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RULE ADOPTION  
LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS

**BOARD OF CHIROPRACTIC EXAMINERS**

Adopted New Rule: N.J.A.C. 13:44E-2.6

Proposed: November 6, 2000 at 32 N.J.R. 3970(a).

Adopted: July 26, 2001 by New Jersey State Board of Chiropractic Examiners, William Winters, President.

Filed: November 5, 2001 as R.2001 d.448, with subsection (e) not adopted and with technical changes not requiring additional public notice and comment (See N.J.A.C. 1:30-4.3).

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

Effective Date: December 3, 2001.

Expiration Date: June 26, 2006.

**Federal Standards Statement**

A Federal standards analysis is not required because the adopted new rule does not involve any Federal standards or requirements.

Full text of the adoption follows :

**<< NJ ADC 13:44E-2.6 >>**

**13:44E-2.6 Patient record review**

(a) As used in this section, the term, "patient record review" means an evaluation of all records which are maintained pursuant to N.J.A.C. 13:44E- 2.2 and which are relevant to the treatment or condition under evaluation by a non-attending chiropractor with regard to the effectiveness and application of prior treatment or termination of or continuation of the treatment.

(b) A non-attending chiropractor who performs a patient record review which evaluates prior chiropractic care or the need for continued chiropractic care or the necessity for diagnostic testing shall <<+make a reasonable and documented effort to+>> obtain all records of the attending chiropractor relevant to the chiropractic care or condition under evaluation before rendering an opinion concerning the prior chiropractic care, the need for continued chiropractic care or the need for diagnostic testing.

(c) An opinion by a non-attending chiropractor which states that prior chiropractic care was not documented pursuant to N.J.A.C. 13:44E-2.2 shall clearly note the specific deviations from the patient record requirements of N.J.A.C. 13:44E-2.2.

(d) Opinions which state that prior chiropractic care was not necessary, not required or palliative shall clearly state the rationale upon which the opinion is based.

(e) <<-A record review shall be sufficient to ascertain the need for continuing chiropractic care, except that a physical examination of the patient by the non-attending chiropractor shall be required prior to rendering an opinion which determines in any manner that chiropractic care should be terminated, is not necessary or beneficial, or is deemed to be palliative in nature. The physical examination shall include a chiropractic analysis to determine if a subluxation is present. Findings of the physical examination shall be recorded and maintained in accordance with all pertinent portions of N.J.A.C. 13:44E-2.2. Upon completion of a physical examination, any opinion that continuing treatment is not necessary shall clearly state the rationale upon which the opinion is based.->> <<+(Reserved)+>>

(f) An opinion by a non-attending chiropractor that diagnostic testing, referrals or consultations were not properly documented or performed in accordance with N.J.A.C. 13:44E-2.2 and 13:44E-3 shall clearly note the specific deviations from those rules.

(g) Opinions which state that prior diagnostic testing, referrals or consultations were not necessary shall clearly state the rationale upon which the opinion is based.

(h) Any opinion rendered regarding the evaluation of prior chiropractic care, the termination of chiropractic care, or the necessity of diagnostic testing and/or referrals or consultation shall be consistent with N.J.S.A. 45:9-14.5 and N.J.A.C. 13:44E-1.1. Violations of any of the provisions set forth in this section shall constitute professional misconduct pursuant to N.J.S.A. 45:1-21(e) and may subject licensees to penalties as set forth in N.J.S.A. 45:1-22 and 45:1-25.

33 N.J.R. 4140(a)