



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Commerce, Community,
and Economic Development**

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING
Juneau Office

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.2550
Toll free fax: 907.465.2974

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

Proposed Regulations - FAQ

May 2020

1. What is the purpose of the proposed regulations? What will this regulation do?

12 AAC 16.052. Chiropractic clinical assistant scope of practice. The proposed change to this regulation is to amend the date the person must complete the 2,000 hours of required experience to meet the initial certification requirements as a clinical assistant. The proposed change of the date is from 8/23/2020 to 2/23/2021. The reason for the change is due to the COVID19 pandemic, in that the Board felt due to chiropractic offices being closed or limited during the pandemic, a person would need additional time to complete the 2,000 hours of experience.

12 AAC 16.130. State chiropractic examination. The proposed regulation will update a regulation citation. The reason for the change is due to the regulations concerning registration and use of radioactive materials have been moved in the Alaska Administrative Code from 18 AAC 85 to 7 AAC 18. The change will allow using the current regulations for purposes of questions regarding radioactive equipment on the exam.

12 AAC 16.910. Administering nutritional substances, is a new section outlining the manner in which a chiropractor may administer a nutritional substance to a patient. This section also clarifies the education and training requirement to administer a nutritional substance. If the chiropractor wants to administer a nutritional substance by injection or intravenous drip, they must complete a Board approved post-graduate training program in nutrition.

12 AAC 16.990 Definitions. The proposed regulations will add a new definition for "nutrition or nutritional substance", and repeal and readopt the definitions for "prescription drug" and "surgery". The reason for the changes to this section is for clarification purposes.

“Nutrition and nutritional substance” is being clarified to reduce confusion and eliminate any argument over what is and is not within the scope of practice for chiropractic physicians. Alaska Statute 08.20.900(12)(B), describes the use of natural healing in the scope of practice of a chiropractic physician under the definition of “physiological therapeutics”, and includes nutrition. This clearly establishes in law the use of nutrition as a core methodology of chiropractic practice for over 150 years. The definition should clear up any confusion that may have led to refused claims by an insurance company that would have required the patient to bear the cost of the treatment. This should also reduce litigation fees for all parties.

The definition of “prescription drug” is being clarified to not include a nutritional substance. Nutrition is clearly within the scope of practice of a chiropractic physician. In recent history, nutritional and pharmaceutical companies have improved the purity and often increased the dosages of nutritional substances based on the findings of new research and what is best for human nutritional therapy. Many of these products have been labeled “pharmaceutical grade” to distinguish them from common products, and are available directly to patients, but it is argued that such products are “off limits” to chiropractic physicians because they are “pharmaceuticals” or “prescription strength”. At the general level, no physicians are better trained to consult with patients or administer nutritional therapy than chiropractic physicians.

The definition of “surgery” is being amended to clearly define for the public the scope of practice for chiropractors. Over the last 50 years since chiropractic law was established for Alaska, technology has changed, research has advanced, and techniques for treating patients in the realm of physical medicine have been developed that were not even thought about. Additionally, given the vague definition of surgery, “incising tissue” has been misconstrued to include the use of a hypodermic needle. This repeal and readopt clarifies many common procedures of medicine that are considered “non-surgical” throughout the entirety of healthcare except for the argument within the profession. This change will clarify for the chiropractor that, with additional board approved training, they may administer a nutritional substance by intravenous drip or injection.

2. What are the costs to comply with the proposed regulations?

There are no perceived costs to licensees or applicants to comply with the proposed changes.

3. When will the regulations be effective?

After public comment deadline, comments received are compiled and given to the Board for consideration. The Board may adopt the regulation as written/publicly noticed, may amend and adopt them, choose to take no action, or may withdraw the proposed regulations in part or in its whole. After Board action, the adopted regulations go to Department of Law (DOL) for final review/approval. DOL either approves or disapproves regulations. Once approved by DOL, it

goes to the Lt. Governor for filing. Regulations take effect on the 30th day after being filed by the Lt. Governor.

Do you have a question that is not answered here? Please email RegulationsAndPublicComment@alaska.gov so it can be added.