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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 

**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))

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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. 24<sup>th</sup>, 2020, 2019 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 <sup>and</sup> taken within two years preceding the date of the application <sup>is the 32 credit hours</sup> 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; <sup>and</sup>

(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; <sup>and</sup>

(C) may not include

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

distance learning; and

caf

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~~ <sup>(3)</sup> to read:

**12 AAC 16.041. Preceptor scope of practice.** A chiropractic preceptor ~~must~~ <sup>(2)</sup>

~~(1) be physically present to provide personal supervision of a chiropractic intern during the preceptorship,~~

<sup>(1)</sup> ~~(2)~~ <sup>may</sup> supervise ~~no~~ <sup>not</sup> more than one chiropractic intern at a time;

<sup>(2)</sup> ~~(3)~~ <sup>may</sup> permit a chiropractic intern to perform the chiropractic adjustment as set out in AS 08.20.900 <sup>(4)</sup> only under personal supervision;

<sup>(3)</sup> ~~(4)~~ <sup>before</sup> ~~prior to~~ any chiropractic manipulative therapy performed by the intern, <sup>must</sup> 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;

<sup>(4)</sup> ~~(5)~~ <sup>must</sup> 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

<sup>(5)</sup> ~~(6)~~ <sup>must</sup> have been licensed under this chapter in this state for ~~no~~ <sup>not</sup> 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<sup>(6)</sup>, 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<sup>(4)</sup>.

(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 not more than six months or the time period approved by the intern's ~~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 <sup>(C)</sup> 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 <sup>out</sup> forth 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 <sup>out</sup> forth by the Certified Chiropractic Clinical Assistant Program (CCCA) administered by the Federation of Chiropractic Licensing Boards (FCLB), or the (Chiropractic Therapy Assistant) (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) <sup>(C)</sup> <sup>not later than</sup> <sup>(after)</sup> 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 <sup>is</sup> will be allowed to provide clinical services under the general supervision of a chiropractic physician to gain the necessary practical clinical experience.



(h) <sup>(A)</sup> ~~No~~ person may use the title “Certified Chiropractic Clinical Assistant” or another designation indicating status, including abbreviations, or hold <sup>(not)</sup> ~~themselves~~ <sup>oneself</sup> 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 <sup>in accordance with</sup> ~~per~~ the requirements of the Certified Chiropractic Clinical Assistant Program (CCCA) administered by the Federation of Chiropractic Licensing Boards (FCLB), <sup>(Chiropractic Therapy Assistant)</sup> ~~or~~ the <sup>(CTA)</sup> Program administered by the Tennessee Chiropractic Association <sup>or</sup> 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

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 <sup>in</sup> ~~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 <sup>in</sup> ~~of the total hours required under this subsection must be devoted to~~ coding and documentation;

(3) two hours <sup>in</sup> ~~of the total hours required under this subsection must be devoted to~~ ethics and boundaries; and

(4) two hours <sup>in</sup> ~~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) <sup>in</sup> eight hours ~~of the total hours required under this subsection must be devoted~~ to
    - <sup>2</sup>(A) radiographic safety;
    - <sup>2</sup>(B) radiographic techniques and interpretation; or
    - <sup>2</sup>(C) diagnostic imaging;
  - (2) <sup>in</sup> two hours ~~of the total hours required under this subsection must be devoted to~~ coding and documentation;
  - (3) <sup>in</sup> two hours ~~of the total hours required under this subsection must be devoted to~~ ethics and boundaries; and
  - (4) <sup>in</sup> two hours ~~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 <sup>2</sup>as clinical hours <sup>to</sup> 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;
- (3) basic life support (BLS) training.

Not

(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 <sup>may</sup> 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 <sup>does</sup> shall not ~~be construed to~~ require the physical presence of the supervisor when directing <sup>those</sup> such activities;

(8) "personal supervision" means that the licensed chiropractic physician <sup>is</sup> 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