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## PERMANENT ADMINISTRATIVE ORDER

**BCE 9-2019**  
CHAPTER 811  
BOARD OF CHIROPRACTIC EXAMINERS

**FILED**

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ARCHIVES DIVISION  
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FILING CAPTION: minor corrections, grammatical; Board will continue review of CA rule for training and CE requirements

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### RULES:

811-010-0015, 811-010-0025, 811-010-0045, 811-010-0066, 811-010-0071, 811-010-0080, 811-010-0110, 811-015-0030, 811-015-0070

AMEND: 811-010-0015

NOTICE FILED DATE: 03/08/2019

RULE SUMMARY: Standard review and clarification amendments

### CHANGES TO RULE:

811-010-0015

Filing Addresses ¶

Each licensee and certificate holder shall provide their current business and mailing addresses, including all practice locations, with the Board. ~~Licensee~~ Each licensee and certificate holder shall also provide their current electronic mail address. Licensees and certificate holders shall notify the Board in writing of any change, giving both the old and the new the new mailing and electronic mail addresses within 30 calendar days of any change.

Statutory/Other Authority: ORS 684

Statutes/Other Implemented: ORS 684.054

AMEND: 811-010-0025

NOTICE FILED DATE: 03/08/2019

RULE SUMMARY: Standard rule review, amended to match standard models of practice

CHANGES TO RULE:

811-010-0025

Display of License ~~¶~~

~~A chiropractic physician shall display their license in a conspicuous location within their principal place of business or employment. Each licensee shall also display a current annual certificate of registration in a conspicuous place in any~~ practice locations.

Statutory/Other Authority: ORS 684

Statutes/Other Implemented: ORS 684.155

AMEND: 811-010-0045

NOTICE FILED DATE: 03/08/2019

RULE SUMMARY: Standard review; removing archaic language

CHANGES TO RULE:

811-010-0045

Chiropractic Students ¶

(1) Senior interns ~~at~~ in a CCE accredited chiropractic college institution may obtain clinic instruction hours at a licensee's office while under the immediate on-site supervision of a licensed ~~C~~chiropractic ~~P~~physician, upon written notification by the ~~college~~institution's clinic administrator to the Board.¶

(2) Interns shall wear name badges identifying them as senior interns and shall not use the title "Doctor."¶

(3) A student who has completed a course in ~~P~~physiological ~~T~~therapeutics from an approved ~~college~~ may be employed in the office of a licensed Chiropractor to work as a certified Ancillary Personnel institution may apply for chiropractic assistant certification without the necessity of first having to complete the training program as outlined in OAR 811-010-0110(2)(a). Students employed as ~~Ancillary Personnel~~ certified chiropractic assistants must comply with OAR 811-010-0110(1)-(18).

Statutory/Other Authority: ORS 684

Statutes/Other Implemented: ORS 684.020, 648.150

AMEND: 811-010-0066

NOTICE FILED DATE: 03/08/2019

RULE SUMMARY: Standard review; removed fees, grammar corrections, and pronoun edits

CHANGES TO RULE:

811-010-0066

Reciprocity ¶

A person licensed to practice ~~C~~chiropractic under the laws of another state or states for at least five years may apply for reciprocity with the ~~Oregon Board of Chiropractic Examiners~~Board for a chiropractic license in Oregon. An application and ~~\$100~~ fee shall be submitted and must be accompanied by all items required by ORS 684.040 (1) through (4), and the following:¶

(1) The applicant will present a certified transcript from the ~~Board of C~~chiropractic Examiners~~regulatory licensing body~~ in the state(s) where licensed equivalent to the Oregon Specifics Examination and a state or national examination in physiotherapy.¶

(2) The Board may also require successful completion of a state or national written and/or oral examination if no official transcript is available.¶

(3) The applicant will furnish a certified statement from the ~~Board of C~~chiropractic Examiners~~regulatory licensing body~~ in the state(s) where licensed, that the applicant is not the subject of any pending or past disciplinary actions in that state.¶

(4) Any applicant for reciprocity, licensed in another state prior to July 1, 1992, is not required to have passed the Part III examination given by the National Board of Chiropractic Examiners.¶

(5) Upon qualification for licensure, the applicant will submit the ~~\$150~~ initial license fee.

Statutory/Other Authority: ORS 684

Statutes/Other Implemented: ORS 684.040, 684.060

AMEND: 811-010-0071

NOTICE FILED DATE: 03/08/2019

RULE SUMMARY: Standard review; corrected misstatement about appointment process

CHANGES TO RULE:

811-010-0071

Board Members ¶

(1) Members of the ~~State~~Oregon Board of ~~Examiners during their terms as such~~Chiropractic Examiners shall maintain a position of strict neutrality and confidentiality.¶

(2) Board members shall receive a per diem of \$200 a day for board meetings, conference attendance, and presentations.

Statutory/Other Authority: ORS 684

Statutes/Other Implemented: ORS 684.150

AMEND: 811-010-0080

NOTICE FILED DATE: 03/08/2019

RULE SUMMARY: Standard review; corrected description of appointments.

CHANGES TO RULE:

811-010-0080

Attendance at Board Meetings ¶

~~Board meetings are public meetings and are open for attendance by any person wishing to be present.¶~~

(1) The Board is composed of seven members appointed by the Governor of the State of Oregon and subject to confirmation by the Senate.¶

(2) Four members present at any meeting shall constitute a quorum and therefore the regular or special business of the Board may be conducted.

Statutory/Other Authority: ORS 684

Statutes/Other Implemented: ORS 684.130, 684.140

AMEND: 811-010-0110

NOTICE FILED DATE: 05/30/2019

RULE SUMMARY: Standard review; add additional unprofessional conduct statement, minor edits

CHANGES TO RULE:

811-010-0110

Chiropractic Assistants ¶

~~811-010-0110¶~~

~~Chiropractic Assistants¶~~

(1) The certification period for chiropractic assistants in Oregon is a period equal to 12 months, expiring on the last day of the chiropractic assistant's birth month/renewal date. ¶

(a) Exception: during the transition from an annual renewal to a birth month renewal, the certification period will be from August 1 of the year of transition to the last day of the assistant's birth month/renewal date of the following year. ¶

(b) During the 30 days immediately following the renewal date the chiropractic assistant may continue to practice but must meet the requirements of (14)(a) and (b) below. Any chiropractic assistant who has not renewed within that 30 day grace period must cease practice until the requirements of (15) below are met. ¶

(c) Continuing education: ¶

(A) During the transition from an annual renewal to a birth month renewal, all chiropractic assistants shall attest to completing six hours of continuing education. ¶

(B) Allowable continuing education shall be completed between August 1 of year of transition and the last day of the chiropractic assistant's birth month the following year. This may be more or less than 12 months. ¶

(2) Chiropractic assistants may be certified upon compliance with the following: ¶

(a) The chiropractic assistant applicant shall successfully complete a Board approved training course. The initial training course shall be at least twelve hours in length, of which eight hours shall be didactic training and four hours shall be practical training. ¶

(A) The practical training must be in physiotherapy, electrotherapy and hydrotherapy administered by a health care provider licensed to independently provide those therapies. ¶

(B) A chiropractic physician may perform the initial practical training provided this is direct contact time. ¶

(C) The initial training must have been completed within 60 days preceding the application submission date. ¶

(b) The applicant shall complete an application packet, and an open book examination administered by a national testing agency. ¶

(c) If an applicant has a certificate or license from another state and adequate documentation of training, the Board may waive the requirement for the initial training course. ¶

(3) Prior to initial certification, the training course verification form, completed application packet, passing examination results, and fees in the following amounts shall be submitted to the Board: ¶

(a) A non-refundable application fee - \$50; ¶

(b) A non-refundable examination fee \$35; and ¶

(c) An initial certification fee - \$50. A refund of the certification fee will only be allowed when requested within 60 days of the initial application. ¶

(d) In circumstances beyond the applicant's control (e.g. Board review of criminal history) the Board may determine to refund the fees or portion thereof. ¶

(e) In the event the Board requires the NBCE chiropractic assistant examination in lieu of the Board's examination, the fee in subsection (b) will be waived. ¶

(4) The Board shall maintain an incomplete application file for six months from the date the application was received; afterward, applicants will need to re-apply. ¶

(5) The applicant shall be at least 18 years of age. ¶

(6) The chiropractic assistant shall not perform electrotherapy, hydrotherapy, or physiotherapy until they receive

a certificate from the Board. ¶

(7) A chiropractic assistant shall be directly supervised by the chiropractor at all times. The supervising chiropractor must be on the premises. ¶

(8) The chiropractic assistant scope of practice ¶

(a) includes physiotherapy, electrotherapy and hydrotherapy, taking vitals such as height, weight, blood pressure, temperature, pulse, respiration and/or body fat percentages, and other duties as described by the Board, and ¶

(b) does not include performing physical examinations, taking initial histories, taking X-rays (unless properly licensed), interpretation of postural screening, performing manual muscle testing, or osseous adjustments or manipulations, or other tasks as prohibited by the Board. ¶

(9) Chiropractic assistants shall report to the Board, in writing, their mailing address and place of employment.

Notification of a change of mailing address or place of employment must be made within 10 days of the change. ¶

(10) At least 30 days prior to the renewal date, the Board shall send the renewal notice to the chiropractic assistant at the last known mailing address, and/or email address. ¶

(11) For the transition to a birth month renewal, renewal fees shall be prorated as follows: ¶

(a) Assistants with birthdays January through April - \$25; ¶

(b) Assistants with birthdays May through August - \$50; ¶

(c) Assistants with birthdays September through December - \$75; ¶

(12) During transition to a birth month renewal, all certificates will be valid August 1 of the transition year through last day of birth month the following year. ¶

(13) After the full transition to a birth month system, and on or before the last day of the birth month, the chiropractic assistant shall submit to the Board the following: ¶

(a) A completed renewal application and renewal fee of \$75; ¶

(A) The renewal application may include a request for fingerprinting and a criminal background check with fees to be paid by the chiropractic assistant. ¶

(B) Frequency of fingerprinting and criminal background checks will be determined by the Board. ¶

(b) An attestation that the six hours of continuing education has been completed; and ¶

(c) A completed OHA Healthcare Workforce Questionnaire. ¶

(14) A certificate that is not renewed on time may not be renewed except: ¶

(a) Upon submission of the completed renewal application, proof of continuing education, and payment of the renewal fee plus a delinquent fee of \$25 for renewals submitted during the 30 day grace period; or ¶

(b) Upon submission of the renewal application, proof of continuing education, and payment to the board of the renewal fee plus a delinquent fee of \$50 for renewals submitted after the 30 day grace period. ¶

(15) A chiropractic assistant has up to one year following their renewal date to renew and reinstate their certificate upon meeting the provisions of (14)(a) and (b) above. After 12 months a person must restart the application process. ¶

(16) Continuing education programs may be comprised of subjects that are pertinent to clinical practices of chiropractic. Continuing education must meet the criteria outlined in OAR 811-015-0025 sections (8), (9) and (10). No continuing education hours may be carried over into the next renewal year. Evidence of successful completion of six hours of continuing education during the 12 months preceding the renewal must be submitted upon request by the Board. ¶

(17) The chiropractic assistant's certificate shall be displayed at all times in the chiropractic physician's office during the chiropractic assistant's employment. ¶

(18) The Board may refuse to grant a certificate to any applicant, may suspend or revoke a certificate, or may impose upon an applicant for certification or chiropractic assistant a civil penalty not to exceed \$1,000 upon finding of any of the following: ¶

(a) Cause, which is defined as, but not limited to, failure to follow directions, unprofessional or dishonorable conduct, injuring a patient, or unlawful disclosure of patient information. The supervising chiropractic physician is required to notify the Board, in writing, of any dismissal of a chiropractic assistant for cause within ten days. The Board shall determine if there is cause for action and shall be governed by the rules of the Board adopted pursuant



to ORS Chapter 183; ¶

(b) Conviction of a misdemeanor involving moral turpitude or a felony; ¶

(c) Non-disclosure of misdemeanor or felony convictions; or ¶

(d) Failure to notify the Board of a change of location of employment as required by these rules. ¶

(19) Unprofessional or dishonorable conduct is defined as: any unethical, deceptive, or deleterious conduct or practice harmful to the public; any departure from, or failure to conform to, the minimal standards of acceptable chiropractic assistant practice; or a willful or careless disregard for the health, welfare or safety of patients, in any of which cases proof of actual injury need not be established. Unprofessional conduct shall include, but not be limited to, the following acts of a chiropractic assistant: ¶

(a) Engaging in any conduct or verbal behavior with or towards a current patient that may reasonably be interpreted as sexual, seductive, sexually demeaning or romantic (also see ORS 684.100). ¶

(b) A certificate holder shall not engage in sexual relations or have a romantic relationship with a current patient unless a consensual sexual relationship or a romantic relationship existed between them before the commencement of the chiropractic assistant-patient relationship. ¶

(A) "Sexual relations" means: ¶

(i) Sexual intercourse; or ¶

(ii) Any touching of sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the chiropractic assistant for the purpose of arousing or gratifying the sexual desire of either chiropractic assistant or patient. ¶

(B) A patient's ~~consent to~~, initiation of, or participation in, sexual behavior or involvement with a chiropractic assistant does not change the nature of the conduct nor lift the prohibition. ¶

(C) In determining whether a patient is a current patient, the Board may consider the length of time of the chiropractic assistant-patient contact, evidence of termination of the chiropractic assistant-patient relationship, the nature of the chiropractic assistant-patient relationship, and any other relevant information. ¶

(c) Use of protected or privileged information obtained from the patient to the detriment of the patient. ¶

(d) Practicing outside the scope of the practice of a chiropractic assistant in Oregon; ¶

(e) Charging a patient for services not rendered; ¶

(f) Intentionally causing physical or emotional injury to a patient; ¶

(g) Directly or indirectly engaging in threatening, dishonest, or misleading fee collection techniques; ¶

(h) Soliciting or borrowing money from patients; ¶

(i) Possessing, obtaining, attempting to obtain, furnishing, or prescribing controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs; illegally using or dispensing controlled drugs; ¶

(j) Aiding, abetting, or assisting an individual to violate any law, rule or regulation intended to guide the conduct of chiropractic assistants or other health care providers; ~~or~~ ¶

(k) Violating the rights of privacy or confidentiality of the patient unless required by law to disclose such information; ¶

(l) Perpetrating fraud upon patients or third party payors, relating to the practice of chiropractic; ¶

(m) Using any controlled or illegal substance or intoxicating liquor to the extent that such use impacts the ability to safely conduct the practice of a chiropractic assistant; ¶

(n) Practicing as a chiropractic assistant without a current Oregon certificate; ¶

(o) Allowing another person to use one's chiropractic assistant certification for any purpose; ¶

(p) Resorting to fraud, misrepresentation, or deceit in applying for or taking the certificate examination or obtaining a certificate or renewal thereof; ¶

(q) Impersonating any applicant or acting as a proxy for the applicant in any chiropractic assistant certificate examination; ¶

(r) Disclosing the contents of the certificate examination or soliciting, accepting, or compiling information regarding the contents of the examination before, during, or after its administration; ¶

(s) Failing to provide the Board with any documents requested by the Board; ¶

(t) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to, waiver of confidentiality privileges, except attorney-client privilege; ¶

(u) Failing to answer truthfully and completely any question asked by the Board on an application for licensure or certification, or during the course of an investigation, or any other questions asked by the Board;¶

(v) Claiming any academic degree, or certification, not actually conferred or awarded; ¶

(~~v~~w) Disobeying a final order of the Board; and ¶

(~~w~~x) Splitting fees or giving or receiving a commission in the referral of patients for services. ¶

(~~x~~y) Receiving a suspension or revocation of a certificate for a chiropractic assistant, or other license or certificate by another state based upon acts by the chiropractic assistant or applicant that describes acts similar to this section. A certified copy of the record of suspension or revocation of the state making that is conclusive evidence thereof. ¶

(20) The service of the chiropractic assistant is the direct responsibility of the supervising licensed chiropractic physician. Violations may be grounds for disciplinary action against the supervising chiropractic physician under ORS 684.100(9).

Statutory/Other Authority: ORS 684.155

Statutes/Other Implemented: ORS 684.054, 684.155(c)(A)

811-015-0030

Chiropractic Obstetrics, Minor Surgery, and Proctology ¶

(1) A Minor Surgery/ Proctology Review Committee ~~will~~may be appointed by the Board of ~~Examiners~~. Members will serve at the pleasure of the Board. The committee may review the applications and rotation plans. The committee will review the results of the rotation and make a recommendation to the Board regarding the certification. The committee may advise the Board on all issues related to minor surgery and proctology.¶

(2) A chiropractic physician licensed in Oregon who wishes to practice minor surgery and/or proctology must apply to, and receive from, the Board a certification of special competency in minor surgery and/or proctology. To receive and maintain certification, the applicant must fulfill the following requirements:¶

(a) Give written application to the Board of ~~Chiropractic Examiners~~ to practice minor surgery and/or proctology, provide evidence of completion of 36 hours of undergraduate or postgraduate coursework in minor surgery/proctology, and propose a plan to complete a rotation for practical experience in not less than 25 minor surgery/proctology cases. The purpose of the rotation is to learn and demonstrate competencies, as determined by the ~~Minor Surgery/Proctology Review Committee~~Board, under the guidance of one or more supervising licensed physicians. The numbers of procedures required in each of these areas will be determined by this ~~committee~~Board.¶

(A) The rotation must include no less than five cases where all aspects of the cases are performed solely by the chiropractic physician, and observed by the supervising licensed physician.¶

(B) The remainder of the rotation not covered in paragraph (A) shall consist of cases where the chiropractic physician observes and/or assists.¶

(C) Adequate documentation of the ~~C~~chiropractic physician's participation in all cases is required on forms provided by, and returned to, the Board, and signed by the supervising licensed physician. It is ~~recommended~~required the rotation be completed within one year.¶

(b) ~~12 hours of continuing education (seminar, course or instruction) related to minor surgery/proctology every three years. Optionally, i~~n lieu of eight (8) hours of the continuing education requirement, a chiropractic physician may document performance or observation of twelve (12) minor surgery/proctology procedures every three years. Reasonable documentation of the procedure or observation is a copy of the patient schedule and/or patient billing/ or other patient record with the patient name redacted which indicates the type of procedure and date performed.¶

(3) A chiropractic physician who is also licensed in Oregon as a doctor of naturopathy may make written application to practice minor surgery and proctology. The application may be approved by the Board if the chiropractic physician can demonstrate ~~his~~their naturopathic training and experience is equivalent to that required under section (2).¶

(4) A chiropractic physician licensed in Oregon who wishes to practice ~~natural childbirth~~natural childbirthobstetrics must apply to and receive from the Board a certification of special competency in ~~natural childbirth~~natural childbirthobstetrics. To receive and maintain certification, the applicant must fulfill the following requirements:¶

(a) Successfully complete at least 200 hours of direct instruction hours at an approved chiropractic, naturopathic, medical, osteopathic college or hospital in obstetrics and furnish a signed log showing evidence that subsections (b) and (c) of this section have been completed under the direct supervision of a licensed practitioner with specialty training in obstetrics and/or natural childbirth;¶

(b) Take part in the care of 50 women in both the prenatal (including obstetrics intakes) and postnatal periods;¶

(c) Observe and assist in the intrapartum care and delivery of 50 natural childbirths in a hospital or alternative birth setting. These births must be under the supervision of a licensed practitioner with specialty training in

obstetrics and/or natural childbirth. A labor and delivery that starts under the care of someone licensed to assist in childbirth and includes hospitalization shall count as a birth.¶¶

(d) Pass a certification exam in obstetrics and gynecology given by or approved by the Board.¶¶

(e) Submit annually, at the time certificate holders submit their general continuing education hours, 15 hours of Board approved continuing education in obstetrics. Seven (7) of the fifteen (15) hours in obstetrics may be used to satisfy OAR 811-015-0025(4). Every other year, an approved class in neonatal resuscitation shall be part of this continuing education requirement.¶¶

(5) Licensing action by the Board under ORS 684 shall be deemed to have an equal effect upon a certificate of special competency issued the practitioner, unless specifically provided otherwise in the Board action.¶¶

(a) When the subject of a disciplinary proceeding relates specifically to the practice of minor surgery, proctology, or ~~natural childbirth~~ obstetrics by a licensee who possesses a certificate of special competency, the license action may, in lieu of affecting the entire scope of the licensee's practice, suspend, revoke, or curtail only the practitioner's authority under the certificate of special competency.¶¶

(b) To address emergency or other circumstances which indicate the use of substances or procedures not authorized for use by chiropractic physicians, a plan to access these must be developed in a timely fashion and entered in the patient's chart.¶¶

(6) Notwithstanding section (4), a ~~C~~chiropractic physician may obtain a license as a direct entry midwife from the Board of Direct Entry Midwifery. Any chiropractic physician licensed as a naturopathic physician and certified in natural childbirth by the Oregon Board of Naturopathic Examiners, may also practice natural childbirth/obstetrics as a chiropractic physician to the extent allowed by ORS 684.

Statutory/Other Authority: ORS 684

Statutes/Other Implemented: ORS 684.155

811-015-0070

Scope of Practice Regarding Examinations, Tests, Substances, Devices and Procedures ¶

(1) The Board may examine any diagnostic and/or therapeutic examination, test, substance, device or procedure, ~~herein after referred to as~~ (ETSDP,) to determine its acceptability for patient care. The Board may require a ~~C~~ chiropractic physician to provide information on any ETSDP for determination of its status. ~~The Board may, taking~~ into account all relevant factors and practices, including, but not limited to, the practices generally and currently followed and accepted by persons licensed to practice chiropractic in the state, the teachings at chiropractic schools accredited by the Council on Chiropractic Education or its successor ~~at any time since 1974~~, relevant technical reports published in recognized journals, and the desirability of reasonable experimentation in the furtherance of the chiropractic arts and sciences.¶

(2) A ~~C~~chiropractic physician may use any diagnostic and/or therapeutic ETSDP which is considered standard. A standard diagnostic and/or therapeutic ETSDP is one in which one or more of the following criteria have been satisfied:¶

(a) Is taught or has been taught by a chiropractic school accredited by the Council on Chiropractic Education or its successor ~~at any time since 1974~~, or health professions' courses taught by regionally accredited colleges with subject matter that is within the scope of chiropractic practice and has not been disapproved by the Board; or¶

(b) Has been approved by the Board through the petition process:¶

(A) The petition requires a formalized agreement of 10% or more of the ~~C~~chiropractic physicians, holding an active chiropractic license in Oregon, attesting to the safety and efficacy of a particular ETSDP. The petition shall be submitted in writing to the Board by any party wishing to establish any ETSDP as standard. It is the responsibility of the petitioner to gather the required evidence and supporting statements. It is the sole responsibility and discretion of the Board to review the sufficiency of the evidence in the petition and to make a determination whether to concur and affirm the ETSDP as standard or to deny the petition. The Board may, but is not required to, hold a public hearing on any petition. The Board shall make its determination and reply to the petitioner within 180 days of receipt of the petition unless the Board and the petitioner mutually agree to extend the deadline.¶

(B) The petition shall specifically address the following issues:¶

(i) The kind of ETSDP that is the subject of the petition, i.e., whether it is an examination, a test, a substance, a device, a procedure, or a combination thereof;¶

(ii) A detailed description of the proposed ETSDP;¶

(iii) The clinical ~~r~~justification for the ETSDP;¶

(iv) A method for ~~determination of~~ ing appropriate termination of care and/or consultation ~~to~~with other providers with special skills/knowledge for the welfare of the patient;¶

(v) Whether the proposed ETSDP is to be used by itself or used in addition to any other generally accepted or standard ETSDP;¶

(vi) A description of known or anticipated contraindications, risks, and benefits;¶

(vii) A description of any subpopulations for which greater risk or benefit is expected;¶

(viii) A description of any standard ETSDP for the equivalent condition together with its relative risks and benefits; and¶

(ix) An assessment of the expected consequences of withholding the proposed ETSDP.¶

(c) Is supported by adequate evidence of clinical efficacy as determined by the Board. In determining adequacy, the Board may consider whether the ETSDP:¶

(A) Has clinical ~~r~~justification;¶

(B) Has valid outcome assessment measures;¶

(C) Is supported in peer reviewed literature;¶

(D) Is consistent with generally recognized contraindications to chiropractic procedures; and¶

(E) The potential benefit outweighs the potential risk to the patient.¶

(3) A ~~C~~chiropractic physician may use any diagnostic and/or therapeutic ETSDP that has not met the criteria of subsections (2)(a) ~~or (b) or~~ (c) of this rule as investigational. It must show potential merit for effectiveness and be of acceptable risk. Documentation requirements are based on potential risk to the patient. All investigational diagnostic ETSDP's must include or be accompanied by standard diagnostic procedures until full Board approval is attained under the criteria cited in subsections (2)(a) ~~or (b) or~~ (c) of this rule. Nothing in this section is intended to interfere with the right of any patient to refuse standard or investigational ETSDP's. In determining risk, the Board may use the following criteria:¶

(a) For minimal risk procedures, defined as those which, when properly or improperly performed on the general population, would have a slight chance of a slight injury and, when properly performed on select populations, have an extremely remote chance of serious injury:¶

(A) Informed consent is suggested but not required; and¶

(B) The ~~C~~chiropractic physician is recommended, but not required, to participate in or conduct a formal investigation of the procedure.¶

(b) For low risk procedures, defined as those which, when properly performed on the general population have a slight chance of mild injury; when improperly performed on the general ~~public~~ population have a mild chance of mild to moderate injury, and when properly performed ~~in~~ on select populations have a remote chance of serious injury:¶

(A) Informed consent is required; and¶

(B) The ~~C~~chiropractic physician is recommended, but not required, to participate or conduct a formal investigation of the procedure.¶

(c) For moderate risk procedures, defined as those which, when properly performed on the general public have a significant chance of mild injury and a ~~mild~~ slight chance of moderate injury; when improperly performed on the general population have a slight chance of severe injury; and when properly performed ~~in~~ on select populations have a slight chance of serious injury:¶

(A) Written informed consent is required; and¶

(B) The ~~C~~chiropractic physician is recommended, but not required, to participate or conduct a formal investigation of the procedure.¶

(d) For high risk procedures, those which, when properly performed on the general population have a significant chance of moderate injury and a slight chance of serious injury; when improperly performed on the general population have a significant chance of serious injury; and when properly performed ~~in~~ on select populations have a significant chance of serious injury:¶

(A) Written informed consent is required; and¶

(B) The ~~C~~chiropractic physician is required to participate in or conduct a formal investigation of the procedure under the auspices of, or in conjunction with, any other health care professionals knowledgeable and competent in the care and treatment of potential serious injuries.¶

(e) Board approval is required of all moderate or high risk procedures.¶

(4) The Board shall maintain a list of ETSDPs which have been reviewed ~~by the Board~~ and have been determined to be unacceptable or approved as investigational.¶

(5) A ~~C~~chiropractic physician may not use any diagnostic and/or therapeutic ETSDPs which have been determined by the Board to be unacceptable.

Statutory/Other Authority: ORS 684

Statutes/Other Implemented: ORS 684.155