

1. Copies of certificates:
 - a. Fee receipts will not be accepted for validation of attendance;
 - b. Letters documenting attendance from providers; or
 - c. Copies of transcripts from educational institutions.

29-008.06E Validating records will not be returned.

29-008.06F Failure to notify the Department of a current mailing address will not absolve the licensee from the audit requirement.

29-009 GROUND ON WHICH THE DEPARTMENT MAY DENY, REFUSE RENEWAL OF, OR DISCIPLINE A LICENSE

29-009.01 The Department may deny an application for a license when the applicant fails to meet the requirements for licensure pursuant to 172 NAC 29-003 or is found to be in violation of any of the provisions of 172 NAC 29-009.03.

29-009.02 The Department may refuse renewal of a license if the licensee fails to meet the requirements pursuant to 172 NAC 29-006, 172 NAC 29-008.08 or 172 NAC 29-009.03.

29-009.03 The Department may deny, refuse renewal of, limit, suspend, or revoke licenses for any of the following grounds:

1. Fraud, forgery, or misrepresentation of material facts in procuring or attempting to procure a license or certificate;
2. Grossly immoral or dishonorable conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for practice of the profession in this state;
3. Habitual intoxication or dependence or failure to comply with a treatment program or an aftercare program entered into under the Licensee Assistance Program established pursuant to Neb. Rev. Stat. § 71-172.01;
4. Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction and which, if committed within this state, would have constituted a misdemeanor or felony under state law and which has a rational connection with the applicant's or licensee's fitness or capacity to practice the profession;
5. Practice of the profession (a) fraudulently, (b) beyond its authorized scope, (c) with manifest incapacity, (d) with gross incompetence or gross negligence, or (e) in a pattern of negligent conduct. Pattern of negligent conduct means a continued course of negligent conduct in performing the duties of the profession;
6. Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional stability;

7. Physical or mental incapacity to practice the profession as evidenced by a legal adjudication or a determination thereof by other lawful means;
8. Permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a license by a person not licensed to do so;
9. Having had his/her license or certificate denied, refused renewal, limited, suspended, or revoked or having had the license or certificate disciplined in any other manner pursuant to Neb. Rev. Stat. § 71-155 by another state or jurisdiction to practice chiropractic based upon acts by the applicant, licensee, or certificate holder similar to acts described in 172 NAC 29-009. A certified copy of the record of denial, refusal of renewal, limitation, suspension, or revocation of a license or the taking of other disciplinary measures against it by another state or jurisdiction must be conclusive evidence.
10. Unprofessional conduct, which term includes all acts pursuant to Neb. Rev. Stat. § 71-148 and the other acts which include but are not limited to:
 - a. Competence: A chiropractor/chiropractic physician must not provide services for which s/he is not trained or experienced. Unprofessional conduct in the practice of chiropractic includes but is not limited to:
 - (1) Committing any act which endangers patient safety or welfare;
 - (2) Encouraging or promoting chiropractic by untrained or unqualified persons; and
 - (3) Failure or departure from the standards of acceptable and prevailing practice in chiropractic.
 - b. Confidentiality: A chiropractor/chiropractic physician must hold in confidence information obtained from a patient, except in those unusual circumstances in which to do so would result in clear danger to the person or to others, or where otherwise required by law. Failure to do so constitutes unprofessional conduct.
 - c. Professional Relationships: A chiropractor/chiropractic physician must safeguard the welfare of patients and maintain appropriate professional relationships with patients. Commission of any of the following acts or behavior constitutes unprofessional conduct:
 - (1) Improper use of another person for one's own advantage;
 - (2) Failure to decline to carry out chiropractic services that have been requested when the services are known to be contraindicated or unjustified;
 - (3) Failure to decline to carry out procedures that have been requested when the services are known to be outside of the chiropractor's/chiropractic physician's scope of practice;
 - (4) Verbally or physically abusing patients;
 - (5) Falsification or unauthorized destruction of patient records;

- (6) Attempting to provide diagnostic or treatment information to patient(s) that is beyond the chiropractor's/chiropractic physician's level of training and expertise;
 - (7) Delegating to other personnel those patient related services when the clinical skills and expertise of a chiropractor/chiropractic physician is required;
 - (8) Over or under utilization of laboratory and x-ray procedures, and the devices or nutritional products that are in the best interest of the patient;
 - (9) Failure to assure that the patient possesses enough information to enable intelligent choices in regard to proposed chiropractic treatment;
 - (10) Failure to terminate a professional relationship when it becomes clear that the patient is not benefiting from further care or treatment; and
 - (11) Failure to consult and seek the talents of other health care professionals when the consultation would benefit the patient or when the patient expressed a desire for the consultation.
- d. Sexual Harassment: A chiropractor/chiropractic physician must not under any circumstances engage in sexual harassment of patients or co-workers. Sexual harassment includes making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature as a condition of:
- (1) The provision or denial of chiropractic care to a patient; and
 - (2) The provision or denial of employment or employment advances to a co-worker.
- e. Advertising, Publicity and Solicitation
- (1) A chiropractor/chiropractic physician must not make a false or misleading communication about the chiropractor/chiropractic physician or the chiropractor's/chiropractic physician's services. A communication is false or misleading if:
 - (a) The chiropractor/chiropractic physician charges a fee for any chiropractic service conducted within 24 hours after performing a chiropractic service that was advertised as being free;
 - (b) The chiropractor/chiropractic physician obtains any fee for professional services by fraud, deceit, or misrepresentation;
 - (c) The chiropractor/chiropractic physician bills an insurance company or third-party payee for a service that has been offered through an advertisement to a prospective patient as free without explaining to the prospective patient which services are billable and which are free;

- (d) It contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;
 - (e) It is likely to create an unjustified expectation about the results the chiropractor/chiropractic physician can achieve, or states or implies that the chiropractor/chiropractic physician can achieve results by means that violate these regulations or the Uniform Licensing Law;
 - (f) It compares the chiropractor's/chiropractic physician's services with other chiropractor's/chiropractic physician's services, unless the comparison can be factually substantiated.
- (2) Subject to the requirements of these regulations a chiropractor/chiropractic physician may advertise services through public media, such as a telephone directory, newspaper, magazine or other periodical, radio or television, or through written communication, ~~not involving personal contact~~. A copy or recording of an advertisement or written communication will be kept for one year after its dissemination along with a record of when and where it was used.
- ~~(3) A chiropractor/chiropractic physician or any person designated, contracted, or paid by a chiropractor/chiropractic physician shall not solicit professional employment as a chiropractor/chiropractic physician for him/herself, his/her partner or his/her associate, from any person when the professional employment concerns the evaluation or treatment of any injury or potential injury that relates to an accident or disaster involving the person to whom the solicitation is directed or a relative of that person, unless the accident or disaster occurred more than 30 days prior to the solicitation. This prohibition does not apply to any contact with any person who has sought his/her advice regarding employment of a chiropractor/chiropractic physician or other health care provider. The term "solicit" includes contact in person or by telephone, directed to a specific recipient.~~
- ~~(34)~~ A chiropractor/chiropractic physician cannot enter into an agreement for, charge, or collect a fee for professional employment obtained in violation of this rule.

| (45) A chiropractor/chiropractic physician must not accept
| professional employment when s/he knows or reasonably
| should know that the person who seeks his/her services
| does so as a result of conduct by any person prohibited
| pursuant to 17~~2~~9 NAC 29-009.03, item 10c.