

BOARDS AND COMMISSIONS
Board of Chiropractic Examiners
(Amendment)

201 KAR 21:041. Licensing; standards, fees.

RELATES TO: KRS 312.085, 312.095, 312.145, 312.175

STATUTORY AUTHORITY: KRS 312.019, 312.085, 312.095, 312.175

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(9) authorizes the Kentucky Board of Chiropractic Examiners to promulgate administrative regulations consistent with KRS Chapter 312, regulating the practice of chiropractic. This administrative regulation establishes the procedures relating to application for licensure, license renewal, and fees.

Section 1. Initial Application. An applicant for initial licensure shall submit to the board:

- (1) A completed New Licensee Application; and
- (2) A nonrefundable application fee of \$350.
- (3) If the initial applicant graduated from chiropractic school more than four (4) years ago, proof of successfully passing the Special Purposes Examination for Chiropractic given by the National Board of Chiropractic Examiners within the past six (6) months shall be submitted to the board unless the initial applicant submits proof acceptable to the board of active practice under a license in good standing in another state or jurisdiction. In determining whether to accept proof of active practice, the board shall consider the following submitted by the licensee in writing:
 - (a) The number, or approximate number, of patients treated per week;
 - (b) The practice location(s) and address(es) at which the licensee has practiced, and the month and years of practice at each respective location; and
 - (c) Any relevant information the licensee may submit to show active practice.

Section 2. Licenses. Each license by the board shall:

- (1) Set forth the:
 - (a) Name of the issuing board;
 - (b) Name of the licensee;
 - (c) Number of license; and
 - (d) Date of the license issuance;
- (2) Be signed by a minimum of three (3) members of the board; and
- (3) Have the seal of the board affixed.

Section 3. License Renewal.

- (1)
 - (a) Each licensee of the board shall annually renew the license on or before the first day of March.
 - (b)
 1. A licensee seeking active status shall:
 - a. Submit a completed Application for Annual License Renewal; and
 - b. Pay a renewal fee of \$250.
 2. A licensee seeking inactive status shall:
 - a. Submit a completed Annual Inactive License Renewal Application; and
 - b. Pay a renewal fee of seventy-five (75) dollars.
- (2) The amount of the restoration fee established by KRS 312.175(2) and (4) shall be \$250 per year, or any part of a year.
- (3) Continuing education requirements.

(a) Each active licensee shall complete at least twelve (12) hours of board-approved continuing education, with:

~~[1.] [A minimum of six (6) hours of the required twelve (12) hours obtained at a live event, which is an event at which both the licensee and presenter are present in person;]~~

~~1. [2.]~~ No more than eight (8) hours completed in a day; and

~~2. [3.]~~ Proof of completion submitted with the Application for Annual License Renewal upon request by the Board.

(b) A new licensee shall complete a two (2) hour jurisprudence course, provided by the board, by the licensee's first renewal~~[within one (1) year of the date of the licensee's initial license approval.]; but shall not otherwise be required to complete the continuing education requirements set out in (3)(a) above until after the licensee's first renewal and before the licensees' second renewal.~~~~[The course shall account for two (2) of the twelve (12) hours of continuing education required by paragraph (a) of this subsection.]~~

~~[(c)] [A new licensee shall complete the licensee's required twelve (12) hours of continuing education by the first relicensing period following the completion of his or her first calendar year in practice.]~~

~~(c) [(d)]~~ An inactive licensee may renew the inactive license without meeting the continuing education requirements required by this subsection.

Section 4. Activation of an Inactive License.

(1) To activate an inactive license, a licensee shall submit:

(a) A completed Application for Activation or Reinstatement of Kentucky License;

(b) The renewal fee required by Section 3(1)(b) of this administrative regulation;

(c) Proof that the licensee has met the continuing education requirements established by Section 3(3) of this administrative regulation; and

(d) License verification from each state or jurisdiction from which the licensee has held a license.

(2) If the licensee was inactive for more than four (4) years, proof of successfully passing the Special Purposes Examination for Chiropractic given by the National Board of Chiropractic Examiners within the past six (6) months shall be submitted to the board unless the licensee submits proof acceptable to the board of active practice under a license in good standing in another state or jurisdiction. In determining whether to accept proof of active practice, the board shall consider the following submitted by the licensee in writing:[-]

(a) The number, or approximate number, of patients treated per week;

(b) The practice location(s) and address(es) at which the licensee has practiced, and the month and years of practice at each respective location; and

(c) Any relevant information the licensee may submit to show active practice.

Section 5. Denial or Refusal of License. The board may deny or refuse to renew a license if an applicant or licensee:

(1) Has a conviction for a felony or violation of any law involving moral turpitude; or

(2) Violates any of the provisions of KRS Chapter 312 or 201 KAR Chapter 21.

Section 6. Change of Address. Each licensee shall notify the board within ten (10) days of each change of mailing address or place of business.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Application for Licensure, DPL-KBCE-01, March 2023; ~~["New Licensee Application", 2016;]~~

(b) "Application for Annual License Renewal", DPL-KBCE-03, March 2023;
~~[September 2020;]~~

~~[(c)] ["Annual Inactive License Renewal Application", 2013; and]~~

(c) ~~[(d)]~~ "Application for Activation or Reinstatement of Kentucky License", DPL-
KBCE-04, March 2023~~[2013]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Chiropractic Examiners, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

DR. JAMES ENGLAND, Chair

APPROVED BY AGENCY: March 13, 2023

FILED WITH LRC: March 14, 2023 at 1:15 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if re-requested, be held on May 25, 2023 at 12:00 noon EST in Room 127CW, The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. All attendees shall comply with all Executive Orders relating to the State of Emergency as may be in effect on the date of the public hearing, which may be found at: <https://governor.ky.gov/covid-19>. Members of the public may utilize the following link to attend the meeting by video conference: Join from PC, Mac, Linux, iOS or Android: [https://us06web.zoom.us/j/82428127008?](https://us06web.zoom.us/j/82428127008?pwd=blg4a3hSZVkvTnFtUnpMWDFaNkY5QT09)

pwd=blg4a3hSZVkvTnFtUnpMWDFaNkY5QT09 // Password: 059844 // Or Telephone: Dial: USA 713 353 0212; USA 8888227517 (US Toll Free) // Conference code: 446599. Individuals interested in attending this hearing shall notify this agency in writing by May 20, 2023, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until 11:59 pm on May 31, 2023. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Clayton Patrick, General Counsel, Department of Professional Licensing, 500 Mero Street 237 CW, phone (502) 782-0562 (office), fax (502) 564-4818, email Clayton.Patrick@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Clayton Patrick

(1) Provide a brief summary of:

(a) What this administrative regulation does:

KRS 312.019(9) authorizes the Kentucky Board of Chiropractic Examiners to promulgate administrative regulations consistent with KRS Chapter 312, regulating the practice of chiropractic. This administrative regulation establishes the procedures relating to application for licensure, license renewal, and fees.

(b) The necessity of this administrative regulation:

This administrative regulation is required by KRS 312.019.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 312.019(9) authorizes the Kentucky Board of Chiropractic Examiners to promulgate administrative regulations consistent with KRS Chapter 312, regulating the practice of chiropractic. This administrative regulation establishes requirements related to licensing standards and continuing education.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This regulation assists in the effective administration of KRS Chapter 312 by carrying out the legislative mandate for the board to establish requirements for licensing standards and continuing education.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The Amendment will establish licensing standards for initial applicants, allow licensees to obtain continuing education from on-line sources without limitation, and will establish licensing standards for reactivation and reinstatement.

(b) The necessity of the amendment to this administrative regulation:

The amendment is necessary to establish licensing standards for initial applicants, reactivation, and reinstatement to protect the public and to allow chiropractors to obtain continuing education by either in-person or online attendance without restrictions.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 312.019(9) authorizes the Kentucky Board of Chiropractic Examiners to promulgate administrative regulations consistent with KRS Chapter 312, regulating the practice of chiropractic. This administrative regulation establishes requirements related to licensing standards for initial applicants, reactivation or reinstatement and continuing education.

(d) How the amendment will assist in the effective administration of the statutes:

See 2(c) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This regulation will affect 919 active licensed chiropractors and 119 inactive licensed chiropractors practicing in the Commonwealth of Kentucky, as well as an unknown number of initial applicants; and an unknown number of their patients who depend on

their chiropractor having the appropriate licensing standards and remaining current with their training.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

This regulation will require applicants for reactivation or reinstatement to take the SPEC exam, or show proof of active practice within the last four (4) years, and require initial applicants who have graduated more than four (4) years to take the SPEC exam, or show proof of active practice within the last four (4) years, that is satisfactory to the board and also allow chiropractors to obtain continuing education from sources other than live, in-person providers which may reduce the costs associated with time and travel to the event.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

The initial applicant or the applicant for reactivation or reinstatement who must show proof of successful passage of the SPEC exam may incur the cost of the exam when they cannot show proof of active practice within the last four (4) years, in the approximate amount of \$1500.00. This regulation should add no additional cost to the licensed chiropractor in obtaining continuing education which may reduce the costs associated with time and travel to the event.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

This regulation will allow initial applicants and those for reactivation or reinstatement to ensure they have adequate knowledge to perform their duties as required by law and will allow chiropractors to obtain continuing education from both in-person and online providers without restriction.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

This administrative regulation does not create an additional cost for the administrative body and any additional costs would be minimal.

(b) On a continuing basis:

This administrative regulation does not create a cost for the administrative body.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The Kentucky Board of Chiropractic Examiners is self-funded through the fees paid by licensees. No additional funding is necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increases in fees or funding is necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This regulation does not establish any fees.

(9) TIERING: Is tiering applied?

Tiering is not applicable because similarly situated licensees are treated similarly under this administrative regulation.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Board of Chiropractic Examiners.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 312.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This regulation will not generate revenue for state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None.

(c) How much will it cost to administer this program for the first year?

There are no additional costs to administer this program.

(d) How much will it cost to administer this program for subsequent years?

There will be no additional cost to the agency beyond regular monitoring of continuing education for license renewals. There may be additional costs to the agency for the review of experience in the last 4 years, but it will be minimal.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

Cost savings is indeterminable but could occur due to reduction in time and travel expenses for continuing education.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

Cost savings is indeterminable but could occur due to reduction in time and travel expenses for continuing education.

(c) How much will it cost the regulated entities for the first year?

The initial applicant or the applicant for reactivation or reinstatement who must show proof of successful passage of the SPEC exam may incur the cost of the exam when they cannot show proof of active practice within the last four (4) years, in the approximate amount of \$1500.00. This regulation should add no additional cost to the licensed chiropractor in obtaining continuing education and may reduce the costs associated with time and travel to the event.

(d) How much will it cost the regulated entities for subsequent years?

The cost of obtaining required continuing education only, which is indeterminable.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

The initial applicant or the applicant for reactivation or reinstatement who must show proof of successful passage of the SPEC exam may incur the cost of the exam when they cannot show proof of active practice within the last four (4) years, in the approximate amount of \$1500.00. This regulation should add no additional cost to the licensed chiropractor in obtaining continuing education and may reduce the costs associated with time and travel to an event.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]. This administrative regulation will not have a major economic impact.