

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Chiropractic Examiners

RULE CITATION: 21 NCAC 10 .0202

DEADLINE FOR RECEIPT: Wednesday, March 7, 2018

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 the following technical changes be made:

Line 4 requires the use of a form. Pursuant to G.S. 150B-2(8a)(d), the form itself is not a rule, but the substantive contents of the form must be set forth in rule or law.

Line 9 – replace “Application Form:” with “The application form shall include the”

Line 12 – replace “Character Reference Form:” with “The character reference form shall include”

Line 16 – replace “Chapter” with “Section”

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

Jason Thomas
Commission Counsel
Date submitted to agency: Wednesday, February 21, 2018

21 NCAC 10 .0202 is amended as published in the N.C. Register, vol. 32, issue 7, page 662, as follows:

21 NCAC 10 .0202 APPLICATION FOR LICENSURE

(a) General. Application for licensure shall be made in writing upon forms provide by the Board. ~~The secretary shall furnish the necessary forms to prospective applicants upon request.~~ Application forms and instructions may be found on the Board's website, www.ncchiroboard.com.

(b) Description of Forms. The written application shall consist of two forms, the Application Form and the Character Reference Form. The following information shall be required to complete each form:

(1) Application Form: personal background of the applicant; ~~his~~ educational history; a recent photograph; and a statement confirming that ~~he~~ the applicant has read, understands, and will abide by the General Statutes and administrative rules governing chiropractic.

(2) Character Reference Form: the statements of three persons not related to the applicant attesting to ~~his~~ the applicant's good moral character.

(c) Deadlines for Filing Applications. Applications for the North Carolina examination ~~must~~ shall be received at the ~~Board office of the Board~~ no later than 15 days before the ~~scheduled next~~ examination ~~dates~~ date as provided in ~~21 NCAC 10 .0203(b).~~ Rule .0203(b) of this Chapter.

(d) Application Fee. A ~~non-refundable~~ application fee of three hundred dollars (\$300.00) ~~must~~ shall accompany each application. This fee ~~shall be paid in cash, or by certified check or money order made payable to the North Carolina Board of Chiropractic Examiners. Personal checks shall not be accepted.~~ may be paid by credit card through the Board's website, www.ncchiroboard.com, or by check made payable to the North Carolina Board of Chiropractic Examiners. Cash shall not be accepted.

History Note: Authority G.S. 90-142; 90-143; 90-143.1; 90-145; 90-146; 90-149
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. October 17, 1980;
Legislative Objection Lodged Eff. December 17, 1982;
Curative Amendment Eff. December 30, 1982;
Amended Eff. January 1, 1983;
Legislative Objection Lodged Eff. January 31, 1983;
Curative Amendment Eff. February 28, 1983;
Amended Eff. January 1, 1989;
Temporary Amendment Eff. January 1, 2003
Temporary Amendment Expired October 31, 2003;
Amended Eff. August 1, 2004; February 1, 2004

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Chiropractic Examiners

RULE CITATION: 21 NCAC 10 .0203

DEADLINE FOR RECEIPT: Wednesday, March 7, 2018

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 the following technical changes be made:

Line 4 – replace “meets” with “meet” and “requirement” with “requirements”

Line 4 – delete the comma after “90-143” and add a comma after “or”

Line 5 – delete the comma before “and”

Lines 11 and 13 – add a comma after “time”

Line 18 – add “Chiropractic” before “Examiners” and add “(“National Board”)” after “Examiners”

Line 22 – delete or define “timely”

Lines 24-25 – delete the entire sentence that begins “The Board recognizes...”

Page 2, lines 7, 8, and 9 – replace “is” with “shall be”

Page 2, line 17 – add a comma after “grader”

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

Jason Thomas
Commission Counsel
Date submitted to agency: Wednesday, February 21, 2018

21 NCAC 10 .0203 is amended as published in the N.C. Register, vol. 32, issue 7, pages 662-3, as follows:

21 NCAC 10 .0203 NORTH CAROLINA EXAMINATION

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

(b) Dates of Examination. The North Carolina examination shall be given ~~four times~~ at least once each year, ~~on the fourth Saturday in January, April, July and October.~~ and additional examination dates may be scheduled based on the number of applications received. The Board shall announce an examination date not less than 90 days in advance, and the date, time and location of upcoming examinations shall be published on the Board's website, www.ncchiroboard.com. ~~Eligible applicants shall be notified~~ The Board shall also individually notify an eligible applicant of the ~~exact~~ date, time and location of the next examination as soon as possible after ~~their written applications have been approved by the Board.~~ the applicant's non-refundable application fee has been paid and the written application completed.

(c) National Boards. Except as provided in Paragraph (e) of this Rule, in order to take the North Carolina examination, an applicant who has never been licensed in this state or who is not a reciprocity applicant shall first achieve a score of 375 or higher on each of the following examinations given by the National Board of Examiners: Part I, Part II, Part III (WCCE) and the elective examination (termed "Physiotherapy" by the National Board). In addition, the applicant shall achieve a score of 475 or higher on Part IV of the National Board examination.

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

(e) Waiver of National Boards. The Board recognizes that many established practitioners completed their professional education prior to the introduction of one or more National Board examinations. Notwithstanding the requirements of Paragraph (c) of this Rule, an applicant who submits National Board examinations in conformity with the following schedule shall not be disqualified from licensure in North Carolina:

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

1 In order to receive a license, an applicant who qualifies for a waiver of any National Board score ~~must~~ shall take and
2 pass the SPEC examination and the North Carolina Examination and satisfy all other requirements for licensure.

3 (f) SPEC Examination. In order to take the North Carolina examination, a reciprocity applicant, a waiver applicant
4 pursuant to Paragraph (d) of this Rule, or an applicant previously licensed in this State whose license has been
5 cancelled pursuant to G.S. 90-155 for more than 180 days ~~must~~ shall first take and pass the Special Purpose
6 Examination for Chiropractic ("SPEC").

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

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

18
19 *History Note: Authority G.S. 90-142; 90-143; 90-143.1; 90-144; 90-145; 90-146;*

20 *Eff/ February 1, 1976;*

21 *Readopted Eff. January 27, 1978;*

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

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

24 *Curative Amendment Eff. February 18, 1983;*

25 *Temporary Amendment Eff. May 1, 1998;*

26 *Amended Eff. February 1, 2009; July 1, 2004; August 1, 2000; August 1, 1995; December 1, 1988.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Chiropractic Examiners

RULE CITATION: 21 NCAC 10 .0205

DEADLINE FOR RECEIPT: Wednesday, March 7, 2018

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 the following technical changes be made:

Line 5 – delete “automatically”

Line 7 – delete “automatic”

Lines 8-10 – consider revising the last two sentences of this paragraph as follows:

The renewal fee shall not be paid in cash and may be paid by credit card through the Board's website, www.ncchiroboard.com, or by a check made payable to the North Carolina Board of Chiropractic Examiners.

Line 11 – delete “or about”

Lines 16 and 18 – replace “any” with “all” if that is what is meant

Line 28 – replace “is” with “shall mean”

Line 34 – delete the quotation marks

Line 37 – page 2, line 2 – delete all of the sentences that begin (The Board has...) and “The Board also...”

Page 2, line 11 – delete or define “timely”

Page 2, line 12 – delete “, in its discretion,”

Page 2, line 13 – replace “includes” with “shall include”

Page 2, line 23 – delete “to cover the cost of re-examination”

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

Jason Thomas
Commission Counsel

Date submitted to agency: Wednesday, February 21, 2018

21 NCAC 10 .0205 is amended as published in the N.C. Register, vol. 32, issue 7, pages 663-4, 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~~. G.S. 90-155 and this Rule. A current license that is not renewed shall be automatically cancelled 30 days after the Tuesday immediately following the first Monday in January of the ensuing year. A licentiate desiring license renewal shall submit to the Board, on or before the date of automatic cancellation, a completed license renewal form accompanied by the renewal fee as provided in Paragraph (g) of this Rule. The preferred method of payment for the renewal fee is by credit card through the Board's website, www.ncchiroboard.com. The Board shall accept checks made payable to the North Carolina Board of Chiropractic Examiners but shall not accept cash.

(b) License Renewal Notification and Form. On or about ~~December 1st~~ October 15th each year, the Board shall mail to each licentiate, at the licentiate's current office address on file with the Board, an individualized a license renewal form with renewal instructions. ~~A secure electronic version of the form shall also be available at www.ncchiroboard.com. The license renewal form with instructions shall also be available at the Board's website, www.ncchiroboard.com, or upon request at the Board's office.~~ A licentiate desiring license renewal shall note on the form any changes in name, address, specialty, employment circumstances, and ~~history of criminal convictions.~~ convictions since the last renewal form was submitted to the Board. The licentiate shall also note ~~continuing education obtained as set forth in Paragraph (c) of this Rule.~~ on the form any professional development continuing education for which the licentiate seeks credit pursuant to Rule .0210(d) of this Chapter. ~~The licentiate shall submit the completed form and the renewal fee prescribed in Paragraph (d) of this Rule to the Board before the deadline imposed by G.S. 90-155.~~

(c) Continuing Education. ~~The license renewal form issued by the Board shall recite the cumulative hours of continuing education reported to the Board and credited to the individual licentiate for the current year. If the licentiate wishes to receive credit for continuing education obtained but not reported to the Board, the licentiate shall note on the license renewal form the name, date, sponsor, and duration of any unreported educational session. The Board shall not award credit for the session until the sponsor confirms the licentiate's attendance or participation. The licentiate shall note on the license renewal form any professional development continuing education for which the licentiate seeks credit pursuant to 21 NCAC 10 .2109d).~~ As used in G.S. 90-155, one "day" of continuing education ~~shall be~~ is defined as nine hours. ~~Any licentiate seeking a hardship waiver of the continuing education requirement shall make written application to the Board explaining the nature and circumstances of the hardship. Upon the applicant's showing that timely compliance with the continuing education requirement poses an undue hardship, the Board, in its discretion, may waive the requirement in whole or part or grant an extension of time within which to comply. "Undue hardship" includes protracted medical illness, natural disaster, or extended absence from the United States. Except as provided in Paragraphs (d), (e) and (f) of this Rule, a licentiate seeking license renewal shall obtain eighteen hours ("two days") of Board-approved continuing education each calendar year. At least ten hours shall be obtained by attending in-person educational sessions. As many as eight hours may be obtained in the manner set forth in Rule .0210 of this Chapter. The Board has created a secure portal on its website to help licentiates keep track of continuing education~~

1 hours earned over the course of the year. The Board also maintains a list of approved continuing education courses on
2 its website. The Board shall not award credit for any continuing education hours until the sponsor or licentiate submits
3 to the Board the sponsor's certificate of attendance or course completion.

4 (d) First-Year Continuing Education Exemptions. A licentiate who was enrolled in chiropractic college at any time
5 during the year of initial licensure or a licentiate initially licensed after September 1st of the current year shall be
6 permitted to renew his or her license for the ensuing year without obtaining continuing education but shall be required
7 to submit a license renewal form and pay the renewal fee. In subsequent years, a licentiate shall not be permitted to
8 renew his or her license until the continuing education requirements set forth in Paragraph (c) of this Rule are satisfied.

9 (e) Hardship Waivers. A licentiate seeking a hardship waiver of the continuing education requirement shall make
10 written application to the Board no later than December 15th of the current year explaining the nature and
11 circumstances of the hardship. Upon the applicant's showing that timely compliance with the continuing education
12 requirement poses an undue hardship, the Board, in its discretion, may waive the requirement in whole or part or grant
13 an extension of time within which to comply. "Undue hardship" includes protracted medical illness, natural disaster,
14 or extended absence from the United States.

15 (f) Military Hardship. A licentiate who is serving in the armed forces of the United States and to whom G.S. 93B-
16 15(a) grants an extension of time to pay a renewal fee shall also be granted an identical extension of time to complete
17 the continuing education required for license renewal.

18 (g) Renewal Fee. A renewal fee in the maximum amount allowed by G.S. 90-155 shall be paid by each licentiate
19 applying for renewal.

20 (h) Restoration of Cancelled License; Evidence of Proficiency. In order to provide evidence of proficiency, any a
21 former licentiate whose license has been cancelled for 180 or fewer days due to non-compliance with G.S. 90-155
22 shall be re-examined and shall pay the non-refundable application fee prescribed in 21 NCAC 10 .0202(d) Rule
23 .0202(d) of this Chapter to cover the cost of re-examination. A former licentiate whose license has been cancelled for
24 more than 180 days shall comply with Rule .0203(f) of this Chapter in addition to this Paragraph. Payment of the
25 application fee shall not constitute payment of the statutory reinstatement fee. fee of twenty-five dollars (\$25.00)
26 mandated by G.S. 90-155.

27
28 *History Note: Authority G.S. 90-142; 90-155; 93B-15;*

29 *Eff. February 1, 1976;*

30 *Readopted Eff. January 27, 1978;*

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

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

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

34 *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 .0206

DEADLINE FOR RECEIPT: Wednesday, March 7, 2018

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 the following technical changes be made:

Line 12 requires the use of a form. Pursuant to G.S. 150B-2(8a)(d), the form itself is not a rule, but the substantive contents of the form must be set forth in rule or law.

Line 13 – replace both commas with semicolons

Line 14 – delete “satisfactory to the Board”

Line 15 – add a comma after “license”

Line 21 – what statute authorizes the Board to charge an “initial certification fee”? I see authority for certificate renewal in G.S. 90-143.2, but I don’t see any authority for the initial certification fee.

Lines 22-23 – if you have statutory authority for this fee, consider the two last sentences of this paragraph as follows:

The initial certification fee shall not be paid in cash and may be paid by credit card through the Board’s website, www.ncchiroboard.com, or by a check made payable to the North Carolina Board of Chiropractic Examiners.

Line 28 – delete “deemed” and delete “by the Board”

Line 32 – delete the comma after “training”

Page 2, line 2 – replace “is” with “shall be”

Page 2, line 6 – add a comma after “time”

Page 2, line 14 – replace “is not” with “shall not be”

Page 2, line 15 – delete “entering” if this does not change the meaning of the rule

Jason Thomas
Commission Counsel

Date submitted to agency: Wednesday, February 21, 2018

Lines 18-20 –consider the two last sentences of this paragraph as follows:

The renewal fee shall not be paid in cash and may be paid by credit card through the Board's website, www.ncchiroboard.com, or by a check made payable to the North Carolina Board of Chiropractic Examiners.

Page 3, line 4 – replace “is” with “shall be”

Page 3, line 5 – delete the comma

Page 3, lines 6-7 – delete “to cover the cost of the examination”

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

Jason Thomas
Commission Counsel
Date submitted to agency: Wednesday, February 21, 2018

21 NCAC 10 .0206 is amended as published in the N.C. Register, vol. 32, issue 6, pages 664-5, as follows:

21 NCAC 10 .0206 CERTIFICATION OF RADIOLOGIC TECHNOLOGISTS

(a) ~~In order to be certified competent pursuant to G.S. 90-143.2, a person employed in a chiropractic office whose duties include the production of x-rays or other diagnostic images must:~~

(1) ~~Complete a Board approved course in radiologic technology. To be approved by the Board, a radiologic technology course shall be at least 50 hours in length and provide sufficient instruction in the five subjects set forth in G.S. 90-143.2 to enable its graduates to satisfy the standards of acceptable care governing the production of X-rays; and~~

(2) ~~Pass a proficiency examination administered by or under the authority of the Board of Examiners.~~

Application Procedure. After completing the education program described in Paragraph (b) of this Rule, a person desiring certification as a radiologic technologist shall complete an application form available on the Board's website (www.ncchiroboard.com), pass a competency examination administered by or under the authority of 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. A photocopy of the applicant's birth certificate, driver's license or government-issued identification card shall constitute *prima facie* evidence of the applicant's age. A photocopy of the applicant's high school diploma, transcript, or general equivalency diploma (G.E.D.) shall constitute *prima facie* evidence of the applicant's graduation from high school. 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. Along with the completed application form, the applicant shall pay to the Board an initial certification fee in the amount of twenty dollars (\$20.00). The preferred method of payment is by credit card through the Board's website. The Board shall accept checks made payable to the N.C. Board of Chiropractic Examiners but shall not accept cash.

(b) ~~Any person registered as "active" with the American Chiropractic Registry of Radiologic Technologists is deemed to have satisfied the educational requirements of Paragraph (a) of this Rule.~~ Approved Education Programs. In order to be approved by the Board, a radiological technologist education program shall be at least 50 hours in length, of which at least six hours shall be in-person didactic training with an instructor or instructors who, based on education and experience, are deemed competent by the Board to teach the portion of the curriculum they have been assigned. The education program shall provide sufficient instruction in the five subjects set forth in G.S. 90-143.2 to enable its graduates to satisfy all applicable standards of care governing the production of X-rays. To obtain approval of an education program, the program sponsor shall submit to the Board, at least 60 days prior to the proposed starting date, all instructional materials to be used in the program, including a syllabus of the didactic training, and a *curriculum vitae* for each instructor.

(c) ~~A certificate of competency issued pursuant to G.S. 90-143.2 expires at the end of the calendar year in which it was issued but may be renewed upon a showing that the certificate holder completed six hours of Board approved continuing education in radiologic technology during the year. Any person whose initial certificate expires less than 12 months after issuance is not required to obtain continuing education until entering the second year of certification.~~

1 A.C.R.R.T. Exemption. Any person registered as "active" with the American Chiropractic Registry of Radiologic
2 Technologists is deemed to have satisfied the educational requirements of Paragraph (b) of this Rule.

3 ~~(d) Any person seeking to renew a certificate of competency shall complete and submit the renewal application form~~
4 ~~provided by the Board of Examiners and pay to the Board a renewal fee in the amount of twenty dollars (\$20.00).~~

5 Competency Examination. The competency examination shall be administered in person at least three times per year.
6 The Board shall publish on its website, www.ncchiroboard.com, the date, time and location of the examination at least
7 90 days in advance. The Board may authorize additional testing sessions based on the number of applications received.
8 The minimum passing score is 70 percent.

9 ~~(e) The holder of a certificate issued pursuant to this Rule must display the certificate in the x ray room of the~~
10 ~~chiropractic clinic in which the holder is employed in a location where the certificate may be easily viewed by patients.~~

11 Certificate Expiration and Renewal. A certificate of competency issued pursuant to G.S. 90-143.2 shall expire at the
12 end of the calendar year in which it was issued but may be renewed upon a showing that the certificate holder
13 completed six hours of Board-approved continuing education in radiologic technology during the year. A radiologic
14 technologist whose initial certificate expires less than 12 months after issuance is not required to obtain continuing
15 education until entering the second calendar year of certification but shall be required to pay the renewal fee at the
16 end of the initial year of certification. A radiologic technologist seeking to renew a certificate of competency shall
17 complete and submit the renewal application form available on the Board's website, www.ncchiroboard.com, and
18 shall pay a renewal fee in the amount of twenty-five dollars (\$25.00). The preferred method of payment is by credit
19 card through the Board's website. The Board shall accept checks made payable to the N.C. Board of Chiropractic
20 Examiners but shall not accept cash.

21 ~~(f) Other than licensed doctors of chiropractic, only those persons maintaining current certifications of competency~~
22 ~~in conformity with this Rule may produce x rays or other diagnostic images in chiropractic offices. A chiropractor~~
23 ~~who permits the production of x rays or other diagnostic images by a non-certified employee or an employee whose~~
24 ~~certification has expired shall be deemed in violation of G.S. 90-154.3.~~

25 Displaying Certificate. The holder of a certificate issued pursuant to this Rule must shall display the certificate in the
26 x-ray room of the chiropractic clinic in which the holder is employed in a location where the certificate may be easily
27 viewed by patients.

28 ~~(g) If a certificate of competency has lapsed due to non renewal and the lapse does not exceed 12 months, the~~
29 ~~certificate holder may obtain reinstatement by demonstrating completion of six hours of Board approved continuing~~
30 ~~education during or attributed to the preceding calendar year. If the lapse is greater than 12 months, no make up~~
31 ~~continuing education is required, but the certificate holder shall re-take and pass the proficiency examination described~~
32 ~~in Paragraph (a)(2) of this Rule. Regardless of the length of lapse, any person seeking reinstatement of a lapsed~~
33 ~~certificate shall comply with Paragraph (d) of this Rule.~~ Compliance. Other than licensed doctors of chiropractic, only
34 those persons maintaining current certifications of competency in conformity with this Rule may produce x-rays or
35 other diagnostic images in chiropractic offices. A chiropractor who permits the production of x-rays or other
36 diagnostic images by a non-certified employee or an employee whose certification has expired shall be deemed in
37 violation of G.S. 90-154.3.

1 (h) Lapsed Certificates. If a certificate of competency has lapsed due to non-renewal and the lapse does not exceed ~~12~~
2 ~~months, 60 days,~~ the certificate holder may obtain reinstatement by demonstrating completion of six hours of Board-
3 approved continuing education ~~during or attributed to the preceding calendar year, and paying the renewal fee set forth~~
4 ~~in Paragraph (e) of this Rule.~~ If the lapse is ~~greater than 12 months, 60 days,~~ no make-up continuing education is
5 required, but the certificate holder shall re-take and pass the ~~proficiency~~ competency examination described in
6 Paragraph ~~(a)(2)~~ (d) of this ~~Rule.~~ Rule and pay the initial certification fee set forth in Paragraph (a) of this Rule to
7 cover the cost of the examination. Regardless of the length of lapse, any person seeking reinstatement of a lapsed
8 certificate shall comply with Paragraph ~~(d)~~ (e) of this Rule.

9
10 *History Note: Authority G.S. 90-143.2; 90-154.3*
11 *Eff. February 1, 1993;*
12 *Temporary Amendment Eff. January 1, 2003;*
13 *Temporary Amendment Expired October 31, 2003;*
14 *Amended Eff. July 1, 2010; January 1, 2004.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Chiropractic Examiners

RULE CITATION: 21 NCAC 10 .0213

DEADLINE FOR RECEIPT: Wednesday, March 7, 2018

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 the following technical changes be made:

Lines 4-5 – consider revising as follows:

(a) Classification of Applicants. Applicants for clinical assistant competency certifications shall be classified as follows. Different certification requirements shall apply to each category.

Lines 11 and 14 – replace “is” with “means”

Line 16 requires the use of a form. Pursuant to G.S. 150B-2(8a)(d), the form itself is not a rule, but the substantive contents of the form must be set forth in rule or law.

Line 19 – add a comma after “license”

Lines 21-22 – you are missing text here. Perhaps you intend the following:

high school diploma, transcript, or general equivalency diploma (G.E.D.) shall constitute *prima facie* evidence of the applicant's graduation from high school. An affidavit attesting to good moral character and signed by a chiropractic

Lines 24-26 –consider replacing these two sentences as follows:

The initial certification fee shall not be paid in cash and may be paid by credit card through the Board's website, www.ncchiroboard.com, or by a check made payable to the North Carolina Board of Chiropractic Examiners.

Line 27 – replace “applicant’s individual” with “appropriate category of certification”

Page 2, line 3 – replace “said” with “that”

Page 2, line 4 – delete “satisfactory to the Board”

Page 2, line 12 – delete “deemed” and “by the board”

Jason Thomas
Commission Counsel

Date submitted to agency: Wednesday, February 21, 2018

Page 2, line 14 – replace “At a minimum, the” with “The”

Page 2, line 30 requires the use of a form. Pursuant to G.S. 150B-2(8a)(d), the form itself is not a rule, but the substantive contents of the form must be set forth in rule or law.

Page 2, line 31 – delete “satisfactory to the Board”

Page 2, lines 36-36 – consider replacing these two sentences as follows:

The renewal fee shall not be paid in cash and may be paid by credit card through the Board’s website, www.ncchiroboard.com, or by a check made payable to the North Carolina Board of Chiropractic Examiners.

Page 3, line 9 – replace “are declared” with “shall be deemed”

Page 3, line 11 requires the use of a form. Pursuant to G.S. 150B-2(8a)(d), the form itself is not a rule, but the substantive contents of the form must be set forth in rule or law.

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

21 NCAC 10 .0213 is amended as published in the N.C. Register, vol. 32, issue 7, pages 665-6, 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. 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 shall have amassed at least 500 working hours in the capacity of a clinical assistant as of the effective date of this Rule. (Note: this category is temporary; the opportunity to be grandfathered shall expire 120 days after the effective date of this Rule.)~~

~~(2) (1) 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) (2) 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~~ available on the Board's website (available at www.ncchiroboard.com) 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. A photocopy of the applicant's birth certificate, driver's license or government-issued identification card shall constitute *prima facie* evidence of the applicant's age. A photocopy of the applicant's high school diploma, transcript, or general equivalency diploma (G.E.D.) shall constitute *prima facie* evidence of the 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). The preferred method of payment is by credit card through the Board's website. The Board shall accept checks made payable to the N.C. Board of Chiropractic Examiners but shall not accept cash. In addition to the ~~foregoing~~ general certification 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 (available at www.ncchiroboard.com), 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, in the judgment of the employer, to perform the duties of a clinical assistant, and has amassed at least 500 hours of 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) of this Rule. (Note: grandfathered applications shall only be accepted for 120 days after the effective date of this Rule.)~~

~~(2)~~ (1) 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 also submit written confirmation from the state's certifying authority or registrar that the applicant is in good standing in said state.

~~(3)~~ (2) New Applicants. A new applicant shall submit evidence satisfactory to the Board that the applicant has completed an approved clinical assistant education program as described in Paragraph (c) of this Rule. A certificate of completion filed with the Board by the program sponsor shall constitute *prima facie* evidence that the applicant has obtained the required education. A new applicant shall also take and pass the standard proficiency examination administered by or under the authority of the Board, as described in Paragraph (d) of this Rule.

(c) Education Programs. In order to be approved by the Board, a clinical assistant education program for new applicants shall be at least 24 hours in length, of which at least six hours shall be in-person didactic training with an instructor or instructors who, based on education and experience, are deemed competent by the Board to teach the portion of the curriculum they have been assigned. Credit for online coursework shall not exceed 18 hours, and all online coursework shall precede didactic training. At a minimum, the education program shall provide sufficient instruction in the five subjects set forth in G.S. 90-143.4(c) to enable its graduates to satisfy all applicable standards of care. To obtain approval of an education program, the program sponsor shall submit to the Board, at least ~~30~~ 60 days prior to the proposed starting date, all instructional materials to be used in the program, including a syllabus of the didactic training, and a *curriculum vitae* for each instructor.

(d) Examinations. ~~The refresher proficiency examination shall emphasize the practical skills possessed by grandfathered applicants and shall be available online. The standard proficiency examination for new applicants shall assess both academic knowledge and practical skills acquired through education programs and shall be administered in person at least four times per year on the fourth Saturday in January, April, July and October. dates and at locations to be announced by the Board at least 90 days in advance and published on the Board's website, www.ncchiroboard.com, on the fourth Saturday in January, April, July and October. In its discretion, the Board may authorize additional testing sessions based on the number of applications received. The minimum passing score on the examination is 75 percent. (Note: the refresher proficiency examination for grandfathered applicants shall be discontinued 120 days after the effective date of this Rule.)~~

(e) Certificate Expiration and Renewal. Unless renewed, a certificate of competency shall expire on June 30th of the ~~second~~ third year following the year in which it was issued. A certificate holder seeking to renew shall complete a renewal application form provided by the Board (available at www.ncchiroboard.com) and shall submit evidence satisfactory to the Board that the applicant has completed six hours of Board-approved continuing education. A certificate of attendance or completion issued by the course sponsor and filed with the Board ~~by the program sponsor~~ shall constitute *prima facie* evidence that the applicant has completed the number of hours recited in the certificate. The applicant shall pay to the Board a renewal fee in the amount of ~~ten dollars (\$10.00)~~ twenty-five dollars (\$25.00). The preferred method of payment is by credit card through the Board's website. The Board shall accept checks made payable to the N.C. Board of Chiropractic Examiners but shall not accept cash.

1 (f) Lapsed Certificates. If a certificate of competency has lapsed due to non-renewal and the lapse does not exceed ~~12~~
2 ~~months, 60 days~~, the certificate holder may obtain reinstatement by making up the accrued deficiency in continuing
3 education. If the lapse is greater than ~~12 months, 60 days~~, no make-up continuing education shall be required, but the
4 certificate holder shall re-take and pass the ~~standard~~ proficiency examination for new applicants. Regardless of the
5 length of lapse, a certificate holder seeking reinstatement shall pay ~~to the Board a~~ the renewal fee ~~in the amount of ten~~
6 ~~dollars (\$10.00)~~, set forth in Paragraph (e) of this Rule.

7 (g) Exemptions. Graduates of accredited chiropractic colleges and students enrolled in accredited chiropractic colleges
8 who are serving college-sponsored preceptorships in North Carolina are deemed by the Board to have satisfied all
9 requirements imposed by this Rule and are declared competent to perform the duties of a clinical assistant. Any person
10 who qualifies for exemption and who works as a clinical assistant in this state for more than ~~120~~ 180 days shall submit
11 an application form to the Board asserting exempt status (form available at www.ncchiroboard.com) but shall not be
12 required to ~~submit~~ pay a certification fee.

13
14 *History Note: Authority G.S. 90-142; 90-143.4;*
15 *Eff. July 1, 2014.*