

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

**201 KAR 21:095. Licensure, registration, and standards of persons performing peer review.**

RELATES TO: KRS 312.175, 312.200(3)

STATUTORY AUTHORITY: KRS 312.019(9)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(9) authorizes the board to promulgate administrative regulations consistent with KRS Chapter 312 governing the practice of chiropractic. KRS 312.200(3) requires that persons performing peer review of chiropractic claims be licensed by the board, complete annually a board approved utilization review course, and annually register with the board and pay a registration fee. This administrative regulation establishes the requirements for the licensure, review course, registration, and registration fee for persons to perform peer review services.

Section 1. Requirements for Licensure and Registration. A person performing chiropractic peer review shall:

- (1) Hold a current active license to practice chiropractic within the Commonwealth of Kentucky;
- (2)
  - (a) For the first year that a person seeks to register to perform peer review, have previously successfully completed a course consisting of a minimum of 100 hours of utilization review and independent medical examination from a chiropractic college or university accredited by the Council on Chiropractic Education; and
  - (b) For each year thereafter that a person seeks to register to perform peer review, have completed six (6) hours of continuing education in topics specifically related to utilization review and approved by the board to meet this requirement; ~~and [which shall be obtained at a live, in-person event within the Commonwealth of Kentucky; and]~~
- (3) Register annually with the board, by June 1 of each year, by:
  - (a) Presenting evidence of satisfactory compliance with the requirements established in this section and of having met the education requirements of KRS 312.175;
  - (b) Completing the Registration Form for Persons Performing Peer Review of Kentucky Chiropractic Claims; and
  - (c) Paying a registration fee of fifty (50) dollars.

Section 2. In performing peer review activities, a licensee shall:

- (1) Render the actual review service and documented report;
- (2) Personally retain a copy of all records associated with each peer review case for a minimum of seven (7) years;
- (3) Employ minimum standards associated with the practice of chiropractic and comply with the code of ethical conduct established in 201 KAR 21:015;
- (4) Provide a report that includes the rationale for the determination in order that the licensee provider is given adequate information to appeal;
- (5) Sign all reports, unless the review is performed under the Kentucky Chiropractic Board of Examiners Peer Review Committee, in which case, the board's administrator or designee shall sign the determination;
- (6) Review in accordance with accepted standards as defined in 201 KAR 21:001;
- (7) Review thoroughly and rely on all documents provided to the reviewer;
- (8) List in the resulting report all documents provided to the reviewer and list all documents reviewed; and
- (9) Personally conduct the review and prepare the report.

Section 3. Complaint Procedure Related to Peer Reviewers. A complaint against a peer reviewer alleging a violation of this administrative regulation or any other provision of KRS Chapter 312 or 201 KAR Chapter 21 shall be filed and processed according to the procedure established in 201 KAR 21:051.

Section 4. Incorporation by Reference.

(1) Application for Chiropractic Peer Reviewer, DPL-KBCE-02, March 2023, ["Registration Form for Persons Performing Peer Review of Kentucky Chiropractic Claims" 2013,] is incorporated by reference.

(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, from 8:00 a.m. to 4:00 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 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](https://us06web.zoom.us/j/82428127008?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](mailto: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 licensure, registration, and standards of persons performing peer review.

**(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 licensure, registration, and standards of persons performing peer review.

**(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 licensure, registration, and standards, including continuing education, for persons performing peer review.

**(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:**

No answer provided.

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

The amendment is necessary for consistency in the profession to allow continuing education requirements to be met through on-line classes without limitation and with no mandate for in-person continuing education.

**(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 amendment to the administrative regulation regulates the requirements related to continuing education for seekers of peer review.

**(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 allow persons seeking to perform peer review to obtain continuing education from sources other than live, in-person providers.

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

This regulation should add no additional cost to the licensed chiropractor in obtaining continuing education.

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

This regulation will allow licensees seeking to perform peer reviews to obtain continuing education from other than live, in-person providers, which is a convenience that cuts down on the cost of travel and related accommodations, as well as the time for travel to attend in-person continuing education events.

**(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. There is no cost to the administrative body to implement this amendment.

**(b) On a continuing basis:**

None. See 5(a) above.

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

There is no cost.

**(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.

**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 cost of continuing education is annually required and indeterminable.

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

The cost of continuing education is annually required and 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:**

This regulation will allow licensees seeking to perform peer reviews to obtain continuing education from other than live, in-person providers, which is a convenience that cuts down on the cost of travel and related accommodations, as well as the time for travel to attend in-person continuing education events.

**(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.