

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING**

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Board of Chiropractic Examiners  
Agency and Division

Chapter 811  
Administrative Rules Chapter Number

Dave McTeague, Executive Director  
Rules Coordinator

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Address

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November 19, 2009  
Hearing Date

9:30 a.m.  
Time

Western States Chiropractic College, 2900 NE 132<sup>nd</sup> Ave., Portland, OR 97230  
Location Hampton Hall Conference Room

Dave McTeague, Executive Director  
Hearings Officer

Are auxiliary aids for persons with disabilities available upon advance request? Yes No

**RULE CAPTION**

Requires informed consent for examinations, open book Ethics & Jurisprudence Examination;  
Increases board member per diem

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

**RULEMAKING ACTION**

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

ADOPT:

AMEND: 811-035-0005 (2) (Duties and Obligations)  
8 11-035-0015 (18) (Unprofessional Conduct)  
811-010-0071 New subsection (2)

REPEAL:

RENUMBER:

AMEND & RENUMBER:

ORS 684  
Stat. Auth.

Other Authority

ORS 684.  
Stats. Implemented

**RULE SUMMARY**

Proposed administrative rules for informed consent for examinations, open book Ethics & Jurisprudence Examination; Increases board member per diem.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

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

Signature

November 19, 2009

**Last Day for Public Comment**

Last day to submit written comments to the Rules Coordinator

Dave McTeague, OBCE Executive Director

Printed name

Date

\*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday upon which the deadline is 5:00 pm the preceding workday.  
ARC 920-2005

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**  
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Board of Chiropractic Examiners  
Agency and Division

Chapter 811  
Administrative Rules Chapter Number

**In the Matter of:**

**Amendment of Rule:** 811-035-0005 (2) (Duties and Obligations)  
8 11-035-0015 (18) (Unprofessional Conduct)  
811-010-0071 New subsection (2)

**Rule Caption:** Requires informed consent for examinations, open book Ethics & Jurisprudence Examination; Increases board member per diem

**Statutory Authority:** ORS 684

**Other Authority:**

**Stats. Implemented:** ORS 684

**Need for the Rule(s):**

811-035-0005 (2) (Duties and Obligations): The current rule on informed consent is ambiguous regarding informed consent for examination procedures. The Board of Chiropractic wants to clarify these informed consent requirements to make the rule requirement for informed consent more explicit.

811-035-0015 (18) (Unprofessional Conduct): This section needs to be amended to allow an open book examination for the revised Ethics and Jurisprudence state examination.

811-010-0071 New subsection (2): HB 2058 passed the 2009 Legislature which allows health regulatory boards to determine board member per diem by administrative rule. HB 5054 passed approving an increase in funding for OBCE board member per diem. The proposed level of \$139 per day recognizes the major time commitment required of board members.

**Documents Relied Upon, and where they are available:**

Oregon Administrative Rules 811. Legislation passed in 2009 (HB 2058 and HB 5054), staff memos regarding Ethics and Jurisprudence Examination update; and current OAR 811.

**Fiscal and Economic Impact, including Statement of Cost of Compliance:** There is a \$18,309 fiscal impact to the agency for the board member per diem over a two-year period. This was approved by the 2009 Legislature. There is no fiscal impact for the other two rule proposals.

**How were small businesses involved in the development of this rule?** A public notice is being sent to the OBCE's public notice mailing list and chiropractic clinics are represented on the OBCE Rules Advisory Committee.

**Administrative Rule Advisory Committee consulted?:** The OBCE Rules Advisory Committee is meeting to review these proposals on Tuesday, October 20, 2009.

\_\_\_\_\_  
Authorized Signer

Dave McTeague, OBCE Executive Director  
\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Date