

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and filing and the agency decides to prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS

PREAMBLE

1. Register citation and date for the original Notice of Proposed Rulemaking:

Notice of Proposed Rulemaking: 7 A.A.C. 1704, April 27, 2001

2. Sections Affected

R4-7-701
R4-7-702
R4-7-901

Rulemaking Action

Repeal
Amend
Amend

3. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-904(B)(2)

Implementing statute: A.R.S. §§ 32-921 and 32-924

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Patrice A. Pritzl, Executive Director

Address: Board of Chiropractic Examiners
5060 North 19th Avenue, Suite 416
Phoenix, AZ 85015

Telephone: (602) 255-1444

Fax: (602) 255-4289

5. An explanation of the rule, including the agency's reasons for initiating the rule:

R4-7-701 defines the requirements for a non-accredited college to apply to have students accepted for licensure. This rule is archaic and is being repealed. R4-7-702 defines the standards for education that must be met for licensure. This rule is being amended to parallel the standards of education required by accredited colleges of chiropractic. R4-7-901 defines advertising that is likely to deceive or defraud the public. This amendment clarifies that the use of the terms "expert," "specialist," or "specializing" are considered to fall under this law.

6. An explanation of the substantial change which resulted in this supplemental notice:

The original publication of R4-7-702 identified that applicants for licensure must have obtained at least two years undergraduate education. In this publication, that requirement has been changed to three years to be in line with the pre-graduate educational requirements to be accepted into an accredited college of chiropractic.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The economic, small business, and consumer impact statement for the Board of Chiropractic Examiners, analyzes the costs, savings, and benefits that accrue to the Board of Chiropractic Examiners, Secretary of State, Board-licensed individuals, and the consumer public.

R4-7-701, R4-7-702: The impact of the proposed rules on established Board procedures, compliance, and inspection

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costs is minimal. The Board has not received a request to approve a non-accredited college in a least 10 years. The education requirements are the same as those of accredited colleges of chiropractic, and therefore, have no additional impact on applicants. R4-7-901 reflects current substantive policy statements of the Board, and is already enforced.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Patrice A. Pritzl, Executive Director
Address: 5060 N. 19th Avenue, Suite 416
Phoenix, AZ 85015
Telephone: (602) 255-1444
Fax: (602) 255-4289

10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

A proceeding is not scheduled. An oral proceeding on the proposed rules may be requested by writing to the following:

Board of Chiropractic Examiners
5060 North 19th Avenue, Suite 416
Phoenix, AZ 85015

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

None

13. The full text of the changes follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS

ARTICLE 7. STANDARDS OF EDUCATION

Section

R4-7-701. ~~Application for accreditation by Board from College not Otherwise Accredited~~ Repealed
R4-7-702. Standards of Education as Determined by the Board

ARTICLE 9. UNPROFESSIONAL CONDUCT

Section

R4-7-901. Advertising of a Deceptive or Fraudulent Nature

ARTICLE 7. STANDARDS OF EDUCATION

R4-7-701. Application for accreditation by Board from colleges not otherwise accredited Repealed

~~A school or college of chiropractic which is not accredited by or does not have status with Council on Chiropractic Education or which is not accredited by an accrediting agency recognized the U.S. Department of Education or the Council on Postsecondary Accreditation may qualify its graduates for purposes of the examination for licensure by submitting an application to the Board that demonstrates that the college meets the educational standards established below.~~

R4-7-702. Standards of Education as Determined by the Board

A. Pre-professional education:

1. The college of chiropractic shall require ~~by January 1, 1977, that~~ all its students, ~~for admittance purposes,~~ furnish proof of having acquired at least ~~two~~ three years (or ~~60~~ 90 acceptable semester hours) leading to a baccalaureate degree in the arts and sciences as a condition of admission. This ~~should~~ shall include one year each of chemistry, with not less than 9 semester hours of chemistry with laboratory and at least one course in organic chemistry, and biology with laboratories.
2. ~~Those that have matriculated with the fall enrollment of 1980 shall furnish proof of having credit of a minimum of three courses totaling not less than nine semester hours in chemistry with laboratory, one course of which shall be in organic chemistry in organic or foreign equivalency.~~

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- B. The objective of the chiropractic college shall be to prepare the chiropractic doctor for the practice of chiropractic. The college shall be familiar with the distinctive characteristics of the chiropractic profession.
- C. The organization of the college:
 - 1. The college shall be incorporated under the laws of the state of its residence.
 - 2. The college shall be exempt from taxes due to its educational program and purposes.
 - 3. Control shall be vested in a board composed of chiropractic doctors and lay persons receiving no financial benefits from the college.
- D. The administration:
 - 1. There shall be a chief administrative officer. The chief administrative officer shall appoint to assist him a staff of administrative officers conforming to the accepted standards for professional education. These shall include a dean of academic affairs, dean of student affairs and a dean of business affairs.
 - 2. There shall be a self-study/evaluation committee. This committee shall be composed of faculty, students, administration and other appropriate persons who shall be responsible for a report reflecting the autonomy and integrity of the institution. The report shall provide a factual picture of the various aspects of the educational program to each standard. It should relate the activities of the college with its stated purpose. It should reflect the planning for the future.
 - 3. The records of the college shall be up to date and open for inspection. These shall include the financial report, clinic records and scholastic records, but shall not include individual student records without consent.
 - 4. The college shall issue a catalog or bulletin that is available upon request. The catalog shall include a listing of the members of the faculty, trustees, all officers of the college with their respective credentials; e.g. degree, etc. The catalog shall list the courses that are given, information regarding entrance requirements, discipline, attendance, examinations, grades, procedures and graduation. The fees for tuition, matriculation, laboratory, or any other special fees shall be listed. The catalog or bulletin, which should be published annually, shall include the college calendar. The college shall have an adequate student/teacher ratio, adequate library, adequate laboratories, and a public clinic, providing sufficient clinical expertise to adequately prepare the student for the practice of chiropractic.
- E. Professional education:
 - 1. The courses of education shall include the following subjects: human anatomy, dissection, physiology, pathology, orthopedics, principles of chiropractic and adjusting, neurology, chemistry including biochemistry, nutrition, hygiene and public health, chiropractic spinal analysis, x-ray, laboratory subjects, ~~bacteriology~~ microbiology, and diagnosis including physical, clinical and differential.
 - 2. The length of the course: There shall be a resident course of four years of not less than nine months each year, or the equivalent or thirty-six months of continuous study, comprising not less than four thousand sixty-minute class hours of resident study.
- ~~F. Guidelines for the colleges with graduates making application to sit the examination: A detailed self study report shall be submitted 120 days before the date of the examination to allow for questions and, if necessary, an on-site visitation by the Board and/or a consultant appointed by the Board.~~
- ~~G. Guidelines for the Board:
 - 1. A college meeting the equivalency standards of education as determined by the Board shall be granted an "Equivalency Status" only for that period of time, not exceed two years, during which it continues to meet the standards set forth by the Board. "Equivalency Status" may be withdrawn at any time that the Board determines that its standards are no longer being met.
 - 2. The board shall accept those graduate applicants from schools or colleges of chiropractic which have been determined by the board to have achieved and "Equivalency Status." graduate applicants from colleges not having met the board's equivalency standards or from colleges whose "Equivalency Status" has been withdrawn by the board at the time of the applicant's graduation shall not be considered qualified graduates of chiropractic schools or colleges having the equivalency of such standards required by the board.~~

ARTICLE 9. UNPROFESSIONAL CONDUCT

R4-7-901. Advertising of a Deceptive and Fraudulent Nature

The Board shall cause a license to be investigated, suspended, or revoked for advertising that is likely to deceive or defraud the public, including but not limited to the following examples: investigate allegations of advertising in a false, deceptive or misleading manner and may sanction a license for violation thereof under A.R.S. § 32-924. Advertising of a false, deceptive or misleading manner includes, but is not limited to, the following:

- 1. Advertising painless procedures.
- 2. Advertising complete health services.
- 3. Advertising that incorporates the words "specialist," "specializing," or "expert."