

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Chiropractic Examiners

RULE CITATION: 21 NCAC 10 .0205

**DEADLINE FOR RECEIPT: Tuesday, May 12, 2015**

**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:

*In the Introductory Statement, please add the page number "1700" so it reads, "21 NCAC 10 .0205 is amended as published in 29:14 NCR 1700 as follows:"*

*In (a), line 4, insert a comma after "cancellation"*

*In (b), where does one get this form? And what is on the form? G.S. 150B-2(8a) states that forms are not rules if the contents of the forms are in rule or law. Are the contents of this form in other rules or law?*

*Also in (b), line 6, insert a comma after "specialty"*

*In (c), line 9, insert a comma after "sponsor"*

*Beginning in (c) and throughout this Rule, you say "licentiate" rather than "licensee." I take it this is the preferred term for the Board?*

*In (c), line 12, how are they Board approved? Are you relying upon 21 NCAC 10 .0210?*

*On line 14, what is in this form? Who is the "secretary"? How is the request made?*

*In (d), line 15, please include a citation to the statute. (I assume you mean G.S. 90-155?)*

*In (e), line 17, delete or define "proper"*

*In the History Note, put the statutes in numerical order.*

*Please underline "June 1, 2015" in the History Note.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: April 28, 2015

21 NCAC 10 .0205 is amended as published in 29:14 NCR as follows:

**21 NCAC 10 .0205            RENEWAL OF LICENSE**

(a) General. The renewal, cancellation and restoration of a license are governed by G.S. 90-155.

(b) Renewal Application Form. Annual application for renewal of license shall be made on a form furnished by the Board. Any changes in a licentiate's name, address, professional specialty or employment, and history of criminal convictions shall be noted on the Renewal Application Form.

(c) Continuing Education. The licentiate shall state on the Renewal Application Form the name, date, sponsor and duration of all Board-approved educational sessions attended during the preceding ~~year~~. year and any professional development continuing education for which the licentiate seeks credit pursuant to 21 NCAC 10 .0210(d). As used in G.S. 90-155, one "day" of continuing education shall be defined as ~~12~~ nine hours. Attendance at a Board-approved educational session shall be corroborated by written certification from the sponsoring body. Any licentiate seeking a hardship waiver of the continuing education requirement shall make application on a separate form provided by the secretary upon request.

(d) Renewal Fee. A renewal fee in the maximum amount allowed by statute shall be paid by each licentiate applying for renewal.

(e) Restoration of Cancelled License: Evidence of Proficiency. In order to provide evidence of proper proficiency, any former licentiate whose license has been cancelled due to non-compliance with G.S. 90-155 ~~must shall~~ be re-examined and ~~must shall~~ pay the application fee prescribed in 21 NCAC 10 .0202(d) to cover the cost of re-examination. Payment of the application fee ~~does shall~~ not constitute payment of the statutory reinstatement fee.

(f) ~~Military hardship.~~ Hardship. A licentiate who is serving in the armed forces of the United States and to whom G.S. 93B-15(a) grants an extension of time to pay a renewal fee shall also be granted an identical extension of time to complete the continuing education required for license renewal.

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

*Eff. February 1, 1976;*

*Readopted Eff. January 27, 1978;*

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

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

*Curative Amended Eff. February 18, 1983;*

*Amended Eff. June 1, 2015; July 1, 2011; January 4, 1993; December 1, 1988.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Chiropractic Examiners

RULE CITATION: 21 NCAC 10 .0210

### **DEADLINE FOR RECEIPT: Tuesday, May 12, 2015**

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:

*In the Introductory Statement, please add the page number "1701" so it reads, "21 NCAC 10 .0210 is amended as published in 29:14 NCR 1701 as follows:"*

*Since this Rule is now two pages, please insert page numbers. (See Rule 26 NCAC 02C .0108(1)(h))*

*On lines 4 and 28, "eight" and "two" must be spelled out. (See Rule 26 NCAC 02C .0108(9)(a)) They were spelled out in the Notice of Text; therefore, you can just go back to what was published without showing it as a change.*

*I suggest beginning (b)(1) through (6) and (d)(1) and (2) with lowercase letters.*

*In (b), you state the criteria for approval. But how do the sponsors apply to the Board? What is the timeframe for Board decision?*

*In (b)(1), what do you mean by "practice-building or motivational courses"? Does your regulated public know?*

*In (b)(2), line 11, please insert a comma after "sponsors"*

*In (b)(3), what is the extent and limitation? Is it what is contained in G.S. 90-139 et seq.?*

*In (b)(4), who determines whether the manner is "logical and scientific"? Does your regulated public know what this standard means?*

*In (b)(5), line 17, delete or define "reliable"*

*In (c), line 23, what information will the Board "deem necessary" for evaluation? You may not need to include everything that the Board may deem necessary, but you should give examples to provide guidance within the Rule.*

*On line 25, why not simply state "a basis for denying the course"?*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: April 28, 2015

*In (d), line 27, replace “below” with “in this Paragraph”*

*On line 29, what is the “annual license renewal application”? How does one obtain it? What is contained in it? Are the contents in another rule or law?*

*Since (d) characterizes this as an application for approval, how does the Board notify the individual that it has been approved?*

*Please properly indent (d)(1) and (2).*

*Add an “or” at the end of (d)(1) on line 31.*

*In (e), lines 35 and 36, how long is a daily session? Is the determination made using actual time spent at the sessions, like it is in (d)?*

*In the History Note, you have changed the citation of G.S. 90-155 to 90-153. 90-153 does not appear to be relevant to this Rule. Please change the citations back to what is currently in the History Note.*

*Please insert a semicolon after “Eff. July 1, 2004”*

*Please underline “Amended Eff. June 1, 2015.”*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: April 28, 2015

21 NCAC 10 .0210 is amended as published in 29:14 NCR as follows:

**21 NCAC 10 .0210 INDIVIDUAL-STUDY CONTINUING EDUCATION**

(a) Hours permitted. A doctor of chiropractic may obtain as many as ~~42~~ 8 credit hours of continuing education each year by successfully completing one or more individual-study courses approved by the Board.

(b) Course approval. The criteria for Board approval of any individual-study course ~~is~~ are as follows:

- (1) No practice-building or motivational courses shall be approved;
- (2) No course shall be approved that requires participants, in order to utilize the information presented, to purchase equipment or clinical supplies available only through the course's instructors, sponsors or co-sponsors;
- (3) Each subject taught shall fall within the extent and limitation of chiropractic licensure in this State;
- (4) The subject matter shall be presented in a logical, scientific manner comparable to instruction at chiropractic colleges accredited by the Council on Chiropractic Education;
- (5) The sponsor shall have a reliable method for recording and verifying a doctor's participation expressed in credit hours and fractions thereof, and the sponsor shall assume responsibility for submitting a certificate of participation to the Board within 60 days after a doctor completes the course;
- (6) The course shall include one or more examinations or other means of verifying that a participating doctor has mastered the material presented in the course.

(c) Sponsor's obligation. The sponsor shall provide all information the Board deems necessary to evaluate the course according to the ~~foregoing~~ criteria set forth in Paragraph (b) of this Rule. Failure to provide information required by the Board shall be a basis for withholding approval.

(d) Professional development continuing education. A doctor of chiropractic may obtain continuing education credit for undertaking the professional development activities described below. Credit shall be awarded based on the actual time spent and shall not exceed 2 hours annually for all activities combined. To apply for credit, the doctor shall report such activities on his or her annual license renewal application. Approved professional development activities shall include:

- (1) Reading scientific, peer-reviewed professional journals;
- (2) Visiting vendor displays at professional association conventions to become familiar with trends in treatment technologies and new products.

(e) Attendance at interstate regulatory meetings. A doctor of chiropractic may obtain as many as 12 hours of continuing education credit annually by attending daily sessions of a national meeting of the Federation of Chiropractic Licensing Boards or daily sessions of a meeting of the National Board of Chiropractic Examiners.

1     *History Note:*         *Authority G.S. 90-142; 90-151; 90-153;*  
2                             *Eff. July 1, 2004*  
3                             *Amended Eff. June 1, 2015.*