

1 **20:41:02:02. Hearings on petition to obtain declaratory ruling.** A hearing on a petition for
2 declaratory ruling may be held upon ten days written notice to all parties. The hearing must be public;
3 testimony must be recorded ~~on magnetic tape or by other equivalent means~~. At the request of any
4 person, testimony given at such a hearing must be transcribed. The transcription expense must be
5 borne by each person requesting a transcript. Parties may make their own provisions to have court
6 reporters present at the hearing. Briefs may be filed by interested parties as the board may direct.
7 Hearings shall be conducted in conformity with the provisions of SDCL 1-26-17 to 1-26-26,
8 inclusive.

9 **Source:** 1 SDR 24, effective August 28, 1974; 12 SDR 151, 12 SDR 155, effective July 1,
10 1986; 28 SDR 88, effective December 23, 2001; 35 SDR 47, effective September 8, 2008.

11 **General Authority:** SDCL 36-5-4, 36-5-21(4).

12 **Law Implemented:** SDCL 1-26-15, 36-5-21(4).

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CHAPTER 20:41:04

15

EDUCATIONAL INSTITUTIONS

16 Section

17 20:41:04:01 Approved chiropractic schools.

18 ~~20:41:04:02 — Schools approved by the board of examiners Repealed.~~

19 20:41:04:03 Repealed.

20 **20:41:04:01. Approved chiropractic schools.** All applicants for licensure ~~who matriculate~~
21 ~~in a chiropractic college after October 1, 1975~~, must present evidence of having graduated from a
22 chiropractic college accredited by the Council on Chiropractic Education.

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24 **Source:** 1 SDR 24, effective August 28, 1974; 2 SDR 63, effective April 12, 1976; 5 SDR 8,
25 effective August 14, 1978; 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155,
26 effective July 1, 1986; 37 SDR 133, effective January 12, 2011.

27 **General Authority:** SDCL 36-5-4.

28 **Law Implemented:** SDCL 36-5-8, 36-5-9.

29 **Reference:** "Institutions Holding Accredited Status." Copies may be obtained from the
30 Council on Chiropractic Education at www.cce-usa.org.

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32 **20:41:04:02. Schools approved by the board of examiners.** ~~The board approves, for the~~
33 ~~purposes of SDCL 36-5-9, all colleges or universities or junior colleges which are accredited as of~~
34 ~~December 1, 2010, by the following: Middle States Commission on Higher Education; New England~~
35 ~~Association of Schools and Colleges; Commission on Institutions of Higher Education; New York~~
36 ~~State Board of Regents; and the Commissioner of Education; North Central Association of Colleges~~
37 ~~and Schools; the Higher Learning Commission; Northwest Commission on Colleges and~~
38 ~~Universities; Southern Association of Colleges and Schools; Commission on Colleges; and Western~~
39 ~~Association of Schools and Colleges; Accrediting Commission for Senior Colleges and Universities.~~
40 ~~The board, upon the presentation of an application for examination as provided by chapter 20:41:05,~~
41 ~~may approve other colleges, universities, or junior colleges~~ Repealed.

42 **Source:** 1 SDR 24, effective August 28, 1974; 2 SDR 63, effective April 12, 1976; 12 SDR
43 151, 12 SDR 155, effective July 1, 1986; 37 SDR 133, effective January 12, 2011.

44 ~~**General Authority:** SDCL 36-5-4.~~

45 ~~**Law Implemented:** SDCL 36-5-8, 36-5-9.~~

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CHAPTER 20:41:05

APPLICATIONS FOR EXAMINATION

Section

~~20:41:05:01 Verified general information to be furnished by applicant for examination~~

Application for licensure.

20:41:05:01.01 Application submission more than two years after graduation.

~~20:41:05:02 Information on education to be provided~~ Repealed.

20:41:05:03 Verified information on other licenses and experience.

20:41:05:04 Attachments and other information in connection with application.

20:41:05:04.01 Criminal background investigation required -- Procedure -- Results furnished to board.

20:41:05:05 Reciprocity.

20:41:05:06 Inactive status ~~and reactivation of~~ license.

20:41:05:06.01 Lapse ~~and reinstatement of~~ license.

20:41:05:06.02 Reactivation of inactive license or reinstatement of lapsed license

~~20:41:05:07~~ Continuing rights Repealed.

20:41:05:08 Repealed.

~~20:41:05:09~~ Licensure examination Repealed.

20:41:05:10 Financial responsibility.

20:41:05:11 Exemption from financial responsibility.

20:41:05:12 Exemption from licensing requirement for a person licensed in another state.

20:41:05:13 Licensure of military personnel and spouses.

20:41:05:01. ~~Verified general information to be furnished by applicant for examination~~

Application for licensure. Each applicant ~~for examination~~ shall ~~make a written application verified~~

74 ~~by oath of the applicant. The application must be printed or typewritten, and all questions must be~~
75 ~~answered completely and correctly~~ apply to the board on prescribed forms. All ~~candidates~~ applicants
76 must appear in person at a regular meeting of the board of chiropractic examiners after submitting
77 their application. ~~The full name, permanent address, birthplace, date of birth, age, and social security~~
78 ~~number shall be on the application. The applicant shall give particulars as to whether he has ever~~
79 ~~been arrested for or charged with any crime, other than a traffic violation, whether he is a citizen of~~
80 ~~the United States, whether he is engaged in any business or vocation other than chiropractic, and his~~
81 ~~places of residence for the preceding five years.~~

82 **Source:** 1 SDR 24, effective August 28, 1974; 12 SDR 151, 12 SDR 155, effective July 1,
83 1986.

84 **General Authority:** SDCL 36-5-4.

85 **Law Implemented:** SDCL 36-5-4, 36-5-10.

86
87 **20:41:05:02. Information on education to be provided.** ~~The applicant shall provide the~~
88 ~~following information concerning education:~~

89 ~~—— (1) The year and location of high school graduation;~~

90 ~~—— (2) The name, location, dates of attendance, and degrees received from prechiropractic~~
91 ~~colleges;~~

92 ~~—— (3) The name, location, dates of attendance, date of graduation, degree received, and total~~
93 ~~number of hours from chiropractic colleges~~ Repealed.

94 **Source:** 1 SDR 24, effective August 28, 1974; 7 SDR 95, effective April 13, 1981; 12 SDR
95 151, 12 SDR 155, effective July 1, 1986.

96 ~~—— **General Authority:** SDCL 36-5-4.~~

97 ~~—— **Law Implemented:** SDCL 36-5-4, 36-5-10.~~

98

99 **20:41:05:04. Attachments and other information in connection with application.** Each
100 applicant shall attach the following to the application:

101 (1) The license fee of \$300 made payable to the board, all but \$100 of which is refundable if
102 license is not issued;

103 (2) An original unretouched photograph taken within six months preceding the date of
104 application, which shows head and shoulders, front view, and is two inches by two inches;

105 (3) A ~~certified~~ verified copy of the applicant's college diploma and grades;

106 (4) Certification required by SDCL 36-5-9;

107 (5) A ~~certified~~ verified copy of the applicant's National Board of Chiropractic Examiners
108 diploma and grades; and

109 (6) The agreement of the applicant to keep the board fully advised of the applicant's address
110 and to give such assistance as the law may require to aid in the prosecution of violations of the laws
111 of South Dakota pertaining to the practice of chiropractic.

112 ~~(7) Two licensed chiropractors must certify that the applicant is not addicted to intoxicants or~~
113 ~~drugs and must recommend the applicant as a person of high moral character, stating their addresses~~
114 ~~and the length of time each has known the applicant.~~

115 All materials required by this section must be received in the ~~secretary-treasurer's board~~ office
116 ~~or postmarked at least~~ 15 days before the examination date.

117 **Source:** 1 SDR 24, effective August 28, 1974; 2 SDR 63, effective April 12, 1976; 7 SDR 95,
118 effective April 13, 1981; 12 SDR 151, 12 SDR 155, effective July 1, 1986; last sentence pertaining
119 to examination subjects transferred to § 20:41:05:09, 13 SDR 85, effective January 4, 1987; 19 SDR
120 121, effective February 21, 1993; 28 SDR 88, effective December 23, 2001; 29 SDR 34, effective
121 September 19, 2002; 32 SDR 32, effective August 31, 2005.

122 **General Authority:** SDCL 36-5-4, 36-5-10, 36-5-11, 36-5-12, 36-5-14.2, 36-5-15.2(4), 36-
123 5-16.

124 **Law Implemented:** SDCL 36-5-4, 36-5-10, 36-5-11, 36-5-12, 36-5-15.2(4), 36-5-16.

125 **Reference:** ~~"Institutions Holding Accredited Status," revised July 8, 1992, The Council on~~
126 ~~Chiropractic Education, 8049 N. 85th Way, Scottsdale, AZ 85258-4321. Copies may be obtained~~
127 ~~from the above address.~~

128 **20:41:05:04.01. Criminal background investigation required -- Procedure -- Results**
129 **furnished to board.** ~~Effective January 1, 2006, each~~ Each applicant for admission to practice as a
130 chiropractor in this state shall submit to a criminal background investigation by means of fingerprint
131 checks by the Division of Criminal Investigation and the Federal Bureau of Investigation. Each
132 applicant shall submit a completed fingerprint card to the board. The board shall submit the cards to
133 the Division of Criminal Investigation prior to the admittance of an applicant. The fingerprint cards
134 shall be forwarded by the Division of Criminal Investigation to the Federal Bureau of Investigation
135 for a national criminal record check. The results of the criminal history check shall be given to the
136 board to determine an applicant's qualification for admission pursuant to SDCL 36-5-14.2.

137 **Source:** 32 SDR 32, adopted August 11, 2005, effective July 1, 2006.

138 **General Authority:** SDCL 36-5-4, 36-5-10, 36-5-11, 36-5-12, 36-5-14.2, 36-5-15.2(4), 36-
139 5-16.

140 **Law Implemented:** SDCL 36-5-4, 36-5-10, 36-5-11, 36-5-12, 36-5-15.2(4), 36-5-16.

141 **Reference:** ~~"Institutions Holding Accredited Status," revised July 8, 1992, The Council on~~
142 ~~Chiropractic Education, 8049 N. 85th Way, Scottsdale, AZ 85258-4321. Copies may be obtained~~
143 ~~from the above address.~~

144
145 **20:41:05:05. Reciprocity.** The fee for a license granted pursuant to SDCL 36-5-13 is \$300,
146 all but \$100 of which is refundable if license is not issued. An applicant seeking reciprocity shall
147 include with the ~~written~~ required application a certification from the ~~secretary of the~~ applicable state
148 board of chiropractic examiners showing the date, license number, state, and ratings or record of

149 examination of the applicant in chiropractic subjects and basic science subjects, National Board of
150 Chiropractic Examiners diploma and grades, including the general average received, the status of
151 the license issued, and a recommendation concerning good moral character and the worthiness of
152 the applicant for reciprocal recognition. An applicant seeking reciprocity shall also meet the
153 following criteria:

154 (1) Has passed all parts of national boards required at the time of graduation;

155 (2) Has actively practiced a minimum of five years immediately preceding the submission of
156 the application;

157 (3) Has no investigations pending; and

158 (4) Has no adverse actions taken by another state board.

159 After review of an applicant's application and record, if the board has any remaining concerns
160 about an applicant's clinical competency, the board may require the applicant to take and
161 ~~successfully~~ pass the National Board of Chiropractic Examiners (NBCE) Special Purposes
162 Examination for Chiropractic (SPEC) or the National Board of Chiropractic Examiners Part IV
163 Examination. The board shall determine the score for ~~successful~~ passage and shall consider the
164 NBCE recommended score to make that determination.

165 **Source:** 1 SDR 24, effective August 28, 1974; 2 SDR 63, effective April 12, 1976; 7 SDR 95,
166 effective April 13, 1981; 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155,
167 effective July 1, 1986; 28 SDR 88, effective December 23, 2001; 29 SDR 34, effective September
168 19, 2002; 32 SDR 32, effective August 31, 2005; 35 SDR 47, effective September 8, 2008; 37 SDR
169 133, effective January 12, 2011.

170 **General Authority:** SDCL 36-5-4, 36-5-13.

171 **Law Implemented:** SDCL 36-5-4, 36-5-10, 36-5-13.

172

173 **20:41:05:06. Inactive status and reactivation of license.** Upon filing with the board a
174 written statement requesting inactive license status and paying the fee prescribed in § 20:41:07:02,
175 the board shall place the licensee on inactive status and issue an inactive license. No person may
176 practice chiropractic in South Dakota with an inactive license. ~~A chiropractor with an inactive South
177 Dakota license and an active license in good standing in another state may, after meeting all other
178 requirements of this chapter, convert to an active South Dakota license by paying the active license
179 fee, submitting a renewal application, and providing verification of continuing education as required
180 by § 20:41:08:02. A chiropractor with an inactive South Dakota license who does not currently have
181 an active license in good standing in another state, may convert to an active license in South Dakota
182 only after successfully passing the National Board of Chiropractic Examiners (NBCE) Special
183 Purposes Examination for Chiropractic (SPEC), the National Board of Chiropractic Examiners Part
184 IV Examination, or both, as determined by the board. The board shall determine the score for
185 successful passage and shall consider the NBCE recommended score to make that determination. If
186 it has been two years or less since a chiropractor had an active license in South Dakota, the board
187 may waive the Special Purposes Examination for Chiropractic (SPEC).~~

188 **Source:** 2 SDR 63, effective April 12, 1976; 12 SDR 117, effective January 19, 1986; 12 SDR
189 151, 12 SDR 155, effective July 1, 1986; 28 SDR 88, effective December 23, 2001; 33 SDR 66,
190 effective October 23, 2006; 37 SDR 133, effective January 12, 2011; 41 SDR 109, effective January
191 12, 2015.

192 **General Authority:** SDCL 36-5-4, 36-5-10, 36-5-12, 36-5-14.2, 36-5-15.2(3)(4).

193 **Law Implemented:** SDCL 36-5-4, 36-5-9, 36-5-10, 36-5-12, 36-5-14.2, 36-5-15.2(3)(4).

194 **Cross-Reference:** Annual renewal fees, ch 20:41:07.

195

196 **20:41:05:06.01. Lapse and reinstatement of license.** If a licensee fails to maintain an active
197 license or secure an inactive license as provided in § 20:41:05:06, the chiropractor's license lapses

198 on the date immediately following the final date of the period for which it was last renewed. No
199 person may practice chiropractic in South Dakota with a lapsed license. A chiropractor with a lapsed
200 South Dakota license and an active license in good standing in another state may, after meeting all
201 other requirements of this chapter, obtain an active South Dakota license by paying the active license
202 fee, submitting a renewal application, and providing verification of continuing education as required
203 by § 20:41:08:02. A chiropractor with a lapsed South Dakota license who does not currently have
204 an active license in good standing in another state, may obtain an active South Dakota license only
205 after successfully passing the National Board of Chiropractic Examiners (NBCE) Special Purposes
206 Examination for Chiropractic (SPEC), the National Board of Chiropractic Examiners Part IV
207 Examination, or both, as determined by the board. The board shall determine the score for successful
208 passage and shall consider the NBCE recommended score to make that determination. If it has been
209 two years or less since the chiropractor had an active license in South Dakota, the board may waive
210 the Special Purposes Examination for Chiropractic (SPEC), the National Board of Chiropractic
211 Examiners Part IV Examination, or both.

212
213 **20:41:05:06.02 Reactivation of inactive license or reinstatement of lapsed license. A**
214 chiropractor with an inactive or lapsed South Dakota license and an active license in good standing
215 in another state may, after meeting all other requirements of this chapter, convert to an active South
216 Dakota license by paying the active license fee, submitting a renewal application, and providing
217 verification of continuing education as required by § 20:41:08:02. A chiropractor with an inactive
218 or lapsed South Dakota license who does not currently have an active license in good standing in
219 another state, may convert to an active license in South Dakota only after passing the National Board
220 of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic (SPEC), the
221 National Board of Chiropractic Examiners Part IV Examination, or both, as determined by the board.
222 The board shall determine the score for passage and shall consider the NBCE recommended score

223 to make that determination. If it has been two years or less since a chiropractor had an active license
224 in South Dakota, the board may waive the Special Purposes Examination for Chiropractic (SPEC).

225 **Source:**

226 **General Authority:** SDCL 36-5-4, 36-5-10, 36-5-12, 36-5-14.2, 36-5-15.2(3)(4).

227 **Law Implemented:** SDCL 36-5-4, 36-5-9, 36-5-10, 36-5-12, 36-5-14.2, 36-5-15.2(3)(4).

228

229 **20:41:05:07. Continuing rights.** ~~The board shall not deny a license in years after 1975 to a~~
230 ~~person who held a valid 1975 or later South Dakota chiropractic license, if the denial is based wholly~~
231 ~~or in part on the fact that the person is not a graduate of an approved chiropractic school or other~~
232 ~~school as approved by the board pursuant to chapter 20:41:03 Repealed.~~

233 **Source:** 2 SDR 63, effective April 12, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

234 ~~— **General Authority:** SDCL 36-5-4.~~

235 ~~— **Law Implemented:** SDCL 36-5-4, 36-5-9, 36-5-14.2.~~

236

237 **20:41:05:09. Licensure examination.** ~~The board may conduct a written examination of the~~
238 ~~applicant in those subjects required by SDCL 36-5-12 and in chiropractic orthopedies, neurology,~~
239 ~~clinical laboratory, nutrition, physiotherapy, spinal and extra-spinal manipulation, meridian therapy,~~
240 ~~and all other recognized diagnostic, clinical, and therapeutic procedures as taught in board-approved,~~
241 ~~accredited schools. The ratings of the applicant shall be completed following the written examination~~
242 ~~and the clinical demonstrations Repealed.~~

243 **Source:** 1 SDR 24, effective August 28, 1974; 2 SDR 63, effective April 12, 1976; 7 SDR 95,
244 effective April 13, 1981; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from
245 § 20:41:05:04, 13 SDR 85, effective January 4, 1987; 28 SDR 88, effective December 23, 2001.

246 ~~— **General Authority:** SDCL 36-5-4, 36-5-12.~~

247 ~~— **Law Implemented:** SDCL 36-5-12.~~

248

249 20:41:05:13 Licensure of military personnel and spouses. The Board shall expedite the
250 process of licensure for those applicants who are active duty military personnel and their spouses.
251 The Board shall issue a license within thirty (30) days of receipt of a completed application if the
252 conditions set forth in 20:41:05 are met. The licensing fees for the military member and spouse are
253 waived per SDCL 36-1B-4.

254 Source:

255 General Authority: SDCL 36-1B-5

256 Law Implemented: SDCL 36-1B-1, and 36-1B-2.1

257 **CHAPTER 20:41:06**

258 **OTHER FORMS**

259 Section

260 20:41:06:01 Duplicate certificate.

261 20:41:06:02 Current address contact information.

262 **20:41:06:02. Current address contact information.** A licensee shall file ~~his correct~~
263 ~~mailing address~~ current mail and email addresses along with phone and fax numbers with the
264 ~~secretary treasurer of the~~ board.

265 **Source:** 1 SDR 24, effective August 28, 1974; 12 SDR 151, 12 SDR 155, effective July 1,
266 1986; 19 SDR 121, effective February 21, 1993.

267 **General Authority:** SDCL 36-5-4.

268 **Law Implemented:** SDCL 36-5-4.

269

270 **CHAPTER 20:41:07**

271 **ANNUAL RENEWAL FEES**

272

273 Section

274 20:41:07:01 Annual active renewal fee.

275 20:41:07:02 Annual inactive fee.

276 20:41:07:03 Renewal application.

277 **20:41:07:01. Annual active renewal fee.** The annual license renewal fee is \$~~200~~100.

278 **Source:** 2 SDR 63, effective April 12, 1976; 12 SDR 117, effective January 19, 1986; 12 SDR
279 151, 12 SDR 155, effective July 1, 1986; 29 SDR 34, effective September 19, 2002.

280 **General Authority:** SDCL 36-5-4, 36-5-14.1.

281 **Law Implemented:** SDCL 36-5-14.1.

282

283 CHAPTER 20:41:08

284 CONTINUING EDUCATION

285 Section

286 20:41:08:01 Continuing education courses.

287 20:41:08:02 Continuing education hours.

288 20:41:08:03 Continuing education waiver.

289 20:41:08:04 Information required for course approval.

290 20:41:08:05 Approval of courses.

291 **20:41:08:01. Continuing education courses.** To be counted as continuing education, courses
292 must meet the core curriculum requirements of the Council on Chiropractic Education as approved
293 by the board annually. The board may also approve continuing education courses pursuant to
294 § 20:41:08:04. Sponsors shall conduct approved courses with a certifying officer designated and
295 present at all sessions. The officer shall, without advance notice, check attendance at least three
296 times during each eight-hour block of instruction. The officer shall, within 15 days after the course

297 completion, certify to the board ~~secretary~~ the names of all participants, hours in attendance, subject
298 or subjects taught, name of sponsor, date and place of meeting, and names of all instructors.

299 The board further accepts courses by PACE Recognized Providers. The Providers are
300 accredited by the Federation of Chiropractic Licensing Boards Providers of Approved Continuing
301 Education (FCLB PACE). The FCLB PACE approved programs satisfy the board's requirements for
302 purpose of the license renewal process. Information can be obtained at the website referenced below.
303 The board may continue to approve other non-FCLB PACE courses and also to deny FCLB PACE
304 courses if deemed necessary.

305 The board may approve courses for continuing education outside of CCE based on its
306 relationship to chiropractic providing a certifying agent can attest to the hours.

307 **Source:** 2 SDR 63, effective April 12, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986;
308 19 SDR 121, effective February 21, 1993; 28 SDR 88, effective December 23, 2001; 33 SDR 66,
309 effective October 23, 2006.

310 **General Authority:** SDCL 36-5-4, 36-5-14.2, 36-5-15.2(3)(5).

311 **Law Implemented:** SDCL 36-5-14.2, 36-5-15.2(3)(5).

312 **Note:** www.fclb.org (PACE).

313

314 **20:41:08:02. Continuing education hours.** To maintain an active license, a member must
315 satisfactorily complete a minimum of 40 hours of approved continuing education courses over a 2-
316 year period. ~~The period shall begin on January 1, 1994~~ ending on the odd years. Licensees shall
317 complete up to two general hours as determined by the board. All active licensees must maintain
318 proof of current and valid CPR certification. Two hours to maintain this CPR certification may be
319 used towards the CE hours required by this rule. The lecture component may be taken on-line or
320 attended at a live class. The skill test component must be in-person and at a live class. Any
321 chiropractor who is certified to provide acupuncture must acquire eight hours of acupuncture

322 continuing education per education cycle. Special hours listed shall count toward the total CE
323 required each education cycle.

324 **Source:** 2 SDR 63, effective April 12, 1976; 5 SDR 8, effective August 14, 1978; 12 SDR 151, 12
325 SDR 155, effective July 1, 1986; 19 SDR 121, effective February 21, 1993.

326 **General Authority:** SDCL 36-5-4, 36-5-14.2.

327 **Law Implemented:** SDCL 36-5-14.2.

328

329 **CHAPTER 20:41:09**

330 **ETHICS COMMITTEE AND CODE OF ETHICS**

331 Section

332 20:41:09:01 Patient care and charges.

333 20:41:09:01.01 Informed consent.

334 20:41:09:02 Concealment of patient condition.

335 20:41:09:03 Referrals.

336 20:41:09:04 Cooperation with board or ethics committee.

337 20:41:09:04.01 Doctor-patient confidentiality.

338 20:41:09:05 Specialty listings.

339 20:41:09:06 Distributed material.

340 20:41:09:07 Repealed.

341 20:41:09:07.01 Advertising.

342 20:41:09:08 Repealed.

343 20:41:09:09 Repealed.

344 20:41:09:10 Unauthorized practice and division of fees.

345 20:41:09:11 Code of ethics.

346 20:41:09:12 Ethics opinions.

347 20:41:09:13 Requests for ethics opinions.

348 20:41:09:14 Purpose of ethics committee.

349 20:41:09:15 Composition of ethics committee.

350 20:41:09:16 Qualifications of ethics committee members.

351 **20:41:09:06. Distributed material.** Distributed or advertised material may not make any
352 promise of special techniques, ~~or~~ methods ~~or~~ of cure, or imply superiority. Such material may not
353 contain statements that are false or misleading and shall not falsely castigate or criticize other health
354 sciences or make claims that cannot be substantiated by clinical, ~~or~~ laboratory, or diagnostic
355 procedures.

356 **Source:** 2 SDR 63, effective April 12, 1976; 12 SDR 117, effective January 19, 1986; 12 SDR
357 151, 12 SDR 155, effective July 1, 1986; 28 SDR 88, effective December 23, 2001.

358 **General Authority:** SDCL 36-5-4, 36-5-15.2(3), 36-5-20(4), 36-5-21(5).

359 **Law Implemented:** SDCL 36-5-4, 36-5-15.2(3), 36-5-16, 36-5-20(4), 36-5-21(5).

360

361 **20:41:09:11. Code of ethics.** A chiropractor shall follow the preamble and parts I - XIV of
362 the 2007 American Chiropractic Association Code of Ethics or the preamble of the 1985
363 International Chiropractors Association Code of Ethics.

364 **Source:** 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1,
365 1986; 19 SDR 121, effective February 21, 1993; 25 SDR 80, effective December 6, 1998; 29 SDR
366 34, effective September 19, 2002; 37 SDR 133, effective January 12, 2011.

367 **General Authority:** SDCL 36-5-4, 36-5-15.2(1).

368 **Law Implemented:** SDCL 36-5-4, 36-5-16.

369 **Reference:** Copies may be obtained from the American Chiropractic Association at
370 www.acatoday.org or International Chiropractors Association at <http://www.chiropractic.org/>.

371

372 **CHAPTER 20:41:10**

373 **DISCIPLINARY ACTIONS**

374 Section

375 20:41:10:01 Board action in general

376 20:41:10:02 Unprofessional conduct.

377 20:41:10:02.01 Solicitations.

378 20:41:10:03 Incompetence.

379 20:41:10:04 Good moral character.

380 20:41:10:05 Fraud or deception.

381 20:41:10:05.01 Disciplinary complaints.

382 20:41:10:05.02 Actions which may warrant sanctions.

383 20:41:10:05.03 Disciplinary procedures

384 20:41:10:05.04 Procedures referred for formal hearing.

385 20:41:10:05.05 Sanctions

386 20:41:10:06 Repealed.

387 20:41:10:06.01 Judicial declaration of incompetence or involuntary commitment.

388 20:41:10:06.02 Petition by board.

389 20:41:10:06.03 Burden of proof.

390 20:41:10:06.04 Respondent's claim of illness or infirmity.

391 20:41:10:06.05 Application for reinstatement.

392 20:41:10:06.06 Doctor-patient privilege -- Waiver.

393 20:41:10:06.07 Judicial declaration of competence.

394 20:41:10:07 Suspension and probation.

395 20:41:10:08 Formal reprimands and files.

396 20:41:10:09 Board hearings -- Procedure.

397 20:41:10:10 Purpose of disciplinary committee.

398 20:41:10:11 Composition of the disciplinary committee.

399 20:41:10:12 Qualifications of disciplinary committee members.

400 **20:41:10:01. Board action in general.** The board, through a designated investigator or the
401 disciplinary committee, shall promptly investigate all complaints filed in writing with the board or
402 the disciplinary committee and violations which come to the attention of one or more board
403 members. This chapter applies to holders of licenses or certificates regulated by the Board of
404 Chiropractic Examiners.

405 **Source:** 2 SDR 63, effective April 12, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986;
406 28 SDR 88, effective December 23, 2001.

407 **General Authority:** SDCL 36-5-4, 36-5-20(4).

408 **Law Implemented:** SDCL 36-5-4, 36-5-15.2(2), 36-5-16, 36-5-20(4).

409

410 **20:41:10:04. Good moral character.** A ~~chiropractor~~ person licensed or certified by the board
411 convicted of a crime involving moral turpitude is not of good moral character.

412 **Source:** 2 SDR 63, effective April 12, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

413 **General Authority:** SDCL 36-5-4.

414 **Law Implemented:** SDCL 36-5-4, 36-5-16.

415

416 **20:41:10:05.01. Disciplinary complaints.** The board, through its investigator or the
417 disciplinary committee, shall promptly investigate any complaints of misconduct or violations filed
418 in writing and signed by a complaining party toward any person licensed or certified by the board.
419 The board shall impose appropriate sanctions as established under this chapter to protect the public
420 health, safety, and welfare of the state of South Dakota. The board may also by resolution initiate
421 disciplinary proceedings.

422 **Source:** 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1,
423 1986; 25 SDR 80, effective December 6, 1998; 28 SDR 88, effective December 23, 2001.

424 **General Authority:** SDCL 36-5-4, 36-5-15.2(1), 36-5-20(4).

425 **Law Implemented:** SDCL 36-5-4, 36-5-15.2(2), 36-5-20(4).

426 **Cross-Reference:** Procedure in contested cases, SDCL 1-26-16 to 1-26-29.

427

428 **20:41:10:05.02. Actions which may warrant sanctions.** The board may impose sanctions
429 against a chiropractor, chiropractic assistant, or chiropractic radiographer based upon any of the
430 following:

431 (1) Engaging in conduct outside the scope of **chiropractic** practice including any conduct or
432 practice contrary to recognized standard of ethics of the chiropractic profession or any conduct or
433 practice which does or might constitute a danger to the health or safety of a patient or the public or
434 any conduct, practice, or condition which does or might impair a **chiropractor's license or certificate**
435 **holder's** ability to safely and skillfully practice **chiropractic**;

436 (2) Failure to continue professional education or failure to participate in the required
437 continuing education courses as provided under the provisions of chapter 20:41:08; 20:41:13:12;
438 20:41:15:09;

439 (3) Failure to maintain current knowledge of statutes, rules, and regulations regarding the
440 practice of chiropractic;

441 (4) Failure to cooperate with and respond in writing within 15 days after personal receipt of
442 any board or board authorized committee inquiry or investigation;

443 (5) Failure to maintain proper patient records on each patient. Patient records must be clear
444 and legible and include:

445 (a) A description of the patient's complaint;

446 (b) A history;

- 447 (c) A record of diagnostic and therapeutic procedures; and
- 448 (d) A record of daily documentation which must include subjective data, objective data,
449 assessment, and plan for the patient's care;
- 450 (6) Failure to properly train and supervise staff engaged in patient care, including permitting
451 staff to perform patient treatment outside the doctor's presence;
- 452 (7) Conviction of a felony or misdemeanor involving moral turpitude. A copy of the record
453 of conviction certified to by the clerk of the court entering the conviction is conclusive evidence of
454 the conviction;
- 455 (8) Fraud, misrepresentation, or deception include the following:
- 456 (a) Practicing or attempting to practice chiropractic under a false or assumed name;
- 457 (b) Aiding, assisting, or advising another in the unlicensed practice of chiropractic;
- 458 (c) Fraud or deceit in obtaining a license to practice chiropractic;
- 459 (d) Making false or misleading statements or withholding relevant information regarding
460 the qualifications of any individual in order to attempt to obtain a license or engage in the practice
461 of chiropractic;
- 462 (e) Failing to report past, present, or pending disciplinary action by another licensing board
463 or current status of final administrative disposition of a matter. A licensee is required to report any
464 compromise or settlement of disciplinary action, whether voluntary or involuntary, which results in
465 encumbrance of licensure;
- 466 (f) Making or filing a report which the licensee knows to be false, intentionally or
467 negligently failing to file a report or record required by state or federal law, or willfully impeding or
468 obstructing another person to do so; or
- 469 (g) Submitting to any insurer or third-party pay or a claim for a service or treatment which
470 was not actually provided to a patient;

471 (9) Habitual intemperance in the use of intoxicants or controlled substances to such an extent
472 as to incapacitate the person from the performance of professional duties;

473 (10) Exercising influence on the patient or client for the purpose of financial gain of the
474 licensee or a third party;

475 (11) Improperly interfering with an investigation or inspection authorized by statute or under
476 the provisions of article 20:41 or with any disciplinary proceeding;

477 (12) Repeated violations of this chapter;

478 (13) Receiving three or more negative peer reviews within any twelve-month period; or

479 (14) Any violation of chapter 20:41:09.

480 **Source:** 25 SDR 80, effective December 6, 1998; 28 SDR 88, effective December 23, 2001;
481 32 SDR 32, effective August 31, 2005; 35 SDR 47, effective September 8, 2008.

482 **General Authority:** SDCL 36-5-4, 36-5-15.2(1), 36-5-20(4).

483 **Law Implemented:** SDCL 36-5-4, 36-5-15.2(2), 36-5-20(4).

484

485 **20:41:10:05.03. Disciplinary procedures.** Disciplinary procedures shall be initiated by
486 submission of a written complaint or by resolution of the board. Disciplinary procedures shall be
487 conducted as follows:

488 (1) Each written complaint or board resolution for disciplinary investigation shall be given to
489 the board investigator or the disciplinary committee. The investigator shall forward a copy of the
490 complaint to each committee member and shall investigate and prepare a report to be presented to
491 the committee;

492 (2) The investigator shall acknowledge receipt of the complaint;

493 (3) The investigator shall notify the chiropractic physician, chiropractic radiographer, or
494 chiropractic assistant that a complaint has been received and request a response within 15 days to be
495 mailed to the investigator. The notice shall include the basis for the complaint, including the name

496 of the complaining party, and the name of the investigator assigned to investigate the complaint. A
497 copy of these rules of procedure shall accompany the notice. The chiropractic physician, chiropractic
498 radiographer, or chiropractic assistant shall promptly and appropriately respond to any request of the
499 investigator or any committee member;

500 (4) The investigator shall notify the complainant that the chiropractic physician, chiropractic
501 radiographer, or chiropractic assistant has been notified of the allegations and requested to respond
502 within 15 days and that the response shall be forwarded to the complainant;

503 (5) The investigator shall prepare a report to present to the full committee for review. The
504 report shall include the identity of the complainant, the allegations which form the basis of the
505 complaint, the position of the chiropractic physician, chiropractic radiographer, or chiropractic
506 assistant against whom the complaint is lodged, and the proposed action, if any, that should be taken
507 with regards to the complaint;

508 (6) Upon presentation of the report to the full committee, the committee shall review the
509 report and act upon the information before it, in one of the following manners, to-wit:

510 (a) Dismiss the complaint if frivolous or clearly unfounded in fact; or

511 (b) Initiate an informal inquiry or take such further action as the committee deems
512 appropriate;

513 (7) If the committee dismisses the complaint, the investigator shall give notice to the
514 complainant and the chiropractic physician, chiropractic radiographer, or chiropractic assistant that
515 the complaint has been reviewed with the determination that no board action is warranted;

516 (8) If the committee finds the complaint to have merit, the committee shall afford the
517 chiropractic physician, chiropractic radiographer, or chiropractic assistant complained against a
518 reasonable opportunity to state ~~the chiropractic physician's~~ his or her position with respect to the
519 allegations ~~against the physician~~. The hearing shall take the form of an informal conference between
520 the committee and the ~~chiropractic physician~~ individual complained against; and

521 (9) After an informal inquiry, the committee may dismiss or, if the complaint has merit, refer
522 to the full board for a formal hearing. In lieu of referral to the full board, the committee and the
523 ~~chiropractic physician licensee or certificant~~ may enter a remedial stipulation satisfactory to both
524 ~~parties the chiropractic physician and the committee~~. If a remedial stipulation is entered, the referral
525 may not take place if the terms of the remedial stipulation are ~~successfully~~ completed and the
526 committee shall notify the complainant that the matter has been resolved in this manner. The
527 complainant is not entitled to a copy of the remedial stipulation.

528 Nothing in this section may be construed to limit the board's power to act itself, or through the
529 disciplinary committee, or a subcommittee of the disciplinary committee consisting of the
530 investigative officer, the executive director of the board, and one other member of the disciplinary
531 committee, pursuant to SDCL 1-26-29.

532 **Source:** 25 SDR 80, effective December 6, 1998; 28 SDR 88, effective December 23, 2001;
533 33 SDR 66, effective October 23, 2006; 37 SDR 133, effective January 12, 2011.

534 **General Authority:** SDCL 36-5-4, 36-5-15.2(1), 36-5-20(4), 36-5-28.

535 **Law Implemented:** SDCL 36-5-4, 36-5-15.2(2), 36-5-20(4), 36-5-28.

536

537 **20:41:10:06.01. Judicial declaration of incompetence or involuntary commitment.** If a
538 person licensed or certified by this board has been judicially declared incompetent or involuntarily
539 committed to a mental hospital or treatment center, the board of chiropractic examiners, upon proof
540 of the fact, shall enter an order either placing the person on inactive status or suspending the person
541 from the practice of chiropractic, ~~or~~ chiropractic radiography, or chiropractic assistant for an
542 indefinite period until further order of the board. A copy of the order shall be served upon the person,
543 the person's guardian, and the director of the mental hospital by certified mail, return receipt
544 requested.

545 **Source:** 5 SDR 8, effective August 14, 1978; 12 SDR 117, effective January 19, 1986; 12
546 SDR 151, 12 SDR 155, effective July 1, 1986.

547 **General Authority:** SDCL 36-5-4.

548 **Law Implemented:** SDCL 36-5-4, 36-5-16, 36-5-16.1.

549

550 **20:41:10:06.02. Petition by board.** If any interested person petitions the board or the
551 disciplinary committee to determine whether a person licensed or certified by this board is
552 incapacitated by reason of mental infirmity or illness or because of addiction to drugs or intoxicants,
553 the board or the committee may take or direct action to determine whether the person is so
554 incapacitated, including the examination of the person by such qualified medical experts as the board
555 designates. If the board concludes that the person is incapacitated from continuing to practice
556 chiropractic, ~~or~~ chiropractic radiography, or chiropractic assistant, it shall enter an order either
557 placing the person on inactive status or suspending the person on the ground of the disability for an
558 indefinite period until further order of the board. Any pending disciplinary proceeding against the
559 person shall be held in abeyance. The board shall provide notice to the respondent of proceedings in
560 the matter in accordance with SDCL chapter 1-26 and may appoint an attorney to represent the
561 respondent if the person is without representation.

562 **Source:** 5 SDR 8, effective August 14, 1978; 12 SDR 117, effective January 19, 1986; 12
563 SDR 151, 12 SDR 155, effective July 1, 1986; 28 SDR 88, effective December 23, 2001.

564 **General Authority:** SDCL 36-5-4, 36-5-20(4).

565 **Law Implemented:** SDCL 36-5-4, 36-5-16, 36-5-16.1, 36-5-20(4).

566

567 **20:41:10:06.04. Respondent's claim of illness or infirmity.** If, during the course of a
568 disciplinary proceeding, the respondent contends ~~that he is~~ suffering from a disability by reason of
569 mental or physical infirmity or illness or addiction to drugs or intoxicants, which makes it impossible

570 for the respondent to present an adequate defense, the board shall enter an order immediately
571 suspending the respondent from continuing to practice chiropractic, ~~or~~ chiropractic radiography, or
572 chiropractic assistant until a determination is made of the respondent's capacity to continue to
573 practice in a proceeding instituted in accordance with the provisions of § 20:41:10:06.02. If the board
574 determines that the respondent is not incapacitated from practicing, it shall take such action as it
575 deems advisable, including a direction for the resumption of the disciplinary proceeding against the
576 respondent.

577 **Source:** 5 SDR 8, effective August 14, 1978; 12 SDR 117, effective January 19, 1986; 12
578 SDR 151, 12 SDR 155, effective July 1, 1986.

579 **General Authority:** SDCL 36-5-4.

580 **Law Implemented:** SDCL 36-5-4, 36-5-16, 36-5-16.1.

581

582 **20:41:10:06.05. Application for reinstatement.** A person suspended under the provisions of
583 § 20:41:10:06.01 or 20:41:10:06.02, may apply for reinstatement once a year or at such shorter
584 intervals as the board may direct in the order of suspension or any modification thereof. Upon receipt
585 of an application for reinstatement, the board may take or direct any action necessary to determine
586 whether the person's disability has been removed, including the examination of the person by a
587 qualified medical expert designated by the board. The person may be directed to pay the expense of
588 the examination. The application for reinstatement shall be granted by the board upon determination
589 that the person's disability has been removed and ~~he~~ the applicant is fit to resume the practice of
590 chiropractic, ~~or~~ chiropractic radiography, or chiropractic assistant.

591 **Source:** 5 SDR 8, effective August 14, 1978; 12 SDR 117, effective January 19, 1986; 12
592 SDR 151, 12 SDR 155, effective July 1, 1986.

593 **General Authority:** SDCL 36-5-4.

594 **Law Implemented:** SDCL 36-5-4, 36-5-16, 36-5-16.1.

595

596

CHAPTER 20:41:12

597

CHIROPRACTOR PHYSICIAN PRECEPTOR ASSOCIATE PROGRAM

598 Section

599 20:41:12:01 Preceptor selection.

600 20:41:12:02 Intern chiropractor associate selection.

601 20:41:12:03 Applications.

602 20:41:12:04 Consent by patient.

603 20:41:12:04.01 Supervision.

604 20:41:12:05 Program monitoring.

605 **20:41:12:02. Intern chiropractor associate selection.** The following are minimum
606 requirements for persons who wish to participate in the chiropractor student associate program as an
607 intern:

608 (1) Be enrolled in a college of chiropractic and ~~have successfully completed~~ passed Part I of
609 the National Board of Chiropractic Examiners exam;

610 (2) Have had two years of preprofessional college before entering chiropractic college;

611 (3) Be certified by the chiropractic college which the applicant attends as having completed
612 ~~his~~ course work in a competent manner and exhibited competence to perform as a chiropractic intern;

613 and

614 (4) Provide references from a licensed chiropractor, the dean of the chiropractic college the
615 applicant attends, and the clinical director of the chiropractic college the applicant attends,
616 concerning the applicant's moral character and when and how long the applicant has been known to
617 the person submitting the reference.

618 **Source:** 7 SDR 95, effective April 13, 1981; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

619 **General Authority:** SDCL 36-5-4.

620 **Law Implemented:** SDCL 36-5-15, 36-5-16.

621 **CHAPTER 20:41:13**

622 **CHIROPRACTIC RADIOGRAPHY**

623 Section

624 20:41:13:01 Definition of terms.

625 20:41:13:02 Minimum eligibility requirements.

626 20:41:13:03 Training requirements.

627 20:41:13:04 Exemptions to requirements.

628 20:41:13:05 Qualification by endorsement.

629 20:41:13:06 Approval of programs -- Application.

630 20:41:13:07 Application for registration.

631 20:41:13:08 Examination and proficiency evaluation.

632 20:41:13:09 Fee for certificate of registration -- Renewal.

633 20:41:13:09.01 Lapse and reinstatement of certificate.

634 20:41:13:10 Exemption for chiropractors.

635 ~~20:41:13:11 — Board action in general Repealed.~~

636 ~~20:41:13:11.01 Procedures for formal hearing Repealed.~~

637 20:41:13:12 Continuing education.

638

639 **20:41:13:02. Minimum eligibility requirements.** An applicant for registration as a chiropractic
640 radiographer shall meet the following minimum requirements:

641 ~~(1) Graduation from high school or its equivalent;~~

642 ~~(2)~~ Attainment of 18 years of age; and

643 ~~(3)~~ Freedom from physical or mental impairment which would interfere with performance
644 of duties or otherwise be a hazard to the health or safety of patients.

645 **Source:** 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1,
646 1986.

647 **General Authority:** SDCL 36-5-15.2, 36-5-15.3.

648 **Law Implemented:** SDCL 36-5-15.2, 36-5-15.3.

649

650 **20:41:13:03. Training requirements.** Unless exempt under this chapter, an applicant for
651 registration as a chiropractic radiographer must have ~~successfully completed~~ passed an approved
652 program or course of study consisting of at least 36 classroom hours in chiropractic radiography
653 which includes the following training:

654 (1) Radiographic imaging procedures including patient care, patient preparation, patient
655 records, factor technique selection, technical selection, development, quality, and maintenance;

656 (2) Radiation protection of personnel and patients, including considerations in reducing
657 radiation exposure and frequency of retakes;

658 (3) Radiographic technique, radiation equipment and physics of imaging, and emergency
659 procedures; and

660 (4) Clinical experience sufficient to demonstrate proficiency.

661 **Source:** 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1,
662 1986.

663 **General Authority:** SDCL 36-5-15.2, 36-5-15.3.

664 **Law Implemented:** SDCL 36-5-14.2, 36-5-15.3.

665

666 **20:41:13:04. Exemptions to requirements.** An applicant for registration as a chiropractic
667 radiographer is exempt from the requirements in §§ 20:41:13:03 and 20:41:13:08 if the applicant
668 submits documentation showing ~~successful completion~~ passage of a course of study which is
669 equivalent to the requirements of § 20:41:13:03.

670 **Source:** 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1,
671 1986; 19 SDR 121, effective February 21, 1993.

672 **General Authority:** SDCL 36-5-15.2, 36-5-15.3.

673 **Law Implemented:** SDCL 36-5-15.2, 36-5-15.3.

674

675 **20:41:13:06. Approval of programs -- Application.** A program of learning may be
676 approved by the board if the program meets the following requirements:

677 (1) It constitutes an organized program of learning which contributes to the proficiency and
678 skills of an individual operating radiation emitting equipment or otherwise engaged in chiropractic
679 radiography;

680 (2) It is conducted by individuals who are qualified by special education, training, and
681 experience to conduct the program in chiropractic radiography;

682 (3) It meets one or more of the requirements in § 20:41:13:03; and

683 (4) It meets minimum standards for ACRRT approved programs in radiographic technology
684 published as of November 16, 1985.

685 Application for approval of a program of learning shall be made to the board. Programs
686 conducted under the auspices of the American Chiropractic Registry of Radiologic Technologists ~~as~~
687 ~~of January 1, 1982,~~ are approved and no application is required of those programs.

688 **Source:** 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1,
689 1986; 32 SDR 32, effective August 31, 2005.

690 **General Authority:** SDCL 36-5-15.2, 36-5-15.3.

691 **Law Implemented:** SDCL 36-5-15.2, 36-5-15.3.

692 **Reference:** "Minimum Standards for ACRRT Approved Program in Radiologic Technology,"
693 published as of November 16, 1985, American Chiropractic Registry of Radiologic Technologists
694 (ACRRT). Copies may be obtained from American Chiropractic Registry of Radiologic

695 Technologists, ~~2330 Gull Road, Kalamazoo, Michigan 49001~~ 52 West Colfax Street, Palatine,
696 Illinois, 60067 ~~or from the Department of Health, 600 E. Capitol, Pierre, South Dakota 57501.~~ No
697 charge.

698

699 **20:41:13:09. Fee for certificate of registration -- Renewal.** When an applicant
700 ~~successfully~~ passes the examination or is found to be exempt from it, the board shall issue a
701 certificate of registration upon payment of a fee of \$50 for initial registration. After the initial
702 registration, each person registered as a chiropractic radiographer shall submit an annual renewal fee
703 of \$25. The registrant shall display the registration in the office.

704 **Source:** 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1,
705 1986; 28 SDR 88, effective December 23, 2001.

706 **General Authority:** SDCL 36-5-15.2(6), 36-5-15.3.

707 **Law Implemented:** SDCL 36-5-15.2(6), 36-5-15.3.

708

709 **20:41:13:09.01. Lapse and reinstatement of certificate.** If a chiropractic radiographer fails
710 to maintain an active certification as provided in chapter 20:41:13, the certification lapses on the
711 date immediately following the final date of the period for which it was last renewed. No person
712 may practice as a chiropractic radiographer in South Dakota with a lapsed certificate. If a certificate
713 has been in lapse status for less than two years, applicant may convert to an active South Dakota
714 certification by paying the license fee, submitting a renewal application, and providing continuing
715 education as required by § 20:41:13:12. If a certificate has been in lapse status two years or more,
716 the applicant must retake and ~~successfully~~ pass a board approved chiropractic radiographer
717 examination and reapply for certification.

718 **Source:** 41 SDR 109, effective January 12, 2015.

719 **General Authority:** SDCL 36-5-15.2(6), 36-5-15.3.

720 **Law Implemented:** SDCL 36-5-15.2(6), 36-5-15.3.

721

722 **20:41:13:11. Board action in general.** ~~Disciplinary procedures shall be initiated by~~
723 ~~submission of a written complaint or by resolution of the board. A chiropractic radiographer may be~~
724 ~~disciplined by the board as provided by chapter 20:41:13 for having violated the provisions of this~~
725 ~~chapter or the provisions of SDCL chapter 36-5 and may be placed on inactive status or suspension~~
726 ~~for disability as defined in chapter 20:41:10. Disciplinary procedures shall be conducted as follows:~~
727 ~~—— (1) Each written complaint for disciplinary investigation shall be given to the board~~
728 ~~investigator or the disciplinary committee. The investigator shall forward a copy of the complaint to~~
729 ~~each committee member and shall investigate and prepare a report to be presented to the committee;~~
730 ~~—— (2) The investigator shall notify the chiropractic radiographer that a complaint has been~~
731 ~~received and request a response to be mailed to the investigator within 15 days of receipt of the~~
732 ~~notice;~~
733 ~~—— (3) The investigator shall notify the complainant that the chiropractic radiographer has been~~
734 ~~notified of the allegations and requested to respond within 15 days and that the response shall be~~
735 ~~forwarded to the complainant;~~
736 ~~—— (4) The investigator shall prepare a report to present to the full committee for review. The~~
737 ~~report shall include the identity of the complainant, the allegations which form the basis of the~~
738 ~~complaint, the position of the chiropractic radiographer against whom the complaint is lodged, and~~
739 ~~the proposed action, if any, that should be taken with regards to the complaint;~~
740 ~~—— (5) Upon presentation of the report to the full committee, the committee shall review the~~
741 ~~report and act upon the information before it, in one of the following manners:~~
742 ~~—— (a) Dismiss the complaint if frivolous or clearly unfounded in fact; or~~
743 ~~—— (b) Initiate an informal inquiry or take such further action as the committee deems~~
744 ~~appropriate;~~

745

746 ~~—— (6) If the committee dismisses the complaint, the investigator shall give notice to the~~
747 ~~complainant and the chiropractic radiographer that the complaint has been reviewed with the~~
748 ~~determination that no board action is warranted;~~

749 ~~—— (7) If the committee finds the complaint to have merit, the committee shall afford the~~
750 ~~chiropractic radiographer complained against a reasonable opportunity to state the radiographer's~~
751 ~~position with respect to the allegations against them. The hearing shall take the form of an informal~~
752 ~~conference between the committee and the chiropractic radiographer complained against; and~~

753 ~~—— (8) After an informal inquiry, the committee may dismiss or, if the complaint has merit, refer~~
754 ~~to the full board for a formal hearing. In lieu of referral to the full board, the committee and the~~
755 ~~chiropractic radiographer may enter a remedial stipulation satisfactory to both the chiropractic~~
756 ~~radiographer and the committee. In that event, the referral may not take place if the terms of the~~
757 ~~remedial stipulation are successfully completed Repealed.~~

758 **Source:** 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1,
759 1986; 35 SDR 47, effective September 8, 2008.

760 ~~—— **General Authority:** SDCL 36-5-15.2, 36-5-15.3, 36-5-15.5.~~

761 ~~—— **Law Implemented:** SDCL 36-5-15.2, 36-5-15.3, 36-5-15.5.~~

762

763 **20:41:13:11.01. Procedures for formal hearing.** ~~A formal hearing may be conducted by the~~
764 ~~board, or a hearing examiner, pursuant to SDCL chapter 1-26 Repealed.~~

765 **Source:** 35 SDR 47, effective September 8, 2008.

766 ~~—— **General Authority:** SDCL 36-5-15.2, 36-5-15.3, 36-5-15.5.~~

767 ~~—— **Law Implemented:** SDCL 36-5-15.2, 36-5-15.3, 36-5-15.5.~~

768

793 20:41:15:12 Grounds for denial, revocation, or suspension of license, certification, or
794 application.

795 ~~20:41:15:13—Disciplinary procedures Repealed.~~

796 **20:41:15:01. Minimum training requirements.** An applicant for registration as a
797 chiropractic assistant shall meet the following minimum requirements:

798 ~~(1) Graduation from high school or graduate equivalency degree (GED);~~

799 ~~(2)~~ Attainment of 18 years of age;

800 ~~(3)~~ ~~Successful completion~~ Passage of an approved program or course of study consisting of
801 at least 20 hours in chiropractic assisting that includes coursework in basic chiropractic assistant
802 duties, introduction to physiotherapy, use of modalities, rehabilitation and exercise programs as
803 designed by the chiropractor, evaluations, and other programs as designated by the board; and

804 ~~(4)~~ Certification in cardiopulmonary resuscitation (CPR).

805 **Source:** 35 SDR 47, effective September 8, 2008.

806 **General Authority:** SDCL 36-5-25.

807 **Law Implemented:** SDCL 36-5-25.

808

809 **20:41:15:07. Examination and proficiency evaluation.** An applicant for certification as a
810 chiropractic assistant shall present evidence of having passed an examination approved by the board
811 with a score of at least 75 percent. If the chiropractic assistant does not achieve a score of 75 percent,
812 the examiner must advise the chiropractic assistant of the areas failed. The assistant may have two
813 additional opportunities to ~~successfully complete~~ pass the evaluation, not to exceed a total of three
814 attempts in any two-year period.

815 **Source:** 35 SDR 47, effective September 8, 2008.

816 **General Authority:** SDCL 36-5-25, 36-5-27.

817 **Law Implemented:** SDCL 36-5-25, 36-5-27.

818 **20:41:15:09. Continuing education.** As a condition to renewing a certificate, a chiropractic
819 assistant must complete a minimum of four hours of continuing education approved by the board as
820 set forth in § 20:41:15:06 every two years ending on the odd years. CPR certification may count for
821 only two hours of continuing education in each two-year period. Continuing education hours must
822 be submitted to the executive director of the board for approval before a certificate will be renewed.

823 **Source:** 35 SDR 47, effective September 8, 2008; 41 SDR 109, effective January 12, 2015.

824 **General Authority:** SDCL 36-5-25.

825 **Law Implemented:** SDCL 36-5-25.

826

827 **20:41:15:11. Board action in general.** ~~The board, through a designated investigator or the~~
828 ~~disciplinary committee, shall promptly investigate all complaints filed in writing with the board or~~
829 ~~the disciplinary committee and violations which come to the attention of one or more board~~
830 ~~members. The board shall impose appropriate sanctions as established under this chapter to protect~~
831 ~~the public health, safety, and welfare of the state of South Dakota. The board may also initiate~~
832 ~~disciplinary proceedings by resolution~~ Repealed.

833 **Source:** 35 SDR 47, effective September 8, 2008.

834 ~~**General Authority:** SDCL 36-5-28.~~

835 ~~**Law Implemented:** SDCL 36-5-28.~~

836

837 **20:41:15:12. Grounds for denial, revocation, or suspension of license, certification, or**
838 **application.** ~~The board may deny an application for certification or it may deny, revoke, or suspend~~
839 ~~a certificate and it may take other disciplinary or corrective action it considers appropriate in addition~~
840 ~~to or in lieu of such an action upon proof that the applicant or certificate holder has:~~

841 ~~—— (1) Committed fraud, deceit, or misrepresentation in procuring or attempting to procure~~
842 ~~certification;~~

- 843 ~~—— (2) Been convicted of a felony. The conviction of a felony means the conviction of any offense~~
844 ~~which, if committed within the state of South Dakota, would constitute a felony under its laws;~~
- 845 ~~—— (3) Engaged in the practice of chiropractic assisting under a false or incorrect name or under~~
846 ~~a fictitious name or impersonated another certificate holder of a like or different name;~~
- 847 ~~—— (4) Become addicted to or dependent on alcoholic beverages or controlled drugs as defined~~
848 ~~by SDCL chapter 34-20B to such an extent as to result in incapacitation from the performance of~~
849 ~~professional duties;~~
- 850 ~~—— (5) Negligently, willfully, or intentionally acted in a manner inconsistent with the health or~~
851 ~~safety of persons entrusted to his or her care;~~
- 852 ~~—— (6) Failed to report past, present, or pending disciplinary action by another licensing board or~~
853 ~~current status of final administrative disposition of a matter. A licensee is required to report any~~
854 ~~compromise or settlement of disciplinary action, whether voluntary or involuntary, which results in~~
855 ~~encumbrance of certification;~~
- 856 ~~—— (7) Violated any provisions of this chapter or the rules promulgated under it;~~
- 857 ~~(8) Aided or abetted an uncertified person to practice as a chiropractic assistant;~~
- 858 ~~—— (9) Engaged in the practice of chiropractic assisting during a time his or her license or~~
859 ~~certificate is lapsed, on inactive status, suspended, or revoked; or~~
- 860 ~~—— (10) Been guilty of incompetence or unprofessional or dishonorable conduct Repealed.~~

861 **Source:** 35 SDR 47, effective September 8, 2008.

862 ~~—— **General Authority:** SDCL 36-5-28.~~

863 ~~—— **Law Implemented:** SDCL 36-5-28.~~

864

865 **20:41:15:13. Disciplinary procedures.** ~~Disciplinary procedures shall be initiated by~~
866 ~~submission of a written complaint or by resolution of the board. A chiropractic assistant may be~~
867 ~~disciplined by the board as provided by SDCL 36-5-28 for having violated the provisions of this~~

868 ~~chapter or the provisions of SDCL chapter 36-5 and may be placed on inactive status or suspension~~
869 ~~for disability as defined in SDCL chapter 36-5. Disciplinary procedures shall be conducted as~~
870 ~~follows:~~

871 ~~—— (1) Each written complaint for disciplinary investigation shall be given to the board~~
872 ~~investigator or the disciplinary committee. The investigator shall forward a copy of the complaint to~~
873 ~~each committee member and shall investigate and prepare a report to be presented to the committee;~~

874 ~~—— (2) The investigator shall notify the chiropractic assistant that a complaint has been received~~
875 ~~and request a response to be mailed to the investigator within 15 days of receipt of the notice;~~

876 ~~—— (3) The investigator shall notify the complainant that the chiropractic assistant has been~~
877 ~~notified of the allegations and requested to respond within 15 days and that the response shall be~~
878 ~~forwarded to the complainant;~~

879 ~~—— (4) The investigator shall prepare a report to present to the full committee for review. The~~
880 ~~report shall include the identity of the complainant, the allegations which form the basis of the~~
881 ~~complaint, the position of the chiropractic assistant against whom the complaint is lodged, and the~~
882 ~~proposed action, if any, that should be taken with regards to the complaint;~~

883 ~~—— (5) Upon presentation of the report to the full committee, the committee shall review the~~
884 ~~report and act upon the information before it in one of the following manners:~~

885 ~~—— (a) Dismiss the complaint if frivolous or clearly unfounded in fact; or~~

886 ~~—— (b) Initiate an informal inquiry or take such further action as the committee deems~~
887 ~~appropriate;~~

888 ~~—— (6) If the committee dismisses the complaint, the investigator shall give notice to the~~
889 ~~complainant and the chiropractic assistant that the complaint has been reviewed with the~~
890 ~~determination that no board action is warranted;~~

891 ~~—— (7) If the committee finds the complaint to have merit, the committee shall afford the~~
892 ~~chiropractic assistant complained against a reasonable opportunity to state the assistant's position~~

893 ~~with respect to the allegations against the assistant. The hearing shall take the form of an informal~~
894 ~~conference between the committee and the chiropractic assistant complained against; and~~

895 ~~(8) After an informal inquiry, the committee may dismiss or, if the complaint has merit, refer~~
896 ~~to the full board for a formal hearing. In lieu of referral to the full board, the committee and the~~
897 ~~chiropractic assistant may enter a remedial stipulation satisfactory to both the chiropractic assistant~~
898 ~~and the committee. In that event, the referral shall not take place if the terms of the remedial~~
899 ~~stipulation are successfully completed Repealed.~~

900 **Source:** 35 SDR 47, effective September 8, 2008.

901 ~~— **General Authority:** SDCL 36-5-28.~~

902 ~~— **Law Implemented:** SDCL 36-5-28.~~