

Article 8.

Chiropractic.

§ 90-139. Creation and membership of North Carolina State Board of Chiropractic Examiners.

(a) The North Carolina State Board of Chiropractic Examiners is created to consist of eight members appointed by the Governor and General Assembly. Six of the members shall be practicing doctors of chiropractic, who are residents of this State and who have actively practiced chiropractic in the State for at least eight consecutive years immediately preceding their appointments; four of these six members shall be appointed by the Governor, and two by the General Assembly in accordance with G.S. 120-121, one each upon the recommendation of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. No more than three members of the Board may be graduates of the same college or school of chiropractic. The other two members shall be persons chosen by the Governor to represent the public at large. The public members shall not be health care providers nor the spouses of health care providers. For purposes of Board membership, "health care provider" means any licensed health care professional and any agent or employee of any health care institution, health care insurer, health care professional school, or a member of any allied health profession. For purposes of this section, a person enrolled in a program to prepare him to be a licensed health care professional or an allied health professional shall be deemed a health care provider. For purposes of this section, any person with significant financial interest in a health service or profession is not a public member.

(b) All Board members serving on June 30, 1981, shall be eligible to complete their respective terms. No member appointed to the Board on or after July 1, 1981, shall serve more than two complete consecutive terms, except that each member shall serve until his successor is chosen and qualifies. The initial appointment of the General Assembly upon the recommendation of the President of the Senate shall be for a term to expire June 30, 1986, and the initial appointment of the General Assembly upon the recommendation of the Speaker of the House of Representatives shall be for a term to expire June 30, 1985, subsequent appointments upon the recommendation of the President Pro Tempore of the Senate shall be for terms of three years, subsequent appointments upon the recommendation of the Speaker of the House of Representatives shall be for terms of two years.

(c) The Governor and General Assembly, respectively, may remove any member appointed by them for good cause shown. In addition, upon the request of the Speaker of the House of Representatives or the President Pro Tempore of the Senate concerning a person appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives or the President Pro Tempore of the Senate, respectively, the Governor may remove such appointee for good cause shown, if the request is made and removal occurs either (i) when the General Assembly has adjourned to a date certain, which date is more than 10 days after the date of adjournment, or (ii) after sine die adjournment of the regular session. The Governor may appoint persons to fill vacancies of persons appointed by him to fill unexpired terms. Vacancies in appointments made by the General Assembly shall be in accordance with G.S. 120-122. (1917, c. 73, s. 1; C.S., s. 6710; 1979, c. 108, s. 1; 1981, c. 766, s. 1; 1983, c. 717, ss. 100-104; 1995, c. 490, s. 11; 1999-405, s. 3; 1999-431, s. 3.9; 2000-181, s. 2.7(a); 2005-421, s. 2.7(b); 2021-120, s. 1(a).)

§ 90-140. Selection of chiropractic members of Board.

The Governor and the General Assembly upon the recommendation of the President Pro Tempore of the Senate shall appoint chiropractic members of the Board for terms of three years

from a list provided by the Board, and the General Assembly upon the recommendation of the Speaker of the House of Representatives shall appoint a chiropractic member of the Board for a term of two years from a list provided by the Board. For each vacancy, the Board must submit at least three names to the Governor, President Pro Tempore of the Senate and Speaker of the House.

The Board shall establish procedures for the nomination and election of chiropractic members. These procedures shall be adopted under Article 2A of Chapter 150B of the General Statutes, and notice of the proposed procedures shall be given to all licensed chiropractors residing in North Carolina. These procedures shall not conflict with the provisions of this section. Every chiropractor with a current North Carolina license residing in this State shall be eligible to vote in all such elections, and the list of licensed chiropractors shall constitute the registration list for elections. Any decision of the Board relative to the conduct of such elections may be challenged by civil action in the Wake County Superior Court. A challenge must be filed not later than 30 days after the Board has rendered the decision in controversy, and all such cases shall be heard de novo. (1917, c. 73, s. 2; C.S., s. 6711; 1933, c. 442, s. 1; 1963, c. 646, s. 1; 1979, c. 108, s. 2; 1981, c. 766, s. 2; 1983, c. 717, s. 106; 1987, c. 827, s. 1; 1995, c. 490, s. 11.1; 2000-189, s. 6.)

§ 90-141. Organization; quorum.

The North Carolina State Board of Chiropractic Examiners shall elect such officers as they may deem necessary. Four members of the Board shall constitute a quorum for the transaction of business. (1917, c. 73, s. 4; C.S., s. 6713; 1933, c. 442, s. 1; 1981, c. 766, s. 3; 2021-120, s. 1(a).)

§ 90-142. Powers; duties.

The North Carolina State Board of Chiropractic Examiners shall have the following powers and duties:

- (1) Administer and enforce the provisions of this Article.
- (2) Adopt, amend, or repeal rules as may be necessary to carry out and enforce the provisions of this Article.
- (3) Issue position statements and other interpretative guidelines.
- (4) Require an applicant or licensee to submit to the Board evidence of the applicant's or licensee's continuing competence to practice chiropractic.
- (5) Establish substantial equivalency under G.S. 90-143(b) and G.S. 90-143.1.
- (6) Set the passing scores for approved examinations under G.S. 90-143(b).
- (7) Establish certain reasonable fees as for applications for examination, licensure, provisional licensure, renewal of licensure, licensure verification, continuing education, and other administrative services provided by the Board. When the Board uses a testing service for the preparation, administration, or grading of examination, the Board may charge the applicant the actual cost of the examination services and a prorated portion of the examination fee for administration and processing of the examination. Examination fees are not refundable.
- (8) Establish certification standards for chiropractic clinical assistants.
- (9) Employ and fix the compensation of personnel and legal counsel that the Board deems necessary to carry out the provisions of this Article.
- (10) Establish by rule a process to assess civil penalties pursuant to G.S. 90-157.4.
- (11) Take disciplinary action pursuant to G.S. 90-154.2 and G.S. 90-154.3.

- (12) Seek injunctive relief through a court of competent jurisdiction for violations of this Article. (1919, c. 148, s. 4; C.S., s. 6714; 1967, c. 263, s. 2; 2021-120, s. 1(a).)

§ 90-142.1. Supervised training programs authorized.

(a) As used in this section, "preceptorship program" means a clinical program of an approved chiropractic college in which a student of chiropractic, under the direct supervision of a licensed chiropractor, observes the licensed chiropractor and may perform chiropractic services as defined in G.S. 90-143(a) and subject to G.S. 90-151. For the purposes of this section, "direct supervision" means that the supervising licensed chiropractor must be within the immediate patient treatment area and available to the student at all times.

(b) Each student enrolled in a chiropractic college that meets the accreditation requirements of G.S. 90-143 may participate in a preceptorship program. (2017-57, s. 11J.3(a); 2023-84, s. 1.)

§ 90-143. Definitions of chiropractic; examinations; educational requirements.

(a) "Chiropractic" is herein defined to be the science of adjusting the cause of disease by realigning the spine, releasing pressure on nerves radiating from the spine to all parts of the body, and allowing the nerves to carry their full quota of health current (nerve energy) from the brain to all parts of the body.

(b) It shall be the duty of the North Carolina State Board of Chiropractic Examiners (hereinafter referred to as "Board") to examine for licensure to practice chiropractic in this State any applicant who is or will become, within 60 days of examination, a graduate of a four-year chiropractic college that is either accredited by the Council on Chiropractic Education or deemed by the Board to be the equivalent of such a college and who furnishes to the Board, in the manner prescribed by the Board, all of the following:

- (1) Satisfactory evidence of good moral character.
- (2) Proof that the applicant has received a baccalaureate degree from a college or university accredited by a regional accreditation body recognized by the United States Department of Education.
- (3) A transcript confirming that the applicant has received at least 4,200 hours of accredited chiropractic education. The Board shall not count any hours earned at an institution that was not accredited by the Council on Chiropractic Education or was not, as determined by the Board, the equivalent of such an institution at the time the hours were earned.

The examination shall include the following studies: neurology, chemistry, pathology, anatomy, histology, physiology, embryology, dermatology, diagnosis, microscopy, gynecology, hygiene, eye, ear, nose and throat, orthopody, diagnostic radiology, North Carolina jurisprudence, palpation, nerve tracing, chiropractic philosophy, theory, teaching and practice of chiropractic, and any other related studies as the Board may consider necessary to determine an applicant's fitness to practice. The Board may include as part of the examination any examination developed and administered by the National Board of Chiropractic Examiners or its successor organization that the Board considers appropriate, and the examination may be administered by a national testing service. The Board shall set the passing scores for all parts of the examination.

(c) The Board shall not issue a license to any applicant until the applicant exhibits a diploma or other proof that the Doctor of Chiropractic degree has been conferred.

(d) The Board may grant a license to an applicant if the applicant's scores on all parts of the examination required by the Board equal or exceed passing scores set by the Board and the applicant satisfies all other requirements for licensure as provided in this Article. (1917, c. 73, s. 5; 1919, c. 148, ss. 1, 2, 5; C.S., s. 6715; 1933, c. 442, s. 1; 1937, c. 293, s. 1; 1963, c. 646, s. 2; 1967, c. 263, s. 3; 1977, c. 1109, s. 1; 1981, c. 766, s. 4; 1987, c. 304; 1989, c. 555, ss. 2, 3, 4; 1997-230, s. 1; 2003-155, s. 1.)

§ 90-143.1. Applicants licensed in other states.

If an applicant for licensure is already licensed in another state to practice chiropractic, the Board shall issue a license to practice chiropractic to the applicant upon evidence that:

- (1) The applicant is currently an active, competent practitioner and is in good standing; and
- (2) The applicant has practiced at least one year out of the three years immediately preceding his or her application; and
- (3) The applicant currently holds a valid license in another state; and
- (4) No disciplinary proceeding or unresolved complaint is pending anywhere at the time a license is to be issued by this State; and
- (5) The licensure requirements in the other state are equivalent to or higher than those required by this State.

Any license issued upon the application of any chiropractor from any other state shall be subject to all of the provisions of this Article with reference to the license issued by the North Carolina State Board of Chiropractic Examiners upon examination, and the rights and privileges to practice the profession of chiropractic under any license so issued shall be subject to the same duties, obligations, restrictions, and conditions as imposed by this Article on chiropractors originally examined by the North Carolina State Board of Chiropractic Examiners. (1981, c. 766, s. 5; 2021-120, s. 1(a).)

§ 90-143.2. Certification of diagnostic imaging technicians.

(a) The North Carolina State Board of Chiropractic Examiners shall certify the competence of any person employed by a licensed chiropractor practicing in the State if the employee's duties include the production of diagnostic images, whether by X ray or other imaging technology. Applicants for certification must demonstrate proficiency in the following subjects:

- (1) Physics and equipment of radiographic imaging;
- (2) Principles of radiographic exposure;
- (3) Radiographic protection;
- (4) Anatomy and physiology;
- (5) Radiographic positioning and procedure.

The North Carolina State Board of Chiropractic Examiners may adopt rules pertaining to initial educational requirements, examination of applicants, and continuing education requirements as are reasonably required to enforce this provision.

(b) Any person seeking to renew a certification of competence previously issued by the Board shall pay to the secretary of the Board a fee as prescribed and set by the Board which fee shall not be more than fifty dollars (\$50.00). (1991, c. 633, s. 1; 2002-59, s. 1; 2021-120, s. 1(a).)

§ 90-143.3. Criminal record checks of applicants for licensure.

(a) Any person applying for licensure as a chiropractic physician in this State shall provide to the Board a fingerprint card in a format acceptable to the Board and a form signed by the applicant consenting to a criminal record check and the use of the applicant's fingerprints and such other identifying information as may be required by the State or national data banks. The Board shall submit these documents to the Department of Public Safety, along with a request for a criminal record check of the applicant.

(b) Upon receipt of the Board's submission, the Department of Public Safety shall commence the requested criminal record check. The Department of Public Safety shall forward a set of the applicant's fingerprints to the State Bureau of Investigation for a search of the State's criminal records, and the State Bureau of Investigation shall forward a set of the applicant's fingerprints to the Federal Bureau of Investigation for a search of national criminal records. The Department of Public Safety may charge the licensure applicant a fee for performing the criminal record check.

(c) The Board shall keep all information obtained from criminal record checks privileged and confidential, in accordance with applicable State law and federal guidelines, and the information shall not be a public record under Chapter 132 of the General Statutes. If the Board refuses to issue a license based in whole or part on information obtained from a criminal record check, the Board may disclose the relevant information to the applicant but shall not provide a copy of the record check to the applicant.

(d) When acting in good faith and in conformity with this section, the Board, its officers, and employees shall be immune from civil liability for initially refusing licensure based on information contained in a criminal record check supplied by the Department of Public Safety, even if the information relied upon is later shown to be erroneous. (2007-525, s. 1; 2014-100, s. 17.1(o).)

§ 90-143.4. Chiropractic clinical assistants; certification of competency.

(a) "Chiropractic clinical assistant" means a nonlicensed employee of a chiropractic physician whose duties include (i) collecting general health data, such as the taking of an oral history or vital sign measurements, (ii) applying therapeutic procedures, such as thermal, sound, light and electrical modalities, and hydrotherapy, and (iii) monitoring prescribed rehabilitative activities. Nothing in this section shall be construed to allow a chiropractic clinical assistant to provide a chiropractic adjustment, manual therapy, nutritional instruction, counseling, or any other therapeutic service that requires individual licensure.

(b) Any person employed as a chiropractic clinical assistant shall obtain a certificate of competency from the North Carolina State Board of Chiropractic Examiners (Board) within 180 days after the person begins employment. Certification shall not be required for employees whose duties are limited to administrative activities of a nonclinical nature. Except as otherwise provided in G.S. 90-142.1 and this section, it shall be unlawful for any person to practice as a chiropractic clinical assistant unless duly certified by the Board.

(c) An applicant for certification under this section shall be (i) at least 18 years of age, (ii) a high school graduate or the equivalent, (iii) of good moral character, and (iv) able to demonstrate proficiency in the following subjects:

- (1) Basic anatomy.
- (2) Chiropractic philosophy and terminology.
- (3) Utilization of standard therapeutic modalities.
- (4) Contraindications and response to emergencies.

(5) Jurisprudence and patient privacy protection.

(d) If an applicant for certification is already certified or registered as a chiropractic clinical assistant in another state, the Board shall issue a certificate of competency upon evidence that the applicant is in good standing in the other state, provided the requirements for certification or registration in the other state are substantially similar to or more stringent than the requirements for certification in this State.

(e) Any certificate issued under this section shall expire at the end of the calendar year unless renewed in a time and manner established by the Board. Applicants for initial certification or renewal of certification shall pay to the secretary of the Board a fee as prescribed and set by the Board, which fee shall not exceed fifty dollars (\$50.00).

(f) The Board may adopt rules pertaining to initial educational requirements, course approval, instructor credentials, examination of applicants, grandfathering, reciprocity, continuing education requirements, and the submission and processing of applications as are reasonably necessary to enforce this section. (2013-290, s. 1; 2016-117, s. 1(a); 2017-57, s. 11J.3(b); 2021-120, s. 1(a).)

§ 90-144. Meetings of the North Carolina State Board of Chiropractic Examiners.

The North Carolina State Board of Chiropractic Examiners shall meet at least once a year at such time and place as the Board shall determine and advertise. Applicants for licensure under this Article shall comply with G.S. 90-143(b). (1917, c. 73, s. 6; C.S., s. 6716; 1933, c. 442, s. 1; 1949, c. 785, s. 1; 1985, c. 760, s. 1; 2021-120, s. 1(a).)

§ 90-145. Grant of license.

The North Carolina State Board of Chiropractic Examiners shall grant to each applicant who is found to be competent, upon examination, a license authorizing him or her to practice chiropractic in North Carolina. (1917, c. 73, s. 7; C.S., s. 6717; 1949, c. 785, s. 2; 1981, c. 766, s. 6; 2021-120, s. 1(a).)

§ 90-146. Graduates from other states.

A graduate of a regular chiropractic school who comes into this State from another state may be granted a license by the North Carolina State Board of Chiropractic Examiners as required in this Article. (1917, c. 73, s. 8; C.S., s. 6718; 2021-120, s. 1(a).)

§ 90-147. Practice without license a misdemeanor; injunctions.

Any person practicing chiropractic in this State without possessing a license as provided in this Article shall be guilty of a Class 1 misdemeanor, except that students of chiropractic participating in a preceptorship program may perform chiropractic services without a license under direct supervision as set forth in G.S. 90-142.1.

The North Carolina State Board of Chiropractic Examiners may appear in its own name in the superior court in an action for injunctive relief to prevent violation of this section, and the superior court shall have the power to grant such injunction regardless of whether criminal prosecution has been or may be instituted. An action under this section shall be commenced in the superior court district in which the respondent resides or has his principal place of business or in which the alleged violation occurred. (1917, c. 73, s. 9; C.S., s. 6719; 1993, c. 539, s. 631; 1994, Ex. Sess., c. 24, s. 14(c); 2001-281, s. 4; 2021-120, s. 1(a); 2023-84, s. 2.)

§ 90-148. Records of Board.

(a) The secretary of the North Carolina State Board of Chiropractic Examiners shall keep a record of the proceedings of the Board, giving the name of each applicant for license, and the name of each applicant licensed and the date of such license. The Board may order that any clinical care or patient records concerning the practice of chiropractic and relevant to a complaint received by the Board or an inquiry or investigation conducted by or on behalf of the Board shall be produced by the custodian of the records to the Board or for inspection and copy by representatives of or counsel to the Board. A chiropractor licensed by the Board or an establishment employing a chiropractor licensed by the Board shall maintain patient records for a minimum of seven years from the date the chiropractor terminates services to the patient and the patient services record is closed. A chiropractor licensed by the Board or a chiropractic assistant certified by the Board shall cooperate fully and in a timely manner with the Board and its designated representatives in an inquiry or investigation of the records conducted by or on behalf of the Board.

(b) Except as otherwise provided, all records, papers, and documents containing information collected and compiled by or on behalf of the Board shall be public records, provided that any information that identifies a patient who has not consented to the public disclosure of services rendered to him or her shall be deleted or redacted, as appropriate.

(c) Records, papers, and other documents containing information collected or compiled by or on behalf of the Board as a result of an investigation, inquiry, or interview conducted in connection with certification, licensure, or a disciplinary matter shall not be considered public records as defined in G.S. 132-1. Any notice or statement of charges, notice of hearing, or decision rendered in connection with a hearing shall be a public record provided that information identifying a patient who has not consented to the public disclosure of his or her services by a person licensed or certified under this Article shall be redacted from the public record.

(d) The home addresses and personal email addresses of members of the Board shall not be public records as defined in G.S. 132-1, unless a Board member consents to the disclosure in writing.

(e) The home addresses and personal email addresses of licensees shall not be public records as defined in G.S. 132-1, unless the licensee consents to the disclosure in writing. (1917, c. 73, s. 10; C.S., s. 6720; 2021-120, s. 1(a).)

§ 90-149. Application fee.

Each applicant shall pay the secretary of the Board a fee as prescribed and set by the Board which fee shall not be more than three hundred dollars (\$300.00). (1917, c. 73, s. 11; C.S., s. 6721; 1977, c. 922, s. 1; 2001-493, s. 6.)

§ 90-150. Repealed by Session Laws 1967, c. 218, s. 4.

§ 90-151. Extent and limitation of license.

Any person obtaining a license from the North Carolina State Board of Chiropractic Examiners shall have the right to practice the science known as chiropractic, in accordance with the method, thought, and practice of chiropractors, as taught in recognized chiropractic schools and colleges, but shall not prescribe for or administer to any person any medicine or drugs, nor practice osteopathy or surgery. (1917, c. 73, s. 12; C.S., s. 6722; 1933, c. 442, s. 3; 2021-120, s. 1(a).)

§ 90-151.1. Selling nutritional supplements to patients.

A chiropractic physician may sell nutritional supplements at a chiropractic office to a patient as part of the patient's plan of treatment but may not otherwise sell nutritional supplements at a chiropractic office. A chiropractic physician who sells nutritional supplements to a patient must keep a record of the sale that complies with G.S. 105-164.24, except that the record may not disclose the name of the patient. (1997-369, s. 1.)

§ 90-152. Repealed by Session Laws 1967, c. 691, s. 59.

§ 90-153. Licensed chiropractors may practice in public hospitals.

A licensed chiropractor in this State may have access to and practice chiropractic in any hospital or sanitarium in this State that receives aid or support from the public, and shall have access to diagnostic X-ray records and laboratory records relating to the chiropractor's patient. (1919, c. 148, s. 3; C.S., s. 6724; 1977, c. 1109, s. 2.)

§ 90-154. Grounds for professional discipline.

(a) The North Carolina State Board of Chiropractic Examiners may impose any of the following sanctions, singly or in combination, when it finds that a practitioner or applicant is guilty of any offense described in subsection (b):

- (1) Permanently revoke a license to practice chiropractic.
- (2) Suspend a license to practice chiropractic.
- (3) Refuse to grant a license.
- (4) Censure a practitioner.
- (5) Issue a letter of reprimand.
- (6) Place a practitioner on probationary status and require him to report regularly to the Board upon the matters which are the basis of probation.
- (7) A civil penalty as allowed by this section.

(b) Any one of the following is grounds for disciplinary action by the Board under subsection (a):

- (1) Repealed by Session Laws 2021-120, s. 1(a), effective October 1, 2021.
- (2) Conviction of a felony or of a crime involving moral turpitude.
- (3) Physical, mental, emotional infirmity, including addiction to or severe dependency upon alcohol or any other drug that impairs the ability to practice safely.
- (4) Unethical conduct as defined in G.S. 90-154.2.
- (5) Negligence, incompetence, or malpractice in the practice of chiropractic.
- (6) Repealed by Session Laws 1995, c. 188, s. 1.
- (7) Not rendering acceptable care in the practice of the profession as defined in G.S. 90-154.3.
- (8) Lewd or immoral conduct toward a patient.
- (9) Committing or attempting to commit fraud, deception, or misrepresentation.
- (10) through (17) Repealed by Session Laws 2021-120, s. 1(a), effective October 1, 2021.
- (18) Violating the provisions of G.S. 90-151 regarding the extent and limitation of license.

- (19) Concealing information from the Board or failing to respond truthfully and completely to an inquiry from the Board concerning any matter affecting licensure.
- (20) Failing to comply with a decision of the Board that is final.
- (21) Committing an act on or after October 1, 2007, which demonstrates a lack of good moral character which would have been a basis for denying a license under G.S. 90-143(b)(1), had it been committed before application for a license.
- (22) Engaging in any act or practice violative of any of the provisions of this Article or of any of the rules and regulations adopted by the Board or aiding, abetting, or assisting any other person in the violation of any of the provisions of this Article.

(c) Repealed by Session Laws 2021-120, s. 1(a), effective October 1, 2021. (1917, c. 73, s. 14; C.S., s. 6725; 1949, c. 785, s. 3; 1963, c. 646, s. 3; 1981, c. 766, s. 7; 1983 (Reg. Sess., 1984), c. 1067, s. 1; 1985, c. 367, ss. 1, 2; c. 760, ss. 2, 3; 1995, c. 188, s. 1; 1999-430, s. 1; 2007-525, s. 4; 2016-117, s. 1(b); 2021-120, s. 1(a).)

§ 90-154.1: Repealed by Session Laws 2021-120, s. 1(a), effective October 1, 2021.

§ 90-154.2. Unethical conduct.

Unethical conduct is defined as:

- (1) The over-utilization or improper use, in the providing of treatment, physiological therapeutics, radiographics, or any other service not commensurate with the stated diagnosis and clinical findings. This determination shall be based upon the collective findings and experience of the Board utilizing the best available, relative information and advice. There must be a rationale for the services provided the patient.
- (2) The billing or otherwise charging of a fee to a third party payor for a service offered by the doctor as a free service, which service is accepted as a free service by any patient when, in fact, the doctor of chiropractic is transmitting any charge to a third-party payor for payment.
- (3) The over-utilization of ionizing radiation in the re-X-ray of a patient. The acceptable guidelines for re-X-ray are:
 - a. When fractures are evident;
 - b. When bone pathologies are under evaluation;
 - c. When soft tissue pathologies are under evaluation;
 - d. When there is reinjury;
 - e. When the original X-ray findings have revealed limitations of ranges and motion, re-X-ray may be done after clinical progress has revealed objective improvement, but not within 12 days and only limited views would be indicated.
- (4) Any licensee's failure to use the words Chiropractic Physician, Chiropractor or the initials D.C. in conjunction with the use of his name in his capacity as a Chiropractor on all reports, statements of claim for services rendered and on all signs, letterheads, business cards, advertising, and any other items of identification.
- (5) Violation of the Rules of Ethics of Advertising and Publicity.

- (6) The allowance of any unlicensed person to practice chiropractic in the office of a licensed chiropractic. (1985, c. 760, s. 4.)

§ 90-154.3. Acceptable care in the practice of chiropractic.

(a) It shall be unlawful for a doctor of chiropractic to examine, treat, or render any professional service to a patient that does not conform to the standards of acceptable care.

(b) For purposes of disciplinary action, the Board of Chiropractic Examiners may adopt rules that establish and define standards of acceptable care with respect to:

- (1) Examination and diagnosis.
- (2) The use of chiropractic treatment.
- (3) Physiological therapeutic agents.
- (4) Diagnostic radiology.
- (5) The maintenance of patient records.
- (6) Sanitation, safety, and the adequacy of clinical equipment.

(c) Repealed by Session Laws 2021-120, s. 1(a), effective October 1, 2021.

(d) Nothing in this section shall alter the lawful scope of practice of chiropractic as defined in G.S. 90-143 or the limitation of license as defined in G.S. 90-151. (1985, c. 760, s. 5; 1995, c. 188, s. 3; 2021-120, s. 1(a).)

§ 90-154.4: Repealed by Session Laws 2021-120, s. 1(a), effective October 1, 2021.

§ 90-155. Annual fee for renewal of license.

(a) Licensees must renew their license each year on or before December 31 of each year following the year in which a license is first issued and shall pay to the North Carolina State Board of Chiropractic Examiners a renewal license fee as prescribed and set by the said Board which fee shall not be more than three hundred dollars (\$300.00), and shall furnish the Board evidence of having attended two days of educational sessions or programs approved by the Board during the preceding 12 months, provided the Board may waive this educational requirement due to sickness or other hardship of the applicant.

(b) A licensee who is not actively engaged in the practice of chiropractic in this State and who does not wish to renew his or her license may direct the Board to place the licensee on inactive status.

(c) A licensee who fails to renew his or her license as required by this section shall pay an additional fee of twenty-five dollars (\$25.00) to the Board. The license of any licensee who fails to renew by January 30 of each year shall automatically be placed on inactive status.

(d) A licensee with an inactive license shall not practice chiropractic in this State. The Board shall retain jurisdiction over an inactive license, including licenses placed on inactive status by retirement of the licensee, a request by the licensee for inactivation, the surrendering of a license, or by operation of an order entered by the Board.

(e) Upon payment of all accumulated fees and penalties, the license of the licensee may be reinstated, subject to the Board requiring the licensee to appear before the Board for an interview to prove the licensee's competency in a manner as may be reasonably determined by the Board and to comply with other licensing requirements. (1917, c. 73, s. 15; C.S., s. 6726; 1933, c. 442, s. 4; 1937, c. 293, s. 2; 1963, c. 646, s. 4; 1971, c. 715; 1977, c. 922, ss. 2, 3; 1985, c. 760, s. 6; 2001-493, s. 4; 2016-117, s. 1(c); 2021-120, s. 1(a).)

§ 90-156. Pay of Board and authorized expenditures.

Notwithstanding G.S. 93B-5(a), the members of the North Carolina State Board of Chiropractic Examiners shall receive as compensation for their services a sum not to exceed two hundred dollars (\$200.00) for each day during which they are engaged in the official business of the Board and their actual expenses, including transportation and lodging, when meeting for the purpose of holding examinations, and performing any other duties placed upon them by this Article, to be paid by the treasurer of the Board out of the moneys received by him as license fees, or from renewal fees. The Board shall also expend out of such fund so much as may be necessary for preparing licenses, securing seal, providing for programs for licensed doctors of chiropractic in North Carolina, and all other necessary expenses in connection with the duties of the Board. (1917, c. 73, s. 16; C.S., s. 6727; 1949, c. 785, s. 4; 1981, c. 766, s. 8; 2001-493, s. 5; 2021-120, s. 1(a).)

§ 90-157. Chiropractors subject to State and municipal regulations.

Chiropractors shall observe and be subject to all State and municipal regulations relating to the control of contagious and infectious diseases. (1917, c. 73, s. 17; C.S., s. 6728.)

§ 90-157.1. Free choice by patient guaranteed.

No agency of the State, county or municipality, nor any commission or clinic, nor any board administering relief, social security, health insurance or health service under the laws of the State of North Carolina shall deny to the recipients or beneficiaries of their aid or services the freedom to choose a duly licensed chiropractor as the provider of care or services which are within the scope of practice of the profession of chiropractic as defined in this Chapter. (1977, c. 1109, s. 3.)

§ 90-157.2. Chiropractor as expert witness.

A Doctor of Chiropractic, for all legal purposes, shall be considered an expert in his field and, when properly qualified, may testify in a court of law as to:

- (1) The etiology, diagnosis, prognosis, and disability, including anatomical, neurological, physiological, and pathological considerations within the scope of chiropractic, as defined in G.S. 90-151; and
- (2) The physiological dynamics of contiguous spinal structures which can cause neurological disturbances, the chiropractic procedure preparatory to, and complementary to the correction thereof, by an adjustment of the articulations of the vertebral column and other articulations. (1977, c. 1109, s. 3; 1989, c. 555, s. 1.)

§ 90-157.3. Ownership of chiropractic practices limited.

(a) Each partner in a partnership that is engaged in the practice of chiropractic shall be licensed under this Article.

(b) Each general partner in a limited partnership that is engaged in the practice of chiropractic and each limited partner who takes part in the control of the practice shall be licensed under this Article.

(c) The provisions of Chapter 55B of the General Statutes shall apply to all business corporations organized under Chapter 55 of the General Statutes and engaged in the practice of chiropractic. (1999-430, s. 2.)

§ 90-157.4. Civil penalty; disciplinary costs.

(a) The Board may assess a civil penalty not to exceed five hundred dollars (\$500.00) for the violation of any section of this Article or any rule adopted by the Board. If a licensee is found responsible for multiple violations in the same disciplinary actions, the maximum cumulative fine assessed shall not exceed one thousand dollars (\$1,000). The clear proceeds of any civil penalty assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(b) The Board shall consider the following factors before imposing or assessing a civil penalty under this section:

- (1) The nature, gravity, and persistence of the particular violation.
- (2) The appropriateness of the imposition of a civil penalty when considered alone or in combination with other punishment.
- (3) Whether the violation was willful and malicious.
- (4) Any other factors that would tend to mitigate or aggravate the violations found to exist.

(c) The Board shall establish a schedule of civil penalties for violations of this Article and rules adopted by the Board.

(d) If a licensee is found to have violated any provisions of this Article or any rule adopted by the Board, the Board may charge the costs of a disciplinary proceeding, including reasonable attorneys' fees, to that licensee.

(e) If the Board imposes a civil penalty under this section, the party against whom the civil penalty has been assessed may file a petition for judicial review under Article 4 of Chapter 150B of the General Statutes. (2021-120, s. 1(b).)