

Hawaii State Chiropractic Association, Inc.

Code of Ethics

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CODE OF ETHICS
FOR THE MEMBERS OF THE
HAWAII STATE CHIROPRACTIC ASSOCIATION, INC.

We believe that the Chiropractic profession should occupy that place in its own and public esteem to which its entitled and that the Chiropractic doctor should be a leader in his or her community - in character, in learning, in dignified bearing, and in courteous relations with his or her professional colleagues. We believe these things can be accomplished only by organized efforts and do hereby resolve ourselves into an organized association dedicated and pledged to protect, promote, and promulgate the advancement of the philosophy, science, and art of Chiropractic and the professional welfare of members of the Hawaii State Chiropractic Association, Inc. (the "Association") in every legitimate and ethical way. The purpose of these efforts is to ensure that people in every locality shall have knowledge of the health benefits of Chiropractic and the unhampered right and opportunity of obtaining the qualified services of doctors of Chiropractic of unquestionable standing and ability.

I. PRINCIPLES OF ETHICS

The Principles of Ethics form the first part of this Code of Ethics. They are aspirational and inspirational model standards of exemplary professional conduct for all members. They serve as goals that the Association members ("Members") should constantly strive to reach. The Principles of Ethics are not enforceable.

- A. **Ethics in Chiropractic.** An issue of ethics in Chiropractic is resolved by the determination that the best interest of the patient is served.
- B. **Providing Chiropractic Services.** Chiropractic services must be provided with compassion, respect for human dignity, honesty, and integrity.
- C. **Competence of the Chiropractor.** A Chiropractic doctor must maintain competence by continued study. That competence must be supplemented with the talents of other professionals and with consultation when indicated.
- D. **Communication with the Patient.** Open communication with the patient is essential. Patient confidences must be safeguarded within the constraints of the law.
- E. **Fees for Chiropractic Services.** Fees for Chiropractic services must not exploit patients or others who pay for the services.
- F. **Identification for the Deficient Chiropractic Doctor.** Those Chiropractic doctors who behave unethically, or who engage in fraud or deception, should be identified to appropriate authorities.

- G. **Ethical Rules.** It is the duty of a Chiropractic doctor to place the patient's welfare and rights above all other considerations. To this end, one must subscribe to ethical rules which are for the benefit of the patient.

II. RULES OF ETHICS

The Rules of Ethics form the second part of this code of Ethics. They are mandatory and directive requiring specific standards of minimally acceptable professional conduct for all Members of the Association in any class of membership. The Rules of Ethics are enforceable for all Members of the Association. The Rules of Ethics set forth the only method of peer review of ethics that is officially sanctioned by the Association.

- A. **Competence.** A Chiropractic doctor is educated and trained to provide Chiropractic care and should perform only those procedures in which the Chiropractic doctor is competent by virtue of specific training or experience or is assisted by one who is. A Chiropractic doctor must not misrepresent credentials, training, experience, ability, or results.
- B. **Informed Consent.** The performance of Chiropractic procedures shall be preceded by appropriate informed consent.
- C. **Clinical Experiments and Investigative Procedures.** Use of clinical experiments or investigative procedures shall be approved by adequate review mechanisms. Clinical experiments and investigative procedures are those conducted to develop adequate information on which to base prognostic or therapeutic decisions, or to determine etiology or pathogenesis, in circumstances in which insufficient information exists. Appropriate informed consent for these procedures must recognize their special nature and ramifications.
- D. **Other Opinions.** Additional opinion(s) shall be obtained if requested by the patient. Consultation(s) shall be obtained if required by the condition.
- E. **The Impaired Chiropractic Doctor.** A physically, mentally, or emotionally impaired Chiropractic doctor should withdraw from those aspects of practice affected by the impairment. If the Chiropractic doctor does not withdraw, it is the duty of other Chiropractic doctor(s) who know of the impairment to take action to bring the impaired Chiropractic doctor's condition to the attention of the appropriate authorities.
- F. **Delegation of Services.** Delegation is the use of auxiliary health care personnel to provide services for which the Chiropractic doctor is responsible. A Chiropractic doctor must not delegate to an auxiliary those aspects of Chiropractic care within the unique competence of the Chiropractic doctor (which do not include those permitted by law to be performed by auxiliaries). When other aspects of care for which the Chiropractic doctor is responsible is delegated to an auxiliary, the auxiliary must be qualified and adequately supervised. A Chiropractic doctor may make different arrangements for the delegation of care in special circumstances, such as emergencies, if the patient's welfare and rights are placed above all other considerations.

- G. **Chiropractic Procedures.** A Chiropractic doctor must not misrepresent the service that is performed or the charges made for that service.
- H. **Procedures and Materials.** A Chiropractic doctor should order only those laboratory procedures, devices, or materials that are in the best interests of the patient and should never order unnecessary procedures of materials for pecuniary gain.
- I. **Commercial Relationships.** A Chiropractic doctor’s clinical judgment and practice must not be affected by economic interest in, commitment to, or benefit from professionally related commercial enterprises.
- J. **Communication to Colleagues.** Communications to colleagues on research, including clinical investigations, must be accurate and truthful. Appropriate disclosure of commercial interest is required.
- K. **Communications to the Public.** Communications to the public must be accurate. They must not convey false, untrue, deceptive, or misleading information through statements, testimonials, photographs, graphics, or other means. They must not omit material information without which the communications would be deceptive. Communications must not appeal to an individual’s anxiety in an excessive or unfair way; and they must not create unjustified expectations of results. If communications refer to benefits or other attributes of Chiropractic procedures that involve significant risks, realistic assessments of their safety and efficacy must also be included, as well as the availability of alternatives and, where necessary to avoid deception, descriptions and/or assessments of the benefits or other attributes of those alternatives. Communications must not misrepresent a Chiropractic doctor’s credentials, training, experience, or ability, and must not contain material claims of superiority that cannot be substantiated. If a communication results from payment by a Chiropractic doctor, this must be disclosed unless the nature, format, or medium make it apparent.

III. ADMINISTRATIVE PROCEDURES

The Administrative Procedures form the third part of this Code of Ethics. They provide for the structure and operation of the Association’s Committee (Ethics Committee”); and they detail procedures followed by Ethics Committee, the Association Executive Committee (“Executive Committee”), and by the Association Board of Directors (“Board of Directors”) in handling inquiries or challenges raised under the Rules of Ethics. All members 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 challenge may be considered according to the same procedures and with the same sanctions as failure to observe the Rules of Ethics.

A. Ethics Committee

1. **Composition.** The Ethics Committee shall be composed of five members:
 - (a) The chairperson of the Ethics Committee (“Chairperson”) who is appointed by the Association President (“President”) to a one year term;
 - (b) Four elected members.
2. **Election and Term of Ethics Committee Members.** All members of the Ethics Committee who are elected by the members shall serve staggered two year terms so that two positions on the Ethics Committee shall be subject to election every June.
3. **Meetings.** The Ethics Committee shall meet within forty-five days of receiving either an inquiry or a challenge.
4. **Number of Terms.** No member of the Ethics Committee shall serve more than three consecutive two-year terms.

B. Inquiries and Challenges

1. **Preliminary Review.** The Chairperson shall preliminarily review each submission involving this Code of Ethics to consider whether it may be an inquiry (i.e., a request for issuance of an advisory opinion interpreting the Rules of Ethics in this Code) or a challenge (i.e., a request for a finding by the Ethics Committee that a Member has failed to observe the Rules of Ethics in this Code). A submission involving this Code of Ethics, whether or not it is designated or phrased as an inquiry or challenge, may be construed by the Chairperson as either an inquiry or a challenge in the light of the information in the submission. Inquiries may be considered without regard to their means or form of submission. Challenges are not considered unless they are submitted in writing and signed by their submitter. Inquiries or challenges may be submitted by Chiropractic doctors (whether or not they are Members), societies, health care institutions, health care reimbursers, allied health professionals, patients, or organizations representing any of these. All proceedings by the Ethics Committees shall be conducted pursuant to the writings of General Henry M. Roberts.
2. **Preliminary Disposition.** Upon preliminary review of a submission involving this Code of Ethics, the Chairperson may conclude, in the Chairperson’s sole discretion, that the submission (i) contains insufficient information on which to base a determination or (ii) is patently frivolous or inconsequential, i.e., it does not present an issue of interpretation of the Rules of Ethics in this Code adequate to constitute a valid and actionable inquiry and to justify bringing the submission before the Ethics Committee for recommendation to the Executive Committee as to whether the Board of Directors should issue an advisory opinion or it does not present an issue of the failure of a Member to observe the Rules of Ethics in the Code adequate to constitute a valid and actionable challenge and to justify bringing the submission before the Ethics Committee for a determination of

failure to observe the Rules of Ethics. If so, the submission is disposed of by notice from the Chairperson to its submitter, if the submitter is identified. Each such preliminary disposition by the Chairperson of a submission involving this Code of Ethics is to be reported to the Ethics Committee. If the submission contains information alleging a gross violation of Hawaii law and if the Chairperson concludes that pursuing the matter contained in the submission would prejudice a potential or ongoing investigation by any governmental agency, the Chairperson can at his or her discretion elect to delay pursuing the matter submitted until such time as it would be prudent to do so.

3. **Requests for Information.** In each case where the Chairperson concludes that there is the basis for a challenge or inquiry, the Chairperson shall send a Request for Information to all affected parties.

C. **Proceedings on Inquiries**

1. **Hearing on an Inquiry.** In the course of an inquiry, the Ethics Committee may conduct a hearing to receive the views who are interested in, or may be affected by, issuance by the Board of Directors of an advisory opinion interpreting the Rules of Ethics in this Code. A Request for Information giving thirty days' written notice of the hearing is given to the Members and to others who, in the opinion of the Ethics Committee, may be interested in, or affected by, issuance of an advisory opinion. The notice may include a tentative proposed advisory opinion. The hearing is to be conducted by the Ethics Committee with a majority of its members participating. The Chairperson serves as the hearing officer in order to preside at the hearing and to assure that these Administrative Procedures are followed. The Chairperson presents at the hearing the issues raised by the inquiry and any tentative proposed Ethics Committee recommendation to the Executive Committee for an advisory opinion. Information may be offered through witnesses. Witnesses are subject to questioning by the Ethics Committee. Any information may be considered which is relevant or potentially relevant. Neither the Association, nor any other interested party, may be represented by legal counsel at the hearing.
2. **Recommendation Upon the Completion of an Inquiry.** Upon completion of an inquiry, the Ethics Committee recommends to the Executive Committee as to whether the Board of Directors should issue an advisory opinion interpreting the Rules of Ethics in this Code. If the Ethics Committee so recommends, a proposed advisory opinion is prepared under the supervision of the Chairperson and is submitted to the Executive Committee. If the Ethics Committee recommends against issuance of an advisory opinion, the inquiry is dismissed with notice to its submitter, if the submitter is identified, and a summary report is made to the Executive Committee.
3. **Advisory Opinion.** The Executive Committee shall recommend to the Board of Directors whether the Ethics Committee's recommendations should be adopted. The Board of Directors can issue an advisory opinion interpreting the Rules of

Ethics in this Code upon either (i) the recommendation of the Ethics Committee arising from an inquiry, or (ii) the recommendation of the Ethics Committee arising from its own initiative. A representative of the Ethics Committee shall present the Ethics Committee's position both to the Executive Committee and the Board of Directors, for their review. Once issued by the Board of Directors, the advisory opinion is promulgated by publication to the Members. Advisory opinions are complied by the Ethics Committee. This compilation is to be periodically made available to the Members.

D. Proceedings on Challenges

1. **Hearings on a Challenge.** Challenges shall first be heard by the Ethics Committee. The Ethics Committee shall conduct a hearing if one is requested by the Member who is the subject of the challenge or at the Ethics Committee's own initiative. A request for Information giving thirty days' written notice of the Member's right to request a hearing is to be given to the Member. The Request for Information should also set forth with particularity both the actions by the Member that are the subject of the challenge and the information or records that the Ethics Committee believes it needs in order to decide the challenge. A Member may not request a hearing if the Member does not provide all of the information and records requested in the Request for Information. Hearings are to be conducted by the Ethics Committee with a majority of the Ethics Committee's members participating. The Chairperson shall serve as the hearing officer, preside at the hearing, and assure that these Administrative Procedures are followed. The Member who is the subject of the challenge may refute the charges and may offer any exculpatory information. The Chairperson and the Member may offer information through witnesses, who are subject to cross-examination and questioning by the Ethics Committee. Any information may be considered that is relevant or potentially relevant. The hearing is closed to all except the Ethics Committee, the Member who is the subject of the challenge, their witnesses, and staff. Neither the Association nor any other interested party may be represented by legal counsel. If none of the parties to the challenge wishes to appear, the Chairperson may, at his or her discretion, accept written opinions by the Ethics Committee in lieu of a meeting, provided that the entire Ethics Committee has reviewed all of the documents submitted regarding the challenge and provided that a majority of the Ethics Committee submits signed written work sheets.

2. **Determination of Non-Observance.** The Ethics Committee makes the determination whether a Member has failed to observe the Rules of Ethics in this Code and imposes an appropriate sanction upon the Member. If the Ethics Committee makes a determination of non-observance, this determination and the imposition of a sanction are promulgated by written notice to the affected Member and to the submitter of the challenge, if the submitter agrees in advance and in writing to maintain in confidence whatever portion of the information is not made public by the Ethics Committee. Additional publication occurs only to the extent provided in the sanctions themselves. If the Ethics Committee does not make a determination of non-observance, the challenge is dismissed, with notice

to the affected Member and to the submitter of the challenge.

3. **Alternative Disposition.** Before the Ethics Committee makes a final determination that a Member has failed to observe the Rules of Ethics in this Code, the Ethics Committee may elect at its discretion to offer the Member an opportunity to submit a written assurance that the possible non-observance has been terminated and will not recur. The decision of the Ethics Committee on whether to extend such an offer is entirely within the Ethics Committee's own discretion, based upon its assessment of the nature and severity of the possible non-observance when viewed from the point of view of what is in the best interests of patients of the Member who is the subject of the challenge. If an offer is extended, the member must submit the required written assurance within thirty days of receipt of the offer, and the assurance must be submitted in terms that are acceptable to the Ethics Committee. If the Ethics Committee accepts the assurance, notice is given to the submitter of the challenge, is the submitter agrees in advance and in writing to maintain the information in confidence.
4. **Sanctions.** Any of the following sanctions may be imposed by the Ethics Committee upon a Member who, the Ethics Committee has determined, has failed to observe the Rules of Ethics in this Code, although the sanction applied must reasonably relate to the nature and severity of the non-observance, focusing upon reformation of the conduct of the Member and deterrence of similar conduct by other:
 - (a) Reprimand to the Member with publication of the determination but not Member's name;
 - (b) Suspension of the Member from the Association for a designated period, with publication of the determination and with or without publication (at the discretion of the Ethics Committee) of the Member's name; or
 - (c) Termination of the Member from the Association, with publication of the determination and the member's name.

Members who are suspended are deprived of all benefits and privileges of membership during the period of suspension, except continued participation in the Association insurance programs, if any. In addition, if the Member is suspended with publication of the name or terminated, and, if an appeal is submitted and it ultimately sustains the determination on which the sanction is based, the Ethics Committee may communicate the determination on the challenge to any entity engaged in the regulation of the conduct of Chiropractic doctors provided, however, that that entity is a law enforcement agency, licensing authority, quality review board, professional peer review committee or similar entity. The Chairperson of the Ethics Committee may appear if requested as a witness to the determinations of the Ethics Committee. Except in the instance of communication of the determination, the entire record, including the record of any appeal, is sealed by the Ethics Committee and the Association and no part of it is to be communicated by the members of the Board of Directors, the members of the Executive Committee, the members of the Ethics Committee, the staff, or any

others who assisted in the proceedings on the challenge, to any third parties. Members who are terminated may not reapply for membership in any class for a period of one year. Any reapplication for membership by a Member that was terminated must be approved by a majority vote of the Board of Directors.

5. **Appeal.** Any determination of the Ethics Committee regarding a challenge may be appealed to the Executive Committee by either the Member charged with the challenge or the person or entity who brought the challenge. Any determination by the Executive Committee regarding a challenge may be appealed to the Board of Directors by either the Member charged with the challenge or the person or entity who brought the challenge. No appeal may be considered from a Member who did not fully respond to the original Request for Information from the Ethics Committee. The only evidence that may be considered during an appeal is that evidence which was submitted at the Ethics Committee hearing. All requests for appeals must be made in writing to the President within thirty days of receipt of notification of the determination.

6. **Rehearings.** In the event that a Member wishes to submit new evidence regarding a challenge, or in the event that a Member who did not originally respond to the Request for Information or appear at the Ethics committee hearing wishes to try to show good cause for his or her failure to attend and/or respond, that Member may request a rehearing from the Ethics Committee. The Ethics Committee may, at its discretion, grant said rehearing if it determines either:
 - (a) That the consideration of the new evidence could reasonably result in a different determination by the Ethics Committee regarding the challenge and/or,
 - (b) That there was good cause or extenuating circumstances that would justify granting the Member another opportunity to respond to the Request for Information and/or appear at a rehearing by the Ethics Committee.

7. **Resignation.** If a Member who is the subject of a challenge resigns from the Association at any time during the pendency of the proceeding on the challenge, the challenge is suspended without further action by the Ethics Committee, the Executive Committee, the Board of Directors, or an appellate body established after an appeal; the entire record is kept confidential, and the Member may not reapply for membership in any class for a period of one year. Any reapplication for membership by a Member that was terminated by such resignation must be approved by a majority vote of the Board of Directors. Any member so reinstated may be subject to reinstitution of that challenge that was pendant at the time that said reinstated member resigned. However, the Ethics Committee may communicate the fact and date of the resignation, and the fact and general nature of the challenge on which a proceeding was pending at the time of the resignation, to, and at the request of, an entity engaged in the administration of law or the regulation of the conduct of doctors of chiropractic, provided, however, that such entity is a law enforcement agency, licensing authority, quality review board, professional peer review committee, or similar entity. The Association Code of

Ethics applies only to the Association and to its Members. It is enforceable only by the Association. The Association does not encourage or imply adoption or enforcement of its Code of Ethics by any other organization.

8. **Conflict of Interest.** Any doctor of chiropractic, who is a member of the Ethics Committee, the Executive Committee, or the Board of Directors, and who had any sort of personal or financial interest in the outcome of any challenge or inquiry should notify the Chairperson and immediately withdraw from participating in the review of that challenge or inquiry.
9. **Fees.** The Ethics Committee may charge an appropriate administrative fee to cover the costs of holding hearings or appeals. Said fees are to be applied uniformly and approved by the Board of Directors.