

## Notice of Rulemaking Hearing

### Board of Chiropractic Examiners

There will be a hearing before the Tennessee Board of Chiropractic Examiners to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-4-106. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Department of Health Conference Center's Mockingbird Room on the First Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 2:30 p.m. (CDT) on the 24th day of July, 2007.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

### Substance of Proposed Rules

#### Amendments

Rule 0260-2-.03, Necessity of Licensure, is amended by inserting the following language as new paragraph (3) and renumbering the remaining paragraphs accordingly:

- (3) Use of Titles - Any person who possesses a valid, current and active license issued by the Board that has not been suspended or revoked has the right to use the titles "chiropractor," "chiropractic physician" and "doctor of chiropractic," to use the acronym "D.C.," and to practice chiropractic, as defined in T.C.A. §§ 63-4-101. Any person licensed by the Board to whom this rule applies must use one of the titles authorized by this rule in every "advertisement" [as that term is defined in rule 0260-2-.20 (2) (a)] he or she publishes or the failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the licensee to disciplinary action pursuant to T.C.A. § 63-4-114 (1), (4), (13), and (16).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-145, 63-4-101, 63-4-106, 63-4-114, and 63-4-122.

Rule 0260-2-.07, Applicant Review, Approval, Denial, Interviews, is amended by deleting paragraph (10) in its entirety and substituting instead the following language, so that as amended, the new paragraph (10) shall read:

#### (10) Interviews

- (a) Applicants, who by virtue of any criteria for licensure in the areas of mental, physical, moral or educational capabilities, as contained in the application and review process which indicates derogatory information or a potential risk to the public health, safety and welfare, may be required to present themselves to the Board for an interview before final licensure may be granted. The interviews, which may be required, are considered part of the licensure process.

- (b) Applicants who have completed all requirements and procedures for licensure and who are not impacted by subparagraph (a) shall present themselves to a Board member for an interview which shall include a discussion regarding the applicant's knowledge and understanding of pertinent statutes, regulations and ethics codes. The applicant shall schedule the interview to occur within sixty (60) days of his/her receipt of the Board's written approval to commence.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, and 63-4-107.

Rule 0260-2-.15, Disciplinary Actions, Civil Penalties, Screening Panels, Subpoenas, and Assessment of Costs, is amended by deleting subparagraph (1) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (f) shall read:

- (1) (f) Conditions - Any action deemed appropriate by the Board to be required of a disciplined licensee in any of the following circumstances:
  - 1. During any period of probation, suspension; or
  - 2. During any period of revocation after which the licensee may petition for an order of compliance to reinstate the revoked license; or
  - 3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license; or
  - 4. As a stand-alone requirement(s) in any disciplinary order.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, 63-4-114, and 63-4-115.

Rule 0260-3-.14, Disciplinary Actions and Civil Penalties, is amended by deleting subparagraph (1) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (f) shall read:

- (1) (f) Conditions - Any action deemed appropriate by the Board to be required of a disciplined certificate holder in any of the following circumstances:
  - 1. During any period of probation, suspension; or
  - 2. During any period of revocation after which the certificate holder may petition for an order of compliance to reinstate the revoked certificate; or
  - 3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked certificate; or
  - 4. As a stand-alone requirement(s) in any disciplinary order.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, 63-4-114, 63-4-115, and 63-4-119.

Rule 0260-5-.14, Disciplinary Actions and Civil Penalties, is amended by deleting subparagraph (1) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (f) shall read:

- (1) (f) Conditions - Any action deemed appropriate by the Board to be required of a disciplined certificate holder in any of the following circumstances:

1. During any period of probation, suspension; or
2. During any period of revocation after which the certificate holder may petition for an order of compliance to reinstate the revoked certificate; or
3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked certificate; or
4. As a stand-alone requirement(s) in any disciplinary order.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, 63-4-114, 63-4-115, and 63-4-123.

The notice of rulemaking set out herein was properly filed in the Department of State on the 10th day of May, 2007. (FS 05-08-07, DBID 630, 631)