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Sequence Number: 08-14-10
Notice ID(s): 1314-1316
File Date: 08/13/2010

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

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 37243
Phone:	(615)741-1611
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator at the Division of Health Related Boards
Address:	227 French Landing Drive, Heritage Place, Nashville, Tennessee 37243
Phone:	(615) 532-3202 or (Toll Free) 1-800-778-4123
Email:	

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	227 French Landing Drive, Heritage Place MetroCenter		
Address 2:	Health Related Boards Conference Rooms, Poplar Room		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	11/04/10		
Hearing Time:	9:00am	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. 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-.06	Fees
0260-02-.12	Continuing Education
0260-02-.14	Externship Certificate

Chapter Number	Chapter Title
0260-03	General Rules Governing Chiropractic X-Ray Technologists
Rule Number	Rule Title
0260-03-.07	Application Review, Approval, Denial, Interviews
0260-03-.03	Necessity of Certification
0260-03-.12	Continuing Education

Chapter Number	Chapter Title
0260-05	General Rules Governing Chiropractic Therapy Assistants
Rule Number	Rule Title
0260-05-.03	Necessity of Certification
0260-05-.04	Qualifications for Certification
0260-05-.05	Procedures for Certification
0260-05-.07	Application Review, Approval, Denial, Interviews
0260-05-.12	Continuing Education

(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>)

Amendments

Chapter 0260-02 General Rules Governing Chiropractic Examiners

Rule 0260-02-.06 Fees is amended by deleting subparagraph 0260-02-.06(1)(f) in its entirety and 0260-02-.06(4)(f) in its entirety so that as amended the remainder of rule 0260-02-.06(4) shall be re-numbered as appropriate.

Authority: T.C.A. §§ 63-4-103, 63-4-106 and 63-4-120.

Rule 0260-02-.12(2) 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(2) shall read:

- (a) A six (6) hour Board approved course in risk management, sexual/professional boundaries, and Tennessee statutory and regulatory chiropractic jurisprudence must be taken within twelve (12) months prior to licensure or within the first six (6) months of licensure. If taken prior to licensure, the course must be an additional course beyond the regular chiropractic school program. If taken within the first six (6) months after licensure, the course shall not 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 or reciprocity – New licensees, whether by examination or reciprocity, shall be exempted from the continuing education requirements of 0260-02-.12(1) for the calendar year in which they are licensed, but must take the six (6) hour course as described above in 0260-02-.12(2)(a).

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

Rule 0260-02-.14 Externship Certificate is amended by deleting the rule in its entirety, so that as amended the remaining rules shall be re-numbered as appropriate.

Authority: T.C.A. §§ 63-4-103, 63-4-106 and 63-4-120.

Chapter 0260-03 General Rules Governing Chiropractic X-Ray Technologists

Rule 0260-03-.03(3) Necessity of Certification 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 0260-03-.03(3) shall read:

- (3) Graduates of a Board approved radiological education course who have successfully completed examination and are working in a clinical internship are exempt from the certification requirements, but only for a period of time not to exceed one (1) year from the date of examination, unless an extension is granted by the Board. At all times until certification is

received, graduates shall practice only under supervision as set forth in rule 0260-03-.10. A graduate must immediately cease any practice upon notice of failure of the examination and may not engage in the practice again until successful completion of the examination.

Authority: T.C.A. §§ 63-4-106, 63-4-119 and 63-4-123.

Rule 0260-03-.07(4) and Rule 0260-03-.07(6) Application Review, Approval, Denial, Interviews are amended by deleting the language of the rules in their entirety and renumbering the remaining paragraphs accordingly.

Authority: T.C.A. §§ 63-4-106, 63-4-119 and 63-4-123.

Rule 0260-03-.12(2) 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 0260-03-.12(2) shall read:

- (2) New certification requirements
 - (a) New technologist certification - Proof of successful completion of all education and examination requirements necessary for certification in Tennessee, pursuant to paragraph 0260-03-.04 (1) and rule 0260-03-.08, shall be considered sufficient preparatory education and training to constitute continuing education credit for the calendar year in which the applicant is approved for certification.
 - (b) New certification by criteria (reciprocity based on licensure in another state) - Proof of successful completion of all requirements necessary for certification in Tennessee, pursuant to paragraph 0260-03-.04 (2), shall be considered sufficient preparatory education and training to constitute continuing education credit for the calendar year in which education and training requirements for licensure in another state were completed.
 - (c) New certification by criteria (reciprocity based on another profession) - Proof of successful completion of all requirements necessary for certification in Tennessee, pursuant to paragraph 0260-03-.04 (3), shall be considered sufficient preparatory education and training to constitute continuing education credit for the calendar year in which such education and training requirements for certification to practice radiography were completed.
 - (d) A two (2) clock hour Board approved course in risk management, sexual/professional boundaries, and Tennessee statutory and regulatory chiropractic jurisprudence must be taken within the twelve (12) months prior to licensure or within the first (1st) calendar year that continuing education is required. If taken prior to licensure, the course must be an additional course beyond the regular x-ray technologist program. If taken after licensure, the course shall not constitute part of the six (6) clock hour continuing education requirement in paragraph (1) of this rule.

Authority: T.C.A. §§ 63-4-106 and 63-4-123.

Rule 0260-03-.12(4)(a) 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 0260-03-.12(4)(a) shall read:

- (a) To be acceptable continuing education, the course shall be approved by the Board of Chiropractic Examiners. 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 and courses provided by the American Heart Association or the American Red Cross. No more than one (1) hour of credit will be granted for CPR training and courses.

Authority: T.C.A. §§ 63-4-106 and 63-4-123.

Rule 0260-03-.12(6) 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 0260-03-.12(6) shall read:

- (6) No continuing education credit shall be awarded for multi-media hours or courses.

Authority: T.C.A. §§ 63-4-106, 63-4-119 and 63-4-123.

Rule 0260-03-.12(9) 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 0260-03-.12(9) shall read:

- (9) Violations
 - (a) Any certificate holder who falsely certifies attendance and completion of the required hours of continuing education, or who does not or can not adequately and timely substantiate completed continuing education hours with the required documentation, may be subject to disciplinary action. Such disciplinary action may include a civil penalty of up to three-hundred (\$300) dollars and the requirement that deficient hours be made up within the next calendar year or any other lawful discipline.
 - (b) 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.

Authority: T.C.A. §§ 63-4-106, 63-4-119 and 63-4-123.

Chapter 0260-05 General Rules Governing Chiropractic Therapy Assistants

Rule 0260-05-.03(3) Necessity of Certification 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 0260-05-.03(3) shall read:

- (3) Graduates of a Board approved chiropractic therapy assistant course who have successfully completed examination and are working in a clinical internship are exempt from the certification requirements, but only for a period not to exceed one (1) year from the date of examination, unless an extension is granted by the Board. At all times until certification is received, graduates shall practice only under supervision as set forth in rule 0260-05-.10.

Authority: T.C.A. §§ 63-4-106 and 63-4-123.

Rule 0260-05-.04(1)(e) Qualifications for Certification 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 0260-05-.04(1)(e) shall read:

- (e) Provide proof of twelve hundred (1,200) hours of clinical internship under direct supervision. The supervisor is required to provide the Board of Chiropractic Examiners a report concerning the certificate holder's performance in each area of internship on forms provided by the board to become certified as a chiropractic therapy assistant. Such hours shall be completed within one (1) year from the date of examination, unless an extension is requested and granted by the Board.

Authority: T.C.A. §§ 63-4-106 and 63-4-123.

Rule 0260-05-.05(3), Procedures for Certification, is amended by deleting the language of the rule in its entirety.

Rule 0260-05-.07(4) and Rule 0260-05-.07(6) Application Review, Approval, Denial, Interviews is amended by deleting the language of the rules in their entirety and renumbering the remaining paragraphs accordingly.

Rule 0260-05-.12(2) 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 0260-05-.12(2) shall read:

- (2) New certification requirements
 - (a) New chiropractic therapy assistant certification - Proof of successful completion of all education and examination requirements necessary for certification in Tennessee, pursuant to paragraphs 0260-05-.04 (1) and 0260-05-.08 (1), shall be considered sufficient preparatory education and training to constitute continuing education credit for the calendar year in which the applicant is approved for certification.
 - (b) New certification by criteria (reciprocity/endorsement) - Proof of successful completion of all requirements necessary for certification in Tennessee, pursuant to paragraph 0260-05-.04 (2), shall be considered sufficient preparatory education and training to constitute continuing education credit for the calendar year in which education and training requirements for certification in another state were completed.
 - (c) A two (2) clock hour Board approved course in risk management, sexual/professional boundaries, and Tennessee statutory and regulatory chiropractic jurisprudence must be taken within twelve (12) months prior to licensure or within the first (1st) calendar year that continuing education is required. If taken prior to licensure, the course must be an additional course beyond the regular chiropractic therapy assistant program. If taken after licensure, the course shall not constitute part of the six (6) clock hour continuing education requirement in paragraph (1) of this rule.

Authority: T.C.A. §§ 63-4-106 and 63-4-123.

Rule 0260-05-.12(4)(a) 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 0260-05-.12(4)(a) shall read:

- (a) To be acceptable continuing education, the course must be approved by the Board of Chiropractic Examiners. 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 and courses provided by the American Heart Association or the American Red Cross. No more than one (1) hour of credit will be granted for CPR training and courses.

Authority: T.C.A. §§ 63-4-106 and 63-4-123.

Rule 0260-05-.12(6) 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 0260-05-.12(6) shall read:

- (6) No continuing education credit shall be awarded for multi-media hours or courses.

Authority: T.C.A. §§ 63-4-106, 63-4-119 and 63-4-123.

Rule 0260-05-.12(9) 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 0260-05-.12(9) shall read:

(9) Violations

- (a) Any certificate holder who falsely certifies attendance and completion of the required hours of continuing education requirements, or who does not or can not adequately and timely substantiate completed continuing education hours with the required documentation, may be subject to disciplinary action. Such disciplinary action may include a civil penalty of up to three-hundred (\$300) dollars and the requirement that deficient hours be made up within the next calendar year or any other lawful discipline.
- (b) 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.

Authority: T.C.A. §§ 63-4-106, 63-4-119 and 63-4-123.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 8-13-10

Signature: _____

Name of Officer: Andrea Huddleston

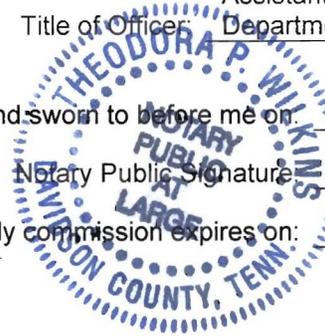
Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 8/13/10

Notary Public Signature: Theodora P. Wilkins

My commission expires on: 11/7/2011



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Filed with the Department of State on: 8/13/10

Tre Hargett by Mr. Paul, MA
Tre Hargett
Secretary of State

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