

BOARDS AND COMMISSIONS
Board of Chiropractic Examiners
(Amended After Comments)

201 KAR 21:042. Standards, applications~~[application]~~ and approval of continuing education.

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 standards for continuing education and the procedures relating to the application and approval of continuing education.

Section 1. Standards for Continuing Education.

(1) Continuing education shall be ~~[either:]~~

~~[(a)] [A post graduate course of study at or sponsored by a chiropractic college accredited by the Council on Chiropractic Education or its successors; or]~~

~~[(b)] [A continuing education program] approved by the board, or by a committee designated by the board to act between sessions of the board.~~

(2) The continuing education program shall be:

(a) A post graduate course of study at or sponsored by a chiropractic college accredited by the Council on Chiropractic Education or its successors; or

(b) ~~[(a)]~~ Sponsored by a national or state chartered organization of chiropractors or a chiropractic college; and

(c) ~~[(b)]~~ Open to all doctors of chiropractic in Kentucky who desire to attend.

(3) The instructors and speakers shall be in the field of chiropractic, chiropractic education, or allied sciences.

(4) The programs to be presented shall contain subjects of clinical benefit to licensees and on a postgraduate level of education.

(5) The programs shall comply with the Kentucky chiropractic scope of practice as defined by KRS 312.017; and the board or its designated committee shall determine whether online versus live education is appropriate for the subject matter being offered in its determination whether to approve programs as proposed.

Section 2. Requirements for Online Continuing Education.

(1) Any entity submitting an online course for approval shall be Pre-Approved Continuing Education (PACE) Commission certified; and submit the program through the PACE pre-check program using the Kentucky Board of Chiropractic Examiners Continuing Education Application form.~~[PACE Pre-Check Expedited Course Submission for Kentucky form. Any entity not certified through PACE shall submit an application for approval for a program directly to the board through December 31, 2020 by completing the Kentucky Board of Chiropractic Examiners Continuing Education Application.]~~

(2) The program shall:

(a) Have a mechanism to ensure that users view each page of the program;

(b) Ensure the user has earned all of the time required for the program;

(c) Have a mechanism in place for the user to be able to contact the provider regarding questions about the continuing education programs;

(d) Include a mechanism to evaluate the user's knowledge of the subject matter contained in the program;

(e) Provide a printed verification or allow the user to print verification only upon completion of the program;~~[and]~~

- (f) Ensure that the course time cannot be earned away from the program and that automatic lock out occurs if the keyboard becomes unattended; **and**
- (g) Have an original recording date within five (5) years from the time the course is approved for credit by the board.**

(3) Programs shall be completed and earned one (1) at a time. The user of a program shall not earn credit for multiple windows or programs completed simultaneously.

Section 3. Application for Approval.

(1) The sponsoring party of a proposed educational program for license renewal shall apply for approval of the program prior to its presentation by submitting ~~either the PACE Pre-Check Expedited Course Submission for Kentucky form if PACE certified, or if not certified through PACE by submitting~~ the Kentucky Board of Chiropractic Examiners Continuing Education Application, and by providing to the board:

- (a) The name of the course;
- (b) The name of the sponsoring organization;
- (c) The objective of the program;
- (d) The number of classroom hours over which the educational program will be presented, and the dates presented;
- (e) The names of the instructors and speakers and the name and address of the institution with which they are associated, if applicable;
- (f) The instructors' or speakers' educational background and other relevant qualifications;
- (g) The name and address of the person authorized to certify attendance; and
- (h) An educational program review fee as established in subparagraph 1. through 3. of this paragraph.

1. Live Events Only - A live event is an event at which both the presenter and attendee are present in person. A minimum fee of twenty-five (25) dollars for a live one-time event of sixteen (16) hours or less. Any event over sixteen (16) hours will be two (2) dollars per requested credit hour with a maximum fee of \$100. For events with multiple dates and locations there will be an additional twenty-five (25) dollar fee.

2. Online Events Only - A minimum fee of twenty-five (25) dollars for a live one-time event or recorded event of sixteen (16) hours or less. Any event over sixteen (16) hours will be two (2) dollars per requested credit hour with a maximum fee of \$100. The online event shall remain approved for one (1) calendar year.

3. Live Event That Will Also Be Recorded To Be Used As Online CE – A minimum fee of fifty (50) dollars for an event of sixteen (16) hours or less. Any event over sixteen (16) hours will be two (2) dollars per requested credit hour with a maximum fee of \$100. The online event shall remain approved for one (1) calendar year.

(2) The educational program may be monitored by an officer of the board, the field coordinator of the board, or a person designated by the president of the board.

- (3)
 - (a) A proposed program shall be received by the board for approval at least sixty (60) days prior to the date of the presentation.
 - (b) The board, or a designee of the board to act between meetings of the board, shall give written notification of the board's approval or disapproval of the program to the sponsoring party not more than thirty (30) days after receiving the proposed educational program.
 - (c) An online course shall remain approved for one (1) calendar year from a date of the event provider's choosing if that date is no earlier than sixty (60) days from the date the board received the submission for approval.

Section 4. Incorporation by Reference.

- (1) ~~[[The following material is incorporated by reference:]]~~
~~[[a]]~~ ~~["PACE Pre-Check Expedited Course Submission for Kentucky form", (2020);~~
~~and]~~
~~[[b]]~~ "Kentucky Board of Chiropractic Examiners Continuing Education Application",
DPL-KBCE-05, ~~June~~~~March~~ 2023, is incorporated by reference~~[September 2020]~~.
- (2) These materials may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Chiropractic Examiners, 500 Mero Street, Frankfort, Kentucky 40601, from 8:00 a.m. to 4:00 p.m.

DR. JAMES ENGLAND, Chair

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FILED WITH LRC: June 14, 2023 at 12:05 p.m.

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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 requirements relating to continuing education.

(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 relating to 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 regulations for the practice of chiropractic.

(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:

This amendment will clarify the standards for continuing education, including establishing a requirement that an original recording date for any online program be within five (5) years from the time the course is approved for credit by the board, amend the continuing education application form, and make a technical correction to reference a new form and delete obsolete forms.

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

The amendment is necessary to clarify the standards for continuing education, amend the materials incorporated by reference, and make technical corrections to reference a new form and delete obsolete forms.

(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 sets standards for continuing education and makes a technical correction to reference a new form and delete obsolete forms.

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

The amendment sets standards for continuing education and ensure content remains current within five (5) years of the original recording of any online program, and amend forms to reflect these changes.

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

This amendment to the administrative regulation will have no affect other than to clarify established standards for continuing education and reference a new form and delete obsolete forms.

(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:

The regulated entities will be required to include the original recording date of any online education program on the application for board approval.

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

No cost.

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

The change combines two existing forms into one form which will reduce confusion by providers and any delay in approval and will ensure that approved continuing education programming is compliant with the “original recording within five (5) years” requirement.

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

(a) Initially:

None. This administrative regulation does not create a cost for the administrative body

(b) On a continuing basis:

None. 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.

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?

None.

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

None.

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

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 cannot now be determined.

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

Cost Savings (+/-):None

Expenditures (+/-):None

Other Explanation:

(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.