

Dear Senators HEIDER, Souza, Jordan, and
Representatives WOOD, Packer, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Bureau of Occupational Licenses - State Board of Chiropractic Physicians:

IDAPA 24.03.01 - Rules of the State Board of Chiropractic Physicians - Proposed Rule (Docket
No. 24-0301-1801).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 11/01/2018. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/03/2018.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Legislative Research Analyst - Matt Drake

DATE: October 15, 2018

SUBJECT: Bureau of Occupational Licenses - State Board of Chiropractic Physicians

IDAPA 24.03.01 - Rules of the State Board of Chiropractic Physicians - Proposed Rule (Docket No. 24-0301-1801)

Summary and Stated Reasons for the Rule

The Bureau of Occupational Licenses submits notice of proposed rulemaking relating to the Rules of the State Board of Chiropractic Physicians. The proposed rules allow the Board to consider the current qualifications of an applicant for licensure, allowing an applicant with sufficient qualifications to become licensed without examination. Though examination is not mandatory, the Board has discretion under the proposed rules to require examination of an applicant, such as requiring passage of the National Board Special Purposes Examination for Chiropractors (SPEC). The rules further clarify the procedure to put a license into inactive status, to renew it, and to return it to active status. The proposed rules also establish a reinstatement fee.

Negotiated Rulemaking / Fiscal Impact

The Bureau states that negotiated rulemaking was not conducted because the proposed changes were discussed at noticed, open meetings of the Board. There is no fiscal impact.

Statutory Authority

The proposed rule appears to be within the Board's statutory authority pursuant to section 54-707, Idaho Code.

cc: Bureau of Occupational Licenses - State Board of Chiropractic Physicians
Tana Cory

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules must be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES
24.03.01 – RULES OF THE STATE BOARD OF CHIROPRACTIC PHYSICIANS
DOCKET NO. 24-0301-1801
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-707, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2018.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Board of Chiropractic Physicians' proposed rules will allow the Board to consider current qualifications for applicants applying by endorsement. This change would allow the Board to not require all endorsement applicants to take and pass the National Board Special Purposes Examination for Chiropractors (SPEC). The rules clarify the procedure to put a license into inactive status, to renew it, and to return it to active status in alignment with the 2017 amendments to the Chiropractic Practice Act, and establish a reinstatement fee.

The rule includes a procedure for reissuance of a clinical nutrition certification when an inactive license is reactivated. Continuing education options for licensees are improved by expanding distance learning opportunities and by adding a carryover option and hardship waiver. An outdated requirement that the Board approve new schools of chiropractic is removed as unnecessary, along with a rulemaking history.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed changes to these rules were discussed during noticed, open meetings of the Board.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jennifer Carr at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2018.

Dated this 29th day of August, 2018.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W. State Street
P.O. Box 83720
Boise, ID 83720
Phone: (208) 334-3233
Fax: (208) 334-3945

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-0301-1801
(Only Those Sections With Amendments Are Shown.)

100. APPLICATIONS (RULE 100).

01. Application. Applications on forms furnished by the Bureau of Occupational Licenses must be accompanied by an unmounted passport photograph taken within the twelve (12) months preceding the date of application. (3-15-02)

02. Qualifications. (7-1-93)

a. New applicants will meet the following requirements: (7-1-93)

i. National Boards Parts I, II, III, and IV. (7-1-99)

ii. Graduation from a CCE approved college or university. (7-1-93)

iii. Applicants will be required to sign an affidavit swearing under oath that they have fully reviewed and understand and will abide by the Chiropractic Act, Title 54, Chapter 7, Idaho Code, and the Board's Rules, IDAPA 24, Title 03, Chapter 01, "Rules of the State Board of Chiropractic Physicians." (7-1-99)

b. Endorsement applicants will meet the following requirements: (7-1-93)

i. Successful passage of the National Boards Parts which were in effect at the time of graduation from chiropractic college and physiotherapy. (4-2-08)

ii. If licensed prior to January, 1980, CCE approved college or university not required. If licensed after January, 1980, applicant must have graduated from a CCE approved college or university. (7-1-93)

iii. Five (5) years of consecutive practice without discipline immediately prior to application ~~in another state without discipline~~ and holds a current, valid license to practice in a state, territory, or district of the United States or Canada. (4-2-08)()

iv. Applicants must demonstrate that they possess the requisite qualifications to provide the same standard of chiropractic care as provided by physicians in this state. The Board may, in its sole discretion, require further examination to establish such qualifications, such as passage of the National Board Special Purposes Examination for Chiropractors (SPEC). (7-1-99)()

v. Applicants will be required to sign an affidavit swearing under oath that they have fully reviewed and understand and will abide by the Chiropractic Act, Title 54, Chapter 7, Idaho Code, and the Board's Rules, IDAPA 24, Title 03, Chapter 01, "Rules of the State Board of Chiropractic Physicians." (7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

250. RENEWAL OR REINSTATEMENT OF LICENSE (RULE 250).

01. Expiration Date. All chiropractic licenses expire and must be renewed annually in accordance with Section 67-2614, Idaho Code. Licenses not so renewed will be canceled. (5-3-03)

02. Reinstatement. Any license canceled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code, with the exception that the reinstatement fee shall be two hundred fifty dollars (\$250)

and the applicant shall submit proof of having met the required continuing education for the year of reinstatement. (5-3-03)

03. Canceled License. A licensee ~~that~~ whose license has been canceled for a period of more than five (5) years may ~~be re-issued~~ apply for a new license in accordance with section 67-2614, Idaho Code. ~~(5-3-03)~~()

251. -- 299. (RESERVED)

300. ~~RENEWAL REQUIREMENT~~ INACTIVE LICENSE (RULE 300).

A licensee holding a current active license in this state who is not practicing chiropractic in this state may be issued an inactive license in accordance with Section 54-708(2), Idaho Code, as follows: ()

~~01. Active Status. Each renewal application must be accompanied by:~~ (7-1-93)

~~a. The established fee; and~~ (7-1-93)

~~b. Certification of having attended and completed a minimum of twelve (12) hours of scientific clinics, forums, or chiropractic study within the previous twelve (12) months, as approved by the Idaho Board of Chiropractic Physicians. Effective January 1, 2009, certification of having attended and completed a minimum of eighteen (18) hours of scientific clinics, forums, or chiropractic study within the previous twelve (12) months, as approved by the board.~~ (4-2-08)

021. Inactive Status. Each application for an Inactive status license must be accompanied by: (3-15-02)

a. The established fee; and (3-15-02)

b. A written request application to change a current active license to an inactive license. ~~(3-15-02)~~()

c. An inactive license shall be issued for one (1) year. ()

~~03. Waiving Continued Education Requirements. All continued education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing in Idaho. Inactive license renewal notices and licenses will be marked "Inactive." When the licensee desires active status, he must show acceptable fulfillment of continuing educational requirements for the current year and submit a fee equivalent to the difference between the inactive and active renewal fee. The continuing educational requirement and the fees will not be prorated for a partial year.~~ (3-15-02)

02. Inactive License Status Renewal. ()

a. An inactive license must be renewed annually by submitting the established fee and renewal application. Inactive licenses not renewed will be cancelled. ()

b. An inactive license cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code, with the exception that the reinstatement fee shall be one hundred fifty dollars (\$150). ()

c. Inactive license renewals and licenses will be marked "inactive." ()

d. An inactive license holder may not practice in Idaho while on inactive status. ()

e. All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing or supervising in Idaho. ()

03. Return to Active Status of License Inactive for Five (5) or Fewer Years. An inactive license holder whose license has been inactive for five (5) or fewer years may convert from inactive to active license status by: ()

- a. Making written application to the Board on a form prescribed by the Board; ()
- b. Providing documentation to the Board showing successful completion within the previous twelve (12) months of the continuing education requirements for renewal of an active license; and ()
- c. Paying a fee equivalent to the difference between the current inactive fee and the active renewal fee. ()

04. Return to Active Status of License Inactive for More Than Five (5) Years. An inactive license holder whose license has been inactive for more than five (5) years may convert from inactive to active license status by; ()

- a. Making written application to the Board on a form prescribed by the Board. ()
- b. Providing an account to the Board for that period of time during which the license was inactive and fulfilling requirements that demonstrate competency to resume practice. Those requirements may include, but are not limited to, education, supervised practice, and examination as determined by the Board. The Board may consider practice in another jurisdiction in determining competency. ()
- c. Paying a fee equivalent to the difference between the current inactive fee and the active renewal fee. ()

05. Clinical Nutrition Certificate Expires. If a licensee holds a clinical nutrition certificate and places their license on inactive status, the clinical nutrition certificate is immediately cancelled as though the license was not timely renewed as provided in Section 703 of these rules. ()

06. Reissuance of Clinical Nutrition Certificate. An inactive license holder who held a clinical nutrition certificate at the time their license was placed on inactive status who returns to active license status pursuant to this rule may be reissued a clinical nutrition certificate by showing proof of compliance with the provisions of Sections 704, 705, and 706 that apply to their situation. ()

301. -- 349. (RESERVED)

350. CONTINUING EDUCATION (RULE 350).

All licensees must comply with the following continuing education requirements; ()
In order to further protect the public health and to facilitate the administration of the Chiropractic Act, the board has formulated the following rules: (7-1-93)

01. ~~Subject Material Requirement.~~ The subject material of the continuing education requirement shall be germane to the practice of chiropractic and either; Applicants for renewal shall be required to complete a minimum of eighteen (18) hours of continuing education within the preceding twelve (12) months, as approved by the Board. (3-15-02)()

a. ~~Sponsored by an approved school of chiropractic; or~~ Continuing education credit will only be given for actual time in attendance or for the time spent participating in the educational activity. (3-15-02)()

b. ~~Otherwise approved by the board~~ The educational setting may include a classroom, conference/ seminar, on-line, a virtual classroom or home study. (3-15-02)()

c. ~~"Germane to the practice of chiropractic"~~ shall be limited to Section 54-704(1), Idaho Code If the licensee completes two (2) or more courses having substantially the same content during any one (1) renewal period, the licensee only will receive continuing education credit for one (1) of the courses. (3-15-02)()

02. ~~Verification of Attendance Documentation.~~ It shall be necessary for each licensee to maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours attended by the applicant. This verification shall be maintained by the licensee and provided to the Board upon the request of the Board or its agent Each licensee shall

maintain documentation verifying continuing education attendance and curriculum for a period of five (5) years from the date of completion. This documentation will be subject to audit by the Board. (3-15-02)()

a. Documented evidence of meeting the continuing education requirement shall be in the form of a certificate or letter from the sponsoring entity that includes verification of attendance by the licensee, the title of the activity, the subject material covered, the dates and number of hours credited, and the presenter's full name and professional credentials. ()

b. A licensee must submit the verification documentation to the Board if requested by the Board. In the event a licensee fails to provide the Board with acceptable documentation of the hours attested to on the renewal application, the licensee may be subject to disciplinary action. ()

~~03. **Distance Learning and Home Study Waiver.** The board may approve a course of study for continuing education credit that does not include the actual physical attendance of the applicant in a face to face setting with the course instructor. Distance Learning or Home Study courses shall be eligible for continuing education credits if sponsored by an approved school of chiropractic or upon approval by the board. Licensee shall not accumulate more than six (6) continuing education hours per renewal period from distance learning or home study~~ The Board may waive the requirements of this rule for reasons of individual hardship including health or other good cause. The licensee should request the waiver in advance of renewal and must provide any information requested by the Board to assist in substantiating hardship cases. This waiver is granted at the sole discretion of the Board. (4-2-08)()

~~04. **Requests for Approval Carryover of Continuing Education Hours.** All requests for approval or pre-approval of educational programs must be made to the board in writing, and must be accompanied by a statement that includes the name of the instructor or instructors, the date and time and location of the course, the specific agenda for the course, the number of continuing education credit hours requested, and a statement of how the course is believed to be pertinent to the practice of chiropractic~~ Continuing education hours not claimed in the current renewal year may be claimed in the next renewal year. Hours may be carried forward from the immediately preceding year, and may not be carried forward more than one renewal year. (3-15-02)()

05. **Exemption.** A licensee is exempt from the continuing education requirements under this section for the period between the initial issuance or the original license and the first expiration date of that license. ()

351. APPROVAL OF CONTINUING EDUCATION COURSES (RULE 351).

01. **Approved Continuing Education Courses.** Approved continuing education courses shall be those courses, programs, and activities that are germane to the practice of chiropractic, as defined in Sections 54-704(1) and (2), Idaho Code, and meet the general requirements and content requirements of these rules, and are approved, sponsored, or provided by the following entities or organizations, or otherwise approved by the Board: ()

a. Council of Chiropractic Education (CCE) approved chiropractic college or university, a college or university accredited by a nationally recognized accrediting agency as recognized by the United States Secretary of Education or an educational program approved by the Board; ()

b. Providers of Approved Continuing Education (PACE); ()

c. National and state chiropractic associations; and ()

d. **Provider Course Approval.** Other courses that may be approved by the Board based upon documentation submitted by a continuing education provider. Requests for approval of courses made by the provider must be submitted on a form approved by the Board that includes: ()

i. The nature and subject of the course and how it is germane to the practice of chiropractic; ()

ii. The name of the instructor(s) and their qualifications; ()

iii. The date, time and location of the course; ()

- iv. The specific agenda for the course; ()
- v. The number of continuing education hours requested; ()
- vi. The procedures for verification of attendance; and ()
- vii. Other information as may be requested by the Board. ()
- viii. Upon review of all information requested, the Board may deny any request for a course that does not meet the requirements of Idaho law or rule. Board approval of a course shall be granted for a period not to exceed two (2) years or until the course materials or instructors are changed, whichever may occur first. ()

02. Licensee Course Approval. Other courses that may be approved by the Board based upon documentation submitted by the licensee. All requests for approval must be made to the Board in writing and include the nature and subject of the course and its relevancy to the practice of chiropractic, name of instructor(s) and their qualifications, date, time and location of the course, and procedures for verification of attendance. ()

~~354~~2. -- 399. (RESERVED)

400. APPROVED SCHOOLS OF CHIROPRACTIC (RULE 400).

01. Requirement for Approval. (7-1-93)

a. The Idaho Board of Chiropractic Physicians will consider only that school or college or university of chiropractic as a reputable school, college or university of chiropractic in good standing if such school, college or university conforms to the requirements of “recognized candidate for accreditation,” or “accredited” of the Council of Chiropractic Education or any foreign country college which meets equivalent standards as determined by the Idaho Board of Chiropractic Physicians and teaches accredited courses in all the subjects set forth in Section 54-709(1)(b), Idaho Code. (7-1-93)

b. Regardless of the Council on Chiropractic Education status, the Board may make additional requirements for approval as a reputable school, college or university of Chiropractic. (7-1-93)

02. New Schools. Those graduates of new schools of chiropractic will only be accepted for licensure application provided the school reaches “recognized candidate for accreditation” status with the Council on Chiropractic Education within one year following the first graduating class ~~and are approved by the Idaho Board of Chiropractic Physicians.~~ (7-1-93)()

(BREAK IN CONTINUITY OF SECTIONS)

~~601. RULEMAKING HISTORY PRIOR TO JULY 1, 1993 (RULE 601).~~

*Supersedes Rules adopted September 7, 1977
Authority Chapter 7, Title 54, Idaho Code, July 1, 1980
Adopted Under Emergency Provisions, June 10, 1982
Final Adoption, August 21, 1982
As Amended December 21, 1987
Effective January 11, 1988
Adopted Under Emergency Provisions, March 29, 1993
Adopted Under Temporary Provisions, July 1, 1997* (7-1-98)

~~602~~1. -- 604. (RESERVED)