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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

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DIRECTOR

**MICHIGAN BOARD OF CHIROPRACTIC  
RULES COMMITTEE WORK GROUP  
MEETING**

**MINUTES  
AUGUST 25, 2020**

The Michigan Board of Chiropractic, Rules Work Group, met on August 25, 2020. The meeting was held via Zoom, pursuant to Executive Order 2020-154.

**CALL TO ORDER**

Lewis Squires, D.C., Committee Chairperson, called the meeting to order at 2:00 p.m.

**ATTENDANCE**

**Members Present:** Lewis Squires, D.C.  
Leigh Elceser, D.C.  
Ryan Thornton, D.C.

**Members Absent:** None

**Staff Present:** Kimmy Catlin, Board Support, Board and Committees Section  
Weston MacIntosh, Senior Policy Analyst, Board and Committees Section  
Kerry Przybylo, Manager. Boards and Committees Section

**Public Present:** Kristine Dowell, Michigan Association of Chiropractors (MAC)  
Tim Gaughan, Michigan Association of Chiropractors (MAC)  
Lisa Love-Smith, Michigan Association of Chiropractors (MAC)  
Martin Brown, Macomb County Chiropractic Association

**RULES DISCUSSION - (A copy of the current rules is attached.)**

**R 338.12036 Relicensure requirements.**

MacIntosh presented the changes made from the last meeting as well as proposed language from the MAC. (Addendum #2).

The MAC felt that their language was less burdensome on applicants coming from another state.

The Committee agreed to keep the draft language the same.

**R 338.12041 Acceptable continuing education.**

MacIntosh presented the proposed language from the MAC.

The Committee agreed with adding the “on campus” language to the draft.

The Committee agreed to remove the “5-hour” restriction language from the draft.

The Committee agreed to remove the word “sponsor from the draft.

**ADJOURNMENT**

The meeting adjourned at 3:04 p.m.

Prepared by:  
Kimmy Catlin, Board Support  
Bureau of Professional Licensing

September 10, 2020

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CHIROPRACTIC - GENERAL RULES

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16401, 16412, 16423, and 16431 of 1978 PA 368, MCL 333.16145, 333.16148, 333.16401, 333.16412, 333.16423, and 333.16431, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.12001, R 338.12021, R 338.12031, R 338.12032, R 338.12033, R 338.12034, R 338.12035, R 338.12036, R 338.12037, R 338.12041, R 338.12052, R 338.12053, and R 338.12054 of the Michigan Administrative Code are amended, and R 338.12042 is rescinded, to read as follows:

PART 1. GENERAL PROVISIONS

R 338.12001 Definitions.

Rule 1. (1) As used in these rules:

(a) "Adjustment apparatus" means a tool or device used to apply a mechanical force to correct or reduce subluxations, misalignments, and joint dysfunctions.

(b) "Analytical instruments" means instruments used in the detection and diagnosis of human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health.

(c) "Board" means the Michigan board of chiropractic created in section 16421 of the code, MCL 333.16421.

(d) "Code" means **the public health code**, 1978 PA 368, MCL 333.1101 to 333.25211, ~~known as the public health code.~~ **333.25211.**

(e) "Department" means the department of licensing and regulatory affairs.

(f) "Nationally recognized standards" means that which is taught in a chiropractic educational program or postgraduate educational program ~~that is accredited by the council on chiropractic education.~~ **Council on Chiropractic Education (CCE).**

(g) "Physical measures" means procedures or techniques used to correct or reduce subluxations, misalignments, and joint dysfunctions.

(h) "Rehabilitative exercise program" means the coordination of a patient's exercise program; the performance, ordering and use of tests; the performance of measurements; instruction and consultation; supervision of personnel; and the use of exercise and rehabilitative procedures, with or without assistive devices, for the purpose of correcting or preventing subluxations, misalignments, and joint dysfunctions.

(i) "Test" means a procedure that is ordered or performed for the purpose of detecting and diagnosing human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health.

(2) ~~Except as otherwise defined in these rules, the terms~~ **A term** defined in the code ~~have~~ **has** the same meaning when used in these rules.

## PART 2. EDUCATION

R 338.12021 Educational program standards; adoption by reference.

Rule 21. (1) ~~The board adopts by reference the~~ **The** standards of the ~~council on chiropractic education, (CCE), CCE,~~ as specified in the publication entitled, "CCE Accreditation Standards: Principles, Processes & Requirements for Accreditation" January 2018. **2018, are adopted by reference.** The standards are available from The Council on Chiropractic Education, 8049 N. 85th Way, Scottsdale, Arizona 85258-4321, or at the council's website at <http://www.cce-usa.org> at no cost. Copies of the standards are available for inspection and distribution at cost from the Board of Chiropractic, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P. O. Box 30670, Lansing, Michigan 48909.

(2) Any chiropractic educational program ~~that is accredited by the CCE qualifies as is~~ **considered a approved. chiropractic educational program approved by the board.**

## PART 3. LICENSURE

R 338.12031 Training standards for identifying victims of human trafficking; requirements.

Rule 31. (1) ~~Pursuant to~~ **Under** section 16148 of the code, MCL 333.16148, an individual seeking licensure or registration or who is licensed or registered ~~shall~~ **must** complete training in identifying victims of human trafficking that ~~meets~~ **satisfies** the following standards:

(a) Training content ~~shall~~ **must** cover all ~~of~~ the following:

- (i) Understanding the types and venues of human trafficking in the United States.
- (ii) Identifying victims of human trafficking in health care settings.

- (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
- (iv) Resources for reporting the suspected victims of human trafficking.
- (b) Acceptable providers or methods of training include any of the following:
  - (i) Training offered by a nationally-recognized or state-recognized health-related organization.
  - (ii) Training offered by, or in conjunction with, a state or federal agency.
  - (iii) Training obtained in an educational program that has been approved by the board for initial licensure or registration, or by a college or university.
  - (iv) Reading an article related to the identification of victims of human trafficking that ~~meets~~ **satisfies** the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
- (c) Acceptable modalities of training may include any of the following:
  - (i) Teleconference or ~~webinar~~ **online seminar**.
  - (ii) Online presentation.
  - (iii) Live presentation.
  - (iv) Printed or electronic media.
- (2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual ~~shall~~ **must** provide an acceptable proof of completion of training, including either of the following:
  - (a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
  - (b) A self-certification statement by an individual. The certification statement ~~shall~~ **must** include the individual's name and either of the following:
    - (i) For training completed ~~pursuant to~~ **under** subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
    - (ii) For training completed ~~pursuant to~~ **under** subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
- (3) ~~Pursuant to~~ **Under** section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2016 renewal cycle and for initial licenses issued after March 17, 2021.

R 338.12032 Educational limited license; requirements.

Rule 32. An applicant for a nonrenewable educational limited license under section 16412 of the code, MCL 333.16412, ~~shall~~ **must** submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the ~~code~~, **code and the administrative rules promulgated under the code**, an applicant ~~shall~~ **must** satisfy all of the following requirements:

- (a) Submit ~~evidence~~ **proof** that the applicant has successfully completed 2 years of education in a college of arts and sciences and have official transcripts provided to the department from the educational institution.

(b) Submit ~~evidence~~ **proof** that the applicant has successfully completed at least 1 of the following: **following requirements:**

(i) Two years of attendance in a program or institution of chiropractic that ~~meets~~ **satisfies** the educational standards in R 338.12021 and have official transcripts provided to the department from the educational institution.

(ii) Four semesters of attendance in a program or institution of chiropractic that ~~meets~~ **satisfies** the educational standards in R 338.12021 and have official transcripts provided to the department from the educational institution.

(iii) Six quarter terms of attendance in a program or institution of chiropractic that ~~meets~~ **satisfies** the educational standards in R 338.12021 and have official transcripts provided to the department from the educational institution.

(c) Submits ~~evidence~~ **proof** that the applicant will be supervised by a licensed chiropractor on a form provided by the department.

R 338.12033 Examination; adoption and approval; passing score.

Rule 33. The ~~board approves and adopts the~~ national board examination in chiropractic that is conducted and scored by the ~~national board of chiropractic examiners~~ **National Board of Chiropractic Examiners (NBCE). (NBCE) is approved and adopted.** The ~~board adopts the~~ passing score recommended by the NBCE for the national board examination parts I, II, III, and ~~IV. IV is approved and adopted.~~

R 338.12034 Licensure by examination; requirements.

Rule 34. An applicant for a chiropractic license by examination ~~shall~~ **must** submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the ~~code,~~ **code and the administrative rules promulgated under the code,** an applicant ~~shall~~ **must** satisfy both of the following requirements:

(a) Have graduated from a program or institution of chiropractic that ~~meets~~ **satisfies** the educational standards in R 338.12021 and have final and official transcripts provided to the department from the educational institution.

(b) Have passed parts I, II, III, and IV of the national board examination that is conducted and scored by the NBCE, under R 338.12033. The applicant ~~shall~~ **must** ensure that the NBCE issues ~~evidence~~ **proof** of official passing scores directly to the department.

R 338.12035 Licensure by endorsement; requirements.

Rule 35. (1) An applicant for a chiropractic license by endorsement ~~shall~~ **must** submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the ~~code,~~ **code and the administrative rules promulgated under the code,** an applicant ~~shall~~ **must** satisfy either of the following requirements:

(a) Have been licensed in another state of the United States for 5 years or more immediately preceding the date of application.

(b) Have been licensed in another state of the United States for less than 5 years immediately preceding the date of filing an application and have passed parts I, II, III, and IV of the national board examination that is conducted and scored by the NBCE, pursuant to ~~under~~ R 338.12033. The applicant ~~shall~~ **must** have the NBCE issue ~~evidence~~ **proof** of official passing scores directly to the department.

(2) An applicant ~~shall~~ **must** have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license to practice chiropractic. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

#### R 338.12036 Relicensure requirements.

Rule 36. (1) An applicant for relicensure whose license has been lapsed for less than 3 years preceding the date of application may be relicensed under section 16201(3) of the code, MCL 333.16201(3), if the applicant satisfies all ~~of~~ the following requirements:

(a) Establishes that he or she is of good moral character.

(b) Submits the required fee and a completed application on a form provided by the department.

(c) Submits proof to the department of the completion of, in the 3-year period immediately preceding the application for relicensure, 45 hours of continuing education in programs approved ~~by the board~~ **under R 338.12041** that include all ~~of the following:~~ **following requirements:**

(i) The required continuing education hours listed in ~~R 338.12041(1)(e) to (g).~~ **R 338.12041(1)(d) to (h).**

(ii) Not more than 15 continuing education hours in ~~board-approved~~ distance learning programs.

(d) An applicant ~~shall~~ **must** have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license to practice chiropractic. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(2) An applicant for relicensure whose license has been lapsed for 3 years or more may be relicensed under section 16201(4) of the code, MCL 333.16201(4), if the applicant satisfies all ~~of the following:~~ **following requirements:**

(a) Establishes that he or she is of good moral character.

(b) Submit fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).

(c) Submits the required fee and a completed application on a form provided by the department.

(d) Submits proof to the department of the completion of, in the 3-year period immediately preceding the application for relicensure, 45 hours of continuing education in programs approved ~~by the board~~ **under R 338.12041** that include all ~~of the following:~~ **following requirements:**

(i) Twenty-four live and in-person continuing education hours on chiropractic adjusting techniques.

(ii) The required continuing education hours listed in ~~R 338.12041(1)(e) to (g).~~ **R 338.12041(1)(d) to (h).**

(iii) Not more than 15 continuing education hours in ~~board-approved~~ distance learning programs.

(e) Provides either of the following:

(i) Documentation to the department that the applicant holds or has held a valid and unrestricted license in another state within 3 years immediately preceding the application for relicensure.

(ii) ~~Evidence Proof~~ of having passed the ~~special purposes exam for chiropractic~~ **Special Purposes Exam for Chiropractic (SPEC)** of the NBCE. The applicant ~~shall~~ **must** request written authorization from the department to take the exam. The applicant must pass the exam within 6 months after the department's issuance of written authorization to take the exam. The applicant ~~shall~~ **must** ensure that the NBCE issues ~~evidence proof~~ of official passing scores directly to the department.

(f) An applicant ~~shall~~ **must** have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license to practice chiropractic. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

R 338.12037 License renewal; continuing education.

Rule 37. (1) An applicant for license renewal ~~shall~~ **must** complete 30 hours of ~~board-approved~~ continuing education in the 2-year period immediately preceding the application that ~~complies with~~ **satisfies** R 338.12041.

(2) This rule does not apply to a licensee who has obtained his or her initial chiropractic license within the 2-year period immediately preceding the expiration date of the initial license.

(3) Submission of an application for renewal ~~shall constitute~~ **constitutes** the applicant's certification of compliance with this rule. The licensee ~~shall~~ **must** retain documentation of ~~meeting~~ **satisfying** this rule for a period of 4 years from the date of applying for license renewal. Failure to ~~comply with~~ **satisfy** this rule is a violation of section 16221(h) of the code, MCL 333.16221(h).

#### PART 4. CONTINUING EDUCATION

R 338.12041 Acceptable continuing education.

Rule 41. (1) The 30 hours of continuing education required under R 338.12037 ~~shall~~ **comply with** **must satisfy** all of the following: **following requirements:**

(a) No more than 12 credit hours of continuing education ~~shall~~ **can** be earned during 1 24-hour period.

**(b) At least 15 hours of continuing education must be completed by attending a live, in-person program.**

~~(b)~~ (c) Credit for a continuing education program or activity that is identical to or substantially identical to a program or activity for which the licensee has already earned credit during the license cycle ~~shall~~ **will** not be granted.



~~(e)~~ **(d)** Pursuant to ~~Under~~ section 16431(2) of the code, MCL 333.16431(2), at least 1 hour of continuing education ~~shall~~ **must** be in ~~the area of~~ pain and symptom management. Continuing education in pain and symptom management may include, but is not limited to, courses in: chiropractic manipulative treatment, manual therapies, therapeutic exercises for pain management; behavior management; psychology of pain; pharmacology; behavior modification; stress management; clinical applications; and drug interventions as they relate to the practice of chiropractic.

~~(d)~~ **(e)** At least 1 hour of continuing education ~~shall~~ **must** be in ~~the area of~~ sexual boundaries.

~~(e)~~ **(f)** At least 1 hour of continuing education ~~shall~~ **must** be in ~~the area of~~ ethics.

~~(f)~~ **(g)** At least 2 hours of continuing education ~~shall~~ **must** be in ~~the area of~~ physical ~~measure~~ **measures** and ~~shall~~ **must** be completed by attending a live, in-person program.

~~(g)~~ **(h)** At least 2 hours of continuing education ~~shall~~ **must** be in ~~the area of~~ performing and ordering tests and ~~shall~~ **must** be completed by attending a live, in-person program.

~~(h)~~ At least 15 hours of continuing education shall be completed by attending a live, in-person program.

(2) In addition to those programs approved by the board under R 338.12042, the board shall consider any of the **The** following as **are considered** acceptable continuing education:

(a) Successful completion of a course or courses related to the practice of chiropractic which are offered for academic credit in a chiropractic school approved by the board under R 338.12021, according to the following: **Attendance at or participation in a continuing education program or activity related to the practice of chiropractic, or any non-clinical subject relevant to the practice of chiropractic education, administration, management, or science, which includes, but is not limited to live, in-person programs; interactive or monitored teleconferences; audio-conferences; web-based programs; online programs; and review of journal articles or other self-study programs approved or offered by the Michigan Association of Chiropractors (MAC), according to the following:**

(i) ~~If audited, the licensee shall submit a letter from the program director verifying the licensee participated in the program. If audited, the licensee must submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, the sponsor's name or the name of the organization that approved the program or other activity, and the date on which the program or activity was completed.~~

(ii) ~~Five continuing education credit hours may be earned for each semester credit. Three continuing education contact hours may be earned for each quarter credit earned. The number of continuing education hours for a specific program or activity is the number of hours approved by the approving organization for the specific program or activity.~~

(iii) ~~There is no limitation on hours earned in this category. A maximum of 30 hours of continuing education may be earned for this category in each renewal period.~~

(b) ~~Attendance at or participating in a continuing education program or activity related to the practice of chiropractic that is offered on-campus at a chiropractic school approved~~

by the board under R 338.12021, by the Michigan association of chiropractors, or by an organization approved by the board under R 338.12042. **Successful completion of a course or courses related to the practice of chiropractic which are offered on campus by a chiropractic school approved under R 338.12021, according to the following:**

(i) ~~If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or other activity, and the date on which the program or activity was completed.~~ **If audited, the licensee must submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, the school's name, and the date on which the course or courses was completed.**

(ii) ~~The number of continuing education hours for a specific program or activity shall be the number of hours approved by the sponsor or approving organization for the specific program or activity.~~ **The number of continuing education hours for a specific course or courses is the number of hours approved by the school for the specific course or courses.**

(iii) ~~A maximum of 30 hours of continuing education may be earned for the program or activity~~ **courses completed in this category** in each renewal period.

(c) Initial presentation of a continuing education program related to the practice of chiropractic to a state, regional, national, or international organization. To receive credit, the presentation ~~shall~~ **must** not be a part of the licensee's regular job description and ~~shall~~ **must** be approved or offered for continuing education credit by any of the following: the American chiropractic association, **Chiropractic Association (ACA)**, the international chiropractors association, **International Chiropractors Association (ICA)**, or the Michigan association of chiropractors, or an organization approved by the board under R 338.12042. **MAC.**

(i) If audited, the licensee ~~shall~~ **must** submit a copy of the presentation notice or advertisement showing the date of the presentation and the licensee's name listed as a presenter.

(ii) Two hours of continuing education credit ~~shall be~~ **are** granted for each 50 to 60 minutes of presentation. No ~~additional~~ **other** credit ~~shall be~~ **is** granted for preparation of a presentation.

(iii) A maximum of 10 hours of continuing education may be earned ~~for the activity~~ **in this category** in each renewal period.

(3) This rule takes effect beginning with the first renewal cycle after the promulgation of this rule. **January 7, 2019.** Continuing education programs approved by the board before the effective date of this amended rule are considered approved.

~~R 338.12042 Approval of continuing education programs.~~ **Rescinded.**

~~Rule 42. (1) An organization may petition the board for approval of a continuing education program.~~

~~(2) The petition shall be filed at least 60 days before the commencement of the program.~~

~~(3) The petition shall include all of the following information:~~

- ~~(a) A description of the sponsoring organization.~~
- ~~(b) Name, title, and address of the program director.~~
- ~~(c) An outline of the course.~~
- ~~(d) A resumé for all speakers or presenters, or both.~~
- ~~(e) A description of the delivery method.~~
- ~~(f) The dates and location or locations that the course will be delivered.~~
- ~~(g) A description of how attendance will be monitored, sample documents, and identification of the person monitoring attendance.~~
- ~~(h) A sample certificate or other document that will be issued upon completion and a description of how the participant will be notified.~~
- ~~(i) If appropriate, a request for recognition in a specific topic area required by R 338.12041(1)(e) to (h).~~

## PART 5. STANDARDS OF PRACTICE

R 338.12052 Tests; performance or ordering; requirements.

Rule 52. Under section 16423 of the code, MCL 333.16423, the performance, ordering or use of tests ~~shall~~ **must** satisfy all of the following requirements:

- (a) The performance and ordering of tests ~~shall~~ **must** be for the practice of chiropractic as defined in section 16401(1)(e) of the code, MCL 333.16401(1)(e).
- (b) The performance, ordering, or use of tests ~~shall~~ **must** be for the purpose of detecting and diagnosing human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health. The performance and ordering of tests may be included as, but not limited to, a part of a rehabilitative exercise program.
- (c) The performance and ordering of tests ~~shall~~ **must** be substantially equivalent to nationally recognized standards as defined in R 338.12001(1)(f).

R 338.12053 Analytical instruments; criteria for ~~board~~ approval.

Rule 53. Under section 16423 of the code, MCL 333.16423, analytical instruments ~~shall~~ **must** satisfy all of the following requirements:

- (a) The instruments ~~shall~~ **must** be used for the practice of chiropractic as defined in section 16401(1)(e) of the code, MCL 333.16401(1)(e).
- (b) The instruments ~~shall~~ **must** be used for the purpose of detecting and diagnosing human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health. The use of the instrument may be included as, but not limited to, a part of a rehabilitative exercise program.
- (c) The use of the instrument ~~shall~~ **must** be substantially equivalent to nationally recognized standards as defined in R 338.12001(1)(f).

R 338.12054 Adjustment apparatus; criteria for ~~board~~ approval.

Rule 54. Under section 16423 of the code, MCL 333.16423, an adjustment apparatus ~~shall~~ **must** satisfy all ~~of~~ the following requirements:

(a) The apparatus ~~shall~~ **must** be used for the practice of chiropractic as defined in section 16401(1)(e) of the code, MCL 333.16401(1)(e).

(b) The apparatus ~~shall~~ **must** be used for the purpose of correcting or reducing subluxations, misalignments, and joint dysfunctions. The use of the apparatus may be included as, but not limited to, a part of a rehabilitative exercise program.

(c) The use of the apparatus ~~shall~~ **must** be substantially equivalent to nationally recognized standards as defined in R 338.12001(1)(f).