



## **COLORADO BOARD OF CHIROPRACTIC EXAMINERS POLICIES**

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## **ADMINISTRATIVE**

**10-1 ADMINISTRATION Incorporated with Delegation of Authority Policy 10-10 March 11, 2010.**

**10-2 CHILD SUPPORT Incorporated with Delegation of Authority Policy 10-10 March 11, 2010.**

**10-3 SIGNING AUTHORITY Incorporated with Delegation of Authority Policy 10-10 March 11, 2010.**

### **10-4 INTERVIEWS ON BOARD MATTERS**

Interviews shall not be given to the media by Board members without permission of the Board, and request for interviews should be referred to the Program Director or other designated person.

Adopted June 4, 1981; Revised March 18, 1993; Revised May 19, 2005; Revised March 11, 2010

### **10-5 COMPLAINT WITHDRAWAL**

If the complaint is withdrawn and has not been investigated at all, the complaint and the letter of withdrawal would be provided to the Board at its next meeting. However, investigation would proceed as an initiated complaint at the Board's discretion. The Board would be notified of all factors at the time the matter is reviewed by the Board.

If the complaint is withdrawn while staff is obtaining a response from the licensee, the Board may initiate its own complaint, and staff will continue its process. The Board would be provided with all pertinent information available at the time the matter is reviewed by the Board.

If the complaint is withdrawn after the matter has been referred to the Office of Investigations, the Board may initiate its own complaint in which case OI will continue its process. The Board would be provided with all pertinent information at the time the matter is reviewed by the Board. If investigation cannot continue because of lack of cooperation with the complainant, the Board will be notified.

Adopted July 26, 2001; Revised May 19, 2005; Revised March 11, 2010

### **10-6 GUIDELINES FOR CLOSURE OF, DEPARTURE FROM, A PRACTICE Repealed March 11, 2010**

### **10-7 ANONYMOUS COMPLAINTS**

It is the policy of the Board to discourage anonymous complaints. Further, the Board will not automatically investigate anonymous complaints. Rather, they will be subject to review on a case-by-case basis.

Revised November 13, 2008; Revised March 11, 2010

### **10-8 RELEASE OF INVESTIGATORY FILE INFORMATION**

It is the policy of the Board that, under no circumstances, will investigatory file information regarding dismissed complaints be released to managed care entities, clinics, or hospitals. Upon receipt of an appropriately executed release by

the licensee, staff may provide confirmation of dismissed complaints. If a complaint was dismissed with a confidential letter of concern, staff is to confirm only that the complaint was dismissed and is not to disclose information regarding the confidential letter of concern.

Revised November 13, 2008; Revised March 11, 2010

## **10-9 GUIDELINES FOR BOARD REVIEW OF CERTIFICATION PROGRAMS**

It is the position of the Colorado State Board of Chiropractic Examiners that it requires: the individual curriculum vitae of instructors and presenters, a course description, a full course syllabus and any additional information requested by the Board, for it to review and approve a program requesting certification. It is the policy of the Board for programs to submit this information every three years for renewed program approval.

Revised May 28, 2009; Revised March 11, 2010

## **10-10 DELEGATED AUTHORITY**

The Board delegates to the Program Director or designee the authority to:

1. Sign Stipulations and Final Agency Orders, and other orders authorized by the Board.
2. Sign Suspension Orders as required by the Child Support Enforcement Program.
3. Perform the initial review of complaints relating to the practice of persons under the Board's jurisdiction and to issue 30-day letters relating to the complaints.
4. Sign and issue subpoenas and otherwise gather information in order to assist the Board in carrying out its duties.
5. Initiate complaints and issue 30-day letters to licensees currently under Stipulation or other Final Board Order if, in the opinion of the Program Director or designee, the licensee has failed to comply with any of the terms of the Stipulation of other Final Board Order.
6. Initiate complaints and issue 30-day letters where otherwise authorized by the Board.
7. Utilize services of the Office of Investigations as warranted to carry out duties of the Board.
8. Approve practice monitor, female observer, and therapy applications and reports after consultation with the Board President or other designated Board person.

Revised September 25, 2014

9. Issue appropriate discipline to expired licenses including confidential letters of concern and letters of admonition per policies 10-10 and 40-7.

Revised January 23, 2014.

10. Provide information and notice to Board Members in a timely manner on matters concerning the status of legislative bills that may affect the Board's operation, ability to carry out its duty, and the intent of its statutes.

Adopted October 10, 1996; Revised May 19, 2005

11. Suspend and reinstate the licenses of practitioners who are in violation and subsequently in compliance of the Child Support Enforcement Act as notified by the Colorado Department of Human Services.

Adopted June 25, 1998; Revised May 19, 2005

12. Sign Letters of Admonition, Cease and Desist Orders, Stipulations and Final Agency Orders and other formal actions of the Board, once approved by the Board.

Adopted January 8, 2004

13. Sign subpoenas for investigation of Board matters. The Assistant Attorney General is authorized to enforce the subpoena.

Adopted May 17, 1984, Reaffirmed October 13, 1994; Revised May 19, 2005

14. Issue the Board's Procedural Order Regarding Review of Initial Decision, which the Program Director or designee shall issue upon receipt of all initial decisions.

15. Perform additional delegated duties as set forth in other Board policies.

16. Approve Continuing Education coursework for stipulations after consultation with the Board President or other designated Board person.

17. Enter a record indicating when a respondent has complied with all terms of a stipulation and no other issues or complaints are pending before the Board regarding the Respondent.

18. Request patient records only (rather than a full investigation) from the Office of Investigations in the instance of an Insurance Fraud Complaint.

19. Grant or deny extensions to due dates set forth in Rule 27 related to the review of exceptions to Initial Decisions.

20. Grant an extension of time to allow a licensee to complete terms and conditions of a stipulation upon a showing that the licensee has made reasonable efforts to complete the terms and conditions within the probationary time period.

The Board delegates authority to the Board Staff to initiate a complaint without a Board meeting when a complaint has been received in the office that should not wait for the next scheduled meeting. If this occurs, the complaint will be placed on the agenda for the next meeting for full Board review and ratification. The Board delegates to Board Staff the authority to share information with other licensing or law enforcement agencies on matters received pursuant to Sections 12-33-117 and 12-33-126.

The Board delegates to the Office of Licensing the authority to license chiropractors by examination as well as to award acupuncture, electrotherapy, and animal chiropractic credential to applicants who meet all requirements. The Board will review applications where there is uncertainty if requirements are met. At each meeting, the Board will be asked to ratify a list of the applicants administratively licensed or certified since the previous meeting.

## **LICENSING**

### **20-1 ADMINISTRATIVE LICENSING Incorporated with Policy 10-10 March 11, 2010**

### **20-2 APPLICANTS FOR LICENSURE Repealed March 11, 2010**

### **20-3 QUALIFICATION FOR ELECTROTHERAPY CERTIFICATION Repealed March 11, 2010**

### **20-4 QUALIFICATION FOR RECIPROCITY Repealed March 11, 2010**

### **20-5 ONE-TIME EDUCATION FOR ANIMAL CHIROPRACTORS**

**PURPOSE:** To delineate the process for approving courses that will satisfy the one-time education required by section 12-33-127(4.5), C.R.S.

#### **POLICY:**

- 1) The State Board of Chiropractic Examiners hereby approves the following to offer 8-hour courses on contagious, infectious, and zoonotic diseases, which courses were approved for use in 2019 by the Colorado State Veterinarian:
  - a) Animal Chiropractic Education Source (in-person and online course presentations are approved)
  - b) Colorado Chiropractic Association (in-person and online course presentations are approved)
- 2) The State Board of Chiropractic Examiners hereby approves the following to offer 1-hour jurisprudence courses, which courses were approved for use in 2019 by the Colorado State Veterinarian:
  - a) Animal Chiropractic Education Source (in-person and online course presentations are approved)
  - b) Colorado Chiropractic Association (in-person and online course presentations are approved)

Adopted July 26, 2018; Revised September 20, 2018; Revised January 24, 2019

## **PRACTICE**

### **30-1 CONTINUING EDUCATION CREDIT - INSTRUCTOR**

Continuing Education Credit will be granted, on an hour-for-hour-taught basis, to an instructor who prepares and teaches a continuing education program of no more than 10 hours per year.

Adopted July 24, 1986; Revised January 11, 1996; Revised March 11, 2010; Revised September 25, 2014

### **30-2 CONTINUING EDUCATION CREDIT - MEDIATION**

Continuing Education Credit will be granted, on an hour for hour basis, to any person approved by the Board who participates in mediation, arbitration, and other disciplinary resolution activities on behalf of the Board, up to 10 hours per year.

### **30-3 CONTINUING EDUCATION CREDIT - EXAMINER**

Continuing Education Credit will be granted, on an hour for hour basis, to any person approved by the Board who serves as an Examiner for the Part IV Examination administered by the National Board of Chiropractic Examiners, up to 10 hours per year.

Revised March 11, 2010

### **30-4 NONCOMPLIANCE WITH CONTINUING EDUCATION**

Any licensee who does not provide proper documentation of the required 30 hours of continuing education when requested during the audit may be required to complete three times the continuing education hours they lack within 90 days of the audit's completion. If the licensee complies, no disciplinary action may be taken. The licensee is also subject to a minimum fine of \$1,000.

Approved May 13, 2004; Revised May 19, 2005, Revised March 11, 2010

### **30-5 CONTINUING EDUCATION BY DISTANCE LEARNING**

**PURPOSE:** To clarify the limitation on distance learning as set forth in Board Rule 8(J).

**POLICY:** Distance learning as used in Board Rule 8(J) includes internet education programs, CD's, DVD's, video and audio tapes. These courses allow no real-time interaction between the instructor and licensee. Continuing education courses in which the instructor and the licensee are not in direct, live communication during the course are considered distance learning courses and are limited by Board Rule 8(J) to ten hours per renewal cycle.

Continuing education courses in which the instructor and licensee are in direct, live communication during the course are not considered distance learning courses. Examples include a live lecture or teleconference in which the instructor and licensee can speak directly with each other; a video presentation in which the licensee and other practitioners discuss with a facilitator's assistance; a recorded presentation in which the licensee is able to ask questions and interact with the instructor in real time. Such courses are not subject to the ten hour limitation established by Board Rule 8(J).

Approved January 24, 2019

### **30-6 PROCESS FOR MANAGING COMPLAINTS OF UNLICENSED PRACTICE**

In conformity with its statutory purpose to protect the people of the state of Colorado, the State Board of Chiropractic Examiners ("Board") will take expedient action in unlicensed practice matters to protect the public from the unqualified, unauthorized or unlicensed practice of chiropractic, as defined in § 12-33-102, C.R.S.

Complaints of unlicensed practice will be processed on a priority basis in accordance with Division Policy. The Board will review each complaint on a case-by-case basis determining if sufficient evidence exists to support a finding of unlicensed practice.

Upon a finding of unlicensed practice, the Board may issue a cease and desist order pursuant to § 12-33-119.2, C.R.S. and refer the matter to the Office of the Attorney General for the initiation of injunctive proceedings pursuant to § 12-33-119.2(4), C.R.S. When determining the appropriate action, the Board will consider, at a minimum, the following factors:

- Nature of the unlicensed practice

- Recency of the unlicensed practice
- Risk to the public
- Previous history of unlicensed practice
- Aggravators and mitigators
- Whether the unlicensed practice constitutes a crime

In instances of imminent risk or harm to the public, the Board delegates to the Program Director or designee, in consultation with the Board President or Vice-President, the authority to issue a cease and desist order pursuant to § 12-33-119.2(4), C.R.S. and to refer the matter to law enforcement pursuant to § 12-33-120, C.R.S. when one or more of the following objective and reasonable grounds exist:

- Self-report of unlicensed practice
- Allegations of unlicensed practice as supported by credible information provided by the unlicensed person's employer or potential employer in receipt of fraudulent credentials as follows:
  - A written complaint by the employer or prospective employer stating the unlicensed person sought employment as a licensed Chiropractor or became employed as a licensed Chiropractor;
  - A written application is provided in which the unlicensed person stating the person has been issued a Chiropractic license; and,
  - Board staff confirms the person does not hold a Chiropractic license.
- The unlicensed person is convicted or criminally charged with any of the following crimes and Board staff, through review of law enforcement records, has confirmed an underlying factual basis of unlicensed practice, an attempt by the unlicensed person to secure employment as a licensee or the unlicensed person gaining employment as a licensee:
  - Unlicensed practice;
  - Criminal Impersonation of a licensee in order to secure employment as a licensed professional; or,
  - Fraud involving an attempt by the unlicensed person to secure employment as a licensee or the unlicensed person gaining employment as a licensed professional using false credentials.

For the purpose of this policy, "imminent risk or harm" is defined as an impending or immediate chance of injury, loss or damage.

The Board will enforce the cease and desist or injunctive order through investigation to determine compliance with the order conducted by the Division's Office of Investigations.

Upon information that an individual has violated a cease and desist order issued by the Board against that individual pursuant to § 12-33-119.2(4), C.R.S., the Board specifically authorizes the Program Director to refer such matter directly to the Office of the Attorney General for initiation of injunctive proceedings and to local law enforcement for investigation of the unlicensed practice.



Upon information that an individual has violated an order of injunction issued by a court of competent jurisdiction against that individual pursuant to § 12-33-119.2(4), C.R.S., the Board specifically authorizes the Program Director to refer such matter directly to the Office of the Attorney General for initiation of contempt proceedings and to local law enforcement for investigation of the unlicensed practice.

Adopted July 26, 2018

### **30-7 DETERMINATION OF SCOPE OF PRACTICE**

In determining whether a specific individual act or practice is within the lawful scope of practice of a licensed Colorado chiropractor, the Board may consider the following:

- If the act is allowed by statute,
- If it advances or is not harmful to the life, health, property and the public welfare of the people of this State,
- If the procedure is taught at or through a CCE accredited chiropractic college or equivalent,
- If the practitioner has demonstrated competency through didactic and clinical training.

The Board then may also consider if the act or practice constitutes generally accepted practice among Colorado chiropractors and its basis in:

- Doctoral (professional) level didactic and clinical training
- Post-doctoral (post-professional) level didactic and clinical training

### **30-8 PRACTICES WHICH ARE NOT WITHIN THE SCOPE OF CHIROPRACTIC Repealed March 11, 2010**

### **30-9 PRACTICES WITHIN THE SCOPE OF CHIROPRACTIC PRACTICE BY STATUTE OR RULE ARE:**

Practices within the scope of chiropractic in Colorado include, but are not limited to:

- Use of spirometry devices for therapeutic or diagnostic purposes.
- Ordering or performing of CT scan, MRI, and thermography
- Use of TENS therapy by licensees who are qualified to practice electrotherapy.
- All blood, saliva, urine and hair laboratory testing consistent with the clinical presentation.
- All forms of physiotherapy and oxygen therapy
- Paraspinal surface electromyography
- Nerve conduction velocity (NCV)
- Needle electromyography
- Electrocardiography (EKG/ECG)

- Electrotherapy/Physical Remedial Measures
- Animal chiropractic
- Acupuncture
- Dry needling
- Manipulation under anesthesia (MUA)

Topical administration in conjunction with acupuncture needles of vitamins, minerals, phytonutrients, antioxidants, enzymes, glandular extracts, botanical and homeopathic medicines for diagnostic and therapeutic purposes by doctors of chiropractic certified by the Board in acupuncture.

Revised March 11, 2010; Revised September 25, 2014

### **30-10 CHIROPRACTIC AND PRIMARY HEALTH CARE Repealed March 11, 2010**

### **30-11 DRUG PRODUCTS Repealed March 11, 2010**

### **30-12 REPORTING Repealed March 11, 2010**

### **30-13 UTILIZATION REVIEW Repealed January 23, 2014**

### **30-14 APPROVED X-RAY TRAINING FOR CHIROPRACTIC ASSISTANTS**

Purpose: To identify qualifying training as required by § 12-33-201, C.R.S. and Board Rule 17

Policy: The Colorado Board of Chiropractic Examiners hereby approves the following providers:

1. [www.chirocredit.com](http://www.chirocredit.com) (approved March 21, 2019)
2. Colorado Chiropractic Association (approved May 23, 2019)

### **30-15 DIAGNOSIS Repealed March 11, 2010**

### **30-16 OPPOSING X-RAY VIEWS Repealed March 11, 2010**

### **30-17 APPROVED ACUPUNCTURE TRAINING**

Purpose: To identify Board-approved providers of acupuncture training as required by Rule 17

Policy: The Colorado Board of Chiropractic Examiners hereby approves the following to provide acupuncture training:

1. Schools and providers approved by the Council on Chiropractic Education (approved May 23, 2019)
2. Schools and providers accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (approved May 23, 2019)

### **30-18 CLARIFYING ACUPUNCTURE FOR DOCTORS OF CHIROPRACTIC CERTIFIED IN ACUPUNCTURE Incorporated with Policy 30-9 March 11, 2010**

**30-19 SELF-TREATMENT AND TREATMENT OF FAMILY MEMBERS AND OTHERS WITH WHOM SIGNIFICANT EMOTIONAL RELATIONSHIPS EXIST Repealed May 28, 2009**

**30-20 SALE OF PRODUCTS IN CHIROPRACTOR'S OFFICES Repealed March 11, 2010**

**30-21 CHIROPRACTIC ENSURING COMPETENCY POLICY**

A chiropractor that submits an application for reinstatement, endorsement, or reactivation of an inactive license, where it is necessary to demonstrate competency to practice, the Board will consider the following items as demonstration of competency:

1. Proof of successful completion of the following within two (2) years immediately preceding receipt of the application by the Board:
  - a. Minimum education requirements pursuant to § 12-33-111, C.R.S.; and b.  
Exam requirements as outlined in § 12-33-112, C.R.S.
2. Eight hours of in-person record-keeping or documentation continuing education that meets the requirements of Rule 8 and is completed within two years immediately preceding the date of the application, in addition to one of the following:
  - a. Verification of an active license to practice chiropractic in good standing from another state along with proof of an active chiropractic practice in that state for a minimum of 600 hours over or in a 12-month period during the two years immediately preceding the date of the application;
  - b. Successful completion of the Special Purposes Examination for Chiropractic (SPEC) offered through the National Board of Chiropractic Examiners within two years immediately preceding the date of the application;
  - c. Supervised practice for a period of no less than six months. This supervisor must be pre-approved;  
or
1. Any other manner approved by the Board.

Revised September 25, 2014

**30-22 INJECTIONS OUTSIDE THE SCOPE OF CHIROPRACTIC**

Under Article 33 of Title 12, C.R.S., chiropractors practicing in Colorado are not permitted to use injections in the treatment of patients. A chiropractor who injects patients may be disciplined for violating either § 12-33-117(1)(b), C.R.S. (an act or omission that constitutes negligent chiropractic practice or fails to meet generally accepted standards of chiropractic practice) and/or § 12-33-117(1)(ee), C.R.S. (performing a procedure in the course of patient care that is beyond the scope of authorized chiropractic services).

Adopted May 23, 2013, Revised September 25, 2014

**DISCIPLINE**

**40-1 CONFIDENTIALITY EXCEPTIONS Incorporated with Policy 10-10 March 11, 2010**

**40-2 A SUBPOENA FOR INVESTIGATION 2005 Incorporated with Policy 10-10 March 11, 2010**

**40-3 A SUBPOENA FOR INVESTIGATION Incorporated with Policy 10-10 March 11, 2010**

**40-4 INITIATING COMPLAINTS Incorporated with Policy 10-10 March 11, 2010**

**40-5 DELEGATED AUTHORITY Moved to Policy 10-10**

**40-6 CASES DISMISSED WITH CONFIDENTIAL LETTERS OF CONCERN**

It is the policy of the Board that complaints that are dismissed with confidential letters of concern are not dismissed as being without merit but rather are dismissed due to no reasonable cause to warrant further action at that time. Cases that are dismissed with a confidential letter of concern will be retained in the Board's files for a period of five years.

The Board may reopen a case that was dismissed with a letter of concern in the face of a change in circumstances. Such a change in circumstances would include but not be limited to:

- Discovery of new evidence supporting the underlying charges;
- Evidence that the licensee has engaged in further unprofessional conduct/grounds for discipline following issuance of the letter of concern in which there is a nexus between the new conduct and that was addressed in the case that was dismissed with the letter of concern.

After five years from the date of the confidential letter of concern, the file will be disposed in accordance with the Division's records management procedures. If the licensee has other active cases pending at the end of the five year retention period, the confidential letter of concern may be kept for a longer period of time at the discretion of the Board staff or as the Board deems appropriate at the time of reinstatement.

**40-7 CHIROPRACTIC REINSTATEMENT POLICY**

A licensee has 60 days within which to renew a license from the date of expiration of the license, and still be deemed to have an active license. The license will be deemed to have lapsed if not renewed within 60 days of the expiration date. After 60 days the licensee must apply for reinstatement of the license pursuant to Board Rule 2.

If the Board finds that a licensee has practiced with a lapsed license during a period of time of 61 days from the expiration of the license to six months after expiration of the license the Board will issue a Confidential Letter of Concern advising the licensee that the licensee is practicing chiropractic in violation of the law at the time of reinstatement.

If the Board finds that a licensee has practiced with a lapsed license for a period of six months to one year; the Board will issue the licensee a Letter of Admonition at the time of reinstatement.

If the Board finds that a licensee has practiced with a lapsed license for more than one year; the Board may impose a period of suspension, or in lieu of suspension, may levy a fine and impose such other disciplinary action as the Board deems appropriate at the time of reinstatement.

The Board has the authority to issue Cease and Desist Order to any licensee who continues to practice after 60 days of the expiration date if appropriate by law.

#### **40-8 GUIDELINES FOR PRACTICE MONITORING COMPLIANCE**

It is the position of the Colorado State Board of Chiropractic Examiners that the Board staff shall promptly notify a licensee whose practice monitoring report is late and that the licensee shall come into compliance with the terms of the Stipulation and Final Board Order within 14 days. If the licensee does not come into compliance the Board will determine whether imposition of a suspension pursuant to Section 12-33-117 or Section 12-33-119(2), C.R.S. is warranted. Refer to practice monitor application for more details.

#### **40-9 BOARD MEMBER COMPLAINTS**

It is the policy of the Board of Chiropractic Examiners that any signed complaint received by the Board against a current licensee who is a member of the Board or one who has served on the Board within the last five years, or a licensee who has an ongoing formal relationship with the Board will be handled as follows:

- If the complaint alleges a violation of the Practice Act, the complaint will be sent to the Office of Investigations within the Division of Registrations for a formal investigation.
- If the complaint alleges substandard practice, the Office of Investigations will also have the case reviewed by an independent consultant selected by the Office of Investigations.
- If the complaint alleges sexual boundary violations, substance abuse, or physical or mental impairment, the Board may require the licensee to undergo evaluation by the designated peer assistance provider to the Board or a qualified healthcare provider selected by the Office of Investigations. At a minimum, the complaint shall be sent to the Office of Investigations to determine if there is any validity to the allegations.
- Upon completion of the investigation or evaluation, the report will be referred to the Board for appropriate action.
- If the complaint alleged sexual boundary violations, substance abuse, or physical or mental impairment and the report from the Office of Investigation substantiates such allegations, the Board shall require the licensee to undergo evaluation by the designated peer assistance provider to the Board or a qualified healthcare provider selected by the Office of Investigations, if the Board has not already done so.
- All other customary procedures for the handling of a complaint by the Board will apply. These may include but are not limited to issuance of a 30-day letter, notification to the licensee and complainant of Board decisions, and the confidentiality of the complaint and investigation as provided by the Practice Act.
- Anonymous complaints filed against a current licensee who is a member of the Board or one who has served on the Board within the past five years, or a licensee who has an ongoing formal relationship with the Board will be evaluated by the Board in accordance with the Board's policy regarding anonymous complaints.

#### **40-10 FINING**

A chiropractor violating any provision of the practice act or any rule promulgated pursuant to the practice act may be

fined between \$1,000 and \$2,000 for a first violation proven by the board, between \$1,000 and \$3,000 for a second violation proven by the board, and between \$1,000 and \$5,000 for a third or subsequent violation proven by the board. This guideline is established pursuant to C.R.S. 12-33-117(1.5).