

**BOARDS AND COMMISSIONS**  
**Board of Chiropractic Examiners**  
**(Amendment)**

**201 KAR 21:075. Peer review committee procedures and fees.**

RELATES TO: KRS 312.200

STATUTORY AUTHORITY: KRS 312.015, 312.019, 312.200

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.200 requires the board to appoint a peer review committee and establish procedures and fees for the review of submitted claims. This administrative regulation establishes fees and procedures pertaining to the peer review committee.

**Section 1. Peer Review Committee.**

(1) The board shall appoint a Peer Review committee of up to five (5) members. All members of the peer review committee may serve a three (3) year term.

(a) Each member of the Peer Review committee shall serve until their successor is appointed and qualified.

(b) Appointments to fill vacancies shall be for the unexpired term.

(c) Applicants for appointment to the Peer Review committee shall make application on the same form utilized by applicants for appointment to the board, except filed with the board and not the Governor's office, and shall include a cover letter stating that the application is for the Peer Review Committee.

(2) Members of the Peer Review committee shall be doctors of chiropractic of integrity and ability who at the time of their appointment have been actual residents of the Commonwealth of Kentucky for at least two (2) years next preceding their appointment, and have been engaged in the actual practice of chiropractic for at least five (5) years next preceding their appointment.

(3) Any member of the peer review committee shall not hold an elected position in any state organization or association relating to or consisting of licensees of this board or the practice of chiropractic.

(4)

(a) Beginning on March 1, 2021, the longest-serving member on the Peer Review committee shall be replaced by a member with a three (3) year appointment.

(b) In 2022, the next longest-serving member of the Peer Review committee shall be replaced by a member with a three (3) year appointment.

(c) In 2023, the next longest-serving member on the Peer Review committee shall be replaced by a member with a three (3) year appointment.

(d) In 2024, the next longest-serving member shall be replaced by a member with a three-year appointment.

(e) Thereafter, each appointee to the Peer Review committee shall be appointed to a three (3) year term.

(f) This subsection shall not prohibit any member of the peer review committee from serving consecutive terms.

**Section 2. Procedures and Fees of Peer Review Committee.**

(1) Peer review shall not take place until the patient has submitted a release permitting photocopies of the applicable treatment or billing records prepared by the chiropractor in the regular course of business.

(a) Treatment records shall not be released for peer review without the patient's authorization.

(b) The acceptance of, or the request for, payment by a chiropractor shall constitute the consent of the chiropractor to the submission of all necessary records and other

information concerning the treatment or the cost to the peer review committee.

(2)

(a) Each claim shall be assigned to an individual member of the committee who shall review the submitted records and response from the charged party and report his findings to the full committee, which shall review the findings and either adopt those findings or modify them as determined by majority vote.

(b) A copy of the findings shall be forwarded to the board, the patient, the chiropractor, and insurer or other third party payor.

(3)

(a) The peer review committee shall elect a chair.

(b) The committee may recommend for the board's approval a contract with or employment of third parties to perform administrative functions or to aid in obtaining records necessary for appropriate review of claims.

(c)

1. The peer review committee shall recommend to the board that a complaint be filed against a chiropractor if it appears from the review of a claim that reasonable cause exists to believe that the chiropractor has violated any portion of KRS Chapter 312 or 201 KAR Chapter 21 for which a chiropractor may be disciplined.

2. The peer review committee shall transmit all complaint information the committee possesses to the board.

(4)

(a) A chiropractor, insurer, or other third party payor requesting review shall submit with the request a service fee of fifty (50) dollars payable to "B.C.E. Peer Review."

(b) An additional fee shall be charged for claims requiring more than one (1) hour of review by the committee calculated at fifty (50) dollars per hour, which sum shall be due prior to the delivery of committee findings to all parties.

(c) All fees shall be paid by the chiropractor, insurer, or other third party payor requesting the review.

(5) Each member of the peer review committee shall comply with the requirements and standards established in 201 KAR 21:095.

### Section 3. Annual Report.

(1) An annual summary of the findings of the peer review committee shall be prepared by the committee and submitted to the board.

(2) The report shall be made available to interested persons upon request and upon payment of the cost of reproduction.

(3) A report or summary submitted to the public by the board shall not disclose the name or identity of any patient without the patient's consent.

(16 Ky.R. 94; Am. 345; 535; eff. 10-8-1989; 40 Ky.R. 1417; 2123; eff. 3-20-2014; 47 Ky.R. 789, 1380; eff. 2-4-2021; 49 Ky.R. 1983; eff. 9-27-2023.)

*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 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.