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# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).*

*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

<b>Agency/Board/Commission:</b>	Board of Chiropractic Examiners
<b>Division:</b>	
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**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal
- Content based on previous emergency rule filed on \_\_\_\_\_  
 Content is identical to the emergency rule

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0260-03	General Rules Governing Chiropractic X-Ray Technologists
Rule Number	Rule Title
0260-03-.01	Definitions
0260-03-.02	Scope of Practice
0260-03-.03	Necessity of Certification
0260-03-.04	Qualifications for Certification
0260-03-.05	Procedures for Certification
0260-03-.06	Fees
0260-03-.07	Application Review, Approval, Denial, Interviews
0260-03-.08	Examination
0260-03-.09	Renewal of Certification
0260-03-.10	Supervision
0260-03-.11	Retirement and Reactivation of Certificate
0260-03-.12	Continuing Education
0260-03-.13	Professional Ethics
0260-03-.14	Disciplinary Actions and Civil Penalties

Chapter Number	Chapter Title
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0260-05	General Rules Governing Chiropractic Therapy Assistants
<b>Rule Number</b>	<b>Rule Title</b>
0260-05-.01	Definitions
0260-05-.02	Scope of Practice
0260-05-.04	Qualifications for Certification
0260-05-.06	Fees
0260-05-.08	Examination
0260-05-.09	Renewal of Certification
0260-05-.10	Supervision
0260-05-.12	Continuing Education
0260-05-.13	Professional Ethics
0260-05-.14	Disciplinary Actions and Civil Penalties



Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Rule Chapter 0260-03  
General Rules Governing Chiropractic X-Ray Technologists

Amendments

Rule 0260-03-.01 Definitions is amended by deleting paragraph (15) in its entirety and substituting instead the following language, and is further amended by adding new paragraphs (13), (14), (16), (18), (19), and (20) and renumbering the remaining paragraphs accordingly, so that as amended, the new paragraphs shall read:

- (13) Intern – Candidate for certification as a chiropractic x-ray technologist who has completed core education and examination requirements.
- (14) Internship – Performing chiropractic x-ray technologist duties under direction of a supervisor for the purpose of receiving practical training in x-ray technology.
- (16) Physician – A chiropractic, medical, or osteopathic physician licensed in the state of Tennessee or medical or osteopathic physician working in a chiropractic practice in the state of Tennessee.
- (18) Supervision of Certificate Holders - The ongoing, direct review, for the purpose of training or teaching, by the employing licensed chiropractic physician(s) who monitors the performance of the certificate holder. The supervisor provides regular face-to-face guidance and instructions with respect to the skills and competencies of the certificate holder.
- (19) Supervision of Interns – The ongoing, direct review, for the purpose of training or teaching, by a licensed chiropractic physician or certified chiropractic x-ray technologist who monitors the performance of an Intern. The supervisor provides regular, documented face-to-face guidance and instructions with respect to the skills and competencies of the person supervised
- (20) Supervisor – The employing licensed chiropractic physician(s) (or designee) and with respect to Interns, a Tennessee licensed chiropractic physician or certified chiropractic x-ray technologist.

Authority: T.C.A. §§ 63-4-102, 63-4-106, 63-4-119, and 63-4-123.

Rule 0260-03-.02 Scope of Practice is amended by deleting the rule in its entirety, but not the rule title, and substituting instead the following language, so that as amended, the new rule shall read:

- (1) Any person who possesses a valid unsuspended and unrevoked certificate may use the title "certified chiropractic x-ray technologist". No other person shall use this title, represent themselves as a certified chiropractic x-ray technologist, or hold themselves out to the public as being certified by means of using the title on any work, letter, sign, figure, mailboxes, address plates, stationary, announcements, telephone listings, calling cards, advertisement, other instruments of professional identification, or device to indicate that the person is a certified chiropractic x-ray technologist. Work performed utilizing the title of "certified chiropractic x-ray technologist" includes chiropractic x-ray technologist advice and services, specifically and only on orders by a Physician.
- (2) Supervision of Certificate Holders
  - (a) Individuals who are issued a certificate to serve as a chiropractic x-ray technologist must act only on orders by a Physician.
  - (b) The employing licensed chiropractic physician(s), or a licensed 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 as a chiropractic x-ray technologist and 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 shall be available by phone or other electronic means and able to be physically present at the site where the services are being provided within a reasonable amount of time.

Authority: T.C.A. §§ 63-1-108, 63-4-101, 63-4-102, 63-4-106, 63-4-107, 63-4-119, and 63-4-122

Rule 0260-03-.03 Necessity of Certification is amended by deleting paragraphs (3) and (5) in their entirety and substituting instead the following language, so that as amended, the new paragraphs shall read:

- (3) Graduates of a Board-approved chiropractic x-ray technologist course who have successfully completed examination and are working in a clinical Internship are exempt from the certification requirements, but only for a period not to exceed one (1) year from the date of examination, unless an extension is granted by the Board. At all times until certification is received, graduates shall practice only under supervision as set forth in rule 0260-03-.10.
- (5) A chiropractic x-ray technologist is one who serves the public only on the orders of a Physician, and as such the practice is restricted to those persons credentialed. Persons engaging in practice as a chiropractic x-ray technologist without being credentialed are in violation of T.C.A. §§ 63-1-119 and 63-1-123.

Authority: T.C.A. §§ 63-1-123, 63-4-101, 63-4-106, 63-4-119 and 63-4-123.

Rule 0260-03-.04 Qualifications for Certification is amended by deleting subparagraphs (1)(c), (1)(d), (1)(e) and (1)(f) in their entirety and substituting instead the following language, and is further amended by adding new subparagraphs (1)(g) and (1)(h), so that as amended, the new subparagraphs shall read:

- (1)
  - (c) Be a graduate of a college, high school or high school equivalent.
  - (d) Complete prior to the date of examination a minimum combined total of fifty (50) hours of instruction approved by the board and which includes such subject material as radiation protection, radiation physics, radiographic techniques, patient care and positioning, equipment maintenance, radiographic anatomy and physiology, x-ray quality control, and instruction on Tennessee statutes and rules pertaining to the chiropractic x-ray technologist. No prior approval is required for instruction conducted by the Tennessee Chiropractic Association.
  - (e) Pass to the satisfaction of the board, an examination conducted to determine fitness for practice as a chiropractic x-ray technologist pursuant to rule 0260-03-.08. The candidate must complete the approved course of study and pass the examination before beginning Internship hours.
  - (f) Provide proof of successful completion of one thousand forty (1,040) hours of clinical Internship under direct supervision by a Tennessee licensed chiropractic physician or certified chiropractic x-ray technologist. The supervisor is required to provide the Board a report concerning the Intern's performance in each area of the Internship on forms provided by the Board to become certified as a chiropractic x-ray technologist. Such hours shall be completed within one (1) year from the date of examination, unless an extension is requested and granted by the Board.
  - (g) Persons who have completed the education requirements, passed the examination, and are in the process of completing their clinical Internship shall be able to perform services as directed by a Physician provided they must comply with the following:
    - 1. Meet Internship criteria;
    - 2. Maintain supervision pursuant to rule 0260-03-.10(1);
    - 3. Complete one thousand forty (1,040) hours of clinical Internship within one (1) year from date of examination pursuant to 0260-03-.03(f); and



4. Apply to the state within one (1) year from date of examination pursuant to rule 0260-03-.05.
- (h) A list of those persons providing services while in a clinical Internship shall be provided by the examining body and be maintained by the Board and listed on the Board's website.

Authority: T.C.A. §§ 63-4-106, and 63-4-119.

Rule 0260-03-.04 Qualifications for Certification is amended by deleting paragraph (2), subparagraphs (2)(c) and (2)(d), part (2)(e)2, and paragraph (3) in their entirety and substituting instead the following language, so that as amended, the new paragraphs, subparagraphs and part shall read:

- (2) To become certified as a chiropractic x-ray technologist in Tennessee by Reciprocity/Endorsement, a person must comply with the following procedures and requirements prior to submitting an application:
  - (c) Be a graduate of a college, or high school, or high school equivalent.
  - (d) Be duly licensed or certified in another state as a chiropractic x-ray technologist or hold another type of licensure or certification which requires minimum equivalent training as determined by the Board. The Board may designate one of its members to review all Reciprocity/Endorsement applications to ensure minimum equivalency.
  - (e) 2. Evidence of certification from either the American Chiropractic Registry of Radiological Technologists or the American Registry of Radiologic Technologists or successor, either of which will qualify an applicant for chiropractic x-ray technologist certification.
- (3) If an applicant holds or possesses an unencumbered certificate to practice radiography that has been granted by the Tennessee Board of Medical Examiners or the Tennessee Board of Osteopathic Examination or the Tennessee Radiologic Imaging and Radiation Therapy Board of Examiners with modules in spine and extremities, a certification by Reciprocity/Endorsement to practice as a chiropractic x-ray technologist may be granted.

Authority: T.C.A. §§ 63-4-106, and 63-4-119.

Rule 0260-03-.05 Procedures for Certification is amended by deleting subparagraphs (1)(c) and (1)(d) and part (1)(f)2 in their entirety and substituting instead the following language, and is further amended by deleting paragraph (2) in its entirety, including its subparagraphs and parts, and substituting instead the following language, so that as amended the new paragraph, subparagraphs, and parts shall read:

- (1)
  - (c) Applications will be accepted throughout the year. Supporting documents requested in these instructions must be received in the board office within sixty (60) days of receipt of the application or the file will be closed.
  - (d) An applicant shall submit with his/her application a signed passport type photograph taken within the preceding twelve (12) months. The back of the photograph must be signed by the applicant.
  - (f) 2. The denial of certification application by any state or the discipline of the applicant in any state.
- (2) Certification by Reciprocity/Endorsement
  - (a) An application packet shall be requested from the Board Administrative Office.
  - (b) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it along with all documentation and fees required by the form and these rules to the Board Administrative Office.
  - (c) Applications will be accepted throughout the year. Supporting documents requested in these

instructions must be received in the board office within sixty (60) days of receipt of the application or the file will be closed.

- (d) An applicant shall submit with his/her application a signed passport type photograph taken within the preceding twelve (12) months. The back of the photograph must be signed by the applicant.
- (e) It is the applicant's responsibility to provide evidence that he/she has completed a minimum of fifty (50) hours of education approved by the Board. Education shall include such subject material as radiation protection, radiation physics, radiographic techniques, patient care and positioning, equipment maintenance, radiographic anatomy and physiology, x-ray quality control, and instruction.
- (f) An applicant shall disclose the circumstances surrounding any of the following:
  - 1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic violation.
  - 2. The denial of certification application by any state or the discipline of the applicant in any state.
  - 3. Loss or restriction of certification.
  - 4. Any civil judgment or civil suit settlement in which the applicant was a party defendant, including without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under the country's or state's statutory, common or case law.
- (g) An applicant shall cause to be submitted to the Board Administrative Office directly from the vendor identified in the Board's certification application materials, the result of a criminal background check.
- (h) If an applicant holds or has ever held a chiropractic x-ray technologist's certificate or its equivalent in another state, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement (verification of certification) from each such licensing board which indicates the applicant holds or held an active certificate and a statement indicating whether it is in good standing presently or was at the time it became inactive.
- (i) If a certificate from another state or board is not in good standing or is inactive, the applicant cannot be certified under the reciprocity/endorsement rule.
- (j) When necessary, all required documents shall be translated into English and such translation and original document certified as to authenticity by the issuing source. Both versions must be submitted.
- (k) Personal resumes are not acceptable and will not be reviewed.
- (l) Application review and certification decisions shall be governed by rule 0260-03-.07.
- (m) Either of the following will result in qualifying an applicant for chiropractic x-ray certification.
  - 1. Proving by a preponderance of the evidence that his/her course work, supervision, and experience are equivalent to the Board's requirements, or
  - 2. Providing evidence of certification from either the American Chiropractic Registry of Radiological Technologist or the American Registry of Radiologic Technologist or successor.

Authority: T.C.A. §§ 63-4-103, 63-4-106, 63-4-114, and 63-4-119

Rule 0260-03-.06 Fees is amended by deleting the rule in its entirety, but not the rule title, and substituting the following language, so that as amended, the new rule shall read:

- (1) The fees are as follows:
  - (a) Application fee - A non-refundable fee to be paid by all applicants for initial certification. It must be paid each time an application for initial certification is filed.
  - (b) Late renewal fee - A non-refundable fee to be paid when an individual fails to timely renew a certificate.
  - (c) Renewal fee - A non-refundable fee to be paid by all certificate holders. This fee also applies to individuals who reactivate a retired or lapsed certificate.
  - (d) Reciprocity/Endorsement fee - A non-refundable fee to be paid at the time of application in addition to the application fee for those seeking certification by criteria.
  - (e) Replacement certificate fee - A non-refundable fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" certificate.
  - (f) State regulatory fee - To be paid by all individuals at the time of application and with all renewal applications.
- (2) Dual Certificates (chiropractic therapy assistants and chiropractic x-ray technologists) - Persons who are certified as a chiropractic therapy Assistant and chiropractic x-ray technologist at the same time shall pay according to the fees established for dual certificates. Persons who are certified at separate times for these designations shall pay the application, initial certificate and state regulatory fee for that additional certificate, but only at the time of the application. After these initial applications, only one renewal and state regulatory fee will be required.
- (3) All fees shall be established by the Board. Fees may be reviewed and changed at the discretion of the Board.
- (4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States bank and made payable to the Board of Chiropractic Examiners.
- (5) Chiropractic X-ray Technologist Fee Schedule

	Amount
(a) Application	\$ 150.00
(b) Late Fee	\$ 100.00
(c) Renewal	\$ 100.00
(d) Reciprocity	\$ 100.00
(e) Replacement Certificate	\$ 75.00
(f) State Regulatory (biennial)	\$ 10.00
- (6) Dual Certificate Fee Schedule Amount

(a) Application	\$ 150.00
(b) Late Fee	\$ 100.00
(c) Renewal	\$100.00
(d) Reciprocity	\$ 100.00



- |     |                             |          |
|-----|-----------------------------|----------|
| (e) | Replacement Certificate     | \$ 75.00 |
| (f) | State Regulatory (biennial) | \$ 10.00 |

Authority: T.C.A. §§ 63-1-106, 63-4-103, 63-4-106, and 63-4-119.

Rule 0260-03-.07 Application Review, Approval, Denial, Interviews is amended by deleting paragraphs (2), (3), including its subparagraphs, (4), but not its subparagraphs, and (8) in their entirety and substituting instead the following language, and is further amended by deleting subparagraphs (7)(a) and (7)(b) in their entirety substituting instead the following language and renumbering the remaining subparagraphs accordingly, so that as amended, the new paragraphs and subparagraphs shall read:

- (2) Review of all applications to determine whether the application file is complete may be delegated to the board's Unit Director or board designee.
- (3) If an application is incomplete when received in the Board Administrative Office, a deficiency letter will be sent to the applicant notifying him/her of the deficiency.
  - (a) The requested information must be received in the Board Administrative Office on or before the 60th day after the applicant's receipt of the notification.
  - (b) Such notification shall be sent certified mail return receipt requested from the Board Administrative Office.
  - (c) If the requested information is not received on or before the 60th day, the application file shall be closed and the applicant notified. No further board action will take place until a new application is submitted pursuant to the rules governing the application process, including another payment of all fees.
- (4) If a completed application is denied by the board designee and the denial is ratified by the board, the action shall become final and the following shall occur:
- (7) Abandonment of application
  - (a) An application shall be deemed abandoned and closed if the application has not been completed by the applicant on or before the 60th day after the applicant's receipt of the notification.
  - (b) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.
- (8) If an applicant requests an entrance for certification, and after administrative review, wishes to change that application to a different type of entrance, a new application, with supporting documents and an additional application fee must be submitted, i.e., Reciprocity/Endorsement to examination.

Authority: T.C.A. §§ 63-1-106, 63-4-103, 63-4-106, and 63-4-119.

Rule 0260-03-.08 Examination is amended by deleting the rule in its entirety, but not the rule title, and substituting instead the following language, so that as amended, the new rule shall read:

- (1) State Board Examination - Applicants for certification will be required to successfully complete and pass a Board-approved examination.
- (2) Examinations and re-examinations may be performed by the American Chiropractic Registry of Radiologic Technologists, or the Tennessee Chiropractic Association, and may be delegated as determined by the board as its certification examination. Application to sit for the examination must be submitted directly to the examining agency and not to the board.

Authority: T.C.A. §§ 63-4-106, and 63-4-119.

Rule 0260-03-.09 Renewal of Certification is amended by deleting part (1)(b)1 in its entirety and substituting instead the following language, so that as amended, the new part shall read:

- (1) (b) 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet.

Authority: T.C.A. §§ 63-1-107, 63-4-103, 63-4-106, 63-4-114, and 63-4-119.

Rule 0260-03-.10 Supervision is amended by deleting the rule in its entirety, and changing the rule title to show that it narrows this rule to the supervision of interns, and substituting the following language, so that as amended, the new rule shall read:

- (1) Supervision of Interns.
  - (a) Intern supervision is for the purpose of training or teaching, by a supervisor who monitors the performance of an individual. For supervising Interns, the supervisor is required to be physically on site at all times during Intern supervision.
  - (b) The Intern supervisor must provide regular documented face-to-face guidance and instructions with respect to the skills and competencies of the person supervised.
  - (c) Intern supervision may be performed by a Physician or a certified chiropractic x-ray technologist.
  - (d) A supervisor who is a chiropractic x-ray technologist must have been certified for a minimum of two (2) years prior to performing supervision duties.

Authority: T.C.A. §§ 63-4-101, 63-4-102, 63-4-103, 63-4-106, 63-4-107, 63-4-119, and 63-4-121.

Rule 0260-03-.11 Retirement and Reactivation of Certificate is amended by deleting subparagraph (2)(a) in its entirety and substituting instead the following language, so that as amended, the new subparagraph shall read:

- (2) (a) Obtain an affidavit of retirement form, complete, and submit to the board's administrative office.

Authority: T.C.A. §§ 63-4-112.

Rule 0260-03-.12 Continuing Education is amended by deleting paragraph (1) and subparagraphs (2)(a) and (2)(c) in their entirety and substituting instead the following language, so that as amended, the new paragraph and subparagraphs shall read:

- (1) Basic requirements - Each certificate holder certified by the board must complete three (3) clock hours of continuing education each calendar year.
- (2) (a) A two (2) clock hour Board approved course in risk management, sexual/professional boundaries, and Tennessee statutory and regulatory chiropractic jurisprudence must be taken within the twelve (12) months prior to certification or within the first (1st) calendar year that continuing education is required. If taken prior to certification, the course must be an additional course beyond the regular x-ray technologist program. If taken after certification, the course shall not constitute part of the three (3) clock hour continuing education requirement in paragraph (1) of this rule. Those who are certified as both chiropractic X-ray technologists and Chiropractic Therapy Assistant need only take this course once.
- (c) New certification by Reciprocity/Endorsement - Proof of successful completion of all requirements necessary for certification in Tennessee, pursuant to paragraph 0260-03-.04 (3), shall be considered sufficient preparatory education and training to constitute continuing education credit for the calendar year in which they become certified by the Tennessee Board of Chiropractic

### Examiners.

Authority: T.C.A. §§ 63-1-107, 63-4-103, 63-4-106, 63-4-112, 63-4-114, 63-4-115, 63-4-119 and 63-4-123.

Rule 0260-03-.12 Continuing Education is amended by deleting paragraph (3), then making the current paragraph (4) into the newly renumbered paragraph (3), including its parts, and substituting instead the following language, so that as amended, the newly numbered paragraph shall read:

(3) Acceptable Continuing Education

- (a) To be acceptable continuing education, the course shall be approved by the Board of Chiropractic Examiners. No prior approval is required for continuing education courses conducted by the American Chiropractic Association, the International Chiropractors Association, or the Tennessee Chiropractic Association.
- (b) Education content may include radiation protection, radiation physics, radiation techniques, patient care and positioning, equipment maintenance, radiographic anatomy and physiology, x-ray quality control, and instruction on the Tennessee statutes and rules pertaining to chiropractic x-ray technologists.
- (c) Whenever the Board decides that there is information that is crucial for certificate holders to have it, the Board may prepare and send that information to all continuing education providers in a format no larger than two (2) pages. All approved continuing education providers must, as a prerequisite to remaining an approved provider, reproduce and distribute this information from the Board to every certificate holder attending each of its individual continuing education courses or group of courses.

Authority: T.C.A. §§ 63-1-107, 63-4-103, 63-4-106, 63-4-112, 63-4-114, 63-4-115, 63-4-119 and 63-4-123.

Rule 0260-03-.12 Continuing Education is amended by deleting newly renumbered subparagraph (4)(a) and substituting instead the following language and is further amended by deleting subparagraph (4)(c) in its entirety and re-lettering the remaining subparagraph accordingly, so that as amended the new subparagraph shall read:

(4) Documentation

- (a) The certificate holder must, within thirty (30) days of a request from the board, provide evidence of continuing education activities. Such evidence must be copies of one (1) or more of the following:

Authority: T.C.A. §§ 63-1-107, 63-4-103, 63-4-106, 63-4-112, 63-4-114, 63-4-115, 63-4-119 and 63-4-123.

Rule 0260-03-.12 Continuing Education is amended by deleting newly renumbered paragraph (5) and subparagraphs (6)(c) and (6)(d) and part (7)(a)2 in their entirety, renumbering the remaining paragraphs accordingly, and substituting instead the following language, so that as amended, the new paragraph, subparagraphs and part shall read:

- (5) Continuing education credit shall be awarded for distance learning hours or courses attended in person as outlined in this rule.
- (6) Continuing education credit will not be allowed for the following:
  - (c) Education content that is for practice building, practice management, patient acquisition or reimbursement. Education should focus on clinical and/or scientific content, with an emphasis related to the role of a chiropractic x-ray technician.
  - (d) Training specifically related to policies and procedures of an agency, except state statutes and rules and policies governing the practice of a chiropractic x-ray technologist.



(7) Continuing Education for Reactivation or Reinstatement of Retired, Revoked, or Expired Certificate

(a) Reactivation of Retired Certificate

2. Any individual requesting reactivation of a certificate which has been retired for one or more years must submit, along with the reactivation request, verification which indicates the attendance and completion of three (3) hours of continuing education for each year the certificate was retired. The continuing education hours must have begun and been successfully completed prior to the date of reactivation.

Authority: T.C.A. §§ 63-1-107, 63-4-103, 63-4-106, 63-4-112, 63-4-114, 63-4-115, 63-4-119 and 63-4-123.

Rule 0260-03-.13 Professional Ethics is amended by deleting the introductory paragraph in its entirety and substituting instead the following language, and is further amended by adding new paragraph (3) and renumbering the remaining paragraphs accordingly, so that as amended, the new paragraphs shall read:

Chiropractic x-ray technologists shall not engage in immoral, unprofessional, unethical, or dishonorable conduct. Immoral, unprofessional, unethical, or dishonorable conduct shall include, but not be limited to, the following:

- (3) Conduct interpreted to be sexual contact or physically inappropriate in a clinical setting, or inappropriate touching of the genitalia, anus, or breast.

Authority: T.C.A. §§ 63-4-101, 63-4-106, 63-4-114, and 63-4-119.

Rule 0260-03-.14 Disciplinary Actions and Civil Penalties is amended by deleting part (4)(d)3 in its entirety and substituting instead the following language, so that as amended, the new part shall read:

- (4) (d) 3. In assessing the civil penalties pursuant to these rules, the board may consider the following factors:

Authority: T.C.A. §§ 63-1-122, 63-1-132, 63-1-134, 63-4-106, 63-4-114, 63-4-115, 63-4-119, and 63-4-123.

Rule Chapter 0260-05  
General Rules Governing Chiropractic Therapy Assistants

Amendments

Rule 0260-05-.01 Definitions is amended by deleting paragraph (4) in its entirety and substituting instead the following language and is further amended by adding new paragraphs (18), (19) (20), (21), and (23) and renumbering the remaining paragraphs accordingly, so that as amended, the new paragraphs shall read:

- (4) Board Administrative Office - The office of the Unit Director assigned to the board located at 665 Mainstream Drive, Nashville, TN 37243.
- (18) Services - With respect to chiropractic therapy assistant scope of practice, services may only be performed under the direction of a Physician and shall not encompass treatment or services beyond the certificate holder's education
- (19) Supervision of Certificate Holders - The ongoing, direct review, for the purpose of training and teaching, by a physician. The supervisor provides regular face-to-face guidance and instruction with respect to the skills and competencies of the certificate holder.
- (20) Supervision of Interns - The ongoing, direct review, for the purpose of training and teaching by a physician, or certified Chiropractic Therapy Assistant who monitors the performance of an intern. The supervisor provides regular documented face-to-face guidance and instruction with respect to the skills and competencies of the person supervised
- (21) Supervisor - The employing licensed chiropractic physician (or designee) and with respect to Interns, a Tennessee licensed chiropractic physician or certified chiropractic therapy assistant.

- (23) Written evidence - Includes but is not limited to written verification from supervisors or other professional colleagues familiar with the applicant's work

Authority: T.C.A. §§ 63-4-106 and 63-4-123.

Rule 0260-05-.02 Scope of Practice is amended by deleting the rule in its entirety, but not the rule title, and substituting the following language, so that as amended, the new rule shall read:

- (1) Any person who possesses a valid, unsuspended, and unrevoked certificate issued by the Board may use the title "certified chiropractic therapy assistant". No other person shall use this title on any work, letter, sign, figure, advertisement, or device to indicate that the person using the same is a certified chiropractic therapy assistant. Services performed utilizing this title shall include physical agent modalities, physical treatment, clinical services and advice to the public, specifically and only on orders from a Physician.
- (2) Supervision of Certificate Holders
- (a) Individuals who are issued a certificate as a chiropractic therapy assistant must act only on orders by a Physician.
- (b) The employing licensed chiropractic physician(s), or licensed 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 shall be available by phone or other electronic means and able to be physically present at the site where the services are being provided within a reasonable amount of time.

Authority: T.C.A. §§ 63-1-108, 63-4-101, 63-4-102, 63-4-106, 63-4-107, 63-4-122, and 63-4-123.

Rule 0260-05-.04 Qualifications for Certification is amended by deleting subparagraphs (1)(c), (1)(d), (1)(e), (1)(f), (2)(c), and (2)(d) in their entirety and substituting instead the following language and is further amended by adding new subparagraph (1)(g) including its parts, so that as amended, the new subparagraphs and parts shall read:

- (1) (c) Be a graduate of a college, or high school, or high school equivalent.
- (d) Complete prior to the date of examination a minimum combined total of fifty (50) hours of instruction approved by any board member or board designee, subject to full board approval, and which shall include but not be limited to such subject material as anatomy, physiology, patient protection, safety, emergency procedures, professional boundaries training, physical therapeutics, and rehabilitation techniques. No prior approval is required for instruction courses conducted by the Tennessee Chiropractic Association.
- (e) Pass to the satisfaction of the board an examination conducted to determine fitness for practice as a chiropractic therapy assistant pursuant to rule 0260-05-.08
- (f) Provide proof of twelve hundred (1,200) hours of clinical Internship under direct supervision. The supervisor is required to provide the Board of Chiropractic Examiners a report concerning the certificate holder's performance in each area of Internship on forms provided by the board to become certified as a chiropractic therapy assistant. Such hours shall be completed in writing within one (1) year from the date of examination, unless an extension is requested and granted by the Board. The applicant must complete the approved course of study and pass the licensure examination before beginning Internship hours.
- (g) Persons who have completed the education requirements, passed the examination and are in the process of completing clinical Internship shall be able to perform services as directed by a Physician pursuant to the following

1. Must meet Internship criteria
  2. Supervision is maintained pursuant to rule 0260-05-.10(1).
  3. 1,200 hours of clinical Internship must be completed withing one (1) year from the date of examination pursuant to rule 0260-05-.03(f).
  4. Application to the state must occur within one year of examination and procedures pursuant to rule 0260-05-.05 must be followed.
  5. A list of those persons while in a clinical Internship shall be provided by the examining body and be maintained by the board and listed on the board's website.
- (2) (c) Be a graduate of a college, or high school, or high school equivalent.
- (d) An applicant requesting certification by criteria (reciprocity/endorsement) must be duly licensed or certified as a chiropractic therapy assistant in another state or hold certification with minimum equivalent training as determined by the Board. A designee of the Board will approve all endorsement applications to ensure minimum equivalency.

Authority: T.C.A. §§ 63-4-106 and 63-4-123.

Rule 0260-05-.06 Fees is amended by adding new paragraph (2) and renumbering the remaining paragraphs accordingly, and is further amended by deleting newly renumbered paragraphs (4) and (5) in their entirety and substituting instead the following language and adding new paragraph (6), so that as amended, the new paragraphs shall read:

- (2) Dual Certificates (chiropractic therapy assistants and chiropractic x-ray technologists) - Persons who are certified as a chiropractic therapy assistant and chiropractic x-ray technologist at the same time shall pay according to the fees established for Dual Certificates. Persons who are certified at separate times for these designations shall pay the application, initial certificate and state regulatory fees for that additional certificate, but only at the time of the application. After these initial applications, only one renewal and state regulatory fee will be required.
- (4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States bank, and made payable to the Board of Chiropractic Examiners.

(5) Chiropractic Therapy Assistant

Fee Schedule	Amount
(a) Application	\$ 150.00
(b) Late Fee	\$ 100.00
(c) Renewal	\$ 100.00
(d) Reciprocity	\$ 150.00
(e) Replacement Certificate	\$ 75.00
(f) State Regulatory (biennial)	\$ 10.00

(6) Dual Certificate

Fee Schedule	Amount
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(a)	Application	\$ 150.00
(b)	Late Fee	\$ 100.00
(c)	Renewal	\$100.00
(d)	Reciprocity	\$ 100.00
(e)	Replacement Certificate	\$ 75.00
(f)	State Regulatory (biennial)	\$ 10.00

Authority: T.C.A. §§ 63-1-106, 63-1-107, 63-1-108, 63-1-112, 63-4-103, 63-4-105, 63-4-106, and 63-4-123.

Rule 0260-05-.08 Examination is amended by deleting paragraphs (1) and (2) in their entirety and substituting instead the following language, so that as amended, the new paragraphs shall read:

- (1) State Board of Examination- Applicants for certification will be required to have successfully completed and passed a board-approved examination.
- (2) Examinations and re-examinations may be performed by the Tennessee Chiropractic Association or may be delegated as determined by the board. Application to sit for the examination must be submitted directly to the examining agency and not to the board.

Authority: T.C.A. §§ 63-1-107, 63-4-103, 63-4-106, 63-4-114, and 63-4-123.

Rule 0260-05-.09 Renewal of Certification is amended by deleting part (1)(b)1 in its entirety and substituting instead the following language, so that as amended, the new part shall read:

- (1) (b) 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet.

Authority: T.C.A. §§ 63-1-107, 63-4-103, 63-4-106, 63-4-114, and 63-4-123.

Rule 0260-05-.10 Supervision is amended by deleting the rule in its entirety, and changing the rule title, and substituting the following language, so that as amended, the new rule shall read:

0260-05-.10 Supervision of Interns

- (1) Intern supervision is for the purpose of training or teaching, by a supervisor who monitors the performance of an individual. For supervising Interns, the supervisor is required to be physically on site at all times during the supervision of the Intern.
- (2) The Intern supervisor must provide regular documented face-to-face guidance and instructions with respect to the skills and competencies of the person supervised.
- (3) Intern supervision may be performed by a Tennessee licensed chiropractic physician or certified chiropractic therapy assistant.
- (4) A supervisor who is a chiropractic therapy assistant must have been certified for a minimum of two (2) years prior to performing supervision duties.

Authority: T.C.A. §§ 63-4-101, 63-4-102, 63-4-103, 63-4-106, 63-4-107, 63-4-121, and 63-4-123.

Rule 0260-05-.12 Continuing Education is amended by deleting paragraph (3) in its entirety and renumbering the remaining paragraphs accordingly, and is further amended by deleting newly numbered subparagraph (4)(a) and

substituting instead the following language, so that as amended the new subparagraph shall read:

- (4) (a) A certificate holder must, within thirty (30) days of a request from the board, provide evidence of continuing education activities. Such evidence must be copies of one (1) or more of the following:

Authority: T.C.A. §§ 63-1-107, 63-4-103, 63-4-106, 63-4-112, 63-4-114, 63-4-115, and 63-4-123.

Rule 0260-05-.12 Continuing Education is amended by deleting newly numbered subparagraph (4)(c) in its entirety and re-lettering the remaining subparagraph accordingly, and is further amended by deleting newly re-numbered subparagraph (6)(c) in its entirety and substituting instead the following language, so that as amended the new subparagraph shall read:

- (6) (c) Training specifically related to policies and procedures of an agency. Except Tennessee statutes, rules and policies governing the practice of a chiropractic therapy assistant.

Authority: T.C.A. §§ 63-1-107, 63-4-103, 63-4-106, 63-4-112, 63-4-114, 63-4-115, and 63-4-123.

Rule 0260-05-.13 Professional Ethics is amended by deleting the introductory paragraph in its entirety and substituting instead the following language, so that as amended, the new introductory paragraph shall read:

Chiropractic Therapy Assistants shall not engage in immoral, unprofessional, unethical, or dishonorable conduct. Immoral, unprofessional, unethical, or dishonorable conduct shall include, but not be limited to, the following:

Authority: T.C.A. §§ 63-4-101, 63-4-106, 63-4-114, and 63-4-123.

Rule 0260-05-.14 Disciplinary Actions and Civil Penalties is amended by deleting part (4)(d)3 in its entirety and substituting instead the following language, so that as amended, the new part shall read:

- (4) (d) 3. In assessing the civil penalties pursuant to these rules, the board may consider the following factors:

Authority: T.C.A. §§ 63-1-122, 63-1-132, 63-1-134, 63-4-106, 63-4-114, 63-4-115, and 63-4-123.

\* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Curtis E. Damien, D.C.	X				
Jason B. Hulme, D.C.	X				
Kara Birdwell, D.C.	X				
Cole James Hosenfeld	X				
Dale Blackwelder, D.C.	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Chiropractic Examiners on 10/21/2021, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/26/2021

Rulemaking Hearing(s) Conducted on: (add more dates). 10/21/2021

Date: 4/3/2023

Signature: 

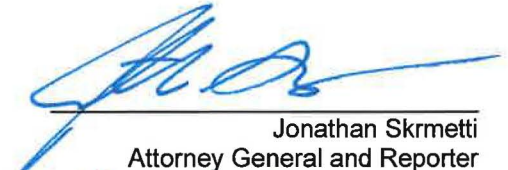
Name of Officer: Kevin Griffin

Title of Officer: Associate Counsel, Department of Health

Agency/Board/Commission: Board of Chiropractic Examiners

Rule Chapter Number(s): 0260-03 & 0260-05

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.



Jonathan Skrmetti  
Attorney General and Reporter

April 4, 2023  
Date

**Department of State Use Only**

Filed with the Department of State on: 4/12/2023

**RECEIVED**

Effective on: 7/11/2023

Apr 12 2023, 2:03 pm

Secretary of State  
Division of Publications

  
Tre Hargett  
Secretary of State



## Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

### Chapter 0260-03 General Rules Governing Chiropractic X-Ray Technologists:

#### **The Board voted by roll-call vote and unanimously approved all the following changes related to Chapter 0260-03.**

- 0260-03-.01
  - Public Comments
    - No Comment
  - Board Changes
    - 0260-03-.01(16) Physician –
      - A chiropractic, medical, or osteopathic physician licensed in the state of Tennessee or medical or osteopathic physician working in a chiropractic practice.
        - Added “, medical, or osteopathic” to the definition of (16)
- 0260-03-.02
  - Public Comments
    - No initial public comments
    - Tiffany Stevens – TCA
      - Asked Board to clarify if removing the word chiropractic would relate to ongoing training or scope of practice.
  - Board Changes
    - 0260-03-.02(1)
      - Any person who possesses a valid unsuspended and unrevoked certificate has the right to use the title certified chiropractic x-ray technologist. No other person shall assume this title on any work. Letter, sign, figure, advertisement, or device to indicate that the person using the same is a certified chiropractic x-ray technologist. The work performed includes chiropractic x-ray technologist advice and services, specifically and only on orders from a duly licensed physician.
        - (1) ...deletes the word “chiropractic” from last sentence of subparagraph.
- 0260-03-.03
  - Public Comments
    - No public comments
- 0260-03-.04
  - Public Comments
    - The American Registry of Radiologic Technologists respectfully request that all references to the American Registry of Radiological Technologist be updated to reference the American Registry of Radiologic Technologists.
      - This reference can be found in 0260-03.04(2)(e)(2)
  - Board/Incorporated Changes
    - 0260-03-.04(1)(e)
      - Pass to the satisfaction of the board, an examination conducted to determine fitness for practice as a chiropractic x-ray technologist pursuant to rule 0260-03-.08. The candidate must complete the approved course of study and pass the licensure examination before beginning internship hours.
        - Adding a comma after “Pass to the satisfaction of the board” (,)
    - 0260-03-.04(2)(c)
      - Be a graduate of a college, or high school, or high school equivalent
        - Adds the word “or” before high school
    - 0260-03.04(2)(e)(2)
      - Evidence of certification from either the American Chiropractic Registry of Radiological Technologists or the American Registry of Radiologic Technologist or successor, either of which will qualify an applicant for chiropractic x-ray technologist certification.
        - Replaced “American Registry of Radiological Technologist” with “American Registry of Radiologic Technologist”
    - 0260-03-.04(3)



- No public comments
  - Board Changes
    - 0260-03-.08(1)
      - State Board Examination – Applicants for certification will be required to have successfully completed and passed a board-approved examination.
        - Removes “with a score of seventy-five percent (75%) or higher.” This change was reflected in the redlines but not in the notice.
    - 0260-03-.08(2)
      - Examinations and re-examinations may be performed by the American Chiropractic Registry of Radiologic Technologists, or the Tennessee Chiropractic Association, and may be delegated as determined by the board as its certification examination. Application to sit for the examination must be submitted directly to the examining agency and not to the board.
        - Placed a comma after “American Chiropractic Registry of Radiologic Technologists” and added “or the” before “Tennessee Chiropractic Association”
- 0260-03-.09
  - Public Comments
    - No public comments
- 0260-03-.10
  - Public Comments
    - No public comments
- 0260-03-.11
  - Public Comments
    - NO public comments
- 0260-03-.12
  - Public Comments
    - No public comments
  - Board Changes
    - (3)(c) – add a comma after “crucial for certificate holders to have it,”
- 0260-03-.13
  - No public comments

Chapter 0260-05 General Rules Governing Chiropractic Therapy Assistants:

**The Board voted by roll-call vote and unanimously approved all the following changes related to Chapter 0260-05.**

- 0260-05-.01
  - Public Comments
    - No public comments
  - Board Changes
    - 0260-05-.01 (19)
      - Supervision of Certificate Holders – The ongoing, direct review, for the purpose training and teaching, by a physician. The supervisor provides regular face-to-face guidance and instruction with respect to the skills and competencies of the certificate holder.
        - Replaces “as” with “a” in the section, “by as physician”
    - 0260-05-.01 (21)



- Supervisor – licensed physician and with respect to interns, a certified chiropractic therapy assistant.
      - Added “and with respect to interns, a certified chiropractic therapy assistant.” Done so to reflect the changes on the redline that did not make it to the notice form.
- 0260-05-.02
  - Public Comments
    - No public comments
  - Board Changes
    - 0260-05-.02(2)(b)
      - The employing chiropractic physician(s), or 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 shall be available by phone or other electronic means and physically present at the site where the services are being provided within a reasonable amount of time.
        - Changed “od” to “of” in the following sentence, “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 shall be available by phone or other electronic means and physically present at the site where the services are being provided within a reasonable amount of time.”
- 0260-05-.04
  - Public Comments
    - No public comment
  - Board Changes
    - 0260-05-.04(1)(c)
      - Be a graduate of a college, or high school, or have a high school equivalent.
        - Added the words “or” and “have” to have the CTA rule reflect the language used in the CXT rules.
    - 0260-05-.04 (1)(g)
      - Persons who have completed the education requirements, passed the examination and are in the process of completing clinical internship shall be able to perform services as directed by a Tennessee licensed physician pursuant to the following:
        - Added “in the” to the above subparagraph
    - 0260-05-.04 (2)(c)
      - Be a graduate of a college, or high school, or have a high school equivalent.
        - Added the words “or” and “have” to have the CTA rule reflect the language used in the CXT rules.
    - 0260-05-.04 (1)(g)(5)
      - A list of those persons while in a clinical internship shall be provided by the examining body and be maintained by the board and listed on the board’s website.
        - Changed “tby” to “by”
- 0260-05-.06 Fees
  - Public Comments
    - No public comment at the time
  - Board Changes
    - 0260-05-.06(5) Chiropractic Therapy Assistant Fee Schedule Amount
      - (a) Application - \$150.00
        - Board decided to remove proposed fee decrease, keeping the application fee the same, as reflected in rules.
      - (b) Late fee - \$100.00
        - Board Voted to uphold the fee increase in Late fee to \$100.00.

- (c) Renewal - \$100.00
      - Board decided to remove proposed fee decrease, keeping the renewal fee the same, as reflected in rules.
    - (d) Reciprocity - \$150.00
      - Board decided to remove proposed fee decrease, keeping the reciprocity fee the same, as currently reflected in rules.
  - 0260-05-.06(6) Dual license Fee Schedule Amount
    - (a) Application - \$150.00
      - Board decided to remove proposed fee decrease, keeping the application fee the same, as reflected in rules.
    - (b) Late fee - \$100.00
      - Board Voted to uphold the fee increase in Late fee to \$100.00.
    - (c) Renewal - \$100.00
      - Board decided to remove proposed fee decrease, keeping the renewal fee the same, as reflected in rules.
- 0260-05-.08
  - Public Comments
    - No public comments
- 0260-05-.09 -
  - Public Comments
    - No public comments
- 0260-05-.10
  - Public Comments
    - No public comments
- 0260-05-.12
  - Public Comments
    - No public comments
  - Board Changes
    - 0260-05-.12(4)(a) –
      - A licensee, must within thirty (30) days of a request from the board, provide evidence of continuing education activities. Such evidence must be in copies one (1) or more of the following:
        - Changed “(thirty) 30” to “thirty (30)”.
- 0260-05-.13
  - Public Comments
    - No comments public comments

## Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

**(1) The extent to which the rule may overlap, duplicate, or conflict with other federal, state, and local governmental rules.**

These proposed rule amendments do not overlap, duplicate, or conflict with other federal, state, and local governmental rules.

**(2) Clarity, conciseness, and lack of ambiguity in the rule or rules.**

These proposed rule amendments exhibit clarity, conciseness, and lack of ambiguity.

**(3) The establishment of flexible compliance and/or reporting requirements for small businesses.**

These proposed rules lessen the reporting requirements for licensees by requiring them to submit their continuing education credits on demand as opposed to mailing them in yearly. The remaining amendments do not affect reporting.

**(4) The establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses.**

These proposed rule amendments do not affect schedules or deadlines for compliance and/or reporting requirements.

**(5) The consolidation or simplification of compliance or reporting requirements for small businesses.**

These proposed rule amendments do not affect compliance or reporting requirements for small businesses.

**(6) The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule.**

These proposed rule amendments do not establish performance standards for small business as opposed to design or operation standards required for the proposed rules.

**(7) The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.**

These rule amendments do not create entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.



### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

The proposed rule amendments should not have a financial impact on local governments.

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The Board of Chiropractic Examiners is amending Rule Chapters 0260-03 and 0260-05 to further define the scope of Chiropractic X-Ray Technicians (CXT) and Chiropractic Therapy Assistants (CTA).

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

This rule will affect CTAs and CXTs, as well as chiropractic physicians who employ and supervise CTAs and CXTs.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Kevin Griffin, Associate Counsel, Department of Health.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Kevin Griffin, Associate Counsel, Department of Health.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Department of Health, Office of General Counsel, 665 Mainstream Drive, 2<sup>nd</sup> Floor, Nashville, TN 37243, 615-741-1611, [Kevin.Griffin@tn.gov](mailto:Kevin.Griffin@tn.gov).

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

**RULES  
OF  
THE BOARD OF CHIROPRACTIC EXAMINERS  
DIVISION OF HEALTH RELATED BOARDS**

**CHAPTER 0260-03  
GENERAL RULES GOVERNING CHIROPRACTIC X-RAY TECHNOLOGISTS**

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0260-03-.04	Qualifications for Certification	0260-03-.13	Professional Ethics
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**0260-03-.01 DEFINITIONS.** As used in these rules, the following terms and acronyms shall have the following meanings ascribed to them:

- (1) Advertising - Includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory or other printed matter. Advertising also includes business solicitations communicated by individual, radio, video, or television broadcasting or any other means designed to secure public attention.
  
- (2) Applicant - Any individual seeking certification by the board who has submitted an official application and paid the application fee.



(Rule 0260-03-.01, continued)

- (3) Board - The Tennessee Board of Chiropractic Examiners.
- (4) Board Administrative Office - The office of the Unit Director assigned to the board located at 665 Mainstream Drive, Nashville, TN 37243.
- (5) Board Designee - Any person who has received a written delegation of authority from the board to perform board functions subject to review and ratification by the full board where provided by these rules.
- (6) Certificate - Document issued to an applicant who successfully completes the certification process. The certificate takes the form of an "artistically designed" certificate as well as other versions bearing an expiration date.
- (7) Closed Files - An administrative action which renders an incomplete or denied file inactive.
- (8) Department - Tennessee Department of Health.
- (9) Division - The Division of Health Related Boards, Tennessee Department of Health, from which the board receives administrative support.
- (10) Fee - Money, gifts, services, or anything of value offered or received as compensation in return for rendering services, also, the fees required by these rules.
- (11) Good Moral Character - The quality of being well regarded in personal behavior and professional ethics.

(Rule 0260-03-.01, continued)

- (12) HRB - When the acronym HRB appears in the text of these rules, the HRB represents Health Related Boards.
- (13) Intern – Candidate for certification as a chiropractic x-ray technologist who has completed core education and examination requirements.
- (14) Internship – Performing chiropractic x-ray technologist duties under direction of a supervisor for the purpose of receiving practical training in x-ray technology.
- (15)(13) Person - Any individual, firm, corporation, partnership, organization, or body politic.
- (16) Physician – A chiropractic, medical, or osteopathic physician licensed in the state of Tennessee or medical or osteopathic physician working in a chiropractic practice in the state of Tennessee.
- (17)(14) Registrant - Any person who has been lawfully issued a certificate.
- (18)(15) Supervision of Certificate Holders - The ongoing, direct review, for the purpose of training or teaching, by ~~the employing~~ licensed chiropractic physician(s) ~~supervisor~~ who monitors the performance of ~~an individual~~ the certificate holder. The supervisor provides regular ~~documented~~ face-to-face guidance and instructions with respect to the skills and competencies of the ~~person-supervised~~ certificate holder.
- (19) Supervision of Interns - The ongoing, direct review, for the purpose of training or teaching, by a licensed chiropractic physician or certified chiropractic x-ray technologist who monitors the performance of an Intern. The supervisor provides regular, documented face-to-face guidance and instructions with respect to the skills and competencies of the person supervised.
- (20) Supervisor – The employing licensed chiropractic physician(s) (or designee) and with respect to Interns, a Tennessee licensed chiropractic physician or certified a chiropractic x-ray technologist.
- (21)(16) Use of a title of description - To hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards, or other means of professional identification.

(Rule 0260-03-.01, continued)

- ~~(22)~~(47) Written evidence - Includes, but is not limited to, written verification from supervisors or other professional colleagues familiar with the applicant's work.

**Authority:** T.C.A. §§~~4-5-202, 4-5-204~~, 63-4-102, 63-4-106, 63-4-119, and 63-4-123. **Administrative**

**History:** Original rule filed December 28, 1995; effective March 12, 1996. Amendment filed August 26, 2002; effective November 9, 2002. Amendment filed September 27, 2002; effective December 11, 2002.

#### 0260-03-.02 SCOPE OF PRACTICE.

- (1) Any person who possesses a valid unsuspended and unrevoked certificate has the right to use the title "certified chiropractic x-ray technologist". No other person shall ~~assume-use~~ this title, represent themselves as a certified chiropractic x-ray technologist, or hold themselves out to the public as being certified by means of using the title on any work, letter, sign, figure, mailboxes, address plates, stationary, announcements, telephone listings, calling cards, advertisement, other instruments of professional identification, or device to indicate that the person using the same is a certified chiropractic x-ray technologist. ~~The w~~Work performed utilizing the title of "certified chiropractic x-ray technologist" includes chiropractic x-ray technologist advice and services ~~to the public~~, specifically and only on orders ~~by~~from a ~~duly licensed-chiropractic-P~~physician.

#### (2) Supervision of Certificate Holders

- (a) Individuals who are issued a certificate to serve as a chiropractic x-ray technologist must act only on orders by a Physician.
- (b) The employing licensed chiropractic physician(s), or a licensed 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 as a chiropractic x-ray technologist and 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 shall be available by phone or other electronic means and able to be physically present at the site where the services are being provided within a reasonable amount of time.



(Rule 0260-03-.02, continued)

**Authority:** T.C.A. §§~~4-5-202, 4-5-204~~, 63-1-108, 63-4-101, 63-4-102, 63-4-106, 63-4-107, 63-4-119, and 63-4-122. **Administrative History:** Original rule filed December 28, 1995; effective March 12, 1996.

#### 0260-03-.03 NECESSITY OF CERTIFICATION.

- (1) Except as provided in paragraphs (2) and (3), prior to engaging in practice as a chiropractic x-ray technologist in Tennessee, a person must hold a current Tennessee certification.
- (2) Students engaged in clinical internship are exempt from the certification requirements.
- (3) Graduates of a Board-approved chiropractic x-ray technologist radiological education course who have successfully completed examination and are working in a clinical internship are exempt from the certification requirements, but only for a period of time not to exceed one (1) year from the date of examination, unless an extension is granted by the Board. At all times until certification is received, graduates shall practice only under supervision as set forth in rule 0260-03-.10. ~~A graduate must immediately cease any practice upon notice of failure of the examination and may not engage in the practice again until successful completion of the examination.~~
- (4) It is unlawful for any person who is not certified in the manner prescribed in T.C.A. §63-4-119 to represent himself/herself as a certified chiropractic x-ray technologist or to hold himself/herself out to the public as being certified by means of using a title on signs, mailboxes, address plates, stationary, announcements, telephone listings, calling cards, or other instruments of professional identification.
- (5) A chiropractic x-ray technologist is one who serves the public only on the orders of a ~~licensed chiropractic~~ licensed physician, and as such the practice is restricted to those persons credentialed ~~by the board~~. Persons engaging in practice as a chiropractic x-ray technologist without being credentialed are in violation of T.C.A. §§ 63-1-119 and 63-1-123.

**Authority:** T.C.A. §§~~4-5-202, 4-5-204~~, 63-1-123, 63-4-101, 63-4-106, 63-4-119 and 63-4-123. **Administrative History:** Original rule filed December 28, 1995; effective March 12, 1996. Amendment filed January 31, 2003; effective April 16, 2003. Amendment filed October 14, 2011; effective January 12, 2012.

#### 0260-03-.04 QUALIFICATIONS FOR CERTIFICATION.

- (1) To become certified as a chiropractic x-ray technologist in Tennessee, a person must comply



(Rule 0260-03-.04, continued)

with the following procedures and requirements prior to submitting an application:

- (a) Be at least eighteen (18) years of age.
- (b) Be of good moral character.
- (c) Be a graduate of a college, high school ~~graduate~~ or high school equivalent.
- (d) Complete prior to the date of examination a minimum combined total of ~~forty-eight~~ fifty (50) ~~(48) hours of instruction~~ classroom hours approved by the board and which includes such subject material as radiation protection, radiation physics, radiographic techniques, patient care and positioning, equipment maintenance, radiographic anatomy and physiology, x-ray quality control, and instruction on Tennessee statutes and rules pertaining to the chiropractic x-ray technologist. No prior approval is required for instruction conducted by the Tennessee Chiropractic Association.
- ~~(e) Provide proof of successful completion of one thousand and forty (1,040) hours of clinical internship supervised by a Tennessee licensed doctor of chiropractic who is required to provide the Board of Chiropractic Examiners a report concerning the applicant's performance in each area of the spine and extremities on forms provided by the Board to become certified as a chiropractic x-ray technologist.~~
- ~~(f) Pass to the satisfaction of the board an examination conducted to determine fitness for practice as an x-ray technologist under the supervision of a licensed chiropractic physician pursuant to rule 0260-03-.08.~~
- (e) Pass to the satisfaction of the board, an examination conducted to determine fitness for practice as a chiropractic x-ray technologist pursuant to rule 0260-03-.08. The candidate must complete the approved course of study and pass the examination before beginning internship hours.
- (f) Provide proof of successful completion of one thousand forty (1,040) hours of clinical Internship under direct supervision by a Tennessee licensed chiropractic physician or certified chiropractic x-ray technologist. The supervisor is required to provide the Board a report concerning the Intern's performance in each area of the Internship on forms provided by the Board to become certified as a chiropractic x-ray technologist. Such hours shall be completed within one (1) year from the date of examination, unless an extension is requested and granted by the Board.

(Rule 0260-03-.04, continued)

(g) Persons who have completed the education requirements, passed the examination and are in the process of completing their clinical Internship shall be able to perform services as directed by a Physician provided they must comply with the following:

1. Meet Internship criteria;
2. Maintain supervision pursuant to 0260-03-.10(1);
3. Complete one thousand forty (1,040) hours of clinical Internship within one (1) year from date of examination pursuant to 0260-03-.03(f); and
4. Apply to the state within one (1) year from date of examination pursuant to rule 0260-03-.05.

(h) A list of those persons providing services while in a clinical Internship shall be provided by the examining body and be maintained by the Board and listed on the Board's website.

(2) To become certified as a chiropractic x-ray technologist in Tennessee by Criteria ~~(Reciprocity based on licensure in another state)~~ Reciprocity/Endorsement, a person must comply with the following procedures and requirements prior to submitting an application:

- (a) Be at least 18 years of age.
- (b) Be of good moral character.
- (c) Be a graduate of a college, or high school, or high school equivalent.
- (d) ~~An applicant requesting certification must be~~ Be duly licensed or certified in another state as a chiropractic x-ray technologist ~~or hold another type of licensure or certification which requires minimum equivalent training as determined by the Board. The Board may designate one of its members to review all Reciprocity/Endorsement applications to ensure minimum equivalency.~~
- (e) Provide either;
  1. a letter of good standing from the state in which certification is held; or



(Rule 0260-03-.04, continued)

2. ~~provide to the board's administrative office~~ Evidence of certification from either the American Chiropractic Registry of Radiological Technologists or the American Registry of Radiological Technologists, either of which will qualify an applicant for chiropractic x-ray technologist certification.
- (3) If an applicant holds or possesses an unencumbered certificate to practice radiography that has been granted by the Tennessee Board of Medical Examiners or the Tennessee Board of Osteopathic Examination or the Tennessee Radiologic Imaging and Radiation Therapy Board of Examiners with modules in spine and extremities, a certification by Reciprocity/Endorsement to practice as a chiropractic x-ray technologist may be granted. ~~in the limited specialty category of "Lumbar Spine — AP/PA and Lateral Lumbar Spine only," a certification by Criteria (Reciprocity based on another profession) to practice as a chiropractic x-ray technologist may be granted.~~
- (4) Application review and certification decisions shall be governed by rule 0260-03-.07.

**Authority:** T.C.A. §§ ~~4-5-202, 4-5-203, 4-5-204~~, 63-4-106, and 63-4-119. **Administrative History:** Original rule filed December 28, 1995; effective March 12, 1996. Amendment filed November 22, 1999; effective February 5, 2000. Amendment filed January 31, 2003; effective April 16, 2003. Amendment filed March 22, 2007; effective June 5, 2007.

**0260-03-.05 PROCEDURES FOR CERTIFICATION.** To become certified as a x-ray technologist in Tennessee, a person must comply with the following procedures and requirements:

- (1) Certification
  - (a) An application packet shall be requested from the board's administrative office.
  - (b) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it along with all documentation and fees required by the form and these rules to the board's administrative office.
  - (c) Applications will be accepted throughout the year. Supporting documents requested in these instructions must be received in the board office within ~~30~~ sixty (60) days of receipt of the application or the file will be closed.
  - (d) An applicant shall submit with his/her application a signed passport type photograph

(Rule 0260-03-.05, continued)

taken within the preceding twelve (12) months. The back of the photograph must be signed by the applicant.

- (e) It is the applicant's responsibility to provide evidence that he/she has completed the requirements of rule 0260-03-.04 (1).
  - (f) An applicant shall disclose the circumstances surrounding any of the following:
    - 1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic violation.
    - 2. The denial of certification application by any state or the discipline of ~~certification~~ the applicant in any state.
    - 3. Loss or restriction of certification.
    - 4. Any civil judgment or civil suit settlement in which the applicant was a part defendant, including without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under the country's or state's statutory, common or case law.
  - (g) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's certification application materials, the result of a criminal background check.
- (2) Certification by ~~reciprocity~~ Reciprocity/Endorsement
- ~~(a) If an applicant holds or has ever held a chiropractic x-ray technologists' certificate in another state, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement (verification of certification) from each such licensing board which indicates the applicant holds or held an active certificate and whether it is in good standing presently or was at the time it became inactive.~~
  - ~~(b) If a certificate is not in good standing or is inactive, before becoming certified the applicant must conform to rule 0260-03-.04 (1) (e) and upon satisfactory proof as attested by the supervising doctor's signature on a form provided by the~~



(Rule 0260-03-.05, continued)

~~board, the applicant will be certified.~~

~~(c) When necessary, all required documents shall be translated into English and such translation and original document certified as to authenticity by the issuing source. Both versions must be submitted.~~

~~(d) Personal resumes are not acceptable and will not be reviewed.~~

~~(e) Application review and certification decisions shall be governed by rule 0260-03-.07.~~

~~(f) Either of the following will result in qualifying an applicant for chiropractic x-ray certification.~~

~~1. Carrying the burden of proving by a preponderance of the evidence that his/her course work, supervision, and experience are equivalent to the board's requirements, or~~

~~2. Provide evidence of certification from either The American Chiropractic Registry of Radiological Technologist or the American Registry of Radiological Technologist.~~

(a) An application packet shall be requested from the Board Administrative Office.

(b) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it along with all documentation and fees required by the form and these rules to the Board Administrative Office.

(c) Applications will be accepted throughout the year. Supporting documents requested in these instructions must be received in the board office within sixty (60) days of receipt of the application or the file will be closed.

(d) An applicant shall submit with his/her application a signed passport type photograph taken within the preceding twelve (12) months. The back of the photograph must be signed by the applicant.

(Rule 0260-03-.05, continued)

- (e) It is the applicant's responsibility to provide evidence that he/she has completed a minimum of fifty (50) hours of education approved by the Board. Education shall include such subject material as radiation protection, radiation physics, radiographic techniques, patient care and positioning, equipment maintenance, radiographic anatomy and physiology, x-ray quality control, and instruction.
- (f) An applicant shall disclose the circumstances surrounding any of the following:
1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic violation.
  2. The denial of certification application by any state or the discipline of the applicant in any state.
  3. Loss or restriction of certification.
  4. Any civil judgment or civil suit settlement in which the applicant was a party defendant, including without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under the country's or state's statutory, common or case law.
- (g) An applicant shall cause to be submitted to the Board Administrative Office directly from the vendor identified in the Board's certification application materials, the result of a criminal background check.
- (h) If an applicant holds or has ever held a chiropractic x-ray technologist's certificate or its equivalent in another state, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement (verification of certification) from each such licensing board which indicates the applicant holds or held an active certificate and a statement indicating whether it is in good standing presently or was at the time it became inactive.
- (i) If a certificate from another state or board is not in good standing or is inactive, the applicant cannot be certified under the reciprocity/endorsement rule.



(Rule 0260-03-.05, continued)

- (j) When necessary, all required documents shall be translated into English and such translation and original document certified as to authenticity by the issuing source. Both versions must be submitted.
  
- (k) Personal resumes are not acceptable and will not be reviewed.
  
- (l) Application review and certification decisions shall be governed by rule 0260-03-.07.
  
- (m) Either of the following will result in qualifying an applicant for chiropractic x-ray certification.
  - 1. Carrying the burden of proving by a preponderance of the evidence that his/her course work, supervision, and experience are equivalent to the board's requirements, or
  
  - 2. Provide evidence of certification from either the American Chiropractic Registry of Radiological Technologist or the American Registry of Radiologic Technologist or successor.

**Authority:** T.C.A. §§~~4-5-202, 4-5-203, 4-5-204~~, 63-4-103, 63-4-106, 63-4-114, and 63-4-119.  
**Administrative History:** Original rule filed December 28, 1995; effective March 12, 1996. Amendment filed November 22, 1999; effective February 5, 2000. Amendment filed January 31, 2003; effective April 16, 2003. Amendment filed March 17, 2006; effective May 31, 2006.

**0260-03-.06 FEES.**

<del>(1)</del> Fee Schedule	<del>Amount</del>
<del>(a)</del> Application	<del>\$ 150.00</del>
<del>(b)</del> Late Fee	<del>\$ 75.00</del>

(Rule 0260-03-.06, continued)

~~(c) — Renewal ————— \$ 100.00~~

~~(d) — Reciprocity ————— \$ 100.00~~

~~(e) — Replacement Certificate — \$ 75.00~~

~~(f) — State Regulatory (biennial) — \$ 10.00~~

~~(2) — All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Board of Chiropractic Examiners.~~

(1) The fees are as follows:

(a) Application fee - A non-refundable fee to be paid by all applicants for initial certification. It must be paid each time an application for initial certification is filed.

(b) Late renewal fee - A non-refundable fee to be paid when an individual fails to timely renew a certificate.

(c) Renewal fee - A non-refundable fee to be paid by all certificate holders. This fee also applies to individuals who reactivate a retired or lapsed certificate.

(d) Reciprocity/Endorsement fee - A non-refundable fee to be paid at the time of application in addition to the application fee for those seeking certification by criteria.

(e) Replacement certificate fee - A non-refundable fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" certificate.

(f) State regulatory fee - To be paid by all individuals at the time of application and with all



(Rule 0260-03-.06, continued)

renewal applications.

- (2) Dual Certificates (chiropractic therapy assistants and chiropractic x-ray technologists) - Persons who are certified as a chiropractic therapy assistant and chiropractic x-ray technologist at the same time shall pay according to the fees established for dual certificates. Persons who are certified at separate times for these designations shall pay the application, initial certificate and state regulatory fee for that additional certificate, but only at the time of the application. After these initial applications, only one renewal and state regulatory fee will be required.
- (3) All fees shall be established by the board. Fees may be reviewed and changed at the discretion of the board.
- (4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States bank and made payable to the Board of Chiropractic Examiners.
- (5) Chiropractic X-ray Technologist

<u>Fee Schedule</u>	<u>Amount</u>
<u>(a) Application</u>	<u>\$ 150.00</u>
<u>(b) Late Fee</u>	<u>\$ 100.00</u>
<u>(c) Renewal</u>	<u>\$ 100.00</u>
<u>(d) Reciprocity</u>	<u>\$100.00</u>
<u>(e) Replacement Certificate</u>	<u>\$ 75.00</u>

(Rule 0260-03-.06, continued)

(f) State Regulatory (biennial)	\$ 10.00
(6) Dual Certificate Fee Schedule Amount	
(a) Application	\$ 150.00
(b) Late Fee	\$ 100.00
(c) Renewal	\$ 100.00
(d) Reciprocity	\$ 100.00
(e) Replacement Certificate	\$ 75.00
(f) State Regulatory (biennial)	\$ 10.00

**Authority:** T.C.A. §§~~4-3-1011, 4-5-202, 4-5-204~~, 63-1-106, 63-4-103, 63-4-106, and 63-4-119.  
**Administrative History:** Original rule filed December 17, 1996; effective March 1, 1997. Amendment filed March 18, 2003; effective June 1, 2003. Amendment filed October 10, 2005; effective December 24, 2005. Amendment filed August 23, 2012; effective November 21, 2012.

**0260-03-.07 APPLICATION REVIEW, APPROVAL, DENIAL, INTERVIEWS.**

(Rule 0260-03-.07, continued)

- (1) An application packet shall be requested from the board's administrative office.
- (2) Review of all applications to determine whether or not the application file is complete may be delegated to the board's Unit Director, ~~provided that approval of all applications is made and ratified by the board.~~ or board designee.
- (3) If an application is incomplete when received in the ~~B~~board's ~~A~~administrative ~~O~~office, a deficiency letter will be sent to the applicant notifying him/her of the deficiency. ~~The requested information must be received in the board's administrative office on or before the 30th day after the applicant's receipt of the notification.~~
  - (a) The requested information must be received in the Board Administrative Office on or before the 60th day after the applicant's receipt of the notification.
  - ~~(b)~~(a) Such notification shall be sent certified mail return receipt requested from the ~~B~~board's ~~A~~administrative ~~O~~office.
  - ~~(c)~~(b) If the requested information is not received on or before the 60<sup>th</sup> day ~~within the 30 a sixty (60) day period,~~ the application file shall be closed and the applicant notified. No further board action will take place until a new application is received pursuant to the rules governing the application process, including another payment of all fees.
- (4) If a completed application ~~has been is denied~~ by the board designee and the denial and is ratified by the board ~~as such by the board~~ the action shall become final and the following shall occur:
  - (a) A notification of the denial shall be sent by the board's administrative office by certified mail, return receipt requested, specifying reasons for denial such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for certification and such notification shall contain all the specific statutory or rule authorities for the denial.
  - (b) The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Act (T.C.A. §§4-5-301, et seq.) to contest the denial and the procedure necessary to accomplish that action.



(Rule 0260-03-.07, continued)

- (c) An applicant has a right to a contested case hearing only if the certification denial is based on subjective or discretionary criteria.
  - (d) An applicant may be granted a contested case hearing if certification denial is based on an objective, clearly defined criteria only if after review and attempted resolution by the board's administrative staff, the certification application can not be approved and the reasons for continued denial present a genuine issue of fact and/or law which is appropriate for appeal. Such request must be made in writing to the board within 30 days of the receipt of the notice of denial from the board.
- (5) If the board finds it has erred in the issuance of a certificate of proficiency or certificate, the board will give a written notice by certified mail of its intent to revoke the license. The notice will allow the applicant the opportunity to meet the requirements of certification within 30 days from the date of receipt of the notification. If the applicant does not concur with the stated reason and the intent to revoke the certificate of proficiency or certificate, the applicant shall have the right to proceed according to rule 0260-03-.07(5).
- (6) Whenever requirements for certification are not completed within 30 days from the date of initial review of application and credentials, written notification will be mailed to the applicant and the application file will be closed. An applicant whose file has been closed shall subsequently be considered for certification only upon the filing of a new application and payment of all appropriate fees.
- (7) Abandonment of Application
- (a) An application shall be deemed abandoned and closed if the application has not been completed by the applicant ~~within 60 days on or before the 60<sup>th</sup> day after it was initially reviewed~~ the applicant's receipt of the notification.
  - ~~(b) The above action must be ratified by the board or its designee.~~
  - (c)(b) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.
- (8) If an applicant requests an entrance for certification, and after administrative review, wishes to change that application to a different type of entrance, a new application, with supporting documents and an additional application fee must be submitted, i.e., ~~reciprocity~~ Reciprocity/Endorsement to examination.

(Rule 0260-03-.07, continued)

**Authority:** T.C.A. §§~~4-5-202, 4-5-204, 4-5-301, 63-4-102, 63-1-106, 63-4-103,~~ 63-4-106, ~~63-4-114,~~ and 63-4-119, ~~and 63-4-123.~~ **Administrative History:** Original rule filed December 28, 1995; effective March 12, 1996. Amendment filed August 26, 2002; effective November 9, 2002. Amendment filed October 14, 2011; effective January 12, 2012.

**0260-03-.08 EXAMINATION.** ~~The Board adopts as its own the limited permit examination of the American Chiropractic Registry of Radiologic Technologists as its certification examination. All applicants for certification will be required to successfully complete that examination. The Board adopts seventy percent (70%) as its passing score on that examination. Application to sit for that examination and any questions regarding the examination must be submitted directly to the examining agency and not to the Board.~~

- (1) State Board Examination - Applicants for certification will be required to successfully complete and pass a Board-approved examination.
  
- (2) Examinations and re-examinations may be performed by the American Chiropractic Registry of Radiologic Technologists, or the Tennessee Chiropractic Association, and may be delegated as determined by the board as its certification examination. Application to sit for the examination must be submitted directly to the examining agency and not to the board.



(Rule 0260-03-.08, continued)

**Authority:** T.C.A. §§~~4-5-202, 4-5-204~~, 63-4-106, and 63-4-119. **Administrative History:** Original rule filed December 28, 1995; effective March 12, 1996. Amendment filed November 22, 1999; effective February 5, 2000. Amendment filed January 31, 2003; effective April 16, 2003. Repeal and new rule filed January 5, 2006; effective March 21, 2006.

#### 0260-03-.09 RENEWAL OF CERTIFICATION.

(1) Renewal Application

(a) The due date for a certificate renewal is the expiration date indicated on the initial certificate of registration or renewal certificate.

(b) Methods of Renewal

1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. ~~The application to renew can be accessed at:~~

<https://apps.tn.gov/hirs/>

2. Paper Renewals - For individuals who have not renewed their certification online via the Internet, a renewal application form will be mailed to each individual certified by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the certificate holder from the responsibility of meeting all requirements for renewal.

(c) A certificate issued pursuant to these rules is renewable by the expiration date. To be eligible for renewal an individual must submit to the Division of Health Related Boards on or before the expiration date the following:

1. A completed and signed renewal application form.

2. The renewal and state regulatory fees as provided in rule 0260-03-.06.

(Rule 0260-03-.09, continued)

- (d) Certificate holders who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their certificates processed pursuant to rule 1200-10-1-.10.
- (2) Reinstatement of an Expired Certificate - Reinstatement of a certificate that has expired may be accomplished upon meeting the following conditions:
    - (a) Payment of all past due renewal fees and state regulatory fees; and
    - (b) Payment of the late renewal fee, pursuant to Rule 0260-03-.06; and
    - (c) Submission of evidence of completion of continuing education requirements pursuant to rule 0260-03-.12.
  - (3) Renewal issuance decisions pursuant to this rule may be made administratively, upon review by the board or the board's designee.
  - (4) Anyone submitting a signed renewal form or letter which is found to be untrue may be subjected to disciplinary action as provided in rule 0260-03-.14.

**Authority:** T.C.A. §§~~4-5-202, 4-5-204~~, 63-1-107, 63-4-103, 63-4-106, 63-4-114, and 63-4-119.

**Administrative History:** Original rule filed December 28, 1995; effective March 12, 1996. Amendment filed September 27, 2002; effective December 11, 2002.

#### 0260-03-.10 SUPERVISION OF INTERNS

- ~~(1) Individuals who are issued a certificate to serve as a chiropractic x-ray technologist must act only on orders by a Tennessee licensed chiropractor.~~
- ~~(2) Intern Supervision is for the purpose of training or teaching, by an approved supervisor who monitors the performance of an individual. The supervisor provides regular documented face-to-face guidance and instructions with respect to the skills and competencies of the person supervised.~~



(Rule 0260-03-.10, continued)

- ~~(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.~~

(1) Supervision of Interns.

- (a) Intern supervision is for the purpose of training or teaching, by a supervisor who monitors the performance of an individual. For supervising Interns, the supervisor is required to be physically on site at all times during Intern supervision.
- (b) The Intern supervisor must provide regular documented face-to-face guidance and instructions with respect to the skills and competencies of the person supervised.
- (c) Intern supervision may be performed by a Physician or certified chiropractic x-ray technologist.
- (d) A supervisor who is a chiropractic x-ray technologist must have been certified for a minimum of two (2) years prior to performing supervision duties.

**Authority:** T.C.A. §§ ~~4-5-202, 4-5-204~~, 63-4-101, 63-4-102, 63-4-103, 63-4-106, 63-4-107, 63-4-119, and 63-4-121. **Administrative History:** Original rule filed December 28, 1995; effective March 12, 1996. Amendment filed July 27, 2007; effective October 10, 2007.

**0260-03-.11 RETIREMENT AND REACTIVATION OF CERTIFICATE.**

(Rule 0260-03-.11, continued)

- (1) A person who holds a current certificate and does not intend to serve as a "certified x-ray technologist" may apply to convert an active certificate to retired status. An individual who holds a retired certificate will not be required to pay the renewal fee.
  
- (2) A person who holds an active certificate may apply for retired status in the following manner:
  - (a) Obtain an affidavit of retirement form, complete, and submit to the board's administrative office ~~an affidavit of retirement form~~.
  
  - (b) Submit any documentation which may be required to the board's administrative office.
  
- (3) Certification holders whose certificate has been retired, may reenter active status by doing the following:
  - (a) Submit a written request for certification reactivation to the board's administrative office.
  
  - (b) Pay the certification renewal fees and state regulatory fees as provided in rule 0260-03-.06. If retirement reactivation is requested prior to the expiration of one year from the date of retirement, the board will require payment of the late renewal fee and past due certification renewal fees.
  
- (4) Certification reactivation applications shall be treated as certification applications and review decisions shall be governed by rule 0260-03-.07.

**Authority:** T.C.A. §§~~4-5-202, 4-5-204, and~~ 63-4-112. **Administrative History:** Original rule filed December 28, 1995; effective March 12, 1996.

#### 0260-03-.12 CONTINUING EDUCATION.

- (1) Basic requirements - ~~The Board of Chiropractic Examiners requires~~ Each certificate holder certified by ~~registered with~~ the board must to complete three six (3) (6) clock hours of continuing education each calendar year.



(Rule 0260-03-.12, continued)

(2) New certification requirements

- (a) A two (2) clock hour Board approved course in risk management, sexual/professional boundaries, and Tennessee statutory and regulatory chiropractic jurisprudence must be taken within the twelve (12) months prior to certification or within the first (1st) calendar year that continuing education is required. If taken prior to certification, the course must be an additional course beyond the regular x-ray technologist program. If taken after certification, the course shall not constitute part of the ~~six (6)~~ three (3) clock hour continuing education requirement in paragraph (1) of this rule. Those who are certified as both chiropractic X-ray technologists and chiropractic therapy assistants need only take this course once.
- (b) New certification by examination or reciprocity – New certificate holders, whether by examination or reciprocity, shall be exempted from the continuing education requirements of 0260-03-.12(1) for the calendar year in which they are certified, but must take the two (2) hour course as described above in 0260-03-.12(2)(a).
- (c) New certification by ~~criteria (reciprocity based on another profession)~~ Reciprocity/Endorsement - Proof of successful completion of all requirements necessary for certification in Tennessee, pursuant to paragraph 0260-03-.04 (3), shall be considered sufficient preparatory education and training to constitute continuing education credit for the calendar year in which they become certified by the Tennessee Board of Chiropractic Examiners.

~~(3) Current certificate holder requirement – Before January 1, 2008 every certificate holder who has not already done so must submit satisfactory proof of having successfully completed, as part of the annual continuing education requirement, the two (2) hour course described in subparagraph (2) (a) of this rule. It is the Board's intent that the two (2) hour course described in subparagraph (2) (a) of this rule must be completed once by all certificate holders.~~

(3)(4) Acceptable Continuing Education

- (a) To be acceptable continuing education, the course shall be approved by the Board of Chiropractic Examiners. No prior approval is required for continuing education courses conducted by the American Chiropractic Association, the International Chiropractors Association, the Tennessee Chiropractic Association, ~~or CPR training provided by the American Heart Association or the American Red Cross. No more than one (1) hour of credit will be granted for CPR training and courses.~~

(b) Education content may include radiation protection, radiation physics, radiation techniques, patient care and positioning, equipment maintenance, radiographic anatomy and physiology, x-ray quality control, and instruction on the Tennessee statutes and rules pertaining to chiropractic x-ray technologists.

(Rule 0260-03-.12, continued)

~~(c)~~(b) Whenever the Board decides that there is information that is crucial for certificate holders to have it, the Board may prepare and send that information to all continuing education providers in a format no larger than two (2) pages. All approved continuing education providers must, as a prerequisite to remaining an approved provider, reproduce and distribute this information from the Board to every certificate holder attending each of its individual continuing education courses or group of courses.

~~(4)~~(5) Documentation

~~(a) Each certificate holder shall send proof of completion of the annual continuing education requirement to the board's administrative office so that it is received no later than January 15th of the year immediately following the end of each calendar year. Such proof may be transmitted electronically provided the board has capability for electronic receipt of proof. When proof is mailed to the board's administrative office, such proof must be one (1) or more of the following:~~

(a) The certificate holder must, within thirty (30) days of a request from the board, provide evidence of continuing education activities. Such evidence must be copies of one (1) or more of the following:

1. Original certificates or photocopies of original certificates verifying the certificate holder's attendance at continuing education program(s). The original certificates or photocopies of original certificates must include the following: continuing education program's sponsor, date, clock hours awarded (continuing education units must be converted to clock hours), program title, certificate holder's name, and certification number.
2. Original letters or photocopies of original letters on official stationery from the continuing education program's sponsor indicating date, clock hours awarded (continuing education units must be converted to clock hours), program title, certificate holder's name, and certification number.
3. Original documents or photocopies of original documents verifying successful completion of a written post experience examination to evaluate material retention upon completion of a Multi-Media course, as provided in paragraph (6). The original documents or photocopies of original documents must include the clock hours awarded (continuing education units must be converted to clock hours), program title, certificate holder's name, and certification number.



(Rule 0260-03-.12, continued)

(b) Each certificate holder must retain original documents or photocopies of original documents which verify proof of attendance and completion of all continuing education requirements. This documentation must be retained for a period of four (4) years from the end of the calendar year in which the continuing education was acquired. This documentation must be produced for inspection and verification, if requested in writing by the board during its verification process. The board will not maintain continuing education files.

~~(c) The certificate holder must, within (thirty) 30 days of a request from the board, provide evidence of continuing education activities. Such evidence must be copies of one (1) or more of the proofs described in subparagraph (a).~~

~~(c)~~(d) If a person submits documentation for training that is not clearly identifiable as appropriate continuing education, the board will request a written description of the training and how it applies to the practice of chiropractic x-ray technologists. If the board determines that the training can not be considered appropriate continuing education, the individual will be given ninety (90) days to replace the hours not allowed. Those hours will be considered replacement hours and cannot be counted during the next renewal period.

~~(6) No continuing education credit shall be awarded for multi-media hours or courses.~~

(5) Continuing education credit shall be awarded for distance learning hours or courses attended in person as outlined in this rule.

~~(6)~~(7) Continuing education credit will not be allowed for the following:

- (a) Regular work activities, administrative staff meetings, case staffing/reporting, etc.
- (b) Membership in, holding office in, or participation on boards or committees, business meetings of professional organizations, or banquet speeches.
- (c) Education content that is for practice building, practice management, patient acquisition or reimbursement. Education should focus on clinical and/or scientific content, with an emphasis related to the role of a chiropractic x-ray technician.
- (d)~~(e)~~ Training specifically related to policies and procedures of an agency, except state statutes and rules and policies governing the practice of a chiropractic x-ray technologist.



(Rule 0260-03-.12, continued)

~~(7)(8)~~ Continuing Education for Reactivation or Reinstatement of Retired, Revoked, or Expired Certificate.

(a) Reactivation of Retired Certification

1. An individual whose certificate has been retired for one year or less will be required to fulfill continuing education requirements as outlined in this rule as a prerequisite to reinstatement. Those hours will be considered replacement hours and cannot be counted toward meeting the calendar year end requirement.
2. Any individual requesting reactivation of a certificate which has been retired for one or more years must submit, along with the reactivation request, verification which indicates the attendance and completion of ~~6~~ three (3) hours of continuing education for the year the certificate is to be reactivated. The continuing education hours must have begun and been successfully completed prior to the date of reactivation.

(b) Reactivation of Revoked Certification - No person whose certification has been revoked for failure to comply with continuing education may be reactivated without complying with these requirements. Continuing education requirements will accumulate at the same rate as that for those certificates which are active. The required clock hours of continuing education must have been begun and successfully completed before the date of reactivation.

(c) Reactivation or Reinstatement of Expired Certification - No person whose certificate has expired may be reactivated or reinstated without submitting evidence of continuing education. The continuing education hours documented at the time of reactivation or reinstatement must equal the hours required, had the certificate remained in an active status, and must have been begun and successfully completed before the date of reactivation or reinstatement.

(d) Continuing education hours obtained as a prerequisite for reactivating or reinstating a certificate may not be counted toward the calendar year requirement.

~~(8)(9)~~ Violations

- (a) Any certificate holder who falsely certifies attendance and completion of the required hours of continuing education, or who does not or can-not adequately and timely substantiate completed continuing education hours with the required documentation,

(Rule 0260-03-.12, continued)

may be subject to disciplinary action. Such disciplinary action may include a civil penalty of up to three hundred (\$300) dollars and the requirement that deficient hours be made up within the next calendar year or any other lawful discipline.

- (b) Continuing education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any renewal period.

~~(9)(10)~~ **Waiver of Continuing Education**

- (a) The board may grant a waiver of the need to attend and complete the required hours of continuing education if it can be shown to the board that compliance is or was beyond the physical capabilities of the person seeking the waiver.
- (b) Waivers will be considered only on an individual basis and may be requested by submitting the following items to the board's administrative office.
  - 1. A written request for a waiver which specifies what requirement is sought to be waived and written and signed explanation of the reason for the request.
  - 2. Any documentation which supports the reason for waiver requested or which is subsequently requested by the board.
- (c) A waiver approved by the board is effective only for the calendar year for which the waiver is sought.

**Authority:** T.C.A. §§~~4-5-202, 4-5-203, 4-5-204~~, 63-1-107, 63-4-103, 63-4-106, 63-4-112, 63-4-114, 63-4-115, 63-4-119 and 63-4-123. **Administrative History:** Original rule filed December 28, 1995; effective March 12, 1996. Amendment filed November 22, 1999; effective February 5, 2000. Amendment filed September 13, 2002; effective November 27, 2002. Amendment filed September 27, 2002; effective December 11, 2002. Amendment filed January 31, 2003; effective April 16, 2003. Amendment filed December 4, 2003; effective February 17, 2004. Amendment filed October 10, 2005; effective December 24, 2005. Amendments filed January 5, 2006; effective March 21, 2006. Amendments filed October 27, 2008; effective January 10, 2009. Amendments filed October 14, 2011; effective January 12, 2012.

**0260-03-.13 PROFESSIONAL ETHICS.** ~~Immoral, unprofessional, unethical, or dishonorable conduct shall include, but not be limited to, the following:~~



(Rule 0260-03-.13, continued)

Chiropractic x-ray technologists shall not engage in immoral, unprofessional, unethical, or dishonorable conduct. Immoral, unprofessional, unethical, or dishonorable conduct shall include, but not be limited to, the following:

- (1) Conduct designed to, or likely to deceive, or harm the public.
- (2) Being a party to or aiding and abetting the violation of these regulations or the laws of the State of Tennessee regulating the practice of chiropractic x-ray technologist.
- (3) Conduct interpreted to be sexual contact or physically inappropriate in a clinical setting, or inappropriate touching of the genitalia, anus, or breast.
- (4)(3) The intentional or negligent use of any false, fraudulent, or forged statement, writing or document, or the use of any fraudulent, deceitful, dishonest, or immoral practice in connections with any of the certification requirements of T.C.A. §63-4-119.

**Authority:** T.C.A. §§~~4-5-202, 4-5-204~~, 63-4-101, 63-4-106, 63-4-114, and 63-4-119. **Administrative History:** Original rule filed December 28, 1995; effective March 12, 1996.

#### 0260-03-.14 DISCIPLINARY ACTIONS AND CIVIL PENALTIES.

- (1) Upon a finding by the board that a chiropractic x-ray technologist has violated any provision of the T.C.A. §63-4-119 or the rules promulgated thereto, the board may impose any of the following actions separately or in any combination deemed appropriate to the offense.
  - (a) Advisory Censure - This is a written action issued to the chiropractic x-ray technologist for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
  - (b) Formal censure or reprimand - This is a written action issued to a chiropractic x-ray technologist for one time and less severe violations. It is a formal disciplinary action.



(Rule 0260-03-.14, continued)

- (c) Probation - This is a formal disciplinary action which places a chiropractic x-ray technologist on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict the individual's activities during the probationary period.
- (d) Certification Suspension - This is a formal disciplinary action which suspends an individual's right to work under certification for a fixed period of time. It contemplates the reentry of the individual into the certification previously issued.
- (e) Certification Revocation - This is the most severe form of disciplinary action which removes an individual from working under certification by terminating the certification previously issued. If revoked, it relegates the violator to the status he possessed prior to application for certification. However, the board may in its discretion allow the reinstatement of a revoked certificate upon conditions and after a period of time which it deems appropriate. No petition for reinstatement and no new application for certification from a person whose certification was revoked shall be considered prior to the expiration of at least one year unless otherwise stated in the board's revocation order.
- (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.
- (g) Civil penalty - A monetary disciplinary action assessed by the Board pursuant to paragraph (4) of this rule.
- (h) Once ordered, probation, suspension, revocation, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the certificate holder petitions, pursuant to paragraph (2) of this rule, and appears before the Board after the period of initial probation, suspension, revocation, or other conditioning has run and all conditions placed on the probation, suspension, revocation, have been

(Rule 0260-03-.14, continued)

met, and after any civil penalties assess have been paid.

- (2) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including an uncertified practice civil penalty order, and wishes or is required to obtain an order reflecting that compliance.

- (a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following three (3) circumstances:

1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or
2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation; or
3. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reinstating a certificate previously revoked.

- (b) Procedures

1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:
  - (i) A copy of the previously issued order; and
  - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and
  - (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends

(Rule 0260-03-.14, continued)

to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.

2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
  - (i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or
  - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.

(c) Form Petition

Petition for Order of Compliance

Board of Chiropractic Examiners

Petitioner's Name: \_\_\_\_\_

Petitioner's Mailing Address: \_\_\_\_\_



(Rule 0260-03-.14, continued)

\_\_\_\_\_

\_\_\_\_\_

Petitioner's E-Mail Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_

Attorney's Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attorney's E-Mail Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or
2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation; or
3. An order issued reflecting that compliance and reinstating a certificate previously revoked.

Note - You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

(Rule 0260-03-.14, continued)

Respectfully submitted this the \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Petitioner's Signature

- (3) Order Modifications - This procedure is not intended to allow anyone under a previously issued disciplinary order, including an uncertified practice civil penalty order, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Board orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. It is also not available for those who have accepted and been issued a reprimand.
- (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term "impossible" does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
- (b) Procedures
1. The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Board's Administrative Office that shall contain all of the following:
    - (i) A copy of the previously issued order; and
    - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and
    - (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon

(Rule 0260-03-.14, continued)

attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.

2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
  - (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or
  - (ii) Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.

(c) Form Petition

Petition for Order Modification

Board of Chiropractic Examiners

Petitioner's Name: \_\_\_\_\_

Petitioner's Mailing Address: \_\_\_\_\_



(Rule 0260-03-.14, continued)

\_\_\_\_\_

\_\_\_\_\_

Petitioner's E-Mail Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_

Attorney's Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attorney's E-Mail Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Note - You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

(Rule 0260-03-.14, continued)

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Petitioner's Signature

(4) Civil Penalties

(a) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to Public Chapter 389, Acts of 1989.

(b) Schedule of Civil Penalties

1. A Type A civil penalty may be imposed whenever the board finds the person who is required to be certified by the board is guilty of a willful and knowing violation of the Chiropractic Examiners Practice Act, or regulations pursuant thereto, to such an extent that there is, or is likely to be an imminent substantial threat to the health, safety and welfare of an individual client or the public. For purposes of this section, a Type A penalty shall include, but not be limited to, a person who willfully and knowingly is or was practicing as a chiropractic x-ray technologist without the required certification from the board.
2. A Type B civil penalty may be imposed whenever the board finds the person required to be certified by the board is guilty of a violation of the Chiropractic Examiners Practice Act or regulations pursuant thereto in such manner as to impact directly on the care of clients or the public.
3. A Type C civil penalty may be imposed whenever the board finds the person required to be certified by the board is guilty of a violation of the Chiropractic Examiners Practice Act or regulations promulgated thereto, which are neither directly detrimental to the clients or public, nor directly impact their care, but have only an indirect relationship to client care or the public.

(c) Amount of Civil Penalties

1. Type A civil penalties shall be assessed in the amount of not less than \$500 and not more than \$1,000.

(Rule 0260-03-.14, continued)

2. Type B civil penalties may be assessed in the amount of not less than \$100 and not more than \$500.
3. Type C civil penalties may be assessed in the amount of not less than \$50 and not more than \$100.

(d) Procedures for Assessing Civil Penalties

1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the proposed amount of the civil penalty and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
2. Civil Penalties may also be initiated and assessed by the board during consideration of any Notice of Charges. In addition, the board may, upon good cause shown, assess type and amount of civil penalty which was not recommended by the Division.
3. In assessing the civil penalties pursuant to these ~~rules~~rules, the board may consider the following factors:
  - (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
  - (ii) The circumstances leading to the violation;
  - (iii) The severity of the violation and the risk of harm to the public;
  - (iv) The economic benefits gained by the violator as a result of non-compliance; and,
  - (v) The interest of the public.



(Rule 0260-03-.14, continued)

4. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of T.C.A. Title 4, Chapter 5.

**Authority:** T.C.A. §§~~4-5-101, 4-5-202, 4-5-204, 4-5-217, 4-5-223~~, 63-1-122, 63-1-132, 63-1-134, 63-4-106, 63-4-114, 63-4-115, 63-4-119, and 63-4-123. **Administrative History:** Original rule filed December 28, 1995; effective March 12, 1996. Amendment filed August 26, 2002; effective November 9, 2002. Amendment filed August 2, 2004; effective October 16, 2004. Amendment filed October 29, 2008; effective January 12, 2009.

#### 0260-03-.15 CERTIFICATE.

- (1) Display of Certificate - Every person certified by the board in this state shall display his/her certificate in a conspicuous place in the x-ray room of the office or clinic and, whenever required, exhibit such certificate to the board or its authorized representative.
- (2) Replacement Certificate - A certificate holder whose "artistically designed" certificate has been lost or destroyed may be issued a replacement document upon receipt of a written request in the board administrative office. Such request shall be accompanied by an affidavit (signed and notarized) stating the facts concerning the loss or destruction of the original document and the required fee pursuant to rule 0260-03-.06.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-1-106, 63-1-109, 63-4-106, and 63-4-119. **Administrative History:** Original rule filed December 28, 1995; effective March 12, 1996.

#### 0260-03-.16 CHANGE OF ADDRESS AND/OR NAME.

- (1) Change of Address - Each person holding a certification who has had a change of home address, shall file in writing with the board his/her current address, giving both old and new addresses. Such requests shall be received in the board's administrative office no later than 30 days after such change is effective and must reference the individual's name, profession, and certificate number.
- (2) Change of Business Address - Each person holding certification who has had a change of employment or clinic affiliation shall file in writing with the board his/her current address, giving both old and new addresses. Such notices shall be received in the board's administrative office no later than 30 days after such change is effective and must reference the individual's name, profession, and certificate number and the name and license number of the new employer.

(Rule 0260-03-.16, continued)

- (3) Change of Name - An individual registered with the board shall notify the board in writing within 30 days of the name change and will provide both the old and new names. A request for name change must also reference the individual's profession, board, and certificate number.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-1-106, 63-1-108, 63-4-106, and 63-4-119. **Administrative History:** Original rule filed December 28, 1995; effective March 12, 1996.

#### **0260-03-.17 ADVERTISING.**

- (1) Fraudulent, misleading, or deceptive advertising is prohibited.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-1-116, 63-4-106, 63-4-119, and 63-4-122. **Administrative History:** Original rule filed December 28, 1995; effective March 12, 1996.

**RULES  
OF  
THE TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS  
DIVISION OF HEALTH RELATED BOARDS**

**CHAPTER 0260-05  
GENERAL RULES GOVERNING CHIROPRACTIC THERAPY ASSISTANTS**

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**0260-05-.01 DEFINITIONS.** As used in these rules, the following terms and acronyms shall have the following meanings ascribed to them:

- (1) Advertising - Includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory or other printed matter. Advertising also includes business solicitations communicated by individual, radio, video, or television broadcasting or any other means designed to secure public attention.
- (2) Applicant - Any individual seeking certification by the board who has submitted an official application and paid the application fee.
- (3) Board - The Tennessee Board of Chiropractic Examiners.
- (4) Board Administrative Office - The office of the Unit Director assigned to the board located at ~~227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243. 665 Mainstream Drive, Nashville, TN 37243.~~
- (5) Board Designee - Any person who has received a written delegation of authority from the board to perform board functions subject to review and ratification by the full board where provided by these rules.



(Rule 0260-05-.01, continued)

- (6) Certificate - Document issued to any applicant who successfully completes the certification process. The certificate takes the form of an "artistically designed" certificate as well as other versions bearing an expiration date.
- (7) Closed Files - An administrative action which renders an incomplete or denied file inactive
- (8) Department - Tennessee Department of Health.
- (9) Division-The Division of Health Related Boards, Tennessee Department of Health, from which the board receives administrative support.
- (10) Fee - Money, gifts, services or anything of value offered or received as compensation in return for rendering services, also, the fees required by these rules.
- (11) Good Moral Character - The quality of being well regarded in personal behavior and professional ethics.
- (12) HRB - When the acronym HRB appears in the text of these rules, the HRB represents The Division of Health Related Boards.
- (13) Intern - Candidate for licensure who has completed core education and examination and is prepared for internship.
- (14) Internship - Performing chiropractic therapy assistant duties under direction of a supervisor for the purpose of receiving practical training in providing physical agent modalities and rehabilitation.
- (15) Person - Any individual, firm, corporation, partnership, organization, or body politic.
- (16) Physician - A chiropractic, medical or osteopathic physician licensed in the state of Tennessee.

(Rule 0260-05-.01, continued)

- (17) Registrant - Any person who has been lawfully issued a certificate.
- (18) Services - With respect to chiropractic therapy assistant scope of practice, services may only be performed under the direction of a Physician and shall not encompass treatment or services beyond the certificate holder's education.
- ~~(19)~~(18) — Supervision of Certificate Holders - The ongoing, direct review, for the purpose of training or teaching, by a physician. ~~licensed chiropractic, medical or osteopathic physician, or chiropractic therapy assistant supervisor who monitors the performance of an intern.~~ The supervisor provides regular ~~documented~~ face-to-face guidance and instruction with respect to the skills and competencies of the ~~person supervised~~ certificate holder.
- (20) Supervision of Interns - The ongoing, direct review, for the purpose of training or teaching, by a physician, or certified chiropractic therapy assistant who monitors the performance of an intern. The supervisor provides regular documented face-to-face guidance and instruction with respect to the skills and competencies of the person supervised.
- (21) Supervisor - The employing licensed chiropractic physician (or designee) and with respect to Interns, a Tennessee licensed chiropractic physician or certified chiropractic therapy assistant.
- (22)~~(19)~~ Use of a title of description - To hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards, or other means of professional identification.
- (23)~~(20)~~ Written evidence - ~~includes, but~~includes but is not limited to written verification from supervisors or other professional colleagues familiar with the applicant's work.

**Authority:** T.C.A. §§ ~~4-5-202, 4-5-204,~~ 63-4-106, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed September 27, 2002; effective December 11, 2002. Amendment filed January 31, 2003; effective April 16, 2003.

**0260-05-.02 SCOPE OF PRACTICE.** ~~Any person who possesses a valid unsuspended and unrevoked certificate issued by the Board has the right to use the title certified chiropractic therapy assistant. No other person shall assume this title on any work, letter, sign, figure, advertisement, or device to indicate that the person using the same is a certified chiropractic therapy assistant. The work performed includes offering~~



(Rule 0260-05-.02, continued)

~~physical agent modalities and rehabilitation advice and services to the public, specifically and only on orders from a duly licensed physician.~~

(1) Any person who possesses a valid, unsuspended, and unrevoked certificate issued by the Board may use the title "certified chiropractic therapy assistant". No other person shall use this title on any work, letter, sign, figure, advertisement, or device to indicate that the person using the same is a certified chiropractic therapy assistant. Services performed utilizing this title shall include physical agent modalities, physical treatment, clinical services and advice to the public, specifically and only on orders from a Physician.

(2) Supervision of Certificate Holders.

(a) Individuals who are issued a certificate as a chiropractic therapy assistant must act only on orders by a Physician.

(b) The employing licensed chiropractic physician(s), or licensed 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 shall be available by phone or other electronic means and able to be 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~~, 63-1-108, 63-4-101, 63-4-102, 63-4-106, 63-4-107, 63-4-122, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001.

### 0260-05-.03 NECESSITY OF CERTIFICATION.

- (1) Except as provided in paragraphs (2) and (3), prior to engaging in practice as a chiropractic therapy assistant in Tennessee, a person must hold a current Tennessee certification.
- (2) Students engaged in clinical internship are exempt from the certification requirements.
- (3) Graduates of a Board approved chiropractic therapy assistant course who have successfully completed examination and are working in a clinical internship are exempt from the certification requirements, but only for a period not to exceed one (1) year from the date of examination, unless an extension is granted by the Board. At all times until certification is received,



(Rule 0260-05-.03, continued)

graduates shall practice only under supervision as set forth in rule 0260-05-.10. A graduate must immediately cease any practice upon notice of failure of the examination and may not engage in the practice again until successful completion of the examination.

- (4) It is unlawful for any person who is not certified in the manner prescribed in T.C.A. §§ 63-4-123 and these rules to present himself/herself as a certified chiropractic therapy assistant or to hold himself/herself out to the public as being certified by means of using a title on signs, mailboxes, address plates, stationery, announcements, telephone listings, business cards, or other instruments of professional identification.
- (5) A chiropractic therapy assistant is one who serves the public only on the orders of a licensed physician, and as such the practice is restricted to those persons properly credentialed. Persons engaging in practice as a chiropractic therapy assistant without being credentialed by the board are in violation of T.C.A. §§ 63-4-123.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-1-123, 63-4-101, 63-4-106, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed January 31, 2003; effective April 16, 2003. Amendment filed October 14, 2011; effective January 12, 2012.

#### 0260-05-.04 QUALIFICATIONS FOR CERTIFICATION.

- (1) To become certified as a chiropractic therapy assistant in Tennessee, a person must comply with the following procedures and requirements prior to submitting an application:
  - (a) Be at least eighteen (18) years of age.
  - (b) Be of good moral character.
  - (c) Be a graduate of a college, or high school graduate, or have a high school equivalent.
  - (d) Complete prior to the date of examination a minimum combined total of fifty (50) hours of instruction approved by any board member or board designee, subject to full board approval, and which shall include but not be limited to such subject material as anatomy,

(Rule 0260-05-.04, continued)

physiology, patient protection, safety, emergency procedures, professional boundaries training, chiropractic therapy, and rehabilitation techniques. No prior approval is required for instruction courses conducted by the Tennessee Chiropractic Association.

~~(e) Provide proof of twelve hundred (1,200) hours of clinical internship under direct supervision. The supervisor is required to provide the Board of Chiropractic Examiners a report concerning the certificate holder's performance in each area of internship on forms provided by the board to become certified as a chiropractic therapy assistant. Such hours shall be completed within one (1) year from the date of examination, unless an extension is requested and granted by the Board.~~

~~(f) Pass to the satisfaction of the board an examination conducted to determine fitness for practice as a chiropractic therapy assistant pursuant to rule 0260-05-.08.~~

(e) Pass to the satisfaction of the board an examination conducted to determine fitness for practice as a chiropractic therapy assistant pursuant to rule 0260-05-.08.

(f) Provide proof of twelve hundred (1,200) hours of clinical Internship under direct supervision. The supervisor is required to provide the Board of Chiropractic Examiners a report concerning the certificate holder's performance in each area of Internship on forms provided by the board to become certified as a chiropractic therapy assistant. Such hours shall be completed in writing within one (1) year from the date of examination, unless an extension is requested and granted by the Board. The applicant must complete the approved course of study and pass the licensure examination before beginning Internship hours.

(g) Persons who have completed the education requirements, passed the examination and are in the process of completing clinical internship shall be able to perform services as directed by a Physician pursuant to the following.

1. Must meet Internship criteria.

2. Supervision is maintained pursuant to rule 0260-05-.10(1)

3. 1,200 hours of clinical Internship must be completed within one (1) year from the date of examination pursuant to rule 0260-05.03(f).

4. Application to the state must occur within one year of examination and procedures pursuant to rule 0260-05-.05 must be followed.

5. A list of those persons while in a clinical Internship shall be provided by the examining body and be maintained by the board and listed on the board's website.



(Rule 0260-05-.04, continued)

- (2) To become certified as a chiropractic therapy assistant in Tennessee by Criteria (Reciprocity/Endorsement), a person must comply with the following procedures and requirements prior to submitting an application:
  - (a) Be at least 18 years of age.
  - (b) Be of good moral character.
  - (c) Be a graduate of a college, or high school graduate, or high school equivalent.
  - (d) An applicant requesting certification by criteria (reciprocity/endorsement) must be duly licensed or certified as a chiropractic therapy assistant in another state, or state or hold certification with minimum equivalent training as determined by the Board. A designee of the Board will approve all endorsement applications to ensure minimum equivalency.
  - (e) A letter of good standing must be provided from the state or board in which certification is held along with licensure criteria and educational training to ensure minimum equivalency.
- (3) Application review and certification decisions shall be governed by rule 0260-05-.07.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed January 31, 2003; effective April 16, 2003. Amendment filed October 14, 2011; effective January 12, 2012.

**0260-05-.05 PROCEDURES FOR CERTIFICATION.** To become certified as a chiropractic therapy assistant in Tennessee, a person must comply with the following procedures and requirements.



(Rule 0260-05-.05, continued)

(1) Certification

- (a) An application packet shall be requested from the board's administrative office.
- (b) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it along with all documentation and fees required by the form and these rules to the board's administrative office.
- (c) Applications will be accepted throughout the year. Supporting documents requested in these instructions must be received in the board office within 60 days of receipt of the application or the file will be closed.
- (d) An applicant shall submit with his/her application a signed passport type photograph taken within the preceding 12 months. (The photo is to be signed by the applicant on the back of the photograph.)
- (e) It is the applicant's responsibility to provide evidence that he/she has completed the requirements of rule 0260-05-.04 (1).
- (f) An applicant shall disclose the circumstances surrounding any of the following:
  - 1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic violation.
  - 2. The denial of certification application by any state or the discipline of a health care certificate in any state.
  - 3. Loss or restriction of certification.
  - 4. Any civil judgment or civil suit settlement in which the applicant was a party defendant, including without limitation, actions involving malpractice, breach of

(Rule 0260-05-.05, continued)

contract, antitrust activity, or any other civil action remedy recognized under the country's or state's statutory, common or case law.

- (g) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's certification application materials, the result of a criminal background check.

(2) Certification by reciprocity/endorsement

- (a) If an applicant holds or has ever held a chiropractic therapy assistant's certificate in another state or its equivalent, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement (verification of certification) from each such licensing board which indicates the applicant holds or held an active certificate and whether it is in good standing presently or was at the time it became inactive.
- (b) If a certificate from another state or board is not in good standing or is inactive, the applicant cannot be certified under the reciprocity/endorsement rule.
- (c) When necessary, all required documents shall be translated into English and such translation and original document certified as to authenticity by the issuing source. Both versions must be submitted.
- (d) Personal resumes are not acceptable and will not be reviewed.
- (e) Application review and certification decisions shall be governed by rule 0260-05-.07.
- (f) Applicants for reciprocity/endorsement carry the burden of proof by a preponderance of the evidence that his/her course work, supervision, and experience are equivalent to the board's requirements.
- (g) An application packet shall be requested from the board's administrative office.

(Rule 0260-05-.05, continued)

- (h) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it along with all documentation and fees required by the form and these rules to the board's administrative office.
- (i) Applications will be accepted throughout the year. Supporting documents requested in these instructions must be received in the board office within 60 days of receipt of the application or the file will be closed.
- (j) An applicant shall submit with his/her application a signed passport type photograph taken within the preceding 12 months. (The photo is to be signed by the applicant on the back of the photograph.)
- (k) It is the applicant's responsibility to provide evidence that he/she has completed a minimum combined total of fifty (50) hours of education approved by the board.
- (l) An applicant shall disclose the circumstances surrounding any of the following:
  - 1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic violation.
  - 2. The denial of certification application by any state or the discipline of a health care certificate in any state.
  - 3. Loss or restriction of certification.
  - 4. Any civil judgment or civil suit settlement in which the applicant was a party defendant, including without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under the country's or state's statutory, common or case law.
- (m) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's certification application materials, the result of a criminal background check.



(Rule 0260-05-.05, continued)

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, 63-4-114, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed January 31, 2003; effective April 16, 2003. Amendment filed March 17, 2006; effective May 31, 2006. Amendment filed October 14, 2011; effective January 12, 2012.

#### 0260-05-.06 FEES.

(1) The fees are as follows:

- (a) Application fee - A non-refundable fee to be paid by all applicants for initial certification. It must be paid each time an application for initial certification is filed.
- (b) Late Renewal fee-A non-refundable fee to be paid when an individual fails to timely renew a certificate.
- (c) Renewal fee-A non-refundable fee to be paid by all certificate holders. This fee also applies to individuals who reactivate a retired or lapsed certificate.
- (d) Reciprocity/Endorsement fee-A non-refundable fee to be paid at the time of application in addition to the application fee for those seeking certification by criteria.
- (e) Replacement certificate fee-A non-refundable fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" certificate.
- (f) State Regulatory fee-To be paid by all individuals at the time of application and with all renewal applications.

(2) Dual Certificates (chiropractic therapy assistants and chiropractic x-ray technologists) - Persons who are certified as a chiropractic therapy assistant and chiropractic x-ray technologist at the same time shall pay according to the fees established for Dual Certificates. Persons who are certified at separate times for these designations shall pay the application, initial certificate and state regulatory

(Rule 0260-05-.06, continued)

fees for that additional certificate, but only at the time of the application. After these initial applications, only one renewal and state regulatory fee will be required.

~~(3)~~(2) All fees shall be established by the board. Fees may be reviewed and changed at the discretion of the board.

~~(4)~~(3) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States bBank, and made payable to the Board of Chiropractic Examiners.

~~(4) Fee Schedule Amount~~

~~(a) Application \$ 150.00~~

~~(b) Late Fee \$ 100.00~~

~~(c) Renewal \$ 100.00~~

~~(d) Reciprocity \$ 150.00~~

~~(e) Replacement Certificate \$ 75.00~~

~~(f) State Regulatory (biennial) \$ 10.00~~

(5) Chiropractic Therapy Assistant

Fee Schedule Amount

(a) Application \$ 150.00

(Rule 0260-05-.06, continued)

(b) Late Fee	\$ 100.00
(c) Renewal	\$ 100.00
(d) Reciprocity	\$ 150.00
(e) Replacement Certificate	\$ 75.00
(f) State Regulatory (biennial)	\$ 10.00

(6) Dual Certificate

<u>Fee Schedule</u>	<u>Amount</u>
(a) Application	\$ 150.00
(b) Late Fee	\$ 100.00
(c) Renewal	\$ 100.00
(d) Reciprocity	\$ 100.00
(e) Replacement Certificate	\$ 75.00
(f) State Regulatory (biennial)	\$ 10.00

**Authority:** T.C.A. §§ ~~4-3-1011, 4-5-202, 4-5-204~~, 63-1-106, 63-1-107, 63-1-108, 63-1-112, 63-4-103, 63-4-105, 63-4-106, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed March 18, 2003; effective June 1, 2003. Amendment filed October 10, 2005; effective December 24, 2005. Amendment filed August 23, 2012; effective November 21, 2012.

**0260-05-.07 APPLICATION REVIEW, APPROVAL, DENIAL, INTERVIEWS.**



(Rule 0260-05-.07, continued)

- (1) An application packet shall be requested from the board's administrative office.
- (2) Review of all applications to determine whether or not the application file is complete may be delegated to the board's Unit Director or designee.
- (3) If an application is incomplete when received in the board's administrative office, a deficiency letter will be sent to the applicant notifying him/her of the deficiency.
  - (a) The requested information must be received in the board's administrative office on or before the 30th day after the applicant's receipt of the notification.
  - (b) If the requested information is not received within the thirty (30) day period, the application file shall be closed and a new application must be submitted pursuant to the rules governing the application process, including another payment of all fees.
- (4) If a completed application is denied by the board designee and ratified as such by the board, the action shall become final and the following shall occur.
  - (a) A notification of the denial shall be sent by the board's administrative office by certified mail, return receipt requested, specifying reasons for denial such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for certification and such notification shall contain all the specific statutory or rule authorities for the denial.
  - (b) The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.) to contest the denial and the procedure necessary to accomplish that action.
  - (c) An applicant has a right to a contested case hearing only if the certification denial is based on subjective or discretionary criteria.

(Rule 0260-05-.07, continued)

- (d) An applicant may be granted a contested case hearing if certification denial is based on an objective, clearly defined criteria only if after review and attempted resolution by the board's administrative staff, the certification application cannot be approved and the reasons for continued denial present a genuine issue of fact and/or law which is appropriate for appeal. Such request must be made in writing to the board within 30 days of the receipt of the notice of denial from the board.
  
- (5) If the board finds it has erred in the issuance of proficiency certificate or certificate, the board will give a written notice by certified mail of its intent to revoke the license. The notice will allow the applicant the opportunity to meet the requirements of certification within thirty (30) days from the date of receipt of notification. If the applicant does not concur with the stated reason and the intent to revoke the certificate of proficiency or certificate, the applicant shall have the right to proceed according to rule 0260-05-.07(5).
  
- (6) Whenever requirements for certification are not completed within thirty (30) days from the date of initial review of application and credentials, written notification will be mailed to the applicant and the application file will be closed. An applicant whose file has been closed shall subsequently be considered for certification only upon the filing of a new application and payment of all appropriate fees.
  
- (7) Abandonment of Application
  - (a) An application shall be deemed abandoned and closed if the application has not been completed by the applicant within sixty (60) days after it was initially reviewed.
  
  - (b) The above action must be ratified by the board or its designee.
  
  - (c) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.
  
- (8) If an applicant requests an entrance for certification, and after administrative review, wishes to change that application to a different type of entrance, a new application, with supporting documents and an additional application fee must be submitted, e.g., reciprocity/endorsement to examination.

(Rule 0260-05-.07, continued)

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 4-5-301, 63-4-106, 63-4-114, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed October 14, 2011; effective January 12, 2012.

#### 0260-05-.08 EXAMINATION.

- (1) State Board Examination - Applicants for certification will be required to have successfully completed and passed a board-approved examination. ~~with a minimum score of seventy-five (75).~~
  
- (2) Examinations and re-examinations may be performed by the Tennessee Chiropractic Association ~~a testing center~~ or may be delegated as determined by the board. Application to sit for the examination must be submitted directly to the examining agency and not to the board.  
\*\*\*

**Authority:** T.C.A. §§ ~~4-5-202, 4-5-204, 63-1-107, 63-4-103,~~ 63-4-106, 63-4-114, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed January 31, 2003; effective April 16, 2003.

#### 0260-05-.09 RENEWAL OF CERTIFICATION.

- (1) Renewal Application
  - (a) The due date for a certificate renewal is the expiration date indicated on the initial certificate of registration or renewal certificate.
  
  - (b) Methods of Renewal
    1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. ~~The application to renew can be accessed at:~~



(Rule 0260-05-.09, continued)

<https://apps.in.gov/hlrs/>

2. Paper Renewals - For individuals who have not renewed their certification online via the Internet, a renewal application form will be mailed to each individual certified by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the certificate holder from the responsibility of meeting all requirements for renewal.
- (c) A certificate issued pursuant to these rules is renewable by the expiration date. To be eligible for renewal an individual must submit to the Division of Health Related Boards on or before the expiration date the following:
1. A completed and signed renewal application form.
  2. The renewal and state regulatory fees as provided in rule 0260-05-.06.
- (d) Certificate holders who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their certificates processed pursuant to rule 1200-10-1-.10.
- (2) Reinstatement of an Expired Certificate – Reinstatement of a certificate that has expired may be accomplished upon meeting the following conditions:
- (a) Payment of all past due renewal fees and state regulatory fees; and
  - (b) Payment of the late renewal fee, pursuant to Rule 0260-05-.06; and
  - (c) Submission of evidence of completion of continuing education requirements pursuant to rule 0260-05-.12.
- (3) Renewal issuance decisions pursuant to this rule may be made administratively, upon review by the board or the board's designee.

(Rule 0260-05-.09, continued)

- (4) Anyone submitting a signed renewal form or letter which is found to be untrue may be subjected to disciplinary action as provided in rule 0260-05-.14.

**Authority:** T.C.A. §§ ~~4-5-202, 4-5-204,~~ 63-1-107, 63-4-103, 63-4-106, 63-4-114, and 63-4-123.  
**Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed September 27, 2002; effective December 11, 2002.

#### 0260-05-.10 SUPERVISION. OF INTERNS.

- ~~(1) Individuals who are issued a certificate as a chiropractic therapy assistant must act only on orders by a Tennessee licensed physician.~~
- ~~(2) Intern supervision is for the purpose of training or teaching, by an approved supervisor who monitors the performance of an individual. The supervisor provides regular documented face-to-face guidance and instructions with respect to the skills and competencies of the person supervised.~~
- ~~(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.~~



(Rule 0260-05-.10, continued)

- (1) Intern supervision is for the purpose of training or teaching, by a supervisor who monitors the performance of an individual. For supervising Interns, the supervisor is required to be physically on site at all times during the supervision of the Intern.
- (2) The Intern supervisor must provide regular documented face-to-face guidance and instructions with respect to the skills and competencies of the person supervised.
- (3) Intern supervision may be performed by a Tennessee licensed chiropractic physician or certified chiropractic therapy assistant.
- (4) A supervisor who is a chiropractic therapy assistant must have been certified for a minimum of two (2) years prior to performing supervision duties.

**Authority:** T.C.A. §§ ~~4-5-202, 4-5-204~~, 63-4-101, 63-4-102, 63-4-103, 63-4-106, 63-4-107, 63-4-121, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed July 27, 2007; effective October 10, 2007.

#### 0260-05-.11 RETIREMENT AND REACTIVATION OF CERTIFICATE.

- (1) A person who holds a current certificate and does not intend to serve as a "certified chiropractic therapy assistant" may apply to convert an active certificate to retire status. An individual who holds a retired certificate will not be required to pay the renewal fee.
- (2) A person who holds an active certificate may apply for retired status in the following manner:
  - (a) Obtain an affidavit of retirement form, complete, and submit to the board's administrative office.
  - (b) Submit any documentation, which may be required to the board's administrative office.
- (3) Certification holders whose certificate has been retired, may reenter active status by doing the following:



(Rule 0260-05-.11, continued)

- (a) Submit a written request for certification reactivation to the board's administrative office.
  - (b) Pay the certification renewal fees and state regulatory fees as provided in rule 0260-05-.06. If retirement reactivation is requested prior to the expiration of one year from the date of retirement, the board will require payment of the late renewal fee and past due certification renewal fees.
- (4) Certification reactivation applications shall be treated as certification applications and review decisions shall be governed by rule 0260-05-.07.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-4-106, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed January 31, 2003; effective April 16, 2003.

#### 0260-05-.12 CONTINUING EDUCATION

- (1) Basic requirements-The Board of Chiropractic Examiners requires each certificate holder registered with the board to complete six (6) clock hours of continuing education each calendar year.
- (2) New certification requirements
  - (a) A two (2) clock hour Board approved course in risk management, sexual/professional boundaries, and Tennessee statutory and regulatory chiropractic jurisprudence must be taken within twelve (12) months prior to certification or within the first (1st) calendar year that continuing education is required. If taken prior to certification, the course must be an additional course beyond the regular chiropractic therapy assistant program. If taken after certification, the course shall not constitute part of the six (6) clock hour continuing education requirement in paragraph (1) of this rule. Those who are certified as both chiropractic X-ray technologists and chiropractic therapy assistants need only take this course once.
  - (b) New certification by examination or reciprocity – New certificate holders, whether by examination or reciprocity, shall be exempted from the continuing education requirements of 0260-05-.12(1) for the calendar year in which they are certified, but must take the two (2) hour course as described above in 0260-05-.12(2)(a).

(Rule 0260-05-.12, continued)

~~(3) Current certificate holder requirement— Before January 1, 2008 every certificate holder who has not already done so must submit satisfactory proof of having successfully completed, as part of the annual continuing education requirement, the two (2) hour course described in subparagraph (2) (a) of this rule. It is the Board's intent that the two (2) hour course described in subparagraph (2) (a) of this rule must be completed once by all certificate holders.~~

~~(3)~~(4) Acceptable Continuing Education

- (a) To be acceptable continuing education, the course must be approved by the Board of Chiropractic Examiners. No prior approval is required for continuing education courses conducted by the American Chiropractic Association, the International Chiropractors Association, the Tennessee Chiropractic Association, or CPR training provided by the American Heart Association or the American Red Cross. No more than one (1) hour of credit will be granted for CPR training and courses.
- (b) Whenever the Board decides that there is information that is crucial for certificate holders to have it may prepare and send that information to all continuing education providers in a format no larger than two (2) pages. All approved continuing education providers must, as a prerequisite to remaining an approved provider, reproduce and distribute this information from the Board to every certificate holder attending each of its individual continuing education courses or group of courses.

~~(4)~~(5) Documentation

~~(a) Each certificate holder shall send proof of completion of the annual continuing education requirement to the board's administrative office so that it is received no later than January 15th of the year immediately following the end of each calendar year. Such proof may be transmitted electronically provided the board has capability for electronic receipt of proof. When proof is mailed to the board's administrative office, such proof must be one (1) or more of the following:~~

(a) A certificate holder must, within thirty (30) days of a request from the board, provide evidence of continuing education activities. Such evidence must be copies of one (1) or more of the following:

(Rule 0260-05-.12, continued)

1. Original certificates or photocopies of original certificates verifying the certificate holder's attendance at continuing education program(s). The original certificates or photocopies of original certificates must include the following: continuing education program's sponsor, date, clock hours awarded (continuing education units must be converted to clock hours), program title, certificate holder's name, and certification number.
  2. Original letters or photocopies of original letters on official stationery from the continuing education program's sponsor indicating date, clock hours awarded (continuing education units must be converted to clock hours), program title, certificate holder's name, and certification number.
  3. Original documents or photocopies of original documents verifying successful completion of a written post experience examination to evaluate material retention upon completion of a Multi-Media course, as provided in paragraph (6). The original documents or photocopies of original documents must include the clock hours awarded (continuing education units must be converted to clock hours), program title, certificate holder's name, and certification number.
- (b) Each certificate holder must retain original documents or photocopies of original documents which verify proof of attendance and completion of all continuing education requirements. This documentation must be retained for a period of four (4) years from the end of the calendar year in which the continuing education was acquired. This documentation must be produced for inspection and verification, if requested in writing by the board during its verification process. The board will not maintain continuing education files.
- ~~(c) The certificate holder must, within (thirty) 30 days of a request from the board, provide evidence of continuing education activities. Such evidence must be copies of one (1) or more of the proofs described in subparagraph (a).~~
- ~~(c)~~(d) If a person submits documentation for training that is not clearly identifiable as appropriate continuing education, the board will request a written description of the training and how it applies to the practice of chiropractic therapy assistants. If the board determines that the training can-not be considered appropriate continuing education, the individual will be given ninety (90) days to replace the hours not allowed. Those hours



(Rule 0260-05-.12, continued)

will be considered replacement hours and cannot be counted during the next renewal period.

~~(5)~~(6) No continuing education credit shall be awarded for multi-media hours or courses.

~~(6)~~(7) Continuing education credit will not be allowed for the following:

- (a) Regular work activities, administrative staff meetings, case staffing/reporting, etc.
- (b) Membership in, holding office in, or participation on boards of committees, business meetings of professional organizations, or banquet speeches.
- (c) Training specifically related to policies and procedures of an agency. Except Tennessee statutes, rules and policies governing the practice of a chiropractic therapy assistant.
- (d) Education content that is for practice building, practice management, patient acquisition or reimbursement related. Education should focus on clinical and/or scientific content, with an emphasis on patient diagnosis, treatment, protection, basic science, research developments, chiropractic therapy procedures, or rehabilitation techniques.

~~(7)~~(8) Continuing Education for Reactivation or Reinstatement of Retired, Revoked, or Expired Certificate.

- (a) Reactivation of Retired Certification
  - 1. An individual whose certificate has been retired for one (1) year or less will be required to fulfill continuing education requirements as outlined in this rule as a prerequisite to reactivation. Those hours will be considered replacement hours and cannot be counted toward meeting the calendar year end requirement.
  - 2. Any individual requesting reactivation of a certificate which has been retired for more than one year must submit, along with the reactivation request, verification which indicates the attendance and completion of six (6) hours of continuing

(Rule 0260-05-.12, continued)

education for each year the certificate was retired. The continuing education hours must have begun and been successfully completed prior to the date of reactivation.

- (b) Reactivation of Revoked Certification - No person whose certification has been revoked for failure to comply with continuing education may be reactivated without complying with these requirements. Continuing education requirements will accumulate at the same rate as that for those certificates which are active. The required clock hours of continuing education must have been begun and successfully completed before the date of reactivation.
- (c) Reactivation or Reinstatement of Expired Certification - No person whose certificate has expired may be reactivated or reinstated without submitting evidence of continuing education. The continuing education hours documented at the time of reactivation or reinstatement must equal the hours required, had the certificate remained in an active status, and must have been begun and successfully completed before the date of reactivation or reinstatement.
- (d) Continuing education hours obtained as a prerequisite for reactivating or reinstating a certificate may not be counted toward the calendar year requirement.

#### ~~(8)~~(9) Violations

- (a) Any certificate holder who falsely certifies attendance and completion of the required hours of continuing education requirements, or who does not or can-not adequately and timely substantiate completed continuing education hours with the required documentation, may be subject to disciplinary action. Such disciplinary action may include a civil penalty of up to three-hundred (\$300) dollars and the requirement that deficient hours be made up within the next calendar year or any other lawful discipline.
- (b) Continuing education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any renewal period.

#### ~~(9)~~(10) Waiver of Continuing Education



(Rule 0260-05-.12, continued)

- (a) The board may grant a waiver of the need to attend and complete the required hours of continuing education if it can be shown to the board that compliance is or was beyond the physical capabilities of the person seeking the waiver.
  
- (b) Waivers will be considered only on an individual basis and may be requested by submitting the following items to the board's administrative office.
  - 1. A written request for a waiver which specifies the requirement which is sought to be waived, and a written and signed explanation of the reason for the request.
  
  - 2. Any documentation which supports the reason for waiver requested or which is subsequently requested by the board.
  
- (c) A waiver approved by the board is effective only for the calendar year for which the waiver is sought.

**Authority:** T.C.A. §§ ~~4-5-202, 4-5-204~~, 63-1-107, 63-4-103, 63-4-106, 63-4-112, 63-4-114, 63-4-115, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed September 13, 2002; effective November 27, 2002. Amendment filed September 27, 2002; effective December 11, 2002. Amendment filed January 31, 2003; effective April 16, 2003. Amendment filed December 4, 2003; effective February 17, 2004. Amendment filed October 10, 2005; effective December 24, 2005. Amendments filed January 5, 2006; effective March 21, 2006. Amendments filed October 27, 2008; effective January 10, 2009. Amendments filed October 14, 2011; effective January 12, 2012.

**0260-05-.13 PROFESSIONAL ETHICS.** ~~Immoral, unprofessional, unethical, or dishonorable conduct shall include, but not be limited to, the following:~~

Chiropractic Therapy Assistants shall not engage in immoral, unprofessional, unethical, or dishonorable conduct. Immoral, unprofessional, unethical, or dishonorable conduct shall include, but not be limited to, the following:



(Rule 0260-05-.13, continued)

- (1) Conduct designed to, or likely to deceive, or harm the public.
- (2) Being a party to or aiding and abetting the violation of these regulations or the laws of the State of Tennessee regulating the practice of chiropractic therapy assistants.
- (3) Conduct interpreted to be sexual contact or physically inappropriate in a clinical setting, or inappropriate touching of the genitalia, anus, or breast.
- (4) The intentional or negligent use of any false, fraudulent, or forged statement, writing or document, or the use of any fraudulent, deceitful, dishonest, or immoral practice in connections with any of the certification requirements of T.C.A. §§ 63-4-123.

**Authority:** T.C.A. §§ ~~4-5-202, 4-5-204~~, 63-4-101, 63-4-106, 63-4-114, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001.

#### **0260-05-.14 DISCIPLINARY ACTIONS AND CIVIL PENALTIES.**

- (1) Upon a finding by the board that a chiropractic therapy assistant has violated any provision of the T.C.A. §§ 63-4-123 or the rules promulgated thereto, the board may impose any of the following actions separately or in any combination deemed appropriate to the offense.
  - (a) **Advisory Censure**-This is a written action issued to the chiropractic therapy assistant for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
  - (b) **Formal censure or reprimand**-This is a written action issued to a chiropractic therapy assistant for one time and less severe violations. It is a formal disciplinary action.
  - (c) **Probation**-This is a formal disciplinary action which places a chiropractic therapy assistant on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restricts the individual's activities during the probationary period.

(Rule 0260-05-.14, continued)

- (d) Certification Suspension-This is a formal disciplinary action which suspends an individual's right to work under certification for a fixed period of time. It contemplates the reentry of the individual into the certification previously issued.
  
- (e) Certification Revocation-This is the most severe form of disciplinary action which removes an individual from working under certification by terminating the certification previously issued. If revoked, it relegates the violator to the status he possessed prior to application for certification. However, the board may in its discretion allow the reinstatement of a revoked certificate upon conditions and after a period of time which it deems appropriate. No petition for reinstatement and no new application for certification from a person whose certification was revoked shall be considered prior to the expiration of at least one (1) year from of the date of certificate revocation unless otherwise stated in the board's revocation order.
  
- (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.
  
- (g) Civil penalty - A monetary disciplinary action assessed by the Board pursuant to paragraph (4) of this rule.
  
- (h) Once ordered, probation, suspension, revocation, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the certificate holder petitions, pursuant to paragraph (2) of this rule, and appears before the Board after the period of initial probation, suspension, revocation, or other conditioning

(Rule 0260-05-.14, continued)

has run and all conditions placed on the probation, suspension, revocation, have been met, and after any civil penalties assessed have been paid.

(2) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including an uncertified practice civil penalty order, and wishes or is required to obtain an order reflecting that compliance.

(a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following three (3) circumstances:

1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or
2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation; or
3. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reinstating a certificate previously revoked.

(b) Procedures

1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:
  - (i) A copy of the previously issued order; and
  - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and



(Rule 0260-05-.14, continued)

- (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
  - (i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or
  - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. §§ 4-5-223 and rule 1200-10-1-.11.

(c) Form Petition

(Rule 0260-05-.14, continued)

Petition for Order of Compliance

Board of Chiropractic Examiners

Petitioner's Name: \_\_\_\_\_

Petitioner's Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Petitioner's E-Mail Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_

Attorney's Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attorney's E-Mail Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or
2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation; or
3. An order issued reflecting that compliance and reinstating a certificate previously revoked.

(Rule 0260-05-.14, continued)

Note - You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Petitioner's Signature

- (3) Order Modifications - This procedure is not intended to allow anyone under a previously issued disciplinary order, including an uncertified practice civil penalty order, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Board orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. It is also not available for those who have accepted and been issued a reprimand.
- (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term "impossible" does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
- (b) Procedures



(Rule 0260-05-.14, continued)

1. The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Board's Administrative Office that shall contain all of the following:
  - (i) A copy of the previously issued order; and
  - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and
  - (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
  - (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or
  - (ii) Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.

(Rule 0260-05-.14, continued)

- 5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. §§ 4-5-223 and rule 1200-10-1-.11.

(c) Form Petition

Petition for Order Modification  
Board of Chiropractic Examiners

Petitioner's Name: \_\_\_\_\_

Petitioner's Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Petitioner's E-Mail Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_

Attorney's Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attorney's E-Mail Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:

(Rule 0260-05-14, continued)

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Note - You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 Petitioner's Signature

(4) Civil Penalties

(a) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to Public Chapter 389, Acts of 1989.

(b) Schedule of Civil Penalties

1. A Type A civil penalty may be imposed whenever the board finds the person who is required to be certified by the board is guilty of a willful and knowing violation of the Chiropractic Examiners Practice Act, or regulations promulgated pursuant thereto, to such an extent that there is, or is likely to be an imminent substantial threat to the health, safety and welfare of an individual client or the public. For the purposes of this section, a Type A penalty shall include, but not be limited to, a



(Rule 0260-05-.14, continued)

person who willfully and knowingly is or was practicing as a chiropractic therapy assistant without the required certification from the board.

2. A Type B civil penalty may be imposed whenever the board finds the person required to be certified by the board is guilty of a violation of the Chiropractic Examiners Practice Act or regulations promulgated pursuant thereto in such a manner as to impact directly on the care of clients or the public.
3. A Type C civil penalty may be imposed whenever the board finds the person required to be certified by the board is guilty of a violation of the Chiropractic Examiners Practice Act or regulations promulgated pursuant thereto, which are neither directly detrimental to the clients or public, nor directly impact their care, but have only an indirect relationship to client care or the public.

(c) Amount of Civil penalties

1. Type A civil penalties shall be assessed in the amount of not less than \$500 and not more than \$1,000.
2. Type B civil penalties may be assessed in the amount of not less than \$100 and not more than \$500.
3. Type C civil penalties may be assessed in the amount of not less than \$50 and not more than \$100.

(d) Procedures for Assessing Civil Penalties

1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the proposed amount of the civil penalty and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.

(Rule 0260-05-.14, continued)

2. Civil Penalties may also be initiated and assessed by the board during consideration of any Notice of Charges. In addition, the board may, upon good cause shown, assess type and amount of civil penalty which was not recommended by the Division.
  
3. In assessing the civil penalties pursuant to these ~~rules~~rules, the board may consider the following factors:
  - (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
  
  - (ii) The circumstances leading to the violation;
  
  - (iii) The severity of the violation and the risk of harm to the public;
  
  - (iv) The economic benefit gained by the violator as a result of non-compliance; and,
  
  - (v) The interest of the public.
  
4. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of T.C.A. Title 4, Chapter 5.

(Rule 0260-05-.14, continued)

**Authority:** T.C.A. §§ ~~4-5-101, 4-5-202, 4-5-204, 4-5-217, 4-5-223~~, 63-1-122, 63-1-132, 63-1-134, 63-4-106, 63-4-114, 63-4-115, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed August 2, 2004; effective October 16, 2004. Amendment filed October 29, 2008; effective January 12, 2009.

#### 0260-05-.15 CERTIFICATE.

- (1) Display of Certificate - Every person certified by the board in this state shall display his/her certificate in a conspicuous place in the office or clinic and, whenever required, exhibit such certificate to the board or its authorized representative.
- (2) Replacement Certificate - A certificate holder whose "artistically designed" certificate has been lost or destroyed may be issued a replacement document upon receipt of a written request in the board administrative office. Such request shall be accompanied by an affidavit (signed and notarized) stating the facts concerning the loss or destruction of the original document and the required fee pursuant to rule 0260-05-.06.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-1-106, 63-1-109, 63-4-106, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001.

#### 0260-05-.16 CHANGE OF ADDRESS AND/OR NAME.

- (1) Change of Address - Each person holding a certification who has had a change of home address, shall file in writing with the board his/her current address, giving both old and new addresses. Such request shall be received in the board's administrative office no later than thirty (30) days after such change is effective and must reference the individual's name, profession, and certificate number.
- (2) Change of Business Address - Each person holding certification who has had a change of employment or clinic affiliation shall file in writing with the board his/her current address, giving both old and new addresses. Such notices shall be received in the board's administrative office no later than thirty (30) days after such change is effective and must reference the individual's



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name, profession, and certificate number and the name and license number of the new employer.

- (3) Change of Name - An individual registered with the board shall notify the board in writing within thirty (30) days of the name change and will provide both the old and new names. A request for name change must also reference the individual's profession, board, and certificate number.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-1-106, 63-4-106, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001.

**0260-05-.17 ADVERTISING.** Fraudulent, misleading, or deceptive advertising is prohibited.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-1-116, 63-4-106, 63-4-122, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001.