

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Chiropractic Examiners

RULE CITATION: 21 NCAC 10 .0204

DEADLINE FOR RECEIPT: Friday, June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Please add a period at the end of (c).

Please correct the History Note. The History Note included in this Rule is not the same as currently listed in the Code and the Authority appears to be incorrect.

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

1 The Board of Chiropractic Examiners has amended its existing rule as published in Vol. 28, No. 16 of the
2 North Carolina Register, Page 1868, without changes and reading as amended:
3

4 **21 NCAC 10 .0204**

LICENSURE

5 (a) Initial Licensure. The initial license awarded to an applicant who passed the examination ~~will~~ shall be
6 mailed to the address appearing on the application form.

7 (b) Change of Address. It shall be the responsibility of the licentiate to inform the Board of any change in
8 his or her mailing address. Updated address information should shall be forwarded to the secretary in
9 writing within 30 days after any such change.

10 (c) Email and Facsimile. A licentiate who maintains an office email address or office facsimile machine
11 shall inform the Board of his or her current email address or facsimile machine telephone number. This
12 contact information shall not be made available to the public and shall be used only for expediting the
13 dissemination of official messages the Board deems high priority or urgent
14

15 *History Note: Authority G.S. 90-155; 90-142; 93B-15;*

16 *Eff. February 1, 1976;*

17 *Readopted Eff. January 27, 1978;*

18 *Amended Eff. January 1, 1983; October 17, 1980;*

19 *Legislative Objection Lodged Eff. January 31, 1983;*

20 *Curative Amended Eff. February 18, 1983;*

21 *Amended Eff. July 1, 2014; July 1, 2011; January 4, 1993; December 1, 1988.*

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AGENCY: North Carolina Board of Chiropractic Examiners

RULE CITATION: 21 NCAC 10 .0213

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In (a)(1), please move "Note: this category is temporary; the opportunity to be grandfathered shall expire 120 days after the effective date of this rule" to the end. This is an important provision and should stand out. Please also capitalize "rule." Also, do you intend on taking this Rule back though rule-making to address the change in the grandfather provision after 120 days?

In (a)(1), line 12, please capitalize "rule"

In (b), is the application form available online? If so, please list the website. If not, how would an applicant obtain the form?

In (b), is there specific evidence that you are looking for with regard to an applicant's age and education? Please consider adding some language of examples of what the Board would deem acceptable as you have for an applicant's "good moral character."

In (b)(1), what is considered "sufficient on-the-job training" in line 29? Is this based on the employing physician's judgment?

In (b)(1), line 31, please delete "hours' work experience" and replace with "hours of work experience"

In (b)(1), line 31, please capitalize "rule"

In (b)(1), line 32, there appears to be an extra space in between "shall" and "take"

In (b)(1), line 33, please capitalize "paragraph"

Why is "Note: grandfathered applications will be accepted..." in lines 33-34 italicized? Please capitalize "rule"

Amber Cronk May
Commission Counsel
Date submitted to agency: May 30, 2014

In (b)(2), line 37, what would constitute evidence to the Board that the applicant is in good standing? Some additional guidance would be helpful.

In (b)(3), page 2, line 1, what constitutes evidence satisfactory to the Board that the applicant has completed and approved clinical assistant education program and has passed the proficiency examination? Some additional guidance would be helpful.

In (b)(3), page 2, lines 3 and 4, please capitalize "paragraph"

In (c), page 2, line 6, please change "6" to "six" pursuant to 26 NCAC 02C .0108.

In (c), page 2, line 7, how is an instructor "deemed competent by the Board"? Is there another rule addressing this? If so, please cross-reference.

In (d), please move "Note: this examination shall be discontinued 120 days after the effective date of this rule" to the end. Also, capitalize "rule."

In (d), why would the Board authorize additional testing sessions? Is this based on the number of those who register for testing?

In (e), where can the renewal application be found?

In (e), what evidence would be satisfactory to the Board that the applicant has completed six hours of continuing education? Some additional guidance would be helpful.

In (f), please change "continuing education is required" on lines 26-27, to "continuing education shall be required"

In (g), are those graduates and students not required to file anything?

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

The Board of Chiropractic Examiners has adopted a new rule as published in Vol. 28, No. 16 of the North Carolina Register, Pages 1868-9, without changes and reading as follows:

21 NCAC 10 .0213 CERTIFICATION OF CLINICAL ASSISTANTS

(a) Classification of Applicants. The Board hereby establishes the following categories of applicants for clinical assistant competency certification. Different certification requirements apply to each category.

- (1) Grandfathered applicants. (Note: this category is temporary; the opportunity to be grandfathered shall expire 120 days after the effective date of this rule.) A grandfathered applicant is an applicant who is currently employed as a clinical assistant, who has been trained by the applicant's employing physician to perform the duties of a clinical assistant as defined in G.S. 90-143.4(a), and who will have amassed at least 500 working hours in the capacity of a clinical assistant as of the effective date of this rule.
- (2) Reciprocity applicants. A reciprocity applicant is an applicant who is currently certified or registered as a clinical assistant in another state whose requirements for certification or registration are substantially similar to or more stringent than the requirements for certification in North Carolina.
- (3) New applicants. A new applicant is any applicant who is not a grandfathered applicant or a reciprocity applicant.

(b) Requirements for Certification. Every applicant, regardless of classification, shall complete an application form provided by the Board and submit evidence satisfactory to the Board that the applicant is at least 18 years of age, a high school graduate or the equivalent, and possessed of good moral character. An affidavit attesting to good moral character and signed by a chiropractic physician or other responsible party who knows the applicant and is not related to the applicant shall constitute prima facie evidence of the applicant's good moral character. Every applicant, regardless of classification, shall pay to the Board an initial certification fee in the amount of twenty dollars (\$20.00). In addition to the foregoing general requirements, an applicant shall satisfy the requirements for the applicant's individual category, as follows:

- (1) Grandfathered Applicants. A grandfathered applicant shall submit, on a form provided by the Board, an attestation signed by the applicant's employing physician confirming that the applicant is currently employed as a clinical assistant, has received sufficient on-the-job training from the employing physician to perform the duties of a clinical assistant, and has amassed at least 500 hours' work experience in the capacity of a clinical assistant as of the effective date of this rule. In addition, a grandfathered applicant shall take and pass a refresher proficiency examination administered by or under the authority of the Board, as described in paragraph (d). (Note: grandfathered applications will be accepted for only 120 days after the effective date of this rule.)
- (2) Reciprocity Applicants. A reciprocity applicant shall submit a copy of the applicant's current certification or registration as a clinical assistant in a state with which North Carolina reciprocates and shall submit evidence satisfactory to the Board that the applicant is in good standing in said state.

1 (3) New Applicants. A new applicant shall submit evidence satisfactory to the Board that the
2 applicant has completed an approved clinical assistant education program as described in
3 paragraph (c) and has passed the standard proficiency examination administered by or under the
4 authority of the Board, as described in paragraph (d).

5 (c) Education Programs. In order to be approved by the Board, a clinical assistant education program for
6 new applicants shall be at least 24 hours in length, of which at least 6 hours shall be in-person didactic
7 training with an instructor or instructors deemed competent by the Board to teach that portion of the
8 curriculum to which the instructor has been assigned. Credit for online coursework shall not exceed 18
9 hours, and all online coursework shall precede didactic training. At a minimum, the education program
10 shall provide sufficient instruction in the five subjects set forth in G.S. 90-143.4(c) to enable its graduates
11 to satisfy all applicable standards of care.

12 (d) Examinations. The refresher proficiency examination shall emphasize the practical skills possessed by
13 grandfathered applicants and shall be available online. (Note: this examination shall be discontinued 120
14 days after the effective date of this rule.) The standard proficiency examination for new applicants shall
15 assess both academic knowledge and practical skills acquired through education programs and shall be
16 administered in person at least four times per year on the fourth Saturday in January, April, July and
17 October. In its discretion, the Board may authorize additional testing sessions to facilitate the timely
18 issuance of certificates of competency.

19 (e) Certificate Expiration and Renewal. Unless renewed, a certificate of competency shall expire on June
20 30th of the second year following the year in which it was issued. A certificate holder seeking to renew shall
21 complete a renewal application form provided by the Board and shall submit evidence satisfactory to the
22 Board that the applicant has completed six hours of Board-approved continuing education. The applicant
23 shall pay to the Board a renewal fee in the amount of ten dollars (\$10.00).

24 (f) Lapsed Certificates. If a certificate of competency has lapsed due to non-renewal and the lapse does
25 not exceed 12 months, the certificate holder may obtain reinstatement by making up the accrued deficiency
26 in continuing education. If the lapse is greater than 12 months, no make-up continuing education is
27 required, but the certificate holder shall re-take and pass the standard proficiency examination for new
28 applicants. Regardless of the length of lapse, a certificate holder seeking reinstatement shall pay to the
29 Board a renewal fee in the amount of ten dollars (\$10.00).

30 (g) Exemptions. Graduates of accredited chiropractic colleges and students enrolled in accredited
31 chiropractic colleges who are serving college-sponsored preceptorships in North Carolina are deemed by
32 the Board to have satisfied all requirements imposed by this rule and are declared competent to perform the
33 duties of a clinical assistant.

34
35 *History Note: Authority G.S. 90-142, 90-143.4;*

36 *Eff. July 1, 2014*