

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Chiropractic Examiners

RULE CITATION: 21 NCAC 10 .0103

DEADLINE FOR RECEIPT: Thursday, June 10, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Since you don't have similar introductory titles in the other Paragraphs of this Rule, do you need "Election of Candidates for Appointment to the Board" in (a)?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Thursday, May 27, 2021

1 21 NCAC 10 .0103 is amended as published in 35:11 NCR 1153-1154 as follows:

2
3 **21 NCAC 10 .0103 STRUCTURE OF BOARD**

4 (a) Election of Candidates for Appointment to the Board. As necessary to meet the requirements of G.S. 90-140, the
5 Board shall hold ~~the an election of for~~ for chiropractic candidates for ~~appointment to the Board at its March and September~~
6 ~~meeting at a time, date, and place to be selected by the Board and~~ appointment. Notice of the election shall be
7 published on the Board's website at <https://ncchiroboard.com> at least ~~90~~ 30 days in advance of the election.

8 (b) The election shall be administered by the Board of Chiropractic Examiners. Any member of the Board who is
9 nominated to succeed himself or herself shall be disqualified from conducting the vote in which he or she is a nominee.

10 (c) ~~Nomination shall be made from the floor and shall require two seconds. Any prospective nominee may withdraw~~
11 ~~his or her name from consideration by an oral statement to that effect.~~ Each candidate shall provide two letters of
12 endorsement from chiropractors licensed by the Board. The letters shall be submitted to the Board no less than 21
13 days before the election.

14 (d) If less than three candidates are elected, the Board shall provide additional names to the Governor, President Pro
15 Tempore of the Senate, and Speaker of the House in order to comply with G.S. 90-140.

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17 *History Note: Authority G.S. 90-139; 90-140; 90-142;*
18 *Eff. February 1, 1976;*
19 *Readopted Eff. January 27, 1978;*
20 *Amended Eff. January 1, 1983; May 8, 1979;*
21 *Legislative Objection Lodged Eff. January 31, 1983;*
22 *Curative Amended Eff. February 18, 1983;*
23 *Amended Eff. June 1, 1994; December 1, 1988;*
24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
25 *2019;*
26 *Amended Eff. January 1, ~~2020~~ 2020;*
27 *Amended Eff. July 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Chiropractic Examiners

RULE CITATION: 21 NCAC 10 .0203

DEADLINE FOR RECEIPT: Thursday, June 10, 2021

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In Paragraph (c), since you are collapsing the parts into one, would it make sense to delete "on each of the following examinations" and instead say "... shall achieve a score of 375 or higher on Parts I-IV of the examinations given by the National Board of Chiropractic Examiners"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Thursday, May 27, 2021

1 21 NCAC 10. 0203 is amended as published in 35:11 NCR 1153-1154 as follows:

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3 **21 NCAC 10 .0203 NORTH CAROLINA EXAMINATION**

4 (a) Eligibility. Only those applicants who meet the requirements of this Rule and G.S. 90-143 or, in the case of
5 reciprocity applicants, G.S. 90-143.1, and who have submitted a written application and paid the non-refundable
6 application fee pursuant to Rule 21 NCAC 10 .0202 shall be allowed to take the North Carolina examination.

7 (b) Dates of Examination. The North Carolina examination shall be given at least ~~once each year, and additional~~
8 ~~examination dates may~~ four times during the calendar year and will be scheduled based on the number of applications
9 received. The Board shall announce an examination date not less than ~~90~~ 30 days in advance, and the ~~date, time, and~~
10 ~~location~~ date of upcoming examinations shall be published on the Board's website, www.ncchiroboard.com. The
11 Board shall also individually notify ~~an~~ each eligible applicant of the ~~date, time, and location~~ date of the next
12 examination ~~as soon as possible~~ after the applicant's non-refundable application fee has been paid and the written
13 application completed.

14 (c) National Boards. Except as provided in Paragraph (e) of this Rule, in order to take the North Carolina examination,
15 an applicant who has never been licensed in this State or who is not a reciprocity applicant shall first achieve a score
16 of 375 or higher on each of the following examinations given by the National Board of Chiropractic Examiners: ~~Part~~
17 ~~I, Part II, Part III (WCCE), the elective examination (termed "Physiotherapy" by the National Board), and Part IV.~~
18 Parts I-IV.

19 (d) Report of Scores. The applicant shall arrange for his or her test results from any National Board examination to
20 be reported to the North Carolina Board. Failure to comply with this ~~provision~~ Paragraph shall be a basis for delaying
21 the issuance of a license.

22 (e) Waiver of National Boards. Notwithstanding the requirements of Paragraph (c) of this Rule, an applicant who
23 submits National Board examinations in conformity with the following schedule shall not be disqualified from
24 licensure in North ~~Carolina;~~ Carolina:

- 25 (1) An applicant who graduated from chiropractic college before July 1, 1966 shall not be required to
26 submit a score from any National Board examination.
- 27 (2) An applicant who graduated from chiropractic college between July 1, 1966 and June 30, 1986 shall
28 be required to submit scores of 375 or higher on National Board Part I, Part II, and the elective
29 examination termed ~~"Physiotherapy"~~ "Physiotherapy," but shall not be required to submit a score
30 on Part III (WCCE) or Part IV.
- 31 (3) An applicant who graduated from chiropractic college between July 1, 1986 and June 30, 1997 shall
32 be required to submit scores of 375 or higher on National Board Part I, Part II, the elective
33 examination termed "Physiotherapy," and Part ~~III (WCCE)~~ III, but shall not be required to submit a
34 score on Part IV.

35 In order to receive a license, an applicant who qualifies for a waiver of any National Board score shall take and pass
36 the SPEC examination and the North Carolina Examination ~~and satisfy all other requirements for licensure.~~ pursuant
37 to G.S. 90-143.3 and Rule .0202 of this Chapter

1 (f) SPEC Examination. In order to take the North Carolina examination, a reciprocity applicant, a waiver applicant
2 pursuant to Paragraph (e) of this Rule, or an applicant previously licensed in this State whose license has been
3 cancelled pursuant to G.S. 90-155 for more than 180 days shall first take and pass the Special Purpose Examination
4 for Chiropractic ("SPEC"). The SPEC exam is administered by the National Board of Chiropractic Examiners. The
5 passing score shall be 375 or higher.

6 (g) Nature of Examination. The North Carolina examination shall be a ~~written~~ test of an applicant's knowledge of
7 North Carolina chiropractic jurisprudence. ~~No part of the examination shall be open book, and no reference material~~
8 ~~of any kind shall be allowed in the examination area.~~ The passing grade shall be 75 percent.

9 ~~(h) Review of Examination. An applicant who has failed the North Carolina examination may request a review of his~~
10 ~~or her examination if the request is made in writing and received by Board not later than 20 days after issuance of the~~
11 ~~examination results. Unless the applicant requests to review his or her answers in person, the review shall be limited~~
12 ~~to a re tabulation of the applicant's score to make certain no clerical errors were made in grading. If the applicant~~
13 ~~requests to review his or her answers in person, the applicant shall be permitted to do so at the Board office in the~~
14 ~~presence of a representative of the Board and for a period of not more than 30 minutes. The applicant shall not be~~
15 ~~permitted to discuss the examination with any member of the Board, grader, or test administrator.~~

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17 *History Note: Authority G.S. 90-142; 90-143; 90-143.1; 90-143.3; 90-144; 90-145; 90-146; ~~93B-8~~;*
18 *Eff/ February 1, 1976;*
19 *Readopted Eff. January 27, 1978;*
20 *Amended Eff. January 1, 1983; October 17, 1980;*
21 *Legislative Objection Lodged Eff. January 31, 1983;*
22 *Curative Amendment Eff. February 18, 1983;*
23 *Temporary Amendment Eff. May 1, 1998;*
24 *Amended Eff. October 1, 2018; April 1, 2018; February 1, 2009; July 1, 2004; August 1, 2000;*
25 *August 1, 1995; December 1, 1988;*
26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
27 *~~2019~~ 2019;*
28 *Amended Eff. July 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Chiropractic Examiners

RULE CITATION: 21 NCAC 10 .0207

DEADLINE FOR RECEIPT: Thursday, June 10, 2021

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (a), are the application contents those set forth in Paragraph (b)? If that's correct, I think this is fine as written – I just want to be sure that I understand.

Also, in (a), what is meant by “must be submitted pursuant to instructions on the Board's website”? Are these instructions not set forth in this Rule in that it has to be submitted online? I want to be sure that this isn't rulemaking outside of the rulemaking process.

Since you do have similar introductory language elsewhere in your Rule (i.e., “Approval of Seminars in (a), “Duration of Approval” in (c)), do you want to add an introduction to (b)?

In (d)(4), how are they to demonstrate this to you? I see that you have removed the requirement for the CV, so I assume there are other ways? Can you provide some examples?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Thursday, May 27, 2021

1 21 NCAC 10 .0207 is amended as published in 35:16 NCR 1808-1810 as follows:

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3 **21 NCAC 10 .0207 CONTINUING EDUCATION SEMINARS**

4 (a) Approval of Seminars. Only continuing education seminars approved by the Board shall count towards satisfying
5 the requirements for license renewal. The sponsor and co-sponsors of any proposed seminar shall be responsible for
6 submitting all the information outlined on the Board's Course Application ("Application") to enable the Board to
7 evaluate the seminar in accordance with this Rule. ~~The Board's Course Application can be found on, on~~ and must be
8 submitted via, pursuant to instructions on the Board's website at https://ncchiroboard.com, ~~containing the following~~
9 ~~information: https://ncchiroboard.com. All applications must reflect that the seminar for which approval is being~~
10 sought has been previously approved no more than 12 months prior to the date of the seminar by one of the following
11 organizations:

- 12 (1) Any chiropractic college recognized by the Council on Chiropractic Education (CCE);
- 13 (2) Federation of Chiropractic Licensing Boards, PACE program; or
- 14 (3) Any other chiropractic association that can demonstrate an active membership base of at least 200
15 members.

16 (b) In addition to the information set forth in Paragraph (a) of this Rule, all Applications must also contain the
17 following information:

- 18 (1) Whether the course's target audience is doctors of chiropractic, certified chiropractic assistants, or
19 x-ray technicians;
- 20 (2) The course title;
- 21 (3) The beginning and end dates on which the course will be offered;
- 22 (4) Whether the course will be offered online or in a physical location;
- 23 (5) If the course is offered in a physical location, the cities and states in which the course will be offered;
- 24 (6) The manner in which the sponsor or co-sponsor will verify the attendance of licentiates;
- 25 (7) The name and contact information of the sponsor and co-sponsor;
- 26 (8) The website at which information on the course offering will be available;
- 27 (9) The number of continuing education credits that the licentiates can obtain by attending the course;
28 and
- 29 (10) Whether the course will provide doctors of chiropractic, certified chiropractic assistants, or x-ray
30 technicians with continuing education credit toward eligibility for licensure renewal, certification,
31 or ~~recertification~~; and recertification.
- 32 ~~(11) Whether the course has been approved by the Providers of Approved Continuing Education (PACE)~~
33 ~~program administered by the Federation of Chiropractic Licensing Boards (FCLB).~~

34 The ~~Board's Course~~ Application shall be submitted at least 30 days prior to the date of the proposed seminar.
35 Incomplete applications will not be processed.

1 ~~(b)~~ (c) Duration of Approval. A seminar approval issued by the Board shall expire at the end of the calendar year for
2 which approved. If the sponsor or co-sponsors of an approved seminar wish to repeat the seminar on a date beyond
3 the approval period, a new application shall be submitted to the Board.

4 ~~(e)~~ (d) Criteria for Approval. The Board's criteria for approving continuing education seminars is as follows:

- 5 (1) No practice-building or motivational seminars shall be approved;
- 6 (2) No seminar shall be approved that requires attendees, in order to be able to utilize the information
7 presented at the seminar, to purchase equipment or clinical supplies available only through the
8 seminar's instructors, sponsors or co-sponsors;
- 9 (3) Each seminar subject shall fall within the extent and limitation of chiropractic licensure in this State;
10 and
- 11 (4) Each instructor shall ~~submit a curriculum vitae demonstrating~~ demonstrate that he or she has an
12 educational background in, or professional experience with, the subject or subjects he or she is
13 scheduled to teach.

14 ~~(d)~~ (e) Duties of Seminar Sponsor. Sponsors and co-sponsors of any approved continuing education seminar shall:

- 15 (1) Disclose on all brochures and advertising materials the name and address of each sponsor and co-
16 sponsor and whether each sponsor and co-sponsor is a for-profit or not-for-profit entity;
- 17 (2) Be liable for all expenses incurred in holding the seminar;
- 18 (3) Give notice to the Board of any material changes in the seminar, including date, location, subject
19 matter or instructors; and
- 20 (4) Provide an agent at the seminar site who shall:
 - 21 (A) Monitor and report the attendance of each person attending the seminar, in accordance with
22 the method identified in the Course Application submitted for the course;
 - 23 (B) Supervise the agenda and prohibit the presentation of any subject matter not approved by
24 the Board; and
 - 25 (C) Complete and submit to the Board a post-seminar review summarizing any problems
26 experienced and any variance between the application for approval and the seminar as
27 presented.

28 ~~(e)~~ (f) Sanction for Non-Compliance. By applying for seminar approval, each sponsor and co-sponsor agrees to admit
29 to the seminar at no charge a representative of the Board for the purpose of observing compliance with this Rule. If
30 the Board determines that a sponsor or co-sponsor has falsified the application for approval, has failed to keep
31 attendance, has allowed the seminar as presented to vary from the agenda as set forth in the application, or has failed
32 to adhere to any other provision of this Rule, the Board shall refuse to approve future seminar applications from the
33 offending sponsor or co-sponsor or from any principal who is a partner or shareholder in the offending sponsor or co-
34 sponsor.

35 ~~(f) PACE Approved State. All doctor of chiropractic courses that have been approved by the Providers of Approved~~
36 ~~Continuing Education (PACE) program administered by the Federation of Chiropractic Licensing Boards (FCLB)~~
37 ~~shall be deemed to have complied with this Rule.~~

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*History Note: Authority G.S. 90-142; 90-155; 90-143.2; 90-143.4;
Eff. January 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,
2019;
Amended Eff. January 1, ~~2020~~ 2020;
Amended Eff. July 1, 2021.*

1 21 NCAC 10 .0216 is adopted as published in 35:11 NCR 1153-1154 as follows:

2

3 **21 NCAC 10 .0216 WAIVER**

4 The Board may waive any rule in this Chapter that is not statutorily required if a licensee, or applicant for license or
5 certification, submits a written request. Factors the Board shall use in determining whether to grant the waiver are:

6 (1) degree of disruption to the Board;

7 (2) cost to the Board;

8 (3) degree of benefit to the public;

9 (4) whether the requesting party had control over the circumstances that required the requested waiver;

10 (5) notice to and opposition by the public;

11 (6) need for the waiver; and

12 (7) previous requests for waivers submitted from the requesting party.

13

14 *History Note: Authority G.S. 90-142; 150B-19(6);*

15 *Emergency Adoption Eff. April 28, 2020;*

16 *Temporary Adoption Eff. July 24, ~~2020~~ 2020;*

17 *Eff. July 1, 2021.*