

Rulemaking Hearing Rules

Board of Chiropractic Examiners

Chapter 0260-3
General Rules Governing Chiropractic X-Ray Technologists

Chapter 0260-5
General Rules Governing Chiropractic Therapy Assistants

Amendments

Rule 0260-3-.10, Supervision, is amended by adding the following language as new paragraphs (3) and (4):

- (3) Before being authorized to perform any x-ray procedure or operate any x-ray equipment in a chiropractic physician's office, the chiropractic physician shall place a copy of the x-ray operator's renewal certificate in his/her personnel file to prove the x-ray operator being authorized has the appropriate certification required for either or both the procedure being performed and/or the equipment being used and that such certification is current.
- (4) The employing chiropractic physician(s), or a chiropractic physician designated by the employing chiropractic physician(s) as a substitute supervisor, shall exercise close supervision and assume full control and responsibility for the services provided by any person certified under this chapter of rules employed in the chiropractic physician(s)' practice. This supervision, control and responsibility does not require the physical presence of the chiropractic physician(s) at all times at the site where the services are being provided. However, it does require that the chiropractic physician(s) have his/her primary practice physically located within the boundaries of the state of Tennessee and that he/she be capable of being physically present at the site where the services are being provided within a reasonable amount of time.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, 63-4-107, and 63-4-119.

Rule 0260-5-.10, Supervision, is amended by adding the following language as new paragraphs (3) and (4):

- (3) Before being authorized to perform any chiropractic procedure or operate any equipment in a chiropractic physician's office, the chiropractic physician shall place a copy of the chiropractic therapy assistant's renewal certificate in his/her personnel file to prove the chiropractic therapy assistant being authorized has the appropriate certification required for either or both the procedure being performed and/or the equipment being used and that such certification is current.
- (4) The employing chiropractic physician(s), or a chiropractic physician designated by the employing chiropractic physician(s) as a substitute supervisor, shall exercise close supervision and assume full control and responsibility for the services provided by any person certified under this chapter of rules employed in the chiropractic physician(s)' practice. This supervision, control and responsibility does not require the physical presence of the chiropractic physician(s) at all times at the site where the services are being provided. However, it does require that the chiropractic physician(s) have his/her primary practice physically located within the boundaries of the state of Tennessee and that he/she be capable of being physically present at the site where the services are being provided within a reasonable amount of time.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, 63-4-107, and 63-4-123.

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 127th day of July, 2007, and will become effective on the 10th day of October, 2007. (FS 07-21-07;DBID 2641-2642)

Economic Impact Statement

- (1) Type or types of small business subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:

Chiropractic physicians who employ chiropractic x-ray operators and chiropractic therapy assistants.

- (2) Identification and estimate of the number of small businesses subject to the proposed rule:

As of December 31, 2006, Tennessee had 947 chiropractic physicians, 348 chiropractic therapy assistants, and 105 chiropractic x-ray technologists who were eligible for licensure and certification renewal.

- (3) Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

The proposed amendments which have economic impact on small businesses have no increased or new reporting, recordkeeping and other administrative costs that are required for compliance. However, there is a new requirement that the supervising chiropractic physician place a copy of the renewal certificate for his/her x-ray operator or therapy assistant the personnel file to prove authorization and the appropriate certification for either or both the procedure being performed and/or the equipment being used and that such certification is current. The Board believes this requirement requires no new professional skills.

- (4) Statement of the probable effect on impacted small businesses and consumers:

Chiropractic physicians who comply with the amendments may see an increase in patients coming from chiropractic physicians who conclude the proposed supervision requirements are too onerous to continue such employment. Those chiropractic physicians may instead no longer offer the services presently provided by the chiropractic x-ray operators and chiropractic therapy assistants, and this may result in a decrease in patients.

- (5) Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:

It would be less burdensome to not adopt the proposed amendments but the Board is concerned about inadequate supervision of chiropractic x-ray operators and chiropractic therapy assistants.

- (6) Comparison of the proposed rule with any federal or state counterparts:

Federal - The Board is not aware of any federal counterparts.

State - The supervision requirement is similar to requirements set forth by the Board of Medical Examiners for supervision of x-ray operators.

- (7) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

It is not possible to exempt the impacted small businesses from all or any part of the requirements contained in the proposed rule because the impacted small businesses are the Board's licensees and certificate holders. If there were to be an exemption, the proposed rule amendments would have no actual effect.