

CONSTITUTION AND BY-LAWS
TEXAS COUNCIL OF CHIROPRACTIC ORTHOPEDISTS
September 19, 1987

ARTICLE I, NAME

This organization shall be known as the Texas Council of Chiropractic Orthopedists and shall be abbreviated as T.C.C.O.

ARTICLE II, OBJECTIVES

The objectives of this Council shall be:

Sec. 1 To assist in the advancement of chiropractic science and healing art.

Sec. 2 To protect in every proper, permissible, and reasonable way the profession welfare and interest of the members of this Council, and their respective professions.

Sec. 3 To promote and maintain the highest standards of moral and ethical conduct.

Sec. 4 To promote research in Chiropractic Orthopedics.

Sec. 5 To encourage professional and ethical consultation with members of other professions.

Sec. 6 To encourage the development of standard terminology in Chiropractic Orthopedics.

Sec. 7 To cooperate with the A.C.A. Executive Board, officers and all other related committees, councils and departments.

Sec. 8 To cooperate with State Chiropractic Associations Board of Directors, officers and all related committees, councils and departments.

Sec. 9 To disseminate educational material, innocuous case histories, manipulative technique, therapeutic methods, disability evaluation procedures, etc., as they relate to Chiropractic Orthopedics and to make this material available to members of this Council.

Sec. 10 To encourage the teaching of Chiropractic Orthopedics at both the graduate and undergraduate levels.

a. To sponsor and promote seminars in Chiropractic Orthopedics.

b. To promote the graduate study of Orthopedics.

c. To foster and encourage seminars and courses of study in personal, athletic and industrial injuries, either separately or in cooperation with other interested Councils of the A.C.A.

Sec. 11 To develop and improve in the members of this Council the qualities necessary for medico-legal expert testimony in the field of Chiropractic Orthopedics.

Sec. 12 To make known to the A.C.A. members the ethical consultation available to them from members of this Council.

Sec. 13 To be and remain a charitable organization availed of only for charitable purposes as provided in Section 501 (c) (3) of the Internal Revenue Code of 1954, as amended, as an organization formed or availed of for the gathering, correlating and disseminating of knowledge and information concerning Chiropractic Orthopedics for the benefit of its members, the profession and the general public. No part of the net earning of the organization shall inure to the benefit of, or be distributed to its members, trustees, officers, or other private except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in this Constitution and By-Laws. No substantial part of the activities of the organization shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the organization shall not participate in or intervene in (including the publishing or distribution of statement) any political campaign on behalf of any candidate for public office. Notwithstanding any other provisions of this Constitution and By-Laws, the organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under Section 501 (c) (3) of the Internal Revenue Code of 1954, as amended (with the correspondent provisions of any future United States Internal Revenue Law) or (b) by any organization, contributions to which are deductible under Section 170 (c) (2) of the Internal Revenue Code of 1954, as amended, (or the correspondent provisions of any future United States Internal Revenue Law.)

ARTICLE III, MEMBERSHIP

Sec. 1 **Member:** Any licensed Doctor of Chiropractic who meets the following requirements and who is a member of the A.C.A. may be accepted for membership in this Council upon approval by the credentials committee of this Council.

a. Successful completion of a graduate school level course of instruction in Chiropractic Orthopedics with a minimum of 300 hours of college accredited by Council on Chiropractic Education acceptable to the Executive board of this Council, with a grade of not less than 75% on all examinations, or successful completion of a residency program.

b. A certificate of membership shall be issued to the applicant who complies with the sections in this Article.

c. The T.C.C.O. is a private group of individuals. We are not funded by or associated with the Texas Chiropractic Association, American Chiropractic Association, or any other organizations. As such, we have the right to accept or reject an applicant as we see fit. The T.C.C.O. will not reject an applicant based on race, religion, sex, or national origin.

d. The Membership Committee may elect to request the presents of a new applicant at a regularly scheduled meeting of the Council for the expressed purpose of interviewing said applicant before membership to T.C.C.O. is considered and/or granted.

Sec. 2 **Applications:** All applications for membership in the Council of Chiropractic Orthopedists shall be in writing on a form prescribed by the Executive Board and shall be accompanied by an application fee and the dues for the fiscal year, the dues will be returned if the application is not accepted. The application fee for membership shall be \$10.00, which is not refundable. Dues for the first year will be \$45.00, thereafter to be set as prescribed below.

Sec. 3 **Dues:** The annual dues of this Council shall be determined by majority vote, payable in advance or at the annual meeting. If dues are not paid at or before the annual meeting, the Treasurer shall send bills for the dues within fifteen (15) days from adjournment of said annual meeting. If dues are not paid within sixty (60) days after the annual meeting, such person may be suspended from membership without further notice.

Sec. 4 **Member in "Good Standing":** A member in good standing is hereby defined as having met his financial, moral, ethical and educational obligations to this Council, as outlined in the section on Standard, Rules, and Regulations, Article IV of these By-Laws.

Sec. 5 **Maintaining Membership:** In order to maintain membership in the T.C.C.O. in the state of Texas, the members shall be present at least one biannual meeting of the Council or submit a paper worthy of Council consideration or shall teach orthopedics twelve (12) hours per year on board approved absences. [added March 13, 1982].

ARTICLE IV, STANDARDS, RULES, AND REGULATIONS

Sec. 1 Membership in the Texas Council of Chiropractic Orthopedists, an exclusive specialty society educated to the highest professional standards, ethics and educational requirements, is not a right, but a privilege. Therefore, members must conduct themselves at all times according to these accepted ethical and professional standards, maintain and improve their professional image in their community. The fact that an applicant has a poor professional reputation, among his/her peers or community, shall be sufficient reason to reject an applicant for membership in and of itself.

Sec. 2 Any or all advertising by a member shall in no way exceed the guidelines proposed by the A.C.A. No member or supporting member shall make a claim of superiority in training or skill.

Sec. 3 A sign or shingle outside the office shall be in good taste according to generally accepted ethical and professional standards, and shall never be flamboyant.

Sec. 4 A member of the T.C.C.O., being a Chiropractic Specialist, must practice orthopedics for no less than 75% of overall practice if claiming to be a specialist through advertising that specialty in yellow pages, business cards, letterhead or other manner. However, the doctor will be acceptable for membership in the T.C.C.O. even if the practice consists of less than 75% orthopedics, in which case emphasis of orthopedic specialty in advertising or otherwise is not permitted.

Sec. 5 Nothing in this article shall be construed to prevent qualified instructors in C.C.E. accredited Chiropractic colleges who are not currently in active practice from seeking membership in the T.C.C.O.

Sec. 6 The files and records of a Chiropractic Specialist, more specifically the Chiropractic Orthopedist, must be accurately maintained and up-to-date. Before attempting to treat or prescribe treatment for a new patient, a complete case history shall be taken, which shall include all subjective and objective symptoms. No type of treatment shall be attempted before a proper orthopedic examination is conducted. The findings, mode of treatment, diagnosis, daily visit records and progress shall be properly recorded. These records shall be complete enough so that they can be utilized at any time for court testimonies, subpoenas of records, or other legal or insurance purposes without alterations or additions. Records should be clear and concise, so another T.C.C.O. member could readily interpret them.

Sec. 7 A Chiropractic Orthopedist should have a recognized laboratory at his disposal and in cases where utilized, the report from such a laboratory must be properly recorded and made a part of the patient's record.

Sec. 8 A member shall possess the diagnostic instruments necessary for a proper neuro-orthopedic examination. Said instruments shall consist of the following minimum standard: a reflex hammer, stethoscope, blood pressure cuff, Wharton pinwheel or similar apparatus, tuning fork, goniometer, Snellen chart, oto-ophthalmoscope, tape measure and dynamometer.

Sec. 9 The T.C.C.O. does not require the member to possess x-ray equipment, although it is advisable and strongly recommended. However, it is essential that the member without x-ray equipment have a recognized laboratory

available, or refer patients to a colleague or Chiropractic Roentgenologist. X-rays, if taken, become part of the patient's records and should be kept for the minimum period regulated by State and/or Federal laws.

Sec. 10 A member should possess the modalities necessary to provide adequate care of patients whose conditions fall within the scope of Chiropractic Orthopedic practice.

Sec. 11 No member shall split fees with a colleague who refers a patient for consultation and/or treatment, and shall make no attempt either by word, deed or implication to keep the patient after the required consultation and/or treatment is completed, but shall refer the patient back to the referring colleague for follow-up treatment if required.

Sec. 12 Members shall not voluntarily offer their services to testify against a colleague in court solely for the purpose of pecuniary gain or solely for personal reasons. A member may testify against a colleague in court where the circumstances require such testimonies in the public interest, and for the purpose of assisting the courts in the proper execution of the law.

Sec. 13 Although the individual freedom of members is recognized and respected so that they have the liberty to practice in a manner that improves their economic welfare and/or is in the best interest of their patients, the T.C.C.O. will look unfavorably upon any unorthodox handling of practices, fee schedules and therapies, because such occurrences may reflect upon other members of this organization and tend to lessen the public confidence in Chiropractic Orthopedics and the Chiropractic profession in general. This should not be construed as an attempt to retard scientific progress in any field—new developments and research are encouraged. If new scientific discoveries are made in the fields of diagnosis and/or treatment by individual members, it is expected that such discoveries will be presented to the Committee on Research and Education of the T.C.C.O. for evaluation, so that others may benefit from them.

Sec. 14 A member shall not engage in conduct involving moral turpitude, engage in conduct involving dishonesty, fraud, deceit or misrepresentation, or circumvent any of the T.C.C.O. guidelines through the conduct of another, such practice will result in the immediate revocation of standing with T.C.C.O. and forfeiture of all fees paid to T.C.C.O.

Sec. 15 A member of the T.C.C.O. may be unqualified to practice temporarily, for reasons other than moral or educational, such as emotional or mental instability, or substance abuse. In such case, the person may be suspended or removed as provided for in Sec. 1 & Sec. 14.

Sec. 16 All new applications shall go first to the Committee on Ethics and Credentials, whereupon the Committee shall recommend to the Council acceptance, refusal or suspension of application process. No new member shall be admitted when there is any criminal misdemeanor or criminal felony action, civil or criminal malpractice action, investigation by any state Chiropractic Board or other regulatory agency investigation pending involving him/her. If an applicant applies under these circumstances, his/her application is to be automatically suspended until the resolution of such matter, after which time he/she may reapply.

Sec. 17 If it becomes necessary to consider removal or temporary suspension of a member, the Committee on Ethics and Credentials shall meet as provided for in Art. X, Sec. 2 and submit their recommendations to the entire Council at the next meeting. The Council shall vote upon the removal or suspension of the member. A vote of a majority of the members present is needed to remove or suspend. Removal is permanent. Suspension is temporary for a certain length of time or until a subsequent condition occurs such as the resolution of a pending matter.

Sec. 18 If the Credentials Committee has to take action such as recommending to the Council suspension, rejection of acceptance or rejection of renewal, or withdrawal of an issued membership certificate for any reason whatsoever, the member or applicant shall have the right to appeal such action in writing to the Executive Board, no later than thirty (30) days after notification of such action and may request a hearing before the Board at the next Executive Board meeting. The Board will evaluate the situation, taking into account any extenuating circumstances, and the need for confidentiality, if necessary. The Board will then make its recommendations at the next general meeting and the Council will vote, after asking the person in question to leave the room, if he/she be present. The member or applicant will be notified of the decision of the Council, by mail, not later than thirty (30) days after such proceeding.

Sec. 19 A police record for criminal charges against a member, as well as malpractice suits which come to the attention of the Credentials Committee, will be considered on an individual basis, provided that the member submits a complete, detailed report to that committee, all of which will be kept strictly confidential.

Sec. 20 Signing of the application for membership filling out the required questionnaire and acceptance by this Council with the issuance of a certificate of membership constitutes an agreement that the member accepts the above standards, rules and regulations of the Council of Chiropractic Orthopedists, is acquainted with its contents and adheres to its terms.

Sec. 21 Members who are suspended temporarily or permanently for any reason agree by their signature on the membership application to surrender their membership certificate to the Secretary of the Council immediately on request.

ARTICLE V, MEETINGS

Sec. 1 **Annual Meeting:** An annual meeting of the members shall be held in March, one of the purposes of which shall be the election of officers.

Sec. 2 **Notice of Annual Membership Meeting:** The Secretary of the Council shall mail written notice to the membership at least sixty (60) days prior to the date of said meeting.

Sec. 3 **Special Meeting of Members:** A special meeting of the members may be called at any time by the President or a majority of the Executive Board or shall be called by the Executive Board upon written request of 30% of the members entitled to vote, who shall specify in such written requests the purposes of which they desire the special meeting to be held.

Sec. 4 **Meeting of Executive Board:** Regular meeting of the Executive Board may be held at such time and place as the Executive Board may from time to time determine or at such time and place as may be designated by the President. The meeting may be held by conference call.

Sec. 5 **Special Meetings of the Executive Board:** Special meeting of the Executive Board may be called by the President or by a majority of the members of the Executive Board giving due notice of the time, place, purpose to each Board member. The meeting may be held by conference call.

Sec. 6 **Fiscal Year:** The fiscal year of the Council shall be from July 1 to June 30 of the following year.

Sec. 7 **Meeting Location:** Meetings should be rotated regularly to different areas of the state in order not to place an undue traveling burden upon members.

ARTICLE VI, QUORUM

Sec. 1 Five (5) members, two of whom are officers, in good standing, shall constitute a quorum at any regular or special meeting of the Council.

Sec. 2 **Quorum of the Executive Board:** A majority of the Executive Board shall constitute a quorum.

ARTICLE VII, VOTING

Sec. 1 Except as the articles or an amendment otherwise provide each member in good standing in this Council shall at every meeting of the members, be entitled to one (1) vote in person upon each subject properly submitted to vote. Voting may be by voice, sign or written ballot at the discretion of the presiding officer.

Sec. 2 No provision is made for proxy voting or voting by mail.

ARTICLE VIII, OFFICERS

Sec. 1 **Officers:** The officers of this Council shall consist of a President, Vice-President, Secretary, Treasurer and two (2) Directors. (See Art. VIII, Sec. 6c)

Sec. 2 **Term of Office:** The President, Vice-President, Secretary-Treasurer or Secretary, Treasurer and two (2) Directors are elected by the Council for two (2) year terms but no more than two (2) consecutive terms in the same office with re-election every two (2) years at the annual meeting in March.

Sec. 3 **Nominations and Elections:** Nominations for the five (5) officers shall be made by the Nomination Committee and from the floor of the annual general membership meeting. The election shall take place at the same meeting. The President must be nominated from the Current Executive Board.

Sec. 4 **President:** The President shall be the Chief Executive Officer of this Council and shall preside over all meetings of the members and of the Executive Board. The president shall have the general and active management of the business of the Council and shall have the general powers and duties of supervision and management usually vested in the office of the president of a council and shall name and appoint all committees.

Sec. 5 **Vice-President:** The Vice-President shall in case of the absence, resignation, disqualification or death of the President, preside and fill the duties of said office until an election is held, and shall perform such other duties as the President shall designate.

Sec. 6 **Secretary-Treasurer, Secretary or Treasurer:**

a. **Treasurer:** The Treasurer shall have custody of all Council funds and shall keep in books belonging to the Council full and accurate accounts of all receipts and disbursements. The Treasurer shall deposit all monies in such depositories as may be designated by the Executive Board and shall render to the Board, whenever requested by them an accurate account of the financial condition of the Council. Treasurer's books shall be part of the minutes of the Council. The Treasurer shall receive all fees and keep an accurate record of the source of these fees and any other monies received in the name of the Council. All disbursements shall be made by check and all checks shall require the signature of the Treasurer and of the President. The treasurer shall be prepared to advise on the budget and any expenditures required by the Executive Board.

b. **Secretary:** The Secretary shall keep in the books of the Council the record of all motions made at all meetings, give all notices required by statute, by-laws or resolutions, conduct the correspondence, keep the records and keep the Executive Board informed of all current business and issue authorized membership certificates as provided in Article III, Sec.1.

c. **Secretary-Treasurer:** At the discretion of the Executive Board the office of Secretary-Treasurer may be designated as either a single or dual office.

Sec. 7 **Executive Board:** The Executive Board shall have full power between meetings of the Council, except to change the By-laws of this Council. The Board shall have the power to hire and fire employees and to make and enter into prudent contracts. The Board shall cause all articles which are released for publication in the name of the Council to be edited by qualified persons who will constitute the Education Committee.

Sec. 8 **Vacancy:** In case of a vacancy, the Executive Board shall appoint a Council member in good standing to fill the vacancy until an election can be held at the next annual meeting.

Sec. 9 **Officers and Committee Members:** Unless otherwise provided, all officers and members of committees shall hold office until the annual meeting or until their successors are elected or appointed and qualified.

ARTICLE IX, PROCEDURE

Robert's Rules of Order shall govern all questions of order and regularity where the same do not conflict with the by-laws of this Council.

ARTICLE X, COMMITTEES

Sec. 1 **Committees in General:** All committees shall be appointed by the President of the Council, except as otherwise provided by these By-Laws, with the approval of the Executive Board.

Sec. 2 **Committee on Ethics and Credentials:** This committee shall follow the code of ethics of the A.C.A. and the Standards, Rules and Regulations as provided in Article IV, for the guidance of the membership of the Council. The committee shall also hear such questions of breach of ethics and unprofessional conduct as may be submitted to it in writing and recommend their decision to the Executive Board for their action.

Sec. 3 **Education Committee:** The Education Committee shall consist of qualified persons appointed by the Executive Board. This committee shall review articles which are to be published in which the author is writing for the T.C.C.O. The committee shall also review articles which are written by a member when the member is using his T.C.C.O. membership as one of his qualifications. In this case, the author shall submit the article before publication to the members of the Executive Board, if no response is received within two (2) weeks, the author shall consider it approved.

Sec. 4 **Nomination Committee:** This committee shall consist of a chairperson who is immediate past president and two (2) other members selected by the President. Its function is that of selecting a suitable slate of officers to present to the annual meeting of the members.

Sec. 5 **Finance Committee:** A chairperson appointed by the President and approved by the Executive Board shall serve as an auditing committee. This committee shall report its findings at each annual general membership meeting.

Sec. 6 **Insurance Committee:** The committee shall work in liaison with the A.C.A and T.C.A. insurance committees towards the acceptance and inclusion of Doctors of Chiropractic in all applicable insurance programs sold in the United States and shall promote the acceptance of Council members as specialist in these programs.

Sec. 7 **Legislative Committee:** The committee shall be available to assist in the furtherance of our aims and purposes wherever possible, by providing expert testimony on Chiropractic Orthopedics to various legislative bodies.

Sec. 8 **Membership Committee:** This committee shall promote membership in this Council by encouraging licensed Doctors of Chiropractic to attend graduate courses in Chiropractic Orthopedics and shall further promote and encourage membership in this Council by graduated Chiropractic Orthopedists.

Sec. 9 **Public Relation Committee:** This committee shall promote the practice of Chiropractic Orthopedics through proper public relations programs in cooperation with the public relations department of the A.C.A.

Sec. 10 **Research Committee:** This committee shall promote and encourage research in the field of Chiropractic Orthopedics.

Sec. 11 **By-Laws Committee:** A committee shall be appointed to review and revise the By-Laws of this organization when the Executive Board deems it necessary.

Sec. 12 **Committee Chairperson's Report:** All committee chairpersons shall file a report in writing covering their activities and recommendations with the Executive Board at least thirty (30) days prior to the annual meeting of the members of the Council.

ARTICLE XIII, AMENDMENTS

These By-Laws may be amended only upon the affirmative vote of the majority of the members present entitled to vote at a regular or special meeting called for that purpose, providing that all proposed amendments shall be filed

with the Secretary at least sixty (60) days prior to the date of such meeting, and the Secretary shall have mailed a copy to each member at least thirty (30) days prior to such meeting.

“Upon dissolution of the Texas Council of Chiropractic Orthopedists assets shall be distributed for one or more exempt purposes within the meaning of Section 501 (c) (3) of the Internal Revenue Code, or corresponding sections of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purpose or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.” (Amended 9-24-1990)