

## **NOTICE OF PROPOSED RULEMAKING**

### **CHAPTER 811**

### **BOARD OF CHIROPRACTIC EXAMINERS**

**FILING CAPTION:** Updating to include cultural competency continuing education per the requirements within HB 2011.

**LAST DAY AND TIME TO OFFER COMMENT TO AGENCY:** 07/22/2021 AT 8:35 AM

#### **HEARING(S):**

**DATE:** 07/22/2021

**TIME:** 8:30 AM - 3:30 PM

**OFFICER:** Mackenzie Purnell

**ADDRESS:** TBD

Zoom and Telephone

Open to public

All, OR 97301

#### **SPECIAL INSTRUCTIONS:**

Zoom and Telephone access will be posted on public agenda on agency website

#### **NEED FOR THE RULE(S):**

Updating to include cultural competency continuing education per the requirements within HB 2011.

#### **DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

OAR Ch. 811, [www.oregon.gov/obce](http://www.oregon.gov/obce)

#### **FISCAL AND ECONOMIC IMPACT:**

No direct fiscal impact

#### **COST OF COMPLIANCE:**

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

No cost associated for compliance.

#### **DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):**

5 of our board members who will be reviewing and voting on this rule are licensed chiropractic physicians and some either own or work for small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Updating rule to reflect new rule updates

CONTACT:

Mackenzie Purnell

503-373-1573

Mackenzie.g.purnell@oregon.gov

530 Center St NE

Suite 620

Salem, OR 97301

AMEND: 811-015-0025

RULE TITLE: Continuing Chiropractic Education

RULE SUMMARY:

RULE TEXT:

(1) Continuing chiropractic education (CE) is to improve the competence and skills of Oregon chiropractic licensees, and to help assure the Oregon public of the continued competence of these licensees within the statutory scope of practice.

(2) In order to renew a license or certificate, each licensee shall complete an affidavit attesting to successful completion of education per their license or certificate status.

(a) Chiropractic physician first year initial status – 8 hours which must include the following:

(A) Over-the-counter, non-prescriptive substances – 4 hours;

(B) Evidence-based medicine – 2 hours;

(C) Cultural competency – 1 hour;

(D) Suicide intervention training – 1 hour;

(b) Chiropractic physician second year active status – 20 hours which must include the following:

(A) Pain Management Education – 7 hours (6 accredited hours in pain management, palliative care, and end of life care or a combination of both, and 1 hour of pain management module through the Pain Management Commission);

(B) Cultural competency – 2 hours;

(C) Suicide intervention training – 1 hour;

(D) General continuing education – 10 hours;

(c) Chiropractic physician active status - 20 hours which must include the following:

(A) Cultural competency – 2 hours;

(B) Suicide intervention training – 1 hour;

(C) General continuing education – 17 hours;

(d) Chiropractic physician senior active status - 6 hours;

(A) Cultural competency – 1 hours;

(B) Suicide intervention training – 1 hour;

(C) General continuing education – 3 hours;

(e) Chiropractic assistant - 6 hours which must include the following:

(A) Cultural competency – 1 hour;

(B) General continuing education – 5 hours.

(f) The Board may require additional specific courses as part of a licensee's annual renewal hours for an upcoming license or certificate period.

(3) Continuing education course or activity hours must be completed during the preceding license or certification period. A licensee may not claim more than 20 hours of continuing education completed in one 24-hour period. Courses shall not be taken simultaneously. Each licensee shall maintain records) to support the attestation of completed hours.

(4) Courses or activities determined by licensees to meet the criteria of sections (9) and (10) are presumed to be approved until or unless specifically disapproved by the Board. Licensees will be informed of any disapproved courses in a timely manner. The Board will maintain a list of disapproved courses available for review by licensees.

(5) Any chiropractic physician who is also actively licensed in a healthcare profession with prescriptive rights is exempt from the over-the-counter, non-prescriptive substances requirements.

(6) Any chiropractic physician changing license status from inactive to active or senior active shall take the required hours referenced in section (2).

(a) It shall be within the Board's discretion to determine, on a case-by-case basis, the required continuing education based on the time away from active status.

(7) Approved continuing chiropractic education shall be obtained from courses or activities which meet the following criteria:

(a) They do not misrepresent or mislead;

(b) They are presented by a chiropractic physician, licensed here or in another state, other appropriate health care provider, or other qualified person;

(c) They exclude practice-building subjects and the principle purpose of the program may not be to sell or promote a commercial product. However, the mere mention of practice-building concepts shall not disqualify a program's eligibility for CE credit.

(d) The material covered shall pertain to the practice of chiropractic in Oregon or be related to the licensee's specific practice;

(e) Continuing education hours for Board activities must assist in assuring the competence and skills of the licensee; and

(f) Shall be quality courses or activities adequately supported by evidence or rationale as determined by the Board.

(8) The Board may accept credit hours from courses, seminars, or other activities. Completion of other activities as chiropractic continuing education is defined as follows:

- (a) Continuing medical education (CME);
  - (b) Video or audio-taped continuing education courses or seminars, unless specifically required by the Board to be taken in person;
  - (c) Online courses;
  - (d) Being an original author of an article, published in a peer reviewed journal, given in the year of publication;
  - (e) Participation in a formal protocol writing process associated with an accredited health care institution or state or government health care agency;
  - (f) Participation on a Board committee, or assisting with a National Board of Chiropractic Examiners' (NBCE) examination or test writing committee;
  - (g) Participation in a research project, approved by the Board, related to chiropractic health care directed by an educational institution or other qualified chiropractic organization;
  - (h) Teaching courses at an accredited health care institution;
  - (i) Teaching chiropractic continuing education courses;
  - (j) CPR courses; and
  - (k) Instruction related to OAR 811-015-0030, minor surgery/proctology rotation; and
  - (l) Any other course or activity specifically authorized by the Board.
- (9) All licensees are required to keep full, accurate, and complete records:
- (a) A verification of attendance for all CE courses or activities showing hours claimed for renewal credit, and or proof of completion signed by the sponsor and licensee.
  - (b) Video or audio-taped courses shall be supported through record-keeping with a letter, memo, or on a form provided by the Board, that includes the dates and times, vendor's or presenter's name/s, total hours claimed for each course, location, and includes the following statement: "I swear or affirm that I viewed or listened to these continuing education courses in their entirety on the dates and times specified in this report."
  - (c) A copy of a published article including the date of publication;
  - (d) A written record of hours in clinical protocol development and research projects. The record shall include the names and addresses of the institutions involved, name of supervisors, and their signatures verifying hours.
  - (e) For licensees claiming CE hours under the provisions of (9)(f), for participation on a Board committee, or assisting with a National Board of Chiropractic Examiners' (NBCE) examination or NBCE test writing committee, certification from the Board or NBCE.
  - (f) For licensees claiming CE hours under the provisions of (9)(h), a record of employment by health care institutions, signed by their supervisor, a copy of the course syllabus if applicable, and verification of hours.
  - (g) For licensees claiming CE hours under the provisions of (9)(i), licensee shall obtain and keep verification of the course taught including, the dates of the course, a syllabus and the sponsoring organization.

(h) For licensees claiming CE hours under the provisions of (9)(k), a record of the dates, topics/procedures, and hours.

(10) The Board will generate a random computer list of a minimum of 10% or up to 100% of renewing licensees, who will have their CE records audited and reviewed to ensure compliance with this rule. Licensees shall respond to this request within 30 days by supplying the Board with verification of their CE courses or activities.

(11) Any licensee who has submitted inadequate, insufficient, or deficient CE records or who otherwise appears to be in noncompliance with the requirements of this rule will be given written notice by the Board and will have 30 days from the date of notice to submit additional documentation, information or written explanation to the Board establishing the licensee's compliance with this rule. The Board may issue civil citations for noncompliance of this rule.

(12) At its discretion, the Board may audit, by attendance, the content of any program in order to verify the content thereof. Denial of an audit is grounds for disapproval.

(13) Any licensee seeking a hardship waiver from their continuing education requirements shall apply to the Board, in writing, as soon as possible after the hardship is identified and prior to the close of licensure for that year. Specific details of the hardship must be included. In order to approve an application for a hardship waiver, the Board, within its discretion, must find that such hardship exists.

(14) The Board shall maintain and make available, through its web page and electronic communications to licensees, a list of disapproved courses, if any. The Board may disapprove a course or CE activity after giving the sponsor and/or licensees the opportunity to provide additional information of compliance with the criteria contained in this rule, and opportunity for contested case hearing under the provisions of ORS 183.341, if requested. Any CE sponsor or licensee may request the Board to review any previously disapproved course at any time.

**Statutory/Other Authority:** ORS 684.155

**Statutes/Other Implemented:** ORS 684.092