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RULE ADOPTION
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC EXAMINERS
DELEGABLE TASKS OR FUNCTIONS OF UNLICENSED ASSISTANTS; ORDERING OF ELECTRIC
THERAPY DEVICES FOR HOME USE

Adopted Amendment: N.J.A.C. 13:44E-2.7

Adopted New Rule: N.J.A.C. 13:44E-2.7A

Proposed: October 20, 2003 at 35 N.J.R. 4828(a).

Adopted: January 29, 2004 by the State Board of Chiropractic Examiners, Dr. Mary-Ellen Rada, President.

Filed: March 12, 2004 as R.2004 d.141, without change.

Authority: N.J.S.A. 45:9-14.5 and 45:9-41.23.

Effective Date: April 5, 2004.

Expiration Date: June 26, 2006.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendment and new rule are governed by State statute and are not subject to Federal requirements or standards.

Full text of the adoption follows:

<< NJ ADC 13:44E-2.7 >>

13:44E-2.7 Delegable tasks or functions of unlicensed assistants

(a)-(b) (No change.)

(c) A licensee shall not permit an unlicensed assistant to:

1.-4. (No change.)

5. Administer the following physical modalities:

i. (No change.)

ii. Electro-therapy devices powered by an alternating current or any interferential devices, as set forth in N.J.A.C. 13:44E-2.7A; or

6. (No change.)

(d)-(f) (No change.)

<< NJ ADC 13:44E-2.7A >>

13:44E-2.7A Ordering of electro-therapy devices for home use

(a) For purposes of this section and N.J.A.C. 13:44E-2.7(c)5ii, "electro- therapy devices" such as "TENS" (transcutaneous electric nerve stimulation), "MES" (micro-ampere electric stimulation), or "EMS" (electric muscle stimulation) devices, means devices which generate an electrical current that is applied to the skin via electrodes to cause a physiological effect.

(b) A licensee may not order an electro-therapy device for home use which:

1. Uses AC electrical current; or
2. Is an interferential device which crosses two medium frequency alternating currents through the body.

(c) A licensee may order a battery operated electro-therapy device for home use provided that the patient:

1. Is not using a cardiac pacemaker;
2. Is not epileptic;
3. Does not suffer from any cognitive impairment which affects the patient's ability to follow instructions;
4. Is willing and able to assume responsibility in writing for use of the electric therapy device;
5. Will have adequate home assistance where such assistance may be necessary in the opinion of the treating chiropractor, especially when the electrodes are to be placed paraspinally;
6. Is provided with a complete set of instructions for home use which includes:
 - i. The operation of the unit;
 - ii. Battery charging or changing;
 - iii. Care of the unit and supplies;
 - iv. The preferred and alternative electrode placements and stimulation parameters;
 - v. The suggested schedule of treatment times and rest periods;
 - vi. Precautions against misuse of the unit including using the device for any purpose other than that for which it was ordered;
 - vii. The avoidance and treatment of skin irritation;
 - viii. The address and phone number of an information source for troubleshooting; and
 - ix. The chiropractor's name and phone number; and
7. Has provided a written acknowledgment that a complete set of instructions for home use has been received.

(d) A battery operated electro-therapy device may be ordered for home use, provided that the chiropractor has instructed the patient that the electro- therapy device should not be applied over:

1. The carotid sinus;
2. Blood vessels with thrombosis or emboli;
3. Tissue or blood vessels vulnerable to hemorrhage or inflammation;

4. Lumbar or abdominal areas of pregnant women;

5. The eyes or internally;

6. A malignancy; or

7. Trans-thoracic applications in asthenic patients.

(e) The licensee shall document the ordering of care using an electro-therapy device in the patient record pursuant to N.J.A.C. 13:44E-2.2, which shall also include the following:

1. A specific treatment protocol, including the specific electro-modality to be used, the electrode type, and the electrode placement;

2. An evaluation of the patient's response and documentation of any necessary adjustments to the treatment;

3. The estimated period of time necessary to achieve the treatment goals of the electro-stimulation device;

4. Regular follow-up evaluations of the patient's participation in the at-home electro-therapy device program; and

5. The acknowledgment from the patient that a complete set of instructions for home use has been received pursuant to (c)7 above.