

JUL 01 2020



**NORTH DAKOTA  
STATE BOARD OF CHIROPRACTIC EXAMINERS**

June 17, 2020

Ms. Vonette Richter  
Assistant Code Revisor  
North Dakota Legislative Council  
State Capitol  
600 East Boulevard, 2nd Floor  
Bismarck, ND 58505-0360

Dear Ms. Richter:

The Notice of Intent to Adopt, Amend, or Repeal Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa Blanchard".

Lisa Blanchard, Executive Director  
North Dakota Board of Chiropractic Examiners  
PO Box 185  
Grafton, ND 58237  
(701) 213-0476  
Fax (701) 352-2258  
[contact@ndsbce.org](mailto:contact@ndsbce.org)

Enclosures

## **NOTICE OF INTENT TO ADOPT, REPEAL, AND AMEND ADMINISTRATIVE RULES**

**TAKE NOTICE** that the North Dakota Board of Chiropractic Examiners will hold a public hearing to address proposed new, amendments to, and/or repeal of the North Dakota Administrative Code Title 17. The public hearing will be held via teleconference. The hearing will be held on August 3, 2020 at 10:00 AM CST. To participate on the teleconference, please use the following connection information: Dial-In #: (888) 585-9008; Conference Room #: 804-970-636. The origin of the teleconference will be the Board Office, 607 Birch Court, Grafton, ND 58237.

Title 17 Board of Chiropractic Examiners proposed new, amendments to, and/or repeal of include:

### **ARTICLE 17-01 GENERAL ADMINISTRATION**

#### **17-01-01-01(3) Board Membership:**

The purpose of the proposed amendment is to update this subsection according to House Bill number 1279, enacted during the most recent legislative session, adding a certified chiropractic clinical assistant and a consumer member to the board.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

#### **17-01-01-01(5) Executive Director:**

The purpose of the proposed amendment is to expand who the Executive Director reports to.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

#### **17-01-01-01(6) Inquiries:**

The purpose of the proposed amendment is to streamline the rules and remove unnecessary information.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**17-01-01-02(2), (3), and (5) Fees:**

The purpose of the proposed amendments is to increase select licensure fees to maintain operational functions required for the board to meet the statutory duties in N.D.C.C. 43-06. Also included is language per Senate Bill number 2306, enacted during the most recent legislative session, concerning the waiving of fees for a provisional license or temporary permit for military spouses.

The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.

**17-01-02-02 Procedural rules:**

The purpose of the proposed amendment is to update and clarify the language regarding the manner in which the proceedings of the board are conducted.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**17-01-03-02 Duties of secretary-treasurer:**

The purpose of the proposed amendments is to correct a spelling issue and to assign what board member performs the duties of the secretary-treasurer in his/her absence.

The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.

**17-01-03-02 Duties of executive director:**

The purpose of the proposed amendment is to simplify and update the language regarding the duties of the executive director.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**ARTICLE 17-02 CHIROPRACTIC LICENSURE****17-02-01-01.2(4), (5), (5a), (6), (6a) and (7) Definitions:**

The purpose of these proposed rules is to add expanded definitions for Preceptorship, Intern, Graduate Intern, Direct supervision, and the scope of abilities found in N.D.C.C. 43-06-02(2) and 43-06-02(3).

The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

**17-02-01-02. Application for licensure:**

The purpose of the proposed amendment is to update the method of securing an application. Additionally, the language regarding the jurisprudence requirement is being removed from this section in order to move it to a more appropriate section of the administrative rules (moving to 17-02-01-08).

The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.

**17-02-01-02.1. Reciprocity:**

The purpose of the proposed amendment to the title is to update the language to include the term endorsement which will better match language used by other jurisdictions for license portability.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**17-02-01-02.1(3), (6), and (7). Reciprocity:**

(3) The purpose of the proposed amendment is to remove unnecessary language as it is already addressed in the Administrative Rules under 17-02-01-08.

(4) The purpose of the proposed amendment is to remove unnecessary language as it is no longer applicable due to the proposed addition of endorsement to the title.

(6) The purpose of the proposed amendment is to include the CHRI requirement for this type of applicant.

(7) The purpose of the proposed amendment is to remove unnecessary language.

The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.

**17-02-01-04. Photo:**

The purpose of the proposed amendment is to remove the size requirements due to the advancement of technology and also to update the age of the photo.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**17-02-01-08(3), (4), and (8). Examination subjects and requirements:**

(3) & (4) The purpose of the proposed amendments in these subsections is to remove unnecessary licensure barriers.

(8) The purpose of the proposed amendment is to add language to include the jurisprudence examination and affidavit requirements. This is being moved from 17-02-01-02.

The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.

**17-02-01-10. Licenses issued:**

The purpose of the proposed amendment is to remove antiquated moral character verbiage and replace it with clearer terminology.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**17-02-01-10.1. License displayed:**

The purpose of the proposed amendments is to add a notification requirement for branch offices and add a specified timeframe in which notification to the board office should be made.

The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.

**17-02-01-13(1) and (3). License renewal and fees:**

(1) The purpose of the proposed amendments is to clearly define the license renewal deadline, to update the application location, and to add the reporting of the continuing education credits to this section for clarity.

(3) The purpose of the proposed amendment is to remove the examination requirements and to replace with a reapplication requirement. Additionally, removing the jurisprudence requirement language as it is already a requirement in the application process.

The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.

**17-02-01-15. Lapsed licenses:**

The purpose of the proposed amendment is to remove unnecessary language.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**17-02-01-16(3). Reactivation of an inactive license:**

The purpose of the proposed amendment is to remove incorrect and unnecessary terminology.

The proposed repeal is not expected to have an impact on the regulated community in excess of \$50,000.

**17-02-02.1-02. License suspension:**

The purpose of the proposed amendment is to allow for specifications to be included in orders or agreements.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**17-02-03-01. Filing addresses:**

The purpose of the proposed amendment is to reformat the single section into 2 separate subsections for clarity. There are no content changes.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**17-02-03-02. Reporting contagious or infection diseases:**

The purpose of the proposed amendment is to update the existing language from community to region and to add the State source for the specific diseases.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**17-02-04-02. Signing death certificates:**

The purpose of the proposed amendment is to update the existing language from patient to individual.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**17-02-04-03. Advertising:**

The purpose of the proposed amendment is to remove the language regarding American chiropractic association code of ethics adopted by this state. See proposed change for 17-03-01-04.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**17-02-04-06(10). Needle acupuncture:**

The purpose of the proposed rule is to add an exemption from additional licensure by board of integrative health care, if applicable.

The proposed rule is not expected to have an impact on the regulated community in excess of \$50,000.

**17-02-04-07(6), (7), (8), (9), and (10). Dry needling:**

(6) The purpose of the proposed amendment is to correct the terminology.

(7), (8), & (9) The purpose of the proposed amendments is to add an annual continuing education requirement to maintain the certification along with specific requirements for reinstatement if the certification is allowed to lapse.

The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.

**ARTICLE 17-03 DISCIPLINARY MATTERS**

**17-03-01-01. Unprofessional Conduct:**

(2) The purpose of the proposed amendment is to add an additional legal definition and to include additional individuals to further define who this subsection pertains to.

(3) The purpose of the proposed amendment is to decrease the retention duration for patient records.

(4) The purpose of the proposed amendment is to update and revise the legal definitions included in the subsection.

(7) The purpose of the proposed amendment is to remove the outdated term moral turpitude and redefine.

(9) The purpose of the proposed amendment is to remove the outdated term moral turpitude and to further define for clarity.

(11) The purpose of the proposed amendment is to combine the language from this subsection with subsection (4) above.

(12) The purpose of the proposed amendment is to add the term willful for further legal definition.

(15) Previously part of original (16): The purpose of the proposed amendment is to separate the original subsection for clarity. The purpose of the proposed amendment is to further clarify the term scope.

(16) Previously part of original (16) – The purpose of the proposed amendment is to separate the original subsection for clarity.

(17) Previously part of original (16) – The purpose of the proposed amendment is to separate the original subsection for clarity.

(19) The purpose of the proposed amendment is to add a definition regarding patient care and the responsibility of chiropractor.

(20) The purpose of the proposed amendment is to add language that does not limit the possibilities to the defined subsections.

(20)(a)(1) The purpose of the proposed amendment is to add and define the term specialist.

(20)(g) The purpose of the proposed amendment is to clarify rules on advertising.

(20)(h) The purpose of the proposed amendment is to clarify rules on advertising.

(22) The purpose of the proposed amendment is to add significant other to this subsection.

The proposed amendments in section 17-03-01-01 are not expected to have an impact on the regulated community in excess of \$50,000.

**17-03-01-02(3). Marketing:**

The purpose of the proposed amendment is to remove the term telemarketing and replace with marketing.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**17-03-01-04. Code of ethics:**

The purpose of the proposed repeal is to remove the previously adopted code of ethics as the items included in this code already exist in either law or administrative rules and to eliminate any concerns regarding the adoption of a specific organization's language.

The proposed repeal is not expected to have an impact on the regulated community in excess of \$50,000.



**17-03-02-01(1), (5), and (6). Professional education:**

(1) The purpose of the proposed amendment is to add PACE (Providers of Approved Continuing Education) as approved hours.

(b original) The purpose of the proposed amendment is removal as it has been moved.

(b new) The purpose of the proposed amendment is to add co-sponsorship.

(e original) The purpose of the proposed amendment is removal as it is combined in the new subsection d.

(f original) The purpose of the proposed amendment is removal as it is combined in the new subsection d.

(d new) The purpose of the proposed amendment is to combine 2 previous subsections (e & f) for simplicity, to update terminology from medical to health-related, and to remove the naming of specific trade associations.

(5) The purpose of the proposed amendment is to lower the quantity of professional boundary hours required in this subsection by 1 to match the number of hours required in this topic by the neighboring jurisdictions.

(6) The purpose of the proposed amendment is to remove the new doctor seminar requirement as it is a burden to the new license holders and has been replaced with an online jurisprudence examination.

The proposed amendments and repeals in section 17-03-02-01 are not expected to have an impact on the regulated community in excess of \$50,000.

**17-03-02-02(1). Peer review:**

The purpose of the proposed amendment is to remove the president requiring appointments to the committee be made by the full board.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**17-03-02-03. Report of disciplinary actions:**

The purpose of the proposed amendments is to include the option of utilizing a reporting agent and to update the titles of the databanks. In addition, an update to the location where the board will publish final disciplinary actions.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

## **ARTICLE 17-04 CERTIFIED CHIROPRACTIC CLINICAL ASSISTANT**

The purpose of the proposed rule is to add a new article to Title 17 regarding the Certified Chiropractic Clinical Assistants.

The proposed rule is not expected to have an impact on the regulated community in excess of \$50,000.

### **17-04-01-01. Lapsed Certifications:**

The purpose of the proposed rule is to add a section to the new chapter regarding lapsed certifications.

The proposed rule is not expected to have an impact on the regulated community in excess of \$50,000.

### **17-04-01-02. Reactivation of a lapsed certification.**

The purpose of the proposed rule is to add a section to the new chapter regarding the process and requirements an individual will need to complete in order to reactivate a lapsed certification.

The proposed rule is not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules may be reviewed on the website of the North Dakota Board of Chiropractic Examiners ([www.ndsbce.org](http://www.ndsbce.org)). A copy of the proposed rules and/or a regulatory analysis may be requested by writing at PO Box 185, Grafton, ND 58237, or e-mailing ([contact@ndsbce.org](mailto:contact@ndsbce.org)), or calling (701) 213-0476. Written or oral comments on the proposed rules provided to the contact information above (email, mail, or telephone number) and received by August 17, 2020 will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Board of Chiropractic Examiners at the above telephone number or address at least seven days prior to the public hearing.

Dated this 17<sup>th</sup> day of June, 2020.

Lisa Blanchard, Executive Director