of fifty dollars per day while discharging the actual duties of the board, and each member shall receive necessary traveling expenses while actually engaged in the performance of his duties as a member of the board.

2. The board shall have a common seal, and shall adopt rules and regulations for the application and enforcement of this chapter. The president and secretary shall have power to administer oaths. Four members shall constitute a quorum. They shall publish the dates and places for examinations at least thirty days prior to the meeting. The board shall create no expenses exceeding the sums received from time to time as herein provided.

3. The board shall employ such board personnel as may be necessary to carry out the provisions of this chapter. Board personnel shall include an executive secretary or comparable position, inspectors, investigators, attorneys, and secretarial support staff for these positions.

4. Board personnel shall have their duties and compensation prescribed by the board within appropriations for that purpose, except that compensation for board personnel shall not exceed that established for comparable positions, as determined by the board, under the job and pay plan of the department of insurance, financial institutions and professional registration.

5. Members of the board shall not be personally liable either jointly or separately for any act or acts committed in the performance of their official duties as board members except gross negligence.

(RSMo 1939 § 10053, A. 1949 H.B. 2071, A.L. 1969 H.B. 85, A.L. 1980 H.B. 1266, A.L. 1981 S.B. 16, A.L. 2008 S.B. 788)

Prior revision: 1929 § 13548

Patient records required to be maintained, contents--corrections to records, procedure--obtaining records, procedure.

331.110. 1. Chiropractors shall maintain an adequate and complete patient record for each patient and may maintain electronic records provided that the record-keeping format is capable of being printed for review by the state board of chiropractic examiners. An adequate and complete patient record shall include documentation of the following information:

- (1) Identification of the patient including name, birth date, address, and telephone number;
- (2) The date or dates the patient was seen;
- (3) The current status of the patient including the reason for the visit;

- (4) Observation of pertinent physical findings;
- (5) Assessment and clinical impression or diagnosis, to the extent authorized by section 331.010;
- (6) Plan for care and treatment or additional consultations or diagnostic testing, if necessary, to the extent authorized by section 331.010;
- (7) Any informed consent for office procedures or tests, to the extent authorized by section 331.010.

2. Patient records remaining under the care, custody, and control of the licensee shall be maintained by the licensee of the board or the licensee's designee for a minimum of seven years from the date of when the last professional service was provided.

3. Any correction, addition, or change in any patient record made more than forty-eight hours after the final entry is entered in the record and signed by the chiropractor shall be clearly marked and identified as such and the date, time, and name of the person making the correction, addition, or change shall be included as well as the reason for the correction, addition, or change.

4. The board shall not initiate disciplinary action under section 331.060 against a licensee solely based on a violation of this section. If the board initiates disciplinary action against the licensee for any reason other than a violation of this section the board may allege violation of this section as an additional cause for discipline under section 331.060.

5. The board shall not obtain a medical record of a patient without written authorization from the patient to obtain the medical record or the issuance of a subpoena for the medical record of the patient.

(L. 2004 H.B. 1246)

Missouri license not required, when.

331.115. A chiropractic physician licensed outside of this state shall not be required to obtain a Missouri license when:

(1) In consultation as a result of transmission of individual patient data by electronic or other means from within this state to an out-of-state licensed chiropractor with a chiropractor licensed to practice in this state, so long as a chiropractor licensed in this state retains ultimate authority and responsibility for the diagnosis or treatment in the care of the patient located within this state; or

(2) Evaluating a patient or rendering an oral or written chiropractic opinion, in connection with providing testimony or reviewing records for the purpose of any civil, criminal, or administrative proceeding in this state.

(L. 2004 H.B. 1246)

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