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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Debbie Morgan
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor
465.4081

A handwritten signature in blue ink, likely belonging to April Simpson, the Office of the Lieutenant Governor.

DATE: January 24, 2020

RE: Filed Permanent Regulations: Board of Chiropractic Examiners

Board of Chiropractic Examiners regulations re: licensure, examinations, continuing education, chiropractic preceptors, chiropractic interns, chiropractic clinical assistants, and utilization review (12 AAC 16.030 - 12 AAC 16.990(a))

Attorney General File:	2019103994
Regulation Filed:	1/24/2020
Effective Date:	2/23/2020
Print:	233, April 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF CHIROPRACTIC EXAMINERS


The attached fourteen pages of regulations, dealing with licensure requirements, examinations, specialty programs, continuing education requirements, scope of practice for chiropractic preceptors, interns, and clinical assistants, patient examinations for school and sports activities, peer review, courtesy license, and definitions, are hereby certified to be a correct copy of the regulation changes that the Board of Chiropractic Examiners adopted at its November 22, 2019 videoconference meeting, under the authority of AS 08.01.062, AS 08.20.055, AS 08.20.100, AS 08.20.110, AS 08.20.120, AS 08.20.130, AS 08.20.141, AS 08.20.155, AS 08.20.168, AS 08.20.170, AS 08.20.185, AS 08.20.195, and AS 08.20.900, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Board of Chiropractic Examiners paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: November 27, 2019
Soldotna, Alaska



Brian Larson, D.C., Chair
Board of Chiropractic Examiners

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that _____ on _____
Jan. 24th, 2020 at 10:40 A.m., I filed the attached
regulations according to the provisions of AS 44.62.040 – 44.62.120.



Kevin Meyer, Lieutenant Governor

Effective: February 23, 2020

Register: 233, April 2020

Chapter 16. Board of Chiropractic Examiners.

12 AAC 16.030(a)(6) is amended to read:

(6) if the applicant holds or has ever held a license to practice chiropractic, verification of the present status of the applicant's license from each jurisdiction where the applicant holds or has ever held a license to practice chiropractic, sent directly to the department from the licensing jurisdiction; and documentation of 32 credit hours of continuing education

as provided under this paragraph, approved by the board or an equivalent licensing

jurisdiction ^{and} ^(i.e. the 32 credit hours) taken within two years preceding the date of the application, including at least:

^{(A) must include at least} →

⁽ⁱ⁾ (A) eight hours in radiographic safety, radiographic techniques and interpretation, or diagnostic imaging;

⁽ⁱⁱ⁾

(B) two hours in coding and documentation;

⁽ⁱⁱⁱ⁾

(C) two hours in ethics and boundaries;

^(iv)

(D) two hours in cardiopulmonary resuscitation;

^(v)

(E) 18 additional hours in education not to include business

management;

^{(B) may not include}

(F) no more than four hours may be in the following subject areas:

(i) cardiopulmonary resuscitation (CPR) training;

(ii) automated external defibrillator (AED) training;

(iii) basic life support (BLS) training;

^{(C) may not include}

(G) no more than 16 hours may be obtained over the internet or by

distance learning; and

(Eff. 3/8/71, Register 37; am 9/30/81, Register 79; am 6/29/84, Register 90; am 5/10/90, Register 114; am 8/21/91, Register 119; am 4/7/96, Register 138; am 2/21/97, Register 141; am 5/27/2006, Register 178; am 1/29/2009, Register 189; am 8/14/2010, Register 195; am 2 / 23 / 2020, Register 233)

Authority: AS 08.20.055 AS 08.20.120 AS 08.20.170
AS 08.20.110 AS 08.20.130

12 AAC 16.033(7) is amended to read:

(7) an official grade transcript sent directly to the department from the National Board of Chiropractic Examiners showing that the applicant has successfully passed [EITHER] the Special Purposes Examination of Chiropractic (SPEC) or [BOTH] parts one, [AND] two, **three, and four** of the national examination;

(Eff. 5/23/2003, Register 166; am 5/27/2006, Register 178; am 1/29/2009, Register 189; am 8/14/2010, Register 195; am 2 / 23 / 2020, Register 233)

Authority: AS 08.20.055 AS 08.20.130 AS 08.20.170
AS 08.20.110 AS 08.20.141

12 AAC 16.037(b) is amended to read:

(b) An applicant who has been in the active practice of chiropractic for five continuous years before the date of application for a license in **this** [THE] state may substitute successful passage of the Special Purposes Examination of Chiropractic (SPEC) of the National Board of Chiropractic Examiners for **parts** [PART] three **and four** of the **national** examination [OF THE NATIONAL BOARD OF CHIROPRACTIC EXAMINERS].

(Eff. 2/21/97, Register 141; am 12/7/97, Register 144; am 5/10/98, Register 146; am

2 / 23 / 2020, Register 233)

Authority: AS 08.20.055

AS 08.20.120

AS 08.20.130

12 AAC 16 is amended by adding a new section to Article 2 to read:

12 AAC 16.041. Preceptor scope of practice. A chiropractic preceptor ~~must~~

~~(1) be physically present to provide personal supervision of a chiropractic intern~~
~~during the preceptorship;~~
(1) ~~may~~ ^{may} supervise ~~no~~ ^{not} more than one chiropractic intern at a time;
(2) ~~may~~ ^{may} permit a chiropractic intern to perform the chiropractic adjustment as set out in
AS 08.20.900 ~~(4)~~ ⁽⁴⁾ only under personal supervision;
(3) ~~(4)~~ ^{before} ~~prior to~~ any chiropractic manipulative therapy performed by the intern, ^{must} provide
a patient with an informed consent document that states that the chiropractic intern is a
chiropractic student and not a licensed chiropractic physician in this state;
(4) ^{must} ~~(5)~~ maintain a malpractice insurance policy with coverage limits of at least
\$1,000,000 per claim, and a minimum aggregate limit of \$3,000,000 per policy period; and
(5) ^{must} ~~(6)~~ have been licensed under this chapter in this state for ~~no~~ ^{not} less than five years
preceding the acceptance of a chiropractic intern. (Eff. 2 / 23 / 2020, Register 233)

Authority: AS 08.20.055

~~AS 08.20.170~~

~~12 AAC 16 is amended by adding a new section to Article 2 to read:~~

12 AAC 16.042. Intern scope of practice. (a) A chiropractic intern may, under the personal supervision of a chiropractic preceptor, use chiropractic core methodologies as defined

in AS 08.20.900⁽⁶⁾, except that chiropractic diagnosis must be provided by the chiropractic preceptor.

(b) A chiropractic intern may, under the general supervision of a chiropractic preceptor,

(1) perform diagnostic imaging studies;

(2) perform examination procedures;

(3) use ancillary methodologies as defined in AS 08.20.900⁽⁴⁾.

(c) A chiropractic preceptor is subject to disciplinary action if an intern is in violation of this chapter, AS 08.20.170, 12 AAC 16.920 .980.

(d) An intern must be enrolled in a graduate-level course of study at a chiropractic institution accredited by the Council on Chiropractic Education (CCE), and be accepted into and approved to participate in an internship program. Internship placement will be made by and overseen by the accredited chiropractic college program.

(e) An intern may practice under a chiropractic preceptor for a period of the intern's ^{not} ~~no~~ more than six months or the time period approved by ~~their~~ accredited chiropractic college, whichever comes first. Written extensions of an internship may be granted by the board. (Eff. 2 / 23 / 2020, Register 233)

Authority: AS 08.20.055 AS 08.20.170 AS 08.20.900
AS 08.20.100 AS 08.20.195

12 AAC 16.048(a)(6) is amended by adding a new subparagraph to read:

(D) International Board of Chiropractic Neurology (IBCN);

(Eff. 1/6/2002, Register 161; am 8/20/2004, Register 171; am 8/14/2010, Register 195; am

2 / 23 / 2020, Register 233)

Authority: AS 08.20.055 AS 08.20.155

~~12 AAC 16 is amended by adding a new section to Article 2 to read:~~

~~12 AAC 16.051. Patient examinations for school and sports activities. A chiropractic~~

~~physician may perform physical examinations under AS 08.20.100(b)(5) within the scope of~~

~~chiropractic practice. (Eff. ____ / ____ / ____, Register ____)~~

~~Authority: AS 08.20.055 AS 08.20.100~~

12 AAC 16 is amended by adding a new section to Article 2 to read:

12 AAC 16.052. Chiropractic clinical assistant scope of practice. (a) Only a Chiro chiropractic clinical assistant may, under the general supervision of a licensed chiropractic physician, perform the following procedures:

(1) diagnostic imaging studies;

(2) examination procedures;

(3) ancillary methodologies as defined in AS 08.20.900(4).

(b) A chiropractic clinical assistant may not provide chiropractic diagnosis, chiropractic adjustment as in AS 08.20.900(6), or and formulation or alteration of treatment plans.

(c) A chiropractic clinical assistant must maintain current (cardiopulmonary resuscitation) (CPR) certification from a nationally recognized provider.

(d) In order to meet the initial certification requirements of AS 08.20.168 and practice as a chiropractic clinical assistant in this state, a currently employed chiropractic clinical assistant with 2,000 hours of experience must complete the requirements as set out by the Certified Chiropractic Clinical Assistant Program (CCCA) administered by the Federation of Chiropractic

(Chiropractic Therapy Assistant)

Licensing Boards (FCLB), or the (CTA) Program administered by the Tennessee Chiropractic Association (C, not later than) or an equivalent nationally recognized program as determined by the board in accordance with AS 08.20.055(4) by 8 / 23 / 2020. {fill in date, six months from the regulations effective date}

(e) In order to meet the initial certification requirements of AS 08.20.168 and practice as a chiropractic clinical assistant in this state, a currently employed chiropractic clinical assistant with less than 2,000 hours of experience must complete the requirements as set out by the

(Chiropractic Therapy Assistant)

Certified Chiropractic Clinical Assistant Program (CCCA) administered by the Federation of

Chiropractic Licensing Boards (FCLB), or the (CTA) Program administered by the Tennessee

Chiropractic Association or an equivalent nationally recognized program as determined by the

board in accordance with AS 08.20.055(4) by 2 / 23 / 2021. {fill in date, one year from the regulations effective date}

(f) In order to meet the certification requirements of AS 08.20.168 and practice as a chiropractic clinical assistant in this state, a newly hired chiropractic clinical assistant must complete the requirements as set out by the Certified Chiropractic Clinical Assistant Program (CCCA) administered by the Federation of (Chiropractic Therapy Assistant) Chiropractic Licensing Boards (FCLB), or the (CTA) Program administered by the Tennessee Chiropractic Association or an equivalent nationally recognized program as determined by the board in accordance with AS 08.20.055(4) (after) (C, not later than) within 12 months of hire date.

(g) A person enrolled in an educational program recognized by the board that leads to certification as a chiropractic clinical assistant is will be allowed to provide clinical services under the general supervision of a chiropractic physician to gain the necessary practical clinical experience.

(h) ^(A) ~~No~~ person may use the title "Certified Chiropractic Clinical Assistant" or another designation indicating status, including abbreviations, or hold ^(not) ~~themselves~~ ^{oneself} out directly or indirectly as a certified chiropractic clinical assistant, unless that person has met the requirements under (d), (e), or (f) of this section.

(i) After completing the initial certification requirements under (d), (e), or (f) of this section, a chiropractic clinical assistant must maintain current certification ^(in accordance with) ~~per~~ the requirements of the Certified Chiropractic Clinical Assistant Program (CCCA) administered by the Federation of Chiropractic Licensing Boards (FCLB), ^(Chiropractic Therapy Assistant) ~~or the (CTA)~~ Program administered by the Tennessee Chiropractic Association or an equivalent nationally recognized program as determined by the board in accordance with AS 08.20.055(4). (Eff. 2 / 23 / 2020, Register 233)

Authority:	AS 08.20.055	AS 08.20.168	AS 08.20.195
	AS 08.20.100	AS 08.20.170	AS 08.20.900

12 AAC 16.130(a) is amended to read:

(a) The state chiropractic examination consists of a written [AND ORAL] examination, administered by the board or the board's agent, covering AS 08.01 – AS 08.03, AS 08.20, 12 AAC 02, 12 AAC 16, and 18 AAC 85, and any other subjects that the board determines are necessary to demonstrate knowledge of chiropractic as defined in AS 08.20.

(Eff. 3/8/71, Register 37; am 9/30/81, Register 79; am 10/21/82, Register 84; am 4/22/83, Register 86; am 6/3/89, Register 110; am 5/10/90, Register 114; am 5/10/98, Register 146; am 1/6/2002, Register 161; am 8/20/2004, Register 171; am 8/14/2010, Register 195; am

2 / 23 / 2020, Register 233)

Authority:	AS 08.20.055	AS 08.20.120	AS 08.20.130
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12 AAC 16.205(j) is amended to read:

(j) In this section, "special event" means an athletic, **educational**, cultural, or performing arts event held in this state. (Eff. 11/21/2004, Register 172; am 8/14/2010, Register 195; am 2 / 23 / 2020, Register 233)

Authority: AS 08.01.062 AS 08.20.055 AS 08.20.170

12 AAC 16.290 is repealed and readopted to read:

12 AAC 16.290. Hours of continuing education required. (a) An applicant for renewal of a chiropractic license who has been licensed at least two years must complete 32 credit hours of approved continuing education that was earned during the concluding licensing period including at least

- ~~(1) eight hours of the total hours required under this subsection must be devoted~~
~~to~~
~~(A) radiographic safety~~
~~(B) radiographic techniques and interpretation or~~
~~(C) diagnostic imaging;~~
- ~~(2) two hours of the total hours required under this subsection must be devoted to~~
coding and documentation;
- ~~(3) two hours of the total hours required under this subsection must be devoted to~~
ethics and boundaries; and
- ~~(4) two hours of the total hours required under this subsection must be devoted to~~
cardiopulmonary resuscitation (CPR) training.

(b) An applicant for renewal of a chiropractic license who has been licensed at least one

year but less than two years of the concluding license period must complete 16 credit hours of approved continuing education that was earned during the concluding licensing period including at least

- to
- (1) eight hours ⁱⁿ of the total hours required under this subsection must be devoted to
 - (A) radiographic safety;
 - (B) radiographic techniques and interpretation; or
 - (C) diagnostic imaging;
 - (2) two hours ⁱⁿ of the total hours required under this subsection must be devoted to coding and documentation;
 - (3) two hours ⁱⁿ of the total hours required under this subsection must be devoted to ethics and boundaries; and
 - (4) two hours ⁱⁿ of the total hours required under this subsection must be devoted to cardiopulmonary resuscitation (CPR) training.

(c) Two of the hours required under (a) of this section will be credited ² as clinical hours [#] to each applicant for renewal for completing the jurisprudence review prepared by the board, covering the provisions of AS 08.20 and this chapter. An applicant for renewal must verify, in an affidavit, that the applicant has complied with this subsection before the applicant's license renewal will be processed.

(d) An applicant for renewal of a license to practice chiropractic must submit, on a form provided by the department, a sworn statement of the continuing education that the applicant completed during the concluding licensing period.

(e) An applicant for renewal of a chiropractic license may receive up to four hours of the

credit required under (a) of this section from one or more of the following subject areas:

(1) cardiopulmonary resuscitation (CPR) training;

(2) automated external defibrillator (AED) training;

Not (3) basic life support (BLS) training.

(f) No more than 16 credit hours of the credit hours required under (a) of this section for a renewal of a chiropractic license may be obtained over the Internet or by distance learning.

(g) An applicant applying for renewal who has been licensed more than 90 days but less than one year of the concluding biennial license period is not required to submit proof of completion of continuing education. (Eff. 6/29/84, Register 90; am 5/10/90, Register 114; am 12/7/97, Register 144; am 5/8/99, Register 150; am 1/29/2009, Register 189; am 11/28/2009, Register 192; am 8/14/2010, Register 195; am 9/7/2012, Register 203; am 2/23/2020, Register 233)

Authority: AS 08.20.055 AS 08.20.170

changed

The article heading for Article 4 is ~~amended~~ to read:

Article 4. Utilization [PEER] Review.

12 AAC 16.400 is amended to read:

12 AAC 16.400. Utilization [PEER] review committee. (a) For the purposes of AS 08.20.185, the board ^{may} ~~will~~, in its discretion, appoint a utilization [PEER] review committee that is advisory to the board.

(b) A utilization [PEER] review committee appointed by the board will consist of four individuals. Three members of the utilization [PEER] review committee must be chiropractic

physicians licensed under AS 08.20, and one member must be a public member who meets the requirements of AS 08.01.025.

(c) A member of a utilization [PEER] review committee may not review a case if the member is in a direct business relationship with the chiropractic physician, insurer, or patient in the case being reviewed.

(d) In this section, a "direct business relationship" includes an employer-employee relationship, doctor-patient relationship, and a legal contractual relationship. (Eff. 2/21/97, Register 141; am 2 / 23 / 2020, Register 233)

Authority: AS 08.20.055 AS 08.20.185

12 AAC 16.410 is amended to read:

12 AAC 16.410. Term of appointments to utilization [PEER] review committee. (a) Members of the utilization [PEER] review committee are appointed for staggered terms of two years.

(b) Repealed 1/29/2009.

(c) A member of the utilization [PEER] review committee may be removed by the board for cause.

(d) A member of the utilization [PEER] review committee may not serve on the committee for more than four consecutive years. The member may not be reappointed until two years have elapsed since the member last served on the committee. (Eff. 2/21/97, Register 141; am 1/29/2009, Register 189; am 2 / 23 / 2020, Register 233)

Authority: AS 08.20.055 AS 08.20.185

12 AAC 16.420 is amended to read:

12 AAC 16.420. Conduct of utilization [PEER] review. (a) A patient, patient's representative, insurer, or the patient's chiropractic physician may file a request for utilization [PEER] review with the board by submitting to the department

(1) a written request for review of the care provided, fees charged, or services rendered by a licensee to a patient;

(2) the utilization [PEER] review fee established in 12 AAC 02.150; and

(3) if the utilization [PEER] review committee requires a patient's treatment records for review, a completed release, on a form provided by the department, signed by the patient.

(b) A licensee's acceptance of or request for payment for treatment given to a patient constitutes the licensee's consent to submit to the utilization [PEER] review committee the information required in (c) of this section.

(c) A licensee involved in a case submitted to the utilization [PEER] review committee shall submit to the utilization [PEER] review committee all necessary records and other information concerning the patient's treatment.

(d) The utilization [PEER] review committee shall conduct a utilization [PEER] review for each request for utilization [PEER] review submitted to it in accordance with guidelines established by the board. Except as provided in (f) of this section, the utilization [PEER] review committee shall report its findings to the board and furnish a copy of its findings to the patient, licensee, and third-party payor involved in the case.

(e) The findings of the utilization [PEER] review committee must include a determination of whether the

(1) licensee provided or ordered appropriate treatment or services; and

(2) fees charged are a reasonable and appropriate cost of treatment; in determining the reasonableness and appropriateness of costs, the committee may consider, among other appropriate factors, charges by health care providers other than [CHIROPRACTORS] chiropractic physicians for the same or similar services.

(f) If the utilization [PEER] review committee determines that reasonable cause exists to believe the licensee has violated a provision of AS 08.20 or this chapter for which a licensee may be disciplined, the utilization [PEER] review committee may not report its finding to the board, but instead shall refer the matter to the department's investigative section. The utilization [PEER] review committee shall provide all information gathered in connection with the utilization [PEER] review to the department's investigative section.

(g) Repealed 1/6/2002. (Eff. 2/21/97, Register 141; am 1/6/2002, Register 161; am 8/20/2004, Register 171; am 5/27/2006, Register 178; am 2 / 23 / 2020, Register 233)

Authority: AS 08.20.055 AS 08.20.185

The introductory language of 12 AAC 16.430(a) is amended to read:

(a) When making a determination as to whether a licensee provided reasonable and appropriate treatment or services or charged reasonable and appropriate costs of treatment to a patient, the utilization [PEER] review committee appointed under 12 AAC 16.400 may rely on the guidelines, standards, or recommendations of the following organizations accepted by the board:

...

12 AAC 16.430(b) is amended to read:

(b) The **utilization** [PEER] review committee shall take into consideration the differences between the standards and guidelines of the organizations listed in (a) of this section when making a determination as to whether the care provided by the licensee was provided in a manner required of a reasonably competent practitioner acting under the same or similar circumstances.

(Eff. 1/6/2002, Register 161; am 11/28/2009, Register 192; am 9/7/2012, Register 203; am

2/23/2020, Register 2020)

Authority: AS 08.20.055 AS 08.20.185

12 AAC 16.990(a) is amended by adding new paragraphs to read:

(7) "general supervision" means the directing of the authorized activities by a licensed chiropractic physician and ^{does} ~~shall not be construed to~~ require the physical presence of the supervisor when directing ^{those} ~~such~~ activities;

(8) "personal supervision" means that the licensed chiropractic physician ^{is} ~~must be~~ physically present at the same office location where the services are being furnished.

(Eff. 6/29/84, Register 90; am 8/31/86, Register 99; am 6/3/89, Register 110; am 1/6/2002, Register 161; am 8/14/2010, Register 195; am 3/16/2011, Register 197; am 2/23/2020, Register 233)

Authority: AS 08.20.055 AS 08.20.900

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Thru: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

From: Steven C. Weaver *SCW*
Senior Assistant Attorney General
Legislation and Regulations Section

Date: January 23, 2020

File No.: 2019103994

Tel. No.: 465-3600

Re: Board of Chiropractic Examiners
regulations re: licensure,
examinations, continuing education,
chiropractic preceptors, chiropractic
interns, chiropractic clinical
assistants, and utilization review
(12 AAC 16.030 - 12 AAC
16.990(a))

The Department of Law has reviewed the attached regulations of the Board of Chiropractic Examiners against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Board of Chiropractic Examiners after the close of the public comment period. The regulations update licensure, examination, education, and continuing education requirements; establish procedures and requirements concerning chiropractic preceptors, chiropractic interns, and chiropractic clinical assistants, to implement provisions enacted under ch. 8, SLA 2016; and make nomenclature changes from "peer review" to "utilization review," to reflect amendments made to AS 08.20.085 under sec. 6, ch. 8, SLA 2016.

The October 16, 2019 public notice and the November 27, 2019 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

On page 6 of the regulations, 12 AAC 16.052(d) and (e) contain placeholders for dates that are timed to the effective date of the regulations. The date in 12 AAC 16.052(d) is six months from the effective date of the regulations; the date in 12 AAC 16.052(e) is one year from the effective date of the regulations. When the regulations are filed, and the effective date known, please insert the corresponding dates in 12 AAC 16.052(d) and (e). For example, if the effective date were January 27, 2020, insert "July 27, 2020" in 12 AAC 16.052(d) and "January 27, 2020" in 12 AAC 16.052(e) (even though the draft displays "___/___/___").

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc w/enc: Brian Larson, D.C., Chair
Board of Chiropractic Examiners
(via e-mail through Jun Maiquis)

Amy Demboski, Assistant Commissioner and Regulations Contact
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Harriet Dinegar-Milks, Senior Assistant Attorney General
Commercial, Fair Business, and Child Support Section

NOTICE OF PROPOSED CHANGES RELATING TO THE PRACTICE OF CHIROPRACTIC IN THE REGULATIONS OF THE BOARD OF CHIROPRACTIC EXAMINERS

BRIEF DESCRIPTION: The Board of Chiropractic Examiners proposes to update various regulations relating to licensure requirements, examinations, and continuing education requirements; establish patient examinations for school and sports activities; and establish the scope of practice for chiropractic preceptors, interns, and clinical assistants.

The Board of Chiropractic Examiners (Board) proposes to adopt regulation changes in Title 12, Chapter 16, of the Alaska Administrative Code including the following:

1. **12 AAC 16.030. Application for licensure by examination**, is proposed to be changed to amend the licensure by examination requirements for chiropractic.
2. **12 AAC 16.033. Application for licensure by credentials**, is proposed to be changed to update the parts of examinations required by the National Board of Chiropractic Examiners.
3. **12 AAC 16.037. National examination requirements**, is proposed to be changed to update the parts of examinations required by the National Board of Chiropractic Examiners.
4. **12 AAC 16.041. Preceptor scope of practice**, is a proposed new section that establishes criteria for a chiropractic physician acting as a chiropractic preceptor.
5. **12 AAC 16.042. Intern scope of practice**, is a proposed new section that establishes scope of practice for a chiropractic intern.
6. **12 AAC 16.048. Approved chiropractic specialty programs**, is proposed to add International Board of Chiropractic Neurology (IBCN) to the list of postgraduate diplomate specialty programs approved by the board.
7. **12 AAC 16.051. Patient examinations for school and sports activities**, is a proposed new section that allows a chiropractic physician to perform physical examinations to students for school and sports activities.
8. **12 AAC 16.052. Chiropractic clinical assistant scope of practice**, is a proposed new section that establishes scope of practice for chiropractic clinical assistants under the general supervision of a licensed chiropractic physician.
9. **12 AAC 16.130. State chiropractic examination**, is proposed to remove the oral examination from the state chiropractic examination.
10. **12 AAC 16.205. Courtesy license**, is proposed to add educational event to the list of “special events” that allow for a courtesy license to be issued.
11. **12 AAC 16.290. Hours of continuing education required**, is proposed to be changed to amend and clarify current continuing education requirements.
12. **12 AAC 16.400, .410, .420 and .430**, are proposed to replace “peer review committee” with “utilization review committee” to comply with current state statutes.
13. **12 AAC 16.990. Definitions**, is proposed to add definitions for “general supervision” and “personal supervision”.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations

Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/195812>, and using the comment link. **The comments must be received not later than 4:30 p.m. on November 15, 2019.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofChiropracticExaminers.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov not later than November 8, 2019 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/Portals/5/pub/CHI-1019.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.062; AS 08.20.055; AS 08.20.100; AS 08.20.110; AS 08.20.120; AS 08.20.130; AS 08.20.141; AS 08.20.155; AS 08.20.168; AS 08.20.170; AS 08.20.185; AS 08.20.195; AS 08.20.900

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.20.055; AS 08.20.100; AS 08.20.110; AS 08.20.120; AS 08.20.130; AS 08.20.141; AS 08.20.155; AS 08.20.168; AS 08.20.170; AS 08.20.185; AS 08.20.195; AS 08.20.900

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 10/15/19



Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. **Adopting agency:** Board of Chiropractic Examiners – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Licensure requirements, examinations, continuing education requirements; scope of practice for chiropractic preceptors, interns, and clinical assistants; patient examinations for school and sports activities, peer review, courtesy license, and definitions.
3. **Citation of regulation:** 12 AAC 16.030 through 12 AAC 16.990.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations; compliance with current state statutes.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
 - A private person:**
 - For chiropractors applying by credentials – Cost of adding Part III (\$685) and Part IV (\$1,535) of the National Examination: \$2,220.
 - For preceptors – Estimated cost of maintaining a malpractice insurance policy with coverage limits of at least \$1,000,000 per claim, and a minimum aggregate limit of \$3,000,000 per policy period: \$2,200 – \$2,600.
 - For chiropractic clinical assistants
 - Federation of Chiropractic Licensing Board (FCLB) testing fee: \$150
 - FCLB renewal fee: \$35
 - Chiropractic Therapy Assistant (CTA) Program fee: \$299
 - CPR Certification fee: \$35 – \$100.
 - Another state agency:** None known.
 - A municipality:** None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2020 or in subsequent years.
9. **The name of the contact person for the regulation:**
Thomas Bay, Licensing Examiner
Board of Chiropractic Examiners
Division of Corporations, Business and Professional Licensing
Telephone: (907) 465-2588
E-mail: thomas.bay@alaska.gov
10. **The origin of the proposed action:** Board of Chiropractic Examiners.

11. **Date:** 10/15/19

Prepared by: _____

Jun Maiquis
Regulations Specialist
(907) 465-2537

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

) ss.

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Jun Maiquis, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 16.030 through 12 AAC 16.990, dealing with licensure requirements, examinations, specialty programs, continuing education requirements, scope of practice for chiropractic preceptors, interns, and clinical assistants, patient examinations for school and sports activities, peer review, courtesy license, and definitions, has been given by being

1. published in a newspaper or trade publication;
2. furnished to every person who has filed a request for notice of proposed action with the state agency;
3. furnished to appropriate state officials;
4. furnished to interested persons;
5. furnished to the Department of Law, along with a copy of the proposed regulation;
6. furnished electronically to incumbent State of Alaska legislators;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

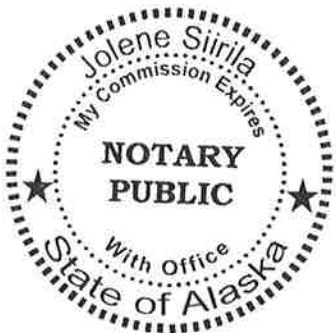
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to persons in (2), (4), and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

DATE: 12/10/19
Juneau, Alaska


Jun Marquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 10th day of December, 2019.

John L. Smith
Notary Public in and for the
State of Alaska
My commission expires: 12/31/2024



STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

The Board of Chiropractic Examiners did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Chiropractic Examiners regulations on dealing with licensure requirements, examinations, specialty programs, continuing education requirements, scope of practice for chiropractic preceptors, interns, and clinical assistants, patient examinations for school and sports activities, peer review, courtesy license, and definitions.

DATE: 12/10/19
Juneau, Alaska


Jun Maiquis Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 10th day of December, 2019.



Jolene Siirila
Notary Public in and for the
State of Alaska
My commission expires: 11/1/2016

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268972 ST OF AK/DEC/OCCU
Attention To: ATTN TO: JUN MAIQUIS
PO BOX 110806, JUNEAU, AK 99811

RECEIVED
Juneau
OCT 21 2019

Order #: W0012025

Cost: \$637.48

CBPL

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the afore-said place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

10/16/2019

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed



Subscribed and sworn to before me
this 16th day of October 2019.

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

7/14/2020

STATE OF ALASKA
NOTARY
PUBLIC

Jada L. Nowling

NOTICE OF PROPOSED CHANGES RELATING TO THE PRACTICE OF CHIROPRACTIC IN THE REGULATIONS OF THE BOARD OF CHIROPRACTIC EXAMINERS

The Board of Chiropractic Examiners (Board) proposes to adopt regulation changes in Title 12, Chapter 16, of the Alaska Administrative Code including the following:

- 12 AAC 16.030. Application for licensure by examination, is proposed to be changed to amend the licensure by examination requirements for chiropractic.
- 12 AAC 16.033. Application for licensure by credentials, is proposed to be changed to update the parts of examinations required by the National Board of Chiropractic Examiners.
- 12 AAC 16.037. National examination requirements, is proposed to be changed to update the parts of examinations required by the National Board of Chiropractic Examiners.
- 12 AAC 16.041. Preceptor scope of practice, is a proposed new section that establishes criteria for a chiropractic physician acting as a chiropractic preceptor.
- 12 AAC 16.042. Intern scope of practice, is a proposed new section that establishes scope of practice for a chiropractic intern.
- 12 AAC 16.048. Approved chiropractic specialty programs, is proposed to add International Board of Chiropractic Neurology (IBCN) to the list of postgraduate diplomate specialty programs approved by the board.
- 12 AAC 16.051. Patient examinations for school and sports activities, is a proposed new section that allows a chiropractic physician to perform physical examinations to students for school and sports activities.
- 12 AAC 16.052. Chiropractic clinical assistant scope of practice, is a proposed new section that establishes scope of practice for chiropractic clinical assistants under the general supervision of a licensed chiropractic physician.
- 12 AAC 16.130. State chiropractic examination, is proposed to remove the oral examination from the state chiropractic examination.
- 12 AAC 16.205. Courtesy license, is proposed to add educational event to the list of "special events" that allow for a courtesy license to be issued.
- 12 AAC 16.290. Hours of continuing education required, is proposed to be changed to amend and clarify current continuing education requirements.
- 12 AAC 16.400, 410, 420 and 430, are proposed to replace "peer review committee" with "utilization review committee" to comply with current state statutes.
- 12 AAC 16.990. Definitions, is proposed to add definitions for "general supervision" and "personal supervision".

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2537 and by electronic mail at RegulationsAndPublicComments@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/195812>, and using the comment link. The comments must be received not later than 4:30 p.m. on November 15, 2019. Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComments@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardOfChiropracticExaminers.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComments@alaska.gov not later than November 8, 2019 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComments@alaska.gov, or go to <https://www.commerce.alaska.gov/web/Portals/5/pub/C11-1019.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.062; AS 08.20.055; AS 08.20.100; AS 08.20.110; AS 08.20.120; AS 08.20.130; AS 08.20.141; AS 08.20.155; AS 08.20.168; AS 08.20.170; AS 08.20.185; AS 08.20.195; AS 08.20.900.
Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.20.055; AS 08.20.100; AS 08.20.110; AS 08.20.120; AS 08.20.130; AS 08.20.141; AS 08.20.155; AS 08.20.168; AS 08.20.170; AS 08.20.185; AS 08.20.195; AS 08.20.900.

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 10/15/19
By: /s/ Jun Maiquis, Regulations Specialist
Division of Corporations, Business and Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address, let us prefer for receiving notices, and the occupational area in which you are interested.

Published: October 16, 2019

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

$$\left. \begin{array}{l} \text{) } \\ \text{) } \\ \text{) } \end{array} \right\} \text{SS.}$$

AFFIDAVIT OF BOARD ACTION

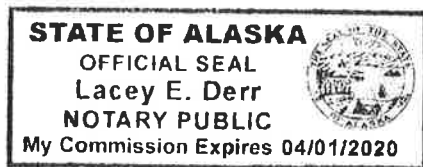
I, Thomas Bay, Licensing Examiner for the Board of Chiropractic Examiners, being duly sworn, state the following:


The attached motion dealing with licensure requirements, examinations, specialty programs, continuing education requirements, scope of practice for chiropractic preceptors, interns, and clinical assistants, patient examinations for school and sports activities, peer review, courtesy license, and definitions was passed by the Board of Chiropractic Examiners during its November 22, 2019 videoconference meeting.

Date: 11/27/2019
Juneau, Alaska

Thomas Bay, Licensing Examiner

SUBSCRIBED AND SWORN TO before me this 27 day of November, 2019.





 Notary Public in and for the
 State of Alaska
 My commission expires: 04/01/2020

Excerpt from the Draft Minutes of the
November 22, 2019 Meeting of the
Board of Chiropractic Examiners

Approved regulations project:

The Board has proposed changes to various regulations. As published in the public notice, this regulations project includes changes to sections 12 AAC 16.030 through 12 AAC 16.990, relating to licensure requirements, examinations, specialty programs, continuing education requirements, scope of practice for chiropractic preceptors, interns, and clinical assistants, patient examinations for school and sports activities, peer review, courtesy license, definitions, and to implement changes made in Chapter 8, SLA 2016 (SB 69).

There were no comments received, and the board considered the cost to private persons of the regulatory actions being taken.

On a motion duly made by Jonathan Vito, seconded by James Morris, and approved unanimously by a roll call, it was

RESOLVED to adopt the proposed regulation changes as written and publicly noticed.