

Ohio State Chiropractic Board



NEWSLETTER

January 2019

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Rules Changes

Amendments to the following rules effective January 1, 2019:

- **Payment of Fees** (rescinded)
- **Board Approved Doctor of Chiropractic Degree Programs** (amended)
- **License for Voluntary Public Service** (amended)
- **Addresses of Licensees** (rescinded and drafted as new)
- **Continuing Education Credit for Providing Health Care to Indigent and Uninsured Persons as a Volunteer** (amended)
- **Unlicensed Supportive Personnel** (amended)
- **Quality Intervention Program** (amended)
- **Examination and Prescription Protocols** (amended)
- **Board Consideration of Sanctions** (amended)
- **Universal Precautions** (amended)
- **Concussion Management** (amended)
- **Fine Schedules** (rescinded and drafted as new)
- **Professional Ethics** (rescinded and drafted as new)
- **Conduct Following Action Against a Licensee** (rescinded and drafted as new)
- **Prepayment Plans** (amended)
- **Application for Acupuncture Certificate** (rescinded and drafted as new)

This newsletter only contains highlights of the amendments. Please review the rules in their entirety to ensure your continued compliance.

A current PDF version of the laws and rules is available for download on the Board's [website](#) under the **Laws and Rules tab.**

Please keep your email address up to date to ensure you receive important messages about future rule changes. Updates and changes to your contact information must be made through your eLicense.ohio.gov profile.

Highlights of the Changes:

- ❖ In addition to current home and business contact information, **a current email address must be maintained with the Board through eLicense.ohio.gov.**
- ❖ CE certificates documenting care to indigent and uninsured persons as a volunteer must be in writing on letterhead from an administrative official at the organization where the services were rendered.
- ❖ Additional duties were added to the list of professional responsibilities that may be delegated to properly trained and supervised unlicensed personnel:
 - Instruction and supervision of therapeutic exercises
 - Instruction and supervision of therapeutic procedures and activities
 - Instruction and supervision of neuromuscular reeducation
 - Low level laser therapy up to and including class IV lasers
- ❖ The Consensus Statement on Concussion in Sport was updated and a diplomate in chiropractic neurology recognized by the International Board of Chiropractic Neurology (IBCN) was added to the list of credentials that permit licensees to assess and/or grant a clearance to return to play to a youth sports participant.
- ❖ The prepayment plan rule was corrected to require each plan to include the proposed treatment plan, diagnosis and condition being treated.

Continued-Highlights of the Changes:

- ❖ The Professional Ethics rule was updated, and the following provisions were added:
 - Chiropractors who are employees of unlicensed individuals or who work in a multidisciplinary healthcare setting are required to exercise independent professional judgment and act in each patient's interest at all times.
 - Requires maintaining professional boundaries when interacting with patients via the internet, electronic messaging, text messaging, or any other type of social networking.
 - Prohibits advertising educational degrees not recognized by a national accrediting agency recognized by the Secretary of the US Dept. of Education or the equivalent for education earned outside the US and/or advertising specialty certifications or diplomates not issued by a duly recognized organization.

EMERGENCY USE OF OXYGEN

Medical oxygen is a prescription drug and is required to bear the legend "Caution: Federal Law prohibits dispensing without a prescription." An Ohio Board of Pharmacy issued [Terminal Distributor License](#) is required to obtain and/or possess medical oxygen.

Devices for the administration of emergency oxygen may be purchased and sold without a prescription by persons registered with the Ohio Board of Pharmacy as a dangerous drug distributor, so long as the device meets the following criteria:

- ◆ The device is promoted and sold for use by non-medical personnel in the event of an emergency;
- ◆ The device is designed so that it delivers a 6 liter per minute set for at least 15 minutes without any adjustments needed by medically trained personnel;
- ◆ The device contains no more than 80 minutes (480 liters) of USP oxygen.

In the instance of an *emergency*, Ohio licensed chiropractic physicians may administer oxygen so long as it is administered in accordance with the above criteria.



MASSAGE THERAPY

Most medical insurance policies do not cover massage therapy (CPT 97124).

It has come to the Board's attention that massage therapy provided at chiropractic offices by Licensed Massage Therapists is being billed under the doctor's NPI number, making it appear as if the doctor performed the service and therefore insurance reimbursement is made. This is considered circumventing a policy exclusion to obtain reimbursement, which may be considered a violation of the Board's billing practices rule.

Licensees who employ LMTs to perform massage therapy should review their billing procedures and seek clarification with payors and/or legal counsel about reimbursement based upon who performs the massage.

CBD Oil

The federal Agriculture Improvement Act of 2018 did not reschedule CBD under Ohio law

Further, until the Ohio General Assembly reschedules hemp, CBD oil derived from hemp remains prohibited. Therefore, the following position remains in effect:

House Bill 523, effective September 8, 2016, legalized medical marijuana in Ohio. HB 523 does not make a distinction between CBD oil derived from hemp and CBD oil derived from marijuana. CBD oil is included in the definition of marijuana, whether as an extract or wholly synthesized. As such, licensees are prohibited from administering, selling, distributing, recommending or providing advice regarding CBD oil and hemp oil.

The Board is monitoring developments on this topic and will issue updates/guidance to the profession upon receiving new information.

If you have questions or concerns regarding medical marijuana, please visit the [Ohio Medical Marijuana Control Program](#) website and/or contact your [state representative](#) or [senator](#).

Earn your CE for 2020 Renewal!

The current CE earning period is April 1, 2018 to March 31, 2020.