

Adopt Ch 500 to read as follows:

CHAPTER Ch 500 ETHICAL STANDARDS

PART Ch 501 ETHICAL STANDARDS

Ch 501.01 Obligation to Obey.

(a) The ethical standards set forth in this part shall bind all licensees and those with the privilege to practice, and violation of any such standard shall constitute unprofessional conduct.

(b) Conduct proscribed by these ethical standards, when performed by an unlicensed person or during a prior period of licensure, shall also be a basis for denying an application for licensure or constitute misconduct subject to disciplinary action.

Ch 501.02 Definitions. [~~(a)~~] "Sexual misconduct" means engaging in one or more of the following activities with respect to a current client who is not a spouse or civil union partner:

[~~(1)~~](**a**) Engaging in sexual relations, whether consensual or non-consensual;

[~~(2)~~](**b**) Making verbal or physical sexual advances;

[~~(3)~~](**c**) Using sexual language or phrases;

[~~(4)~~](**d**) Requesting sexual favors; or

[~~(5)~~](**e**) Engaging in physical contact of a sexual nature.

Ch 501.03 Standards of Conduct. The licensed chiropractor shall:

(a) Comply with all requirements set forth in RSA 316-A and Ch 100 through 500;

(b) Hold paramount the safety, health, and welfare of the patients;

(c) Perform services only in areas they are competent;

(d) Interact with colleagues and patients with honesty and integrity;

(e) Not misrepresent professional qualifications or credentials;

(f) Treat all individuals with whom the person interacts in a professional capacity with respect and civility;

(g) Maintain sexual boundaries by:

(1) Refraining from any behavior that exploits the practitioner-patient relationship in a sexual way;

- (2) Avoiding any behavior that is sexual, seductive, suggestive, or sexually demeaning, or could be reasonably interpreted as such, even when initiated by or consented to by the patient; and
- (3) Refrain from entering into a sexual relationship with a person who has been discharged from care as a patient for no less than one year;
- (h) Not engage in hazing or sexual, verbal, or physical harassment of any individual when interacting in a professional capacity;
- (i) Not discriminate based on age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability, or national origin;
- (j) Submit only complete, truthful, and correct information in any application or other document filed with or statement made to the OPLC;
- (k) Cooperate with investigations and requests for information from the board, the OPLC, and from other licensing or credentialing organizations; and
- (l) Maintain a complete and accurate health record of all patient encounters.

Ch 501.04 Records.

- (a) Records shall be entirely legible and include but not be limited to a history, an exam, a diagnosis, and a plan appropriate for the licensee's specialty[;].
- (b) The responsible party shall honor all requests made by a patient or an authorized agent of a patient, for complete copies of the patient's health record in accordance with the following standards:
 - (1) Upon the patients request the responsible party or entity that controls the health records shall have the responsibility to comply with the request;
 - (2) Upon the patient's request, the responsible party shall provide copies of the health records, either a specified portion or the entire contents depending on the patient's request, regardless of whether the licensee created the records or the records were provided to the licensee by another health care provider;
 - (3) The responsible party may charge the actual cost of duplication for x-rays or other color photographs;
 - (4) Upon receipt of a written release, the requested transfer of health records shall:
 - a. Not be delayed, including for non-payment of services or non-payment of copying costs and of costs for transmitting of health records; and
 - b. Be accomplished in any case within 30 days from receipt of the signed release, unless the nature of the treatment requires an immediate response from the licensee;
 - (5) In the case of patients who are minors or are legally incapacitated, the responsible party shall release health records to a third party who is legally responsible for authorizing treatment for the patient;

(6) Health records shall be released to ~~that~~ **the** third party **reference in (5)**, above, on the same basis that they would otherwise~~;~~ be for ~~the~~ **another** patient if the licensee possesses written documentation establishing the legal guardianship **for the minor or legally incapacitated patient** in question;

(7) The responsible party may require written authorization for release of health records, but, in no instance, shall the responsible party require the personal appearance of the patient prior to release; **and**

(8) After transfer of the licensee's health records which meets the requirements of (d) below, the licensee shall be relieved of further responsibility for complying with requests for copies of records.

~~[(8)]~~**(c)** The licensee shall retain a complete copy of all patient health records for at least 7 years from to date of the:

~~[a-]~~**(1)** Patient's last contact with the licensee, unless, before that date, the patient has requested that the file be transferred to another health provider; or

~~[b-]~~**(2)** In the case of a minor patient, 7 years after the date of majority, unless, before that date, the patient or patient's guardian has requested that the file be transferred to another health provider;

~~[(9)]~~**(d)** If a licensee retires, moves from the area, or decides to stop treating a patient or group of patients, the licensee shall:

~~[a-]~~**(1)** Provide notice to those active patients which explains that the licensee is no longer available to them;

~~[b-]~~**(2)** Ensure that their records can be transferred to another health care provider as requested by the patient; and

~~[e-]~~**(3)** Whenever possible, notice shall be provided at least 30 days prior to cessation of treatment~~;~~**and**;

~~[(10) After transfer of the licensee's health records which meets the requirements of (9) above, the licensee shall be relieved of further responsibility for complying with requests for copies of records.]~~

~~[(e)]~~**(e)** In the case of a practice owned and controlled by a licensee, the responsible party shall be the licensee and the licensee shall be responsible for transferring copies of health records regardless of whether the licensee had delegated this task to another person or organization~~;~~**and**;

~~[(d)]~~**(f)** In the case of an employed licensee, the responsible party shall be the employer or organization and the responsibility for transferring copies of the health records shall fall upon the employer or organization, pursuant to these rules and RSA 151:21, X.

Ch 501.04 Standards for Treatment and Billing. A licensee shall:

(a) Know and have available in their office information regarding where patients may go to file complaints regarding their treatment or billing. Such information shall be furnished immediately upon request of the patient[-];

(b) Provide their patients the opportunity to discuss the benefits, risks, and costs of appropriate treatment, including alternatives to the proposed treatment. [~~The patient~~] **A chiropractor** shall [~~expect their chiropractor will~~] provide guidance **to their patients** about what they consider the optimal course of action based on objective professional judgement;

(c) Respect the confidentiality and privacy of their patients;

(d) Respect the patients right to seek a second opinion;

(e) Advise the patient of any conflicts of interest they may have with respect to their care;

(f) Refrain from knowingly participating in fraud;

(g) Report illegal or unethical behavior by chiropractors or other health care professionals to the appropriate licensing boards or law enforcement authorities;

(h) Keep current with best care practices and maintain professional competence; and

(i) Refrain from offering financial incentives or other valuable incentives to any person in exchange for recruitment of other patients.

APPENDIX

| RULE NUMBER | STATUTE IMPLEMENTED |
|--------------------|----------------------------|
| Ch 500 | RSA 316-A:3, VII |