Department of State
Division of Publications
312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Fax: 615-741-5133
Email: register.information@tn.gov

For Department of State Use Only

Sequence Number: 07-25-10
Rule ID(s): 4802
File Date: 07/26/2010
Effective Date: 10/24/2010

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Tennessee Board of Chiropractic Examiners
Division:	
Contact Person:	Andrea Huddleston
Address:	Department of Health Office of General Counsel 220 Athens Way, Suite 210 Nashville, Tennessee
Zip:	37243
Phone:	(615) 741-1611
Email:	Andrea.Huddleston@tn.gov

Revision Type (check all that apply):
X Amendment
___ New
___ Repeal

Rule(s) Revised (**ALL** chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	**Chapter Title**
0260-02	General Rules Governing Chiropractic Examiners
Rule Number	**Rule Title**
0260-02-.12	Continuing Education
0260-02-.17	Change of Address and/or Name

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to http://state.tn.us/sos/rules/1360/1360.htm)

Chapter 0260-02
General Rules Governing Chiropractic Examiners

Rule 0260-02-.12(1) Continuing Education is amended by deleting the language of the rule in its entirety and substituting instead the following language, so that as amended, the new rule 0260-02-.12(1) shall read:

(1) Basic requirements - The Board of Chiropractic Examiners requires each licensee to complete twenty-four (24) clock hours of Board-approved continuing education each calendar year (January 1 — December 31).

(a) Acupuncture — Licensees who practice acupuncture shall have six (6) classroom hours each year of the required twenty-four (24) hours in the area of acupuncture. Such licensees must have first met the requirements of Rule 0260-02-.02(4). No credit for continuing education shall be awarded beyond the six (6) hours each year. Licensees who do not practice acupuncture shall not be granted credit for acupuncture continuing education.

(b) Cardiopulmonary Resuscitation (CPR) – Two (2) hours of the twenty-four (24) hour requirement may be in CPR training.

(c) No prior approval is required for continuing education courses conducted by the American Chiropractic Association, the International Chiropractors Association, the Tennessee Chiropractic Association, or CPR training provided by the American Heart Association or the American Red Cross.

(d) Prior approval is required for all course providers not mentioned in subparagraph (c) of this rule, and may be obtained by submitting the following information to the board's administrative office at least thirty (30) days prior to the scheduled date of the course:

1. A course description or outline; and

2. Names of all lecturers; and

3. Brief résumé of all lecturers; and

4. Number of hours of educational credit requested; and

5. Date of course; and

6. Copies of materials to be utilized in the course; and

7. How verification of attendance is to be documented.

(e) Whenever the Board decides that there is information that is crucial for licensees to have, it may prepare and send that information to all continuing education providers in a format no larger than two (2) pages. All approved continuing education providers must, as a prerequisite to

remaining an approved provider, reproduce and distribute this information from the Board to every licensee attending each of its individual continuing education courses or group of courses.

Authority: T.C.A. §§ 63-4-106 and 63-4-112.

Rule 0260-02-.17 Change of Address and/or Name is amended by deleting the rule title in its entirety and substituting instead the following language, and is further amended by deleting the language of the rule in its entirety and substituting instead the following language, so that as amended, the new rule 0260-02-.17 shall read:

0260-02-.17 Licensee Address and Name. Each licensee shall keep the Board informed of his/her legal name, current practice address (both the physical and mailing addresses), and home address (both the physical and mailing addresses). If the licensee has no current practice address, he/she shall so inform the Board. This contact information is necessary for and shall be used for, among other things, obtaining service of process in the event of a disciplinary action.

(1) Change of Address — Each licensee who has had a change of practice address and/or mailing address shall notify the Board in writing of his/her current practice and/or mailing addresses, giving both old and new addresses. Such notification shall be received in the Board's administrative office no later than thirty (30) days after such changes are effective and must reference the individual's name, profession, and license number.

(2) Change of Name — Each licensee whose name has changed shall notify the Board in writing of a name change and will provide both the old and new names. A notification of name change must also include a copy of the official document involved and reference the licensee's profession and license number. Such notification shall be received in the Board's administrative office no later than thirty (30) days after such changes are effective.

Authority: T.C.A. §§ 63-1-108 and 63-4-106.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Michael Massey	X				
Andrea Selby	X				
Barry Kelton	X				
Craig Ratcliff	X				
Chris Alexander	X				
Gina Hampton	X				
Sheila Fitzgerald	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Board of Chiropractic Examiners 11/12/2009, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/28/09

Rulemaking Hearing(s) Conducted on: (add more dates). 11/12/09

Date: 11/25-09

Signature:

Name of Officer: Andrea Huddleston

Title of Officer: Assistant General Counsel
Department of Health

THEODORA P. WILKINS
NOTARY PUBLIC AT LARGE
DAVIDSON COUNTY, TENN.

Subscribed and sworn to before me on: 11/25/09

Notary Public Signature: Theodora P. Wilkins

My commission expires on: 11/7/2011

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.
Attorney General and Reporter

7-23-10
Date

Department of State Use Only

Filed with the Department of State on: 7/26/10

Effective on: 10/24/10

Tre Hargett
Secretary of State

RECEIVED
2010 JUL 26 PM 4:03
SECRETARY OF STATE
PUBLICATIONS

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

PUBLIC HEARING COMMENTS

RULEMAKING HEARING

TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

NOVEMBER 12, 2009

The rulemaking hearing for the Tennessee Board of Chiropractic Examiners was held on November 12, 2009 in the Department of Health Conference Center's Poplar Room on the First Floor of the Heritage Place Building in MetroCenter, Nashville, Tennessee.

No members of the public attended the rulemaking hearing. No oral comments were received at the rulemaking hearing. One written comment was received from Marybeth Schombert of the Health and Safety Institute. The comment did not urge rejection of the rule, but merely argued that the Health and Safety Institute and Medic First Aid should be included in the list of pre-approved continuing education course providers. The Board considered this comment, but declined to include these organizations on the list. The Board pointed out that the organization would still be able to get their offerings approved for credit, even though the organization was not on the pre-approved list.

Regulatory Flexibility Addendum
Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

Economic Impact Statement

1. Types of small businesses directly affected by the proposed rules:

   Small businesses impacted would include chiropractic physicians and continuing education course providers not listed in the current or amended rules as pre-approved providers.

2. Projected reporting, recordkeeping and other administrative costs:

   There are no projected additional administrative costs as a result of these amendments.

3. Probably effect on small businesses:

   There is no expected adverse affect on small businesses as a result of these amendments.

4. Less burdensome, intrusive or costly alternative methods:

   There are no alternative means which are less burdensome, intrusive or costly.

5. Comparison with state and federal counterparts:

   There are no federal counterparts. These rules amendments are similar to the rules of other state boards.

6. Effect of possible exemption of small businesses:

   There is no expected exemption of small businesses as a result of these amendments or effect thereof.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (http://state.tn.us/sos/acts/106/pub/pc1070.pdf) of the 2010 Session of the General Assembly)

These rules are not expected to have any impact on local government.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

(A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

These rule amendments clarify current rules by requiring that chiropractic physicians who practice acupuncture must have six classroom hours of continuing education each year in the area of acupuncture. These rule amendments further allow chiropractic physicians to receive continuing education credit for CPR training. These rule amendments further require chiropractic physicians to keep the Board informed of both their current practice and home addresses, both physical and mailing addresses.

(B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. § 63-1-108 requires licensees licensed by the Division to notify the Division of any change in address. T.C.A. § 63-4-106 authorizes the Board of Chiropractic Examiners to adopt such rules and regulations as are necessary to carry out the provisions of Tennessee Chiropractic Act, Title 63, Chapter 4. T.C.A. § 63-4-112 requires that chiropractic physicians obtain annual continuing education and authorizes the Board to approve courses for continuing education credit.

(C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The amendments will directly affect all current and future state-licensed chiropractic physicians. The amendments will also affect continuing education course providers.

One written comment was received from a provider of continuing education courses. This organization did not urge rejection of the amendments, but merely wished to be included in the list of pre-approved course providers. This comment was addressed by the Board at the rulemaking hearing and a written response is attached hereto.

(D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None.

(E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars ($500,000), whichever is less;

These amendments are not expected to have any impact on state or local government revenues.

(F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Barbara Maxwell, Board Manager for the Tennessee Board of Chiropractic Examiners

(G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Andrea Huddleston, Department of Health/ Office of General Counsel

(H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

220 Athens Way, Suite 210 Nashville, TN 37243 615-741-1611 Andrea.Huddleston@tn.gov

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

(Rule 0260-02-.10, continued)

(2) As an alternative to disciplinary action, or as part of a disciplinary action, the Board may utilize the services of a professional assistance program, as approved by the Board, for situations regarding licensee substance abuse, chemical abuse, or lapses in professional and/or ethical judgments. Information regarding persons entering the program upon referral by this Board shall be confidential.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-1-136, 63-4-106, 63-4-114, and 63-4-115.* ***Administrative History:*** *Original rule filed September 13, 2002; effective November 27, 2002.*

0260-02-.11 RETIREMENT AND REACTIVATION OF LICENSE.

(1) A person who holds a current license and does not intend to practice as a "licensed chiropractic physician" may apply to convert an active license to retired status. An individual who holds a retired license will not be required to pay the renewal fee.

(2) A person who holds an active license may apply for retired status in the following manner:

(a) Obtain form, complete, and submit to the board's administrative office an affidavit of retirement form.

(b) Submit any documentation which may be required to theboard's administrative office.

(3) Licensure holders whose license has been retired may re-enter active status by doing the following:

(a) Submit a written request for licensure reactivation to the board's administrative office.

(b) Pay the licensure renewal fees and state regulatory fees as provided in rule 0260-02-.06. If retirement reactivation is requested prior to the expiration of one year from the date of retirement, the board will require payment of the late renewal fee and past due renewal fees.

(4) Licensure reactivation applications shall be treated as licensure applications and review decisions shall be governed by rule0260-02-.07.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-4-106, and 63-4-112.* ***Administrative History:*** *Original rule filed December 28, 1995; effective March 12, 1996.*

0260-02-.12 CONTINUING EDUCATION.

~~(1) Basic requirements - The Board of Chiropractic Examiners requires each licensee to complete twenty-four (24) clock hours of Board-approved continuing education each calendar year (January 1 – December 31). If the licensee practices acupuncture, six (6) of these twenty-four (24) hours shall pertain to such acupuncture practice.~~

~~(a) No prior approval is required for continuing education courses conducted by the American Chiropractic Association, the International Chiropractors Association, the Tennessee Chiropractic Association, or the Tennessee Chiropractic Society.~~

~~(b) Prior approval is required for all course providers not mentioned in subparagraph (1) (a) of this rule, and may be obtained by submitting the following information to the board's administrative office at least thirty (30) days prior to the scheduled date of the course:~~

(Rule 0260-02-.12, continued)

~~1. A course description or outline; and~~

~~2. Names of all lecturers; and~~

~~3. Brief résumé of all lecturers; and~~

~~4. Number of hours of educational credit requested; and~~

~~5. Date of course; and~~

~~6. Copies of materials to be utilized in the course; and~~

~~7. How verification of attendance is to be documented.~~

~~(c) Whenever the Board decides that there is information that is crucial for licensees to have it may prepare and send that information to all continuing education providers in a format no larger than two (2) pages. All approved continuing education providers must, as a prerequisite to remaining an approved provider, reproduce and distribute this information from the Board to every licensee attending each of its individual continuing education courses or group of courses.~~

(1) Basic requirements - The Board of Chiropractic Examiners requires each licensee to complete twenty-four (24) clock hours of Board-approved continuing education each calendar year (January 1 — December 31).

(a) Acupuncture — Licensees who practice acupuncture shall have six (6) classroom hours each year of the required twenty-four (24) hours in the area of acupuncture. Such licensees must have first met the requirements of Rule 0260-02-.02(4). No credit for continuing education shall be awarded beyond the six (6) hours each year. Licensees who do not practice acupuncture shall not be granted credit for acupuncture continuing education.

(b) Cardiopulmonary Resuscitation (CPR) – Two (2) hours of the twenty-four (24) hour requirement may be in CPR training.

(c) No prior approval is required for continuing education courses conducted by the American Chiropractic Association, the International Chiropractors Association, the Tennessee Chiropractic Association, or CPR training provided by the American Heart Association or the American Red Cross.

(d) Prior approval is required for all course providers not mentioned in subparagraph (c) of this rule, and may be obtained by submitting the following information to the board's administrative office at least thirty (30) days prior to the scheduled date of the course:

1. A course description or outline; and

2. Names of all lecturers; and

3. Brief résumé of all lecturers; and

4. Number of hours of educational credit requested; and

5. Date of course; and

(Rule 0260-02-.12, continued)

6. Copies of materials to be utilized in the course; and

7. How verification of attendance is to be documented.

(e) Whenever the Board decides that there is information that is crucial for licensees to have, it may prepare and send that information to all continuing education providers in a format no larger than two (2) pages. All approved continuing education providers must, as a prerequisite to remaining an approved provider, reproduce and distribute this information from the Board to every licensee attending each of its individual continuing education courses or group of courses.

(2) New licensee requirements

(a) A six (6) hour Board approved course in risk management, sexual/professional boundaries, and Tennessee statutory and regulatory chiropractic jurisprudence shall constitute part of the twenty-four (24) clock hour continuing education requirement in paragraph (1) of this rule for the first calendar year that continuing education is required.

(b) New licensee by examination - Submitting proof of successful completion of all education and examination requirements necessary for licensure in Tennessee, pursuant to paragraphs 0260-02-.04 (1) and 0260-02-.08 (1), shall be considered proof of sufficient preparatory education and training to constitute continuing education credit for the calendar year in which the applicant is approved for licensure.

(c) New licensee by criteria (reciprocity) - Submitting proof of successful completion of all education and examination requirements necessary for licensure in Tennessee, pursuant to paragraph 0260-02-.04 (2), shall be considered proof of sufficient preparatory education and training to constitute continuing education credit for the calendar year in which such education and training requirements for licensure in another state were completed.

(3) Current licensee requirement - Before January 1, 2008 every licensee who has not already done so must submit satisfactory proof of having successfully completed, as part of the annual continuing education requirement, the six (6) hour course described in subparagraph (2) (a) of this rule. It is the Board's intent that the six (6) hour course described in subparagraph (2) (a) of this rule must be completed once by all licensees.

(4) Documentation

(a) Each licensee shall send proof of completion of the annual continuing education requirement to the board's administrative office so that it is received no later than January 15th of the year immediately following the end of each calendar year. Such proof may be transmitted electronically provided the board has capability for electronic receipt of proof. When proof is mailed to the board's administrative office, such proof must be one (1) or more of the following:

1. Original certificates or photocopies of original certificates verifying the licensee's attendance at continuing education program(s). The original certificates or photocopies of original certificates must include the following: continuing education program's sponsor, date, clock hours awarded (continuing education

(Rule 0260-02-.12, continued)

units must be converted to clock hours), program title, licensee's name, and license number.

2. Original letters or photocopies of original letters on official stationery from the continuing education program's sponsor indicating date, clock hours awarded (continuing education units must be converted to clock hours), program title, licensee's name, and license number.

3. Original documents or photocopies of original documents verifying successful completion of a written post experience examination to evaluate material retention upon completion of a Multi-Media course, as provided in paragraph (5). The original documents or photocopies of original documents must include the clock hours awarded (continuing education units must be converted to clock hours), program title, licensee's name, and license number.

(b) Each licensee must retain original documents or photocopies of original documents which verify proof of attendance and completion of all continuing education requirements. This documentation must be retained for a period of four (4) years from the end of the calendar year in which the continuing education was acquired. This documentation must be produced for inspection and verification, if requested in writing by the board during its verification process. The board will not maintain continuing education files.

(c) The licensee must, within (thirty) 30 days of a request from the board, provide evidence of continuing education activities. Such evidence must be copies of one (1) or more of the proofs described in subparagraph (a).

(d) If a person submits documentation for training that is not clearly identifiable as appropriate continuing education, the board will request a written description of the training and how it applies to the practice of chiropractic. If the board determines that the training can not be considered appropriate continuing education, the individual will be given ninety (90) days to replace the hours not allowed. Those hours will be considered replacement hours and cannot be counted during the next renewal period.

(5) Multi-Media

(a) Continuing education courses may be presented in the traditional lecture and classroom formats or, with successful completion of a written post experience examination to evaluate material retention, in Multi-Media formats. Multi-Media courses may include courses utilizing:

1. The Internet

2. Closed circuit television

3. Satellite broadcasts

4. Correspondence courses

5. Videotapes

6. CD-ROM

7. DVD

(Rule 0260-02-.12, continued)

8. Teleconferencing

9. Videoconferencing

10. Distance learning

(b) A maximum of six (6) credit hours may be granted for multi-media courses during each calendar year. If the licensee practices acupuncture, three (3) of these six (6) hours may pertain to such acupuncture practice.

(6) Continuing education credit will not be allowed for the following:

(a) Regular work activities, administrative staff meetings. case staffing/reporting, etc.

(b) Membership in, holding office in, or participation on boards or committees, business meetings of professional organizations, or banquet speeches.

(c) Training specifically related to policies and procedures of an agency.

(d) Courses that pertain to the promotion and growth, and the business management of a chiropractic practice.

(7) Continuing Education for Reactivation or Reinstatement of Retired, Revoked, or Expired Licensure.

(a) Reactivation of Retired Licensure

1. An individual whose license has been retired for one year or less will be required to fulfill continuing education requirements as outlined in this rule as a prerequisite to reactivation. Those hours will be considered replacement hours and can not be counted toward meeting the calendar year end requirement.

2. Any individual requesting reactivation of a license which has been retired for more than one (1) year must submit, along with the reactivation request, verification which indicates the attendance and completion of twenty-four (24) hours of continuing education for the year in which the license is to be reactivated. The continuing education hours must have been begun and successfully completed before the date of reactivation.

(b) Reactivation of Revoked Licensure – No person whose license has been revoked for failure to comply with continuing education may be reactivated without complying with these requirements. Continuing education requirements will accumulate at the same rate as that for those licenses which are active. The required clock hours of continuing education must have been begun and successfully completed before the date of reactivation.

(c) Reactivation or Reinstatement of Expired Licensure – No person whose license has expired may be reactivated or reinstated without submitting evidence of continuing education. The continuing education hours documented at the time of reactivation or reinstatement must equal the hours required, had the license remained in an active status, and must have been begun and successfully completed before the date of reactivation or reinstatement.

(Rule 0260-02-.12, continued)

(d) Continuing education hours obtained as a prerequisite for reactivating or reinstating a license may not be counted toward the calendar year requirement.

(8) Violations

(a) Any licensee who falsely certifies attendance and completion of the required hours of continuing education requirements, or who does not or can not adequately substantiate completed continuing education hours with the required documentation, may be subject to disciplinary action.

(b) Prior to the institution of any disciplinary proceedings, a letter shall be issued to the last known address of the individual stating the facts or conduct which warrant the intended action.

(c) The licensee has thirty (30) days from the date of notification to show compliance with all lawful requirements for the retention of the license.

(d) Any licensee who fails to show compliance with the required continuing education hours in response to the notice contemplated by subparagraph (b) above may be subject to disciplinary action.

(e) Continuing education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any renewal period.

(9) Waiver of Continuing Education

(a) The Board may grant a waiver of the need to attend and complete the required hours of continuing education if it can be shown to the board that compliance was beyond the physical capabilities of or would constitute undue hardship to the person seeking the waiver.

(b) Waivers will be considered only on an individual basis and may be requested by submitting the following items to the board's administrative office:

1. A written request for a waiver which specifies what requirements is sought to be waived and written and signed explanation of the reason for the request.

2. Any documentation which supports the reason for the waiver requested or which is subsequently requested by the board.

(c) A waiver approved by the board is effective only for the calendar year for which the waiver is sought.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-4-101, 63-4-106 and 63-4-112.* ***Administrative History****: Original rule filed December 28, 1995; effective March 12, 1996. Amendment filed December 13, 2000; effective February 26, 2001. Amendment filed August 26, 2002; effective November 9, 2002. Amendment filed September 13, 2002; effective November 27, 2002. Amendment filed September 27, 2002; effective December 11, 2002. Amendment filed December 4, 2003; effective February 17, 2004. Amendments filed January 5, 2006; effective March 21, 2006. Amendment filed October 18, 2006; effective January 1, 2007. Amendment filed January 11, 2007; effective March 27, 2007. Amendment filed April 10, 2007; effective June 24, 2007. Amendments filed October 27, 2008; effective January 10, 2009.*

(Rule 0260-02-.15, continued)

(VII) Not participate in any way in any other proceeding whether formal or informal which involves the matters, items or person(s) which are the subject of the subpoena. This does not preclude the presiding officer from presiding at further proceedings for issuance of subpoenas in the matter.

2. Post-Notice of Charges Subpoenas - If the subpoena is sought for a contested case hearing pursuant to Title 4, Chapter 5 of the Tennessee Code Annotated, this definition shall not apply. All such post-notice of charges subpoenas should be obtained from the office of the Administrative Procedures Division of the Office of the Secretary of State pursuant to the Uniform Administrative Procedures Act and rules promulgated pursuant thereto.

(d) Subpoena Forms

1. All subpoena shall be issued on forms approved by the Board.

2. The subpoena forms may be obtained by contacting the Board's Administrative Office.

(e) Subpoena Service - Any method of service of subpoenas authorized by the Tennessee Rules of Civil Procedure or the rules of procedure for contested cases of the Tennessee Department of State, Administrative Procedures Division may be utilized to serve subpoenas pursuant to this rule.

(7) Assessment of costs in disciplinary proceedings shall be as set forth in T.C.A. §§63-1-144 and 63-4-115.

Authority: *T.C.A. §§4-5-101, 4-5-202, 4-5-204, 4-5-217, 4-5-223, 4-5-224, 4-5-225, 4-5-311, 63-1-117, 63-1-122, 63-1-134, 63-1-144, 63-4-102, 63-4-103, 63-4-104, 63-4-106, 63-4-114, and 63-4-115.* ***Administrative History:*** *Original rule filed December 28, 1995; effective March 12, 1996. Notice of withdrawal to rule 0260-02-.15(4)(c) filed and effective November 23, 1999. Amendment filed November 22, 1999; effective February 5, 2000. Amendment filed December 14, 1999; effective February 22, 2000. Amendment filed August 26, 2002; effective November 9, 2002. Amendment filed August 2, 2004; effective October 16, 2004. Amendment filed February 1, 2006; effective April 17, 2006. Amendment filed October 29, 2008; effective January 12, 2009.*

0260-02-.16 LICENSE.

(1) Display of License - Every person licensed by the board in this state shall display his/her license in a conspicuous place in his/her office and, whenever required, exhibit such license to the board or its authorized representatives.

(2) Replacement License - A license holder whose "artistically designed" license has been lost or destroyed may be issued a replacement document upon receipt of a written request in the board administrative office. Such request shall be accompanied by an affidavit (signed and notarized) stating the facts concerning the loss or destruction of the original document and the required fee pursuant to rule 0260-02-.06.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-1-109, and 63-4-106.* ***Administrative History:*** *Original rule filed December 28, 1995; effective March 12, 1996.*

0260-02-.17 ~~CHANGE OF ADDRESS AND/OR NAME.~~ Licensee Address and Name. Each licensee shall keep the Board informed of his/her legal name, current practice address (both the physical and

(Rule 0260-02-.16, continued)

mailing addresses), and home address (both the physical and mailing addresses). If the licensee has no current practice address, he/she shall so inform the Board. This contact information is necessary for and shall be used for, among other things, obtaining service of process in the event of a disciplinary action.

~~(1) Change of Address - Each person holding a license who has had a change of address or place of employment, shall file in writing with the board his/her current address, giving both old and new addresses. Such requests shall be received in the board's administrative office no later than 30 days after such change is effective and must reference the individual's name, profession, and license number.~~

(1) Change of Address — Each licensee who has had a change of practice address and/or mailing address shall notify the Board in writing of his/her current practice and/or mailing addresses, giving both old and new addresses. Such notification shall be received in the Board's administrative office no later than thirty (30) days after such changes are effective and must reference the individual's name, profession, and licensenumber.

~~(2) Change of Name - An individual registered with the board shall notify the board in writing within 30 days of a name change and will provide both the old and new names. A request for name change must also include a copy of the official document involved and reference the individual's profession, board, and license number.~~

(2) Change of Name — Each licensee whose name has changed shall notify the Board in writing of a name change and will provide both the old and new names. A notification of name change must also include a copy of the official document involved and reference the licensee's profession and license number. Such notification shall be received in the Board's administrative office no later than thirty (30) days after such changes are effective.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-1-108, and 63-4-106.* ***Administrative History:*** *Original rule filed December 28, 1995; effective March 12, 1996.*

0260-02-.18 MANDATORY RELEASE OF PATIENT RECORDS. The mandatory release of patient records shall be as set forth in T.C.A. §§63-2-101 and 63-2-102.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-2-101, 63-2-102, and 63-4-106.* ***Administrative History:*** *Original rule filed December 28, 1995; effective March 12, 1996. Amendment filed June 3, 2004; effective August 17, 2004.*

0260-02-.19 BOARD MEMBERS, OFFICERS, CONSULTANTS, RECORDS, DECLARATORY ORDERS, AND ADVISORY RULINGS.

(1) Description of Organization

(a) The Board of Chiropractic Examiners is composed by law of seven members appointed by the governor to staggered terms of five (5) years. Each member shall serve until a successor is appointed.

(b) The composition of the board shall include five (5) licensed chiropractic physicians who are residents in Tennessee and have been actively engaged in practice of their profession in Tennessee for a period of at least five (5) years; and two (2) consumer members who are not affiliated with the practice of chiropractic.

(c) Appointments are made from a list of qualified candidates by the governor.