

**Ohio State Chiropractic Association
Members' Code of Ethics
Adopted June 8, 2006**

Preamble

This Code of Ethics is based upon the fundamental principle that the ultimate end and object of the chiropractic physician's professional services and effort is:

"The greatest good for the patient."

This Code of Ethics offers guidance to the profession with respect to responsibilities to patients, the public and to fellow practitioners and for such consideration as may be given to them by state legislatures, state administrative agencies and also by state chiropractic associations to the extent that they are authorized under state law to exercise enforcement or disciplinary functions.

A. Responsibility to the Patient

A (1) Doctors of chiropractic should hold themselves ready at all times to respond to the call of those needing their professional services, although they are free to accept or reject a particular patient on a case by case basis except in an emergency.

A (2) Doctors of chiropractic should attend to their patients as often as they consider necessary to insure the well-being of their patients.

A (3) Having once undertaken to serve a patient, doctors of chiropractic should not neglect the patient. Doctors of chiropractic should take reasonable steps to protect their patients prior to withdrawing their professional services. Such steps shall include due notice to the patient that allows a reasonable time for obtaining professional services of other providers and the delivering to the patient all papers and documents in compliance with A (5) of this Code of Ethics and applicable Ohio law.

A (4) Doctors of chiropractic should practice with the highest degree of professional competency and honesty in the proper care of their patients.

A (5) Doctors of chiropractic should comply with a patient's authorization to provide records, or copies of such records, to those whom the patient designates as authorized to inspect or receive all or part of such records. A reasonable charge may be made for the cost of duplicating records as set forth in Ohio law.

A (6) Subject to the foregoing Section A (5), doctors of chiropractic should preserve and protect the patient's confidences and records, except as the patient directs or consents or the law requires otherwise. A doctor of chiropractic should not discuss a patient's history, symptoms, diagnosis, or treatment with any third party until the doctor receives the written consent of the patient or the patient's personal representative as required under law. Doctors of chiropractic should not exploit the trust and dependency of their patients.

A (7) Doctors of chiropractic owe loyalty, compassion and respect to their patients. Their clinical judgment and practice should be objective and exercised solely for the patient's benefit.

A (8) Doctors of chiropractic should recognize and respect the right of every person to free choice of chiropractors or other health care providers and of the right of the patient to exercise such choice at will.

A (9) Doctors of chiropractic are entitled to receive proper and reasonable compensation for their professional services commensurate with the value of the services they have rendered taking into consideration their experience, time required, reputation and the nature of the condition involved. Doctors of chiropractic should terminate a professional relationship when it becomes reasonably clear that the patient is not benefiting from it. Doctors of chiropractic should assist a patient to the extent reasonable

and appropriate in those instances where the patient is unable to pay for necessary chiropractic care due to a financial hardship.

A (10) Doctors of chiropractic should maintain the highest standards of professional and personal conduct and should refrain from all illegal conduct.

A (11) Doctors of chiropractic should be ready to consult and seek the talents of other health care professionals when such consultation would benefit their patients or when their patients express a desire for such consultation.

A (12) Doctors of chiropractic should employ their best good faith efforts that the patient possesses enough information to enable an intelligent choice in regard to proposed chiropractic treatment. The patient should make his or her own determination on such treatment.

A (13) Doctors of chiropractic should utilize only those laboratory and X-ray procedures, and such devices or nutritional products, that are in the best interest of the patient and consistent with state law.

B. Responsibility to the Public

B (1) Doctors of chiropractic should act as members of a learned profession dedicated to the promotion of health, the prevention of illness and the alleviation of suffering.

B (2) Doctors of chiropractic should observe and comply with all laws, decisions and regulations of state governmental agencies and cooperate with the pertinent activities and policies of associations legally authorized to regulate or assist in the regulation of the chiropractic profession.

B (3) Doctors of chiropractic may advertise but should exercise utmost care that such advertising is relevant to health awareness, is accurate, truthful, not misleading or false or deceptive, and scrupulously accurate in representing the chiropractor's professional status and area of special competence. Communications to the public should not create unjustified expectations of results. Doctors of chiropractic should conform to all applicable laws in connection with professional advertising.

B (4) Doctors of chiropractic should continually strive to improve their skill and competency by keeping abreast of current developments by participating in continuing chiropractic educational programs and utilizing other appropriate means.

B (5) The chiropractic profession should address itself to improvements in licensing procedures consistent with the development of the profession and of relevant advances in chiropractic.

B (6) Doctors of chiropractic who are elected officials of the OSCA shall not engage in activities which are, or may be reasonably perceived to be, in conflict with their official duties.

B (7) Doctors of chiropractic should protect the public and reputation of the chiropractic profession by bringing to the attention of the appropriate public or private organizations the actions of chiropractors who engage in deception, fraud or dishonesty, or otherwise engage in conduct inconsistent with this Code of Ethics or relevant provisions of applicable law or regulations within the state.

C. Responsibility to the Profession

C (1) Doctors of chiropractic should assist in maintaining the integrity, competency and highest standards of the chiropractic profession.

C (2) Doctors of chiropractic should by their behavior, avoid even the appearance of professional impropriety and should recognize that their public behavior may have an impact on the ability of the profession to serve the public. Doctors of chiropractic should promote public confidence in the chiropractic profession.

C (3) As teachers, doctors of chiropractic should recognize their obligation to help others acquire knowledge and skill in the practice of the profession. They should maintain high standards of scholarship, education, training and objectivity in the accurate and full dissemination of information and ideas.

C (4) Doctors of chiropractic should attempt to promote and maintain cordial relationships with other members of the chiropractic profession and other professions in an effort to promote information advantageous to the public's health and well-being.

D. Specifications for Action

The Board of Directors of the Ohio State Chiropractic Association may refuse, revoke, or suspend for a limited period, the membership of any chiropractic physician for any of the following causes:

- 1) Conviction of a felony or misdemeanor involving moral turpitude, in either of which cases a certified copy of the court record shall be conclusive evidence, upon receipt of which the Board of Directors may revoke or suspend the membership of the person so convicted;
- 2) For any violation of the articles of this Code of Ethics;
- 3) For any violation of the chapter of the Ohio law governing the chiropractic profession;
- 4) For fraud or deceit in procuring admission as a member of the Association;

E. Administrative Procedures

1. Ethics Committee – There is hereby created an Ethics Committee of the OSCA to administer and enforce this Code of Ethics.
 - a. The Committee shall consist of five doctors of chiropractic who are members in good standing of the OSCA.
 - i. The members of the Committee shall be appointed by the President of the OSCA, subject to confirmation by the OSCA Board of Directors.
 - ii. Except as provided in subsection (v) below, the members of the Committee shall serve four-year terms. No Member may serve more than two successive terms.
 - iii. Members of the Committee may be removed from office during their terms only for cause shown. Vacancies on the committee are filled by the OSCA president, subject to confirmation by the OSCA Board of Directors.
 - iv. If a member is removed or resigns, the President of the OSCA shall appoint a successor to serve the balance of the term, subject to approval by the OSCA Board of Directors.
 - v. Within thirty days of the adoption of this ethics procedure, the President of the OSCA shall appoint two members of the Committee to a four-year term and three members of the Committee to a two-year term. The President of the OSCA shall designate one of the members appointed to a four-year term as Chairman of the Committee. This member and his or her successors in office shall have the powers and duties of the office of Chairman as described in section (c) below.
 - b. The Committee shall:
 - i. Investigate and adjudicate charges that any member of the OSCA has violated a provision of the Code of Ethics.
 - ii. Offer its services as a as a mediation panel or mediator where an informal mediation of a complaint is appropriate.

- iii. Develop and disseminate materials and programs to educate the chiropractic profession on matters of ethics;
 - iv. Periodically assess and review this Code of Ethics and recommend changes, if warranted, to the OSCA Board of Directors. This would include assessments initiated by member inquiries.
 - v. Maintain all records required by this Code of Ethics; and
 - vi. Conduct its business at regular meetings no less frequently than once every three months. These meetings may be held in-person, via teleconference or by other electronic means as established by the Chairman.
- c. The Chairman of the Committee shall:
- i. Initiate informal mediation proceedings when appropriate;
 - ii. Make probable cause determinations and appoint investigators and presiding officers to review charges that any OSCA member has violated a provision of this Code of Ethics;
 - iii. Supervise employees, volunteers or independent contractors acting in the service of the committee;
 - iv. Preside over all meetings of the Committee;
 - v. Make other appointments and determinations as required in these Ethics Procedures;
 - vi. Communicate with the Executive Committee or the OSCA and seek approval of any expenditure of monies that are necessary in the operations of the Ethics Committee; and
 - vii. Confer with OSCA staff and/or OSCA legal counsel as appropriate.
- d. Meetings
- i. A meeting may be called by the Chairman, or by any three members, upon seven days written notice to all members of the Committee and the President of the OSCA.
 - ii. If the Chairman is unable to attend a meeting, he or she shall designate a member to serve as presiding officer.
 - iii. A quorum shall consist of three members.
 - iv. All questions shall be decided by majority vote of the members attending. No member may vote by proxy. However, the Chairman may adopt an internal management rule by majority vote permitting members to attend meetings (other than adjudicative hearings) by telephonic or electronic means.
 - v. The Chairman shall, after each meeting of the Committee, make a report in writing to the President of the OSCA summarizing the business transacted at the meeting.
 - vi. A member of the committee shall decline to participate in the consideration of, or the decision in, any matter before the committee in which the member has a

conflict of interest. If a committee member does not recuse himself due to an alleged conflict of interest, the committee as a whole shall determine if the member shall participate in the consideration of a decision or matter before the committee.

- e. The Committee shall have the power to adopt rules and guidelines, not inconsistent with the Code of Ethics, to govern proceedings before the Committee and to supervise space or staff authorized by the Executive Committee.
 - f. Members of the Committee, and all employees, volunteers, or independent contractors serving the Committee on official business, shall be indemnified and defended by the OSCA against all liability arising from Committee business, to the extent provided in the OSCA Constitution for board members. The OSCA shall maintain D & O insurance to carry out this provision.
2. Investigation and Adjudication of Alleged Code of Ethics Violations Against an OSCA Member
- a. The Chairman preliminarily reviews submissions involving the Code of Ethics to consider whether it is an inquiry regarding an interpretation of the Code of Ethics or a charge of unethical conduct on the part of a member.
 - b. Any person may submit a written complaint with the Committee alleging that an OSCA member has violated a provision of this Code of Ethics. The complaint shall include the following information:
 - i. The name and address of the complainant;
 - ii. The name and the address of the OSCA member who is the subject of the Complaint; and
 - iii. A narrative description of the alleged violation.
 - c. The Committee may prescribe a standard form to be used for written Complaints.
 - d. Within thirty days after a complaint is filed, the Chairman (or designee) shall review the complaint to determine if there is probable cause to conduct an investigation. "Probable cause" exists where the facts stated in the complaint, if true, would establish a violation of this Code of Ethics.
 - i. If the Chairman (or designee) determines that probable cause does not exist, the complainant shall be informed of this decision in writing. Such notice shall set forth the rights of the complainant to appeal this decision to the full Committee within thirty days of the mailing of the notification.
 - ii. If the Committee reverses the Chairman's determination that probable cause does not exist, the case shall proceed as if probable cause had been found. If the Committee upholds the decision of the Chairman, no further appeal is permitted.
 - iii. The Committee shall inform the Complainant of its decision in writing.
 - e. If it is determined that probable cause exists, the Chairman shall appoint an Ethics Committee member, to act as investigator (with the assistance of OSCA staff and/or legal council) with respect to the complaint.
 - i. The investigator shall conduct the investigation objectively, and in confidence. All written communications shall be sealed and marked "Personal and Confidential."

- ii. The OSCA member who is the subject of the complaint (“respondent”) shall be informed by the investigator in writing:
 1. That a complaint has been filed and is being investigated;
 2. That he/she has the obligation to cooperate fully in the investigation;
 3. That he/she has a right to a hearing before any recommendation is made to the OSCA Board of Directors for action or sanction.
- iii. The investigator shall provide the respondent with a copy of the original written complaint and a copy of the hearing request form.
- iv. Upon completing the investigation, the investigator shall make a confidential written report to the Chairman.
- v. If the investigator has reason to believe that a violation of law or of professional licensing standards has occurred, he/she shall inform the Chairman who shall also inform the OSCA President. Upon consultation with the OSCA Executive Committee and OSCA legal counsel, the OSCA President or designate shall provide the appropriate authorities with all relevant information pertaining to the investigation and/or shall inform the charging party that he/she has the right to notify the Ohio State Chiropractic Board of Examiners or other authority regarding these allegations. If a referral is made to the State Chiropractic Board or other law enforcement agency, the Chairman may elect to suspend all action on the complaint until the authorities have resolved their investigation and enforcement action.
- vi. If after an investigation it is determined that an ethics violation has occurred, the respondent shall be notified in writing. Within thirty days of the mailing of this notice, the respondent may request a hearing in writing. The writing shall be directed to the Chairman, and the Committee shall by rule provide for a standard form to be used.
- vii. The Chairman shall schedule a hearing date and designate a panel of three members or more to serve as a hearing board with one member serving as presiding officer (which may be the Chairman).
- viii. Notice of the hearing date shall be given to the investigator and respondent at least thirty days in advance.
- ix. The respondent shall be provided a copy of the investigator's report at least fourteen days before the hearing date.
- x. The respondent may withdraw the request for a hearing at any time. The respondent may also request a continuance, which shall be granted by the presiding officer for good cause shown.
- xi. The respondent and the investigator may enter into stipulations which will be binding on both.

3. Proceedings on Inquiries

- a. The Committee will consider inquiries from the membership or other interested parties on ethical questions at its regularly scheduled meetings or at a special meeting to be called by the Chairman.
- b. During the course of the Committee's consideration of an ethical inquiry, the Committee may conduct a public administrative hearing to receive the views of those who are

interested in, or may be affected by, an advisory opinion interpreting a provision of this Code of Ethics.

- c. If a public hearing is held, notice of the hearing is given to members of the OSCA, as well as other interested parties. The notice may include the proposed advisory opinion. A quorum of Committee members shall conduct the meeting with the Chairman presiding.
 - d. Relevant information will be heard from interested parties. A record of the hearing will be kept.
 - e. After consideration, the Committee may recommend an advisory opinion. If so, after consultation with the Executive Committee, the Chairman or his designee will submit the advisory opinion to the Board of Directors for ratification at the next scheduled board meeting.
 - f. The Board of Directors may accept, reject, or return the opinion to the Committee for reconsideration.
 - g. Once the opinion is ratified, the Executive Committee will disseminate the opinion to the membership.
4. Proceedings on Hearings
- a. The hearing on an alleged Code of Ethics violation shall be closed to all except the hearing board, the investigator, the respondent, the witnesses, OSCA legal counsel, and legal counsel retained by any participant.
 - i. The respondent has the right to be represented by legal counsel in all phases of the proceeding.
 - ii. Evidentiary disputes shall be resolved by the presiding officer in the course of the hearing although formal rules of evidence shall not apply.
 - iii. The investigator shall present the results of his investigation.
 - iv. The respondent may present evidence or argument on any relevant matter.
 - v. Each party may call witnesses, and may cross-examine witnesses called by the opposing party. Witnesses shall be sworn.
 - vi. The respondent may present evidence of mitigating circumstances without waiving the right to contest whether a violation has occurred.
 - vii. A written, video, or audio transcript of the hearing shall be kept.
 - viii. Upon conclusion of the hearing, the hearing board shall meet and compile recommended findings:
 - 1. Whether a violation has occurred; and
 - 2. If so, what sanction should be imposed.
 - b. After receiving the report of the investigator and, if the respondent has requested a hearing, the recommended findings of the hearing board, the Committee shall, by majority vote, recommend a disposition of the case to the OSCA Board of Directors via the Executive Committee.

- i. If the Committee finds that no violation of the Code of Ethics has occurred, it shall recommend termination of the case.
 - ii. If the Committee finds that a violation of the Code of Ethics has occurred, it shall recommend a sanction to be imposed on the respondent. The possible sanctions include:
 - 1. Reprimand, either privately or publicly;
 - 2. Suspension from OSCA membership for a designated period of time; or
 - 3. Expulsion from the OSCA;
 - 4. Other appropriate sanction.
 - iii. The Committee may recommend that the imposition of sanctions be suspended on condition that the respondent commits no further violations of this Code of Ethics during a specified period of probation.
 - iv. The Committee shall inform the OSCA Board of Directors and the respondent of its recommendation in writing. Any member of the Committee who does not concur in the recommendation may attach a brief written statement outlining his or her reasons for disagreement.
 - v. The Committee shall transmit the record of the case to the Executive Office along with its recommendation for dissemination to the OSCA Board of Directors.
- c. The OSCA Board of Directors shall consider the case at its next regular meeting following receipt of the Committee's recommendations. No additional evidence shall be heard by the board.
- i. The Board of Directors shall have the power to accept, or reject the Committee's recommendation; provided, however, that the Board may not impose sanctions where the Committee has found that no violation occurred. The Board may return the case to the Ethics Committee without accepting or rejecting the recommendation for further consideration.
 - ii. The Board shall notify the Respondent of its decision in writing.
 - iii. The sanction imposed by the Board, if any shall take effect on the date the notice is sent.
 - iv. Except where the Committee has found that no violation has occurred, a private reprimand has been imposed, or the imposition of sanctions has been suspended on condition of probation, the board shall publish notice of its action and distribute it to all OSCA members. The notice shall contain the following information:
 - 1. The name of the respondent;
 - 2. A brief statement describing the violation; and
 - 3. A brief statement of the sanction imposed
 - v. The OSCA Board of Directors may refer any matter under review to the appropriate authority such as the Ohio State Chiropractic Board of Examiners.
 - 1. The decision of the Board shall be final.
 - 2. After the Board completes its consideration of the case, it shall return the record to the Committee for safekeeping.
- d. The Executive Office shall keep all records of completed investigations for at least five years.

- e. The OSCA Board of Directors or Ethics Committee may suspend any action on a complaint or suspend the imposition of any penalty if a matter is before any sanctioning authority, such as the Ohio State Chiropractic Board, or is to be referred to such an authority for review pursuant to section 4(c)(v).
- f. No member or director shall participate in the consideration of a case where he or she has a personal association with either the respondent or the complainant or otherwise is unable to objectively consider the case due to a conflict of interest or other personal factor. Such a "personal association" must be more than familiarity or knowledge of the respondent. If, because of this section, one or more members recuse themselves from the consideration of a case, the President shall appoint up to three temporary members to the Committee for the purpose of considering that case only.

5. Informal Arbitration

- a. The Ethics Committee, as determined by its Chairman or through a vote of three of its members, may offer its services to informally arbitrate any complaint or case brought before it. The procedures used to informally arbitrate such a dispute are within the sound discretion of the Ethics Committee.

6. Cooperation

- a. All members of the Ohio State Chiropractic Association are required to comply with these administrative procedures. Failure to cooperate with the Ethics Committee, the Executive Committee or the Board of Directors in a proceeding or a complaint may be considered according to the same procedures and with the same sanctions as failure to observe the Code of Ethics.