

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form

FILED
4-10-15 3:48 PM
ARCHIVES DIVISION
SECRETARY OF STATE

Board of Chiropractic Examiners
Agency and Division
811
Administrative Rules Chapter Number

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RULE CAPTION

Increases DC application, ~~retake~~, initial license, renewal license fees and late renewal penalty

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

| Hearing Date | Time | Location | Hearings Officer |
|--------------|-----------|--|----------------------|
| 5-21-15 | 1:00 p.m. | Univ of Western States, Hampton Hall, 2900 NE 132nd Ave, Portland, | Daniel Cote DC, OBCE |

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

811-010-0066 Reciprocity
811-010-0085 Application and Examination of Applicants
811-010-0086 Annual Registration

REPEAL:

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 684

Other Authority:

SB 106 (2013)

Statutes Implemented:

684.040, 684.050, 684.052, 684.060, 684.090, 684.092

RULE SUMMARY

The increased fees would generate approximately \$323,164 of additional Other Fund revenue for the 2015-17 biennium, providing the required months of ending cash balance and to enable the agency to pay for increased legal expenses, costs, and fees incurred in defending administrative, circuit court, and appellate cases, in addition to other policy packages within the agency's 2015-17 budget.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

05-21-2015 4:30 p.m. Kelly J. Beringer kelly.beringer@state.or.us
Last Day (m/d/yyyy) and Time Rules Coordinator Name Email Address
for public comment

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
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811
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Increases DC application, ~~retake~~, initial license, renewal license fees and late renewal penalty

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

811-010-0066 Reciprocity
811-010-0085 Application and Examination of Applicants
811-010-0086 Annual Registration

Statutory Authority:

ORS 684

Other Authority:

SB 106 (2013)

Statutes Implemented:

684.040, 684.050, 684.052, 684.060, 684.090, 684.092

Need for the Rule(s):

The increased fees would generate approximately \$323,164 of additional Other Fund revenue for the 2015-17 biennium, providing the required months of ending cash balance and to enable the agency to pay for increased legal expenses, costs, and fees incurred in defending administrative, circuit court, and appellate cases, in addition to other policy packages within the agency's 2015-17 budget.

Documents Relied Upon, and where they are available:

2015-17 Agency Request Budget, 2015-17 Governor's Budget, budgetary and fiscal projections of agency staff and accountants.

Fiscal and Economic Impact:

See above.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

No cost of implementation to the agency.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

There are approximately 1877 chiropractic physicians (Regular Active, Senior Active, Inactive) that these rules would effect in addition to approximately 175 initial licensees, 200 applicants, and 1968 current licenses that could be effected by the Late Renewal fee.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

No additional costs incurred by the agency - absorbed within regular business

c. Equipment, supplies, labor and increased administration required for compliance:

N/A

How were small businesses involved in the development of this rule?

Agency provided notification via electronic newsletter

Administrative Rule Advisory Committee consulted?: Yes

If not, why?:

05-21-2015 4:30 p.m.

Kelly J. Beringer

kelly.beringer@state.or.us

Last Day (m/d/yyyy) and Time
for public comment

Printed Name

Email Address

Reciprocity

811-010-0066 A person licensed to practice Chiropractic under the laws of another state or states for at least five years may apply for reciprocity with the Oregon Board of Chiropractic Examiners for a chiropractic license in Oregon. An application and ~~\$150~~~~\$250~~ fee shall be submitted and must be accompanied by all items required by ORS 684.040 (2)(a)(b)(c)(d) and (e), and the following:

(1) The applicant will present a certified transcript from the Board of Chiropractic Examiners in the state(s) where licensed equivalent to the Oregon Clinical Proficiency Examination (Oral/Practical and X-ray) or the National Board of Chiropractic Examiners Part IV, including a state or national examination in physiotherapy

(2) The Board may also require a written and/or oral examination listed in section (1) in which there is no official transcript available.

(3) The applicant will have furnished a certified statement from the Board of Chiropractic Examiners in the state(s) where licensed, that the applicant is not guilty of unprofessional or unethical practices or the subject of any pending disciplinary actions in that state.

(4) Any applicant for reciprocity, licensed in another state prior to July 1, 1992, is not required to have passed the Part III examination given by the National Board of Chiropractic Examiners.

(5) Upon qualification for licensure, the applicant will submit the ~~\$100~~~~\$150~~ initial license fee.

Statutory Auth.: ORS 684

Stats. Implemented: ORS 684.040; 684.060

Adopted Eff. 5-29-02

Application and Examination of Applicants

811-010-0085 (1) Applicants shall be examined according to ORS 684.050 or 684.052.

(2) The Board shall provide a Candidate's Guide, which contains all necessary examination information.

(3) Fee and application deadlines are as follows:

(a) Application and ~~\$150~~~~\$250~~ fee for chiropractic exams must be postmarked no later than 30 days prior to the first exam day.

(b) Request for retake of any section of the exam must be submitted in writing with a \$100 reexamination fee postmarked no later than 30 days prior to the first exam day.

(c) Supporting documentation must be postmarked no later than 30 days prior to the first exam day.

(d) Deadlines may be waived by the Board for good cause.

(e) A complete set of fingerprints obtained from any state or local law enforcement agency, or from any other agency approved by the Board. Applicants shall use forms prescribed by the Board.

(f) Applicant must pay to the Board the current actual cost of conducting the state and federal background check

(g) Criminal background check results must be submitted prior to the 30 day deadline.

(4) Documents to be submitted prior to approval to take the Oregon Specifics Examinations:

(a) A completed, official application including a recent photograph and fingerprints;

(b) Evidence of the applicant's good moral character on the letterhead stationary of a Chiropractic physician;

(c) A signed affidavit attesting to successful completion of at least two years of liberal arts and sciences study in an accredited college. Original transcripts must be provided if requested by the Board; and

(d) A transcript certified by the registrar, from an approved chiropractic college, including transcripts of coursework as required by OAR 811-020-0006 (minimum Educational Requirements for physiotherapy and minor surgery/ proctology). A transcript of grades is necessary from each chiropractic college attended.

(e) An official transcript of passing grades from the National Board of Chiropractic Examiners

on Part I, II and III and physiotherapy.

(5) Documents and fee to be submitted prior to licensure include:

(a) ~~\$100~~\$150 initial license fee.

(b) A diploma or other evidence of graduation certified by the registrar from an approved Chiropractic college.

(c) An official transcript of passing grades from the National Board of Chiropractic Examiners Part IV.

(6) All applicants must take and pass the Oregon Specifics Examination consisting of written examination in ethics and jurisprudence, obstetrics and gynecology, minor surgery and proctology. Applicants who have previously taken and passed obstetrics and gynecology, and/or minor surgery and proctology within the last five years from the date of application as received by the Board are not required to retake these tests, however all applicants must take and pass ethics and jurisprudence.

(7) Oregon Specifics Examination Grades:

(a) The Board shall determine the passing scores. Each section of the examination shall be graded separately using the Angoff Method, a criterion referenced model. Passing scores fluctuate between sections and between examinations. All examinations are designed to test minimal competency to protect the public health and safety.

(b) Examination grades will be released within 30 days of the examination date.

(8) Regrades: any request for regrade must be submitted in writing to the Board no later than 45 days after the date of the examination. A regrade involves a manual tally of points earned for the specific examination requested.

(9) An applicant failing to achieve a passing grade, as determined by the Board for each examination section, may make application to the Board for a re-examination in the failed sections .

(10) An applicant must take at least one of the failed section(s) within 13 months following the date when the applicant took the entire examination. If the applicant fails to re-test on at least one failed section within 13 months of the last examination, the file shall become inactive and the applicant must re-apply and take the entire examination.

(11) An applicant attempting to give aid or accepting aid from another while examinations are in progress shall fail the examination and will not be allowed to take the examination for a period of five (5) years.

(12) Refunds:

(a) The application fee is non-refundable; and

(b)The retake fee can be refunded until 10 days prior to the test date.

(c) The background check fee is non-refundable.

(13) The Board may reject applications for good cause, including evidence of unprofessional behavior.

(14) Effective June 1, 2001 applicants who have completed all requirements for licensure, including passage of all required examinations, must submit the initial license fee to obtain license within one year from the date they completed all the requirements. An applicant's initial license will be valid for a minimum of 180 days. However, if the applicant's next birth date is within the 180 days, the initial license will be valid for an additional 12 months beyond the applicant's birth date.

Statutory Auth.: ORS 684

Stats. Implemented: ORS 684.050; 684.052

Eff. March 20, 2015

Annual Registration

811-10-0086 The license period for chiropractic physicians in Oregon is a period equal to 12 months, expiring on the last day of the licensee's birth date month.

Chapter 811
Division 10

(1) At least 30 days prior to the renewal due date the board shall mail to the last-known professional address of each licensed chiropractor a notice of the requirements of ORS 684.090 and 684.092.

(2) Active licensees must meet the requirements of ORS 684.092 during the 12 months prior to the expiration of the Certificate of Registration and pay to the board the annual ~~\$350~~\$425 registration fee.

(3) Licensees may apply for a ~~\$262.50~~\$318.80 senior active license within 45 days prior to the expiration of the Certificate of Registration if the licensee meets all of the following requirements:

- (a) Is 60 years of age or older; and
- (b) Has held an active chiropractic license for at least 25 years.

(4) Senior active licensees shall fulfill the requirements of ORS 684.090, 684.092 and 684.094 except that continuing chiropractic education shall not be less than 6 hours per year.

(5) Senior active licensees shall show proof at the time of license renewal that the criteria of subsection (3)(a) and (b) of this rule have been met.

(6) Active licensees may apply for a ~~\$175~~\$225 inactive license within 45 days prior to the expiration of the Certificate of Registration if the licensee qualifies because of one of the following:

- (a) Military service;
- (b) Peace Corps or VISTA service;
- (c) Retirement; or
- (d) Licensee is not engaged in the practice of chiropractic in Oregon.

(7) Inactive licensees do not have to fulfill the requirements of ORS 684.092.

(8) Inactive licensees who want to reinstate their active license during the same fiscal year shall pay the full active annual registration fee and provide proof of compliance with ORS 684.092.

(9) Inactive licensees who apply for reinstatement after five or more years after the date of transfer to inactive license, or who cannot demonstrate to the satisfaction of the Board they have been in active practice during the preceding five years, may be required to establish their competency in the practice of chiropractic by

- (a) Receiving a passing grade on all or part of an examination required by the Board; or
- (b) Submitting a letter showing proof of active practice and any disciplinary actions from the state boards where licensure is maintained.

(10) A license that is not renewed on time may not be renewed except:

(a) Upon written application and payment to the board of the fee for the license category plus a delinquent fee of ~~\$100~~\$125 for each week or portion thereof, not to exceed \$500.

(b) Upon compliance with or exemption from the requirements of ORS 684.092.

Statutory Auth.: ORS 684

Stats. Implemented: ORS 684.090; 684.092

Adopted 11-1-2013