



State of Arizona Board of Chiropractic Examiners

5060 North 19th Avenue Suite 416 • Phoenix, Arizona 85015
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Janice K. Brewer
Governor

•••
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Chairperson

Susan Wenberg, D.C.
Vice-Chairperson

James Badge, D.C.
Member

Norris Nordvold
Member

Vacant
Member

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Patrice A. Pritzl
Executive Director

Re: Complaint Form

To Whom It May Concern

Please find attached the complaint form you requested. Provide your name, address, daytime telephone number and the best time to contact you. Include the name and address of the chiropractor. When writing your narrative, please include dates of treatment and an explanation of what you feel the chiropractor did wrong. The information requested is essential in providing a thorough investigation into your allegations. Failure to provide needed information may result in the return of your complaint form or dismissal of an opened complaint. Please include as many pages of comments and supporting documents as you feel are necessary.

Although the Board accepts anonymous complaints, state law requires that you provide your name. State law has provisions to keep your name confidential from the general public, but at times the Board may be compelled to release your name to the doctor involved in your complaint.

When we receive your complaint, we will open a file and send a copy of your complaint to the chiropractor with instructions to respond in writing. Upon receipt of the chiropractor's written response, a copy of that response will be sent to you for your review and at that time, you may provide additional comments to the Board. Your complaint will be placed on a future agenda and the Board members will review your complaint and determine what action, if any, is necessary. You will be notified of the Board's meeting date, time, location, and you are welcome to attend. Prior to the Board's decision, you will be given the opportunity to discuss the complaint with the Board.

If you are a disabled person and will need special accommodations to attend the meeting, please contact the Board at 602.864.5088.

Sincerely,
BOARD OF CHIROPRACTIC EXAMINERS
OF THE STATE OF ARIZONA

PATRICE PRITZL
Executive Director

Enclosure: Complaint form
Complaint Information Pamphlet

BOARD USE ONLY

Control Number:

Date Received:

Board Action:

Board Date:

Complaint Form

Name:
Address:
City, State, and Zip Code:
Home Telephone #:
Work Telephone #:
Work Hours:
Doctor's Name:
Doctor's Address:
Patient's Name:

Please attach your written complaint, to this form and return to: State of Arizona Board of Chiropractic Examiners, 5060 N. 19th Ave., suite 416, Phoenix, AZ 85015. If you have any questions, please contact us at (602) 864.5088.

I hereby request the Board of Chiropractic Examiners investigate my complaint against the above named Doctor of Chiropractic. I agree to testify under oath to the information given in this complaint, should the Board request of me to do so.

Signature

Date

State of Arizona Board of Chiropractic Examiners

Complaint Form

Page Two

Describe specifically and in detail your complaint against the Doctor of Chiropractic. You may use your own form or this form to provide the details, but you must answer all of the questions listed below. In addition, provide copies of any documents, billing statements, and/or advertisements you believe would support your complaint.

What allegation(s) do you have against the doctor?

When and where did the above event(s) occur?

How do you feel the allegations against the doctor violate the Arizona Chiropractic Act?

Why do you feel the doctor acted in the alleged manner?

What actions may violate the law?

§32-924. Grounds for disciplinary action; hearing; civil penalty; definition

A. The following are grounds for disciplinary action, regardless of where they occur:

1. Employment of fraud or deception in securing a license.
2. Practicing chiropractic under a false or assumed name.
3. Impersonating another practitioner.
4. Habitual use of alcohol, narcotics or stimulants to the extent of incapacitating the licensee for the performance of professional duties.
5. Unprofessional or dishonorable conduct of a character likely to deceive or defraud the public or tending to discredit the profession.
6. Conviction of a misdemeanor involving moral turpitude or of a felony.
7. Gross malpractice, repeated malpractice or any malpractice resulting in the death of a patient.
8. Representing that a manifestly incurable condition can be permanently cured, or that a curable condition can be cured within a stated time, if this is not true.
9. Offering, undertaking or agreeing to cure or treat a condition by a secret means, method, device or instrumentality.
10. Refusing to divulge to the board on demand the means, method, device or instrumentality used in the treatment of a condition.
11. Giving or receiving or aiding or abetting the giving or receiving of rebates, either directly or indirectly.
12. Acting or assuming to act as a member of the board if this is not true.
13. Advertising in a false, deceptive or misleading manner.
14. Refusal, revocation or suspension of a license by any other state or country, unless it can be shown that the action was not taken for reasons that relate to the ability to safely and skillfully practice chiropractic or to any act of unprofessional conduct.
15. Any conduct or practice contrary to recognized standards in chiropractic or any conduct or practice that constitutes a danger to the health, welfare or safety of the patient or the public or any conduct, practice or condition that impairs the ability of the licensee to safely and skillfully practice chiropractic.
16. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any of the provisions of this chapter or any board order.
17. Failing to sign the physician's name, wherever required, in any capacity as "chiropractic doctor", "chiropractic physician" or "doctor of chiropractic" or failing to use and affix the initials "D.C." after the physician's name.
18. Failing to place or cause to be placed the word or words "chiropractic", "chiropractor", "chiropractic doctor" or "chiropractic physician" in any sign or advertising media.
19. Using physiotherapy without passing an examination in that subject and without being certified in that specialty by the board.
20. Using acupuncture without passing an examination in that subject and without being certified in that specialty by the board.
21. Engaging in sexual intercourse or oral sexual contact with a patient in the course of treatment.
22. Billing or otherwise charging a patient or third party payor for services, appliances, tests, equipment, an x-ray examination or other procedures not actually provided.
23. Intentionally misrepresenting to or omitting a material fact from the patient or third party payor concerning charges, services, appliances, tests, equipment, an x-ray examination or other procedures offered or provided.
24. Advertising chiropractic services, appliances, tests, equipment, x-ray examinations or other procedures for a specified price without also specifying the services, procedures or items included in the advertised price.
25. Advertising chiropractic services, appliances, tests, equipment, x-ray examinations or other procedures as free without also disclosing what services or items are included in the advertised service or item.
26. Billing or charging a patient or third party payor a higher price than the advertised price in effect at the time the services, appliances, tests, equipment, x-ray examinations or other procedures were provided.
27. Advertising a specialty or procedure that requires a separate examination or certificate of specialty, unless the licensee has satisfied the applicable requirements of this chapter.
28. Solicitation by the licensee or by the licensee's compensated agent of any person who is not previously known by the licensee or the licensee's agent, and who at the time of the solicitation is vulnerable to undue influence, including any person known to have experienced any of the following within the last fifteen days:
 - (a) Involvement in a motor vehicle accident.
 - (b) Involvement in a work-related accident.
 - (c) Injury by, or as the result of actions of, another person.

For the purposes of this section, "solicitation" includes contact in person, by telephone, telegraph or telefacsimile or by other communications directed to a specific recipient includes any written form of communication directed to a specific recipient.

The Board on its own motion or on receipt of a complaint may investigate any information that appears to show that a doctor of chiropractic is or may be in violation of this chapter or Board rules or is or may be mentally or physically unable to safely engage in the practice of chiropractic. The Board shall also notify the licensee as to the content of the complaint as soon as is reasonable. Any person who reports or provides information to the Board in good faith is not subject to civil damages as a result of that action.

What may constitute unprofessional/dishonorable conduct?

Unprofessional or dishonorable conduct, as used in A.R.S. § 32-924(A)(5), means:

1. Failing to disclose, in writing, to a patient or a third-party payor that the licensee has a financial interest in a diagnostic or treatment facility, test, good, or service when referring a patient for a prescribed diagnostic test, treatment, good, or service and that the diagnostic test, treatment, good or service is available on a competitive basis from another provider. This subsection does not apply to a referral by one licensee to another within a group of licensees who practice together. This subsection applies regardless of whether the referred service is provided at the licensee's place of practice or at another location.
2. Knowingly making a false or misleading statement to a patient or a third-party payor.
3. Knowingly making a false or misleading statement, providing false or misleading information, or omitting material information in any oral or written communication, including attachments, to the Board, Board staff, or a Board representative or on any form required by the Board.
4. Knowingly filing with the Board an application or other document that contains false or misleading information.
5. Failing to create an adequate patient record that includes the patient's health history, clinical impression, examination findings, diagnostic results, x-ray films if taken, x-ray reports, treatment plan, notes for each patient visit, and a billing record. The notes for each patient visit shall include the patient's name, the date of service, the chiropractic physician's findings, all services rendered, and the name or initials of the chiropractic physician who provided services to the patient.
6. Failing to maintain the information required by subsection (5) for a patient, for at least six years after the last treatment date, or for a minor, six years after the minor's 18th birthday, or failing to provide written notice to the Board about how to access the patient records of a chiropractic practice that is closed by providing, at a minimum, the physical address, telephone number and full name of a person who can be contacted regarding where the records are maintained, for at least six years after each patient's last treatment date or 18th birthday.
7. Failing to:
 - a. Release a copy of all requested patient records under subsection (5), including the original or diagnostic quality radiographic copy x-rays, to another licensed physician, the patient, or the authorized agent of the patient, within 10 business days of the receipt of a written request to do so. This subsection does not require the release of a patient's billing record to another licensed physician.
 - b. Release a copy of any specified portion or all of a patient's billing record to the patient or the authorized agent of the patient, within 10 business days of the receipt of a written request to do so.
 - c. In the case of a patient or a patient's authorized agent who has verbally requested the patient record:
 - i. Provide the patient record, or
 - ii. Inform the patient or patient's authorized agent that the record must be provided if a written request is made under subsection (7) (a) or (b).
 - d. Return original x-rays to a licensed physician within 10 business days of a written request to do so.
 - e. Provide free of charge, copies of patient records to another licensed physician, the patient, or the authorized agent of the patient in violation of A.R.S. Title 12, Chapter 13, Article 7.1.
8. Representing that the licensee is certified by this Board in a specialty area in which the licensee is not certified or has academic or professional credentials that the licensee does not have.
9. Failing to provide to a patient upon request documentation of being certified by the Board in a specialty area or the licensee's academic certification, degree, or professional credentials.
10. Practicing or billing for services under any name other than the name by which the chiropractic physician is licensed by the Board, including corporate, business, or other licensed health care providers' names, without first notifying the Board in writing.
11. Suggesting, or having sexual contact, as defined in A.R.S. § 13-1401, in the course of patient treatment or within three months of the last chiropractic examination, treatment, or consultation with an individual with whom a consensual sexual relationship did not exist prior to a chiropractic/patient relationship being established.
12. Intentionally viewing a completely or partially disrobed patient in the course of an examination or treatment if the viewing is not related to the patient's complaint, diagnoses, or treatment under current practice standards.
13. Improper billing. Improper billing means:
 - a. Knowingly charging a fee for services not rendered;
 - b. Knowingly charging a fee for services not documented in the patient record as being provided;
 - c. Charging a fee by fraud or misrepresentation, or willfully and intentionally filing a fraudulent claim with a third-party payor;
 - d. Misrepresenting the service provided for the purpose of obtaining payment;
 - e. Charging a fee for a service provided by an unlicensed person who is not a chiropractic assistant under A.R.S. § 32-900 or for services provided by an unsupervised chiropractic assistant; and
 - f. Repeatedly billing for services not rendered or not documented as rendered or repeatedly engaging in acts prohibited under subsections (c) through (e).
14. Failing to timely comply with a board subpoena pursuant to A.R.S. § 32-929 that authorizes Board personnel to have access to any document, report, or record maintained by the chiropractic physician relating to the chiropractic physician's practice or professional activities.
15. Failing to notify the Board of hiring a chiropractic assistant or to register a chiropractic assistant under A.C.C. R4-7-1102 or failing to supervise a chiropractic assistant, under A.R.S. § 32-900 that is supervised or employed by the chiropractic physician.

16. Allowing or directing a person who is not a chiropractic assistant and who is not licensed to practice a health care profession to provide patient services, other than clerical duties.
17. Intentionally misrepresenting the effectiveness of a treatment, diagnostic test, or device.
18. Administering, prescribing, or dispensing prescription-only medicine, or prescription-only drugs, or a prescription-only device as defined in A.R.S. § 32-1901 and pursuant to A.R.S. § 32-925(B). This subsection does not apply to those substances identified under A.A.C. R4-7-101(13).
19. Performing surgery or practicing obstetrics in violation of A.R.S. § 32-925(B).
20. Performing or providing colonic irrigation.
21. Penetration of the rectum by a rectal probe or device for the administration of ultrasound, diathermy, or other modalities.
22. Use of ionizing radiation in violation of A.R.S. § 32-2811.
23. Promoting or using diagnostic testing or treatment for research or experimental purposes:
 - a. Without obtaining informed consent from the patient, in writing, before the diagnostic test or treatment. Informed consent includes disclosure to the patient of the research protocols, contracts the licensee has with researchers, if applicable, and information on the institutional review committee used to establish patient protection.
 - b. Without conforming to generally accepted research or experimental criteria, including following protocols, maintaining detailed records, periodic analysis of results, and periodic review by a peer review committee; or
 - c. For the financial benefit of the licensee.
24. Having professional connection with, lending one's name to, or billing on behalf of an illegal practitioner of chiropractic or an illegal practitioner of any healing art.
25. Holding oneself out to be a current or past Board member, Board staff member or a Board chiropractic consultant if this is not true.
26. Claiming professional superiority in the practice of chiropractic under A.R.S. § 32-925.
27. Engaging in disruptive or abusive behavior in a clinical setting.
28. Providing substandard care due to an intentional or negligent act or failure to act regardless of whether actual injury to the patient is established.
29. Intentionally disposing of confidential patient information or records without first redacting all personal identifying patient information or by any means other than shredding or incinerating the information or record.
30. Intentionally disclosing a privileged communication or document, or confidential patient information except as otherwise required or allowed by law.
31. Having been diagnosed by a physician whom the Board determines is qualified to render the diagnosis as habitually using or having habitually used alcohol, narcotics, or stimulants to the extent of incapacitating the licensee for the performance of professional duties.
32. Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. Conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission.
33. Having an action taken against a professional license in another jurisdiction, any limitation or restriction of the license, probation, suspension, revocation, surrender of the license as a disciplinary measure or denial of a license application or license renewal for a reason related to unprofessional conduct.
34. Directly or indirectly dividing a professional fee for patient referrals among health care providers or health care institutions or between providers and institutions or entering into a contractual arrangement to that effect. This subsection does not prohibit the members of any regularly and properly organized business entity recognized by law from dividing fees received for professional services among themselves as they determine necessary.
35. Failing to report in writing to the Board any information based upon personal knowledge that a chiropractic physician may be grossly incompetent, guilty of unprofessional or dishonorable conduct, or mentally or physically unable to provide chiropractic services safely. Any person who reports or provides information to the Board in good faith is not subjected to civil damages as a result of reporting or providing the information. If the informant requests that the informant's name not be disclosed, the Board shall not disclose the informant's name unless disclosure is essential to the disciplinary proceedings conducted under A.R.S. § 32-924 or required under A.R.S. § 41-1010.
36. Violating any federal or state statute, rule, or regulation applicable to the practice of chiropractic.
37. Any act or omission identified in A.R.S. § 32-924 (A)

R4-7-901. Advertising of a Deceptive and Misleading Nature

1. Advertising painless procedures.
2. Advertising complete health services; or
3. Advertising that uses the words “specialist,” “specializing,” or “expert.”

What actions can the Board take if a law has been violated?

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| Issue a non-disciplinary advisory letter | Issue a non-disciplinary order for continuing education |
| Issue a Order of Censure | Impose a civil penalty |
| Issue an Order to Cease & Desist | Place a license on probation |
| Refuse to renew a license | Issue a Letter of Concern |
| Suspend a license | Revoke a license |