

**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.
- (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 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.

(Rule 0260-05-.01, continued)

- (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.
- (17) Registrant - Any person who has been lawfully issued a certificate.
- (18) Supervision - The ongoing, direct review, for the purpose of training or teaching, by a 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.
- (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.
- (20) 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, 63-4-106, 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 physical agent modalities and rehabilitation advice and services to the public, specifically and only on orders from a duly licensed physician.

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.

(Rule 0260-05-.03, continued)

- (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, 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 high school graduate or 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, chiropractic therapy, and rehabilitation techniques.
 - (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.
- (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:

(Rule 0260-05-.04, continued)

- (a) Be at least 18 years of age.
 - (b) Be of good moral character.
 - (c) Be a high school graduate or 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.
 - (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.

- (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.
- (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.

(Rule 0260-05-.05, continued)

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.

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) All fees shall be established by the board. Fees may be reviewed and changed at the discretion of the board.
- (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 Bank, and made payable to the Board of Chiropractic Examiners.
- (4) Fee Schedule

Fee Schedule	Amount
(a) Application	\$ 200.00
(b) Late Fee	\$ 100.00
(c) Renewal	\$ 125.00
(d) Reciprocity	\$ 150.00

(Rule 0260-05-.06, continued)

- (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.

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

- (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.
 - (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

(Rule 0260-05-.07, continued)

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.

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 successfully complete a board-approved examination with a minimum score of seventy-five (75).
- (2) Examinations and re-examinations may be performed by a testing center or may be delegated as determined by the board.

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-.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:

www.tennesseeanytime.org

(Rule 0260-05-.09, continued)

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.
 - (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.

- (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.

(Rule 0260-05-.10, continued)

- (4) The employing chiropractic physician(s), or a chiropractic physician designated by the employing chiropractic physician(s) as a substitute supervisor, shall exercise close supervision and assume full control and responsibility for the services provided by any person certified under this chapter of rules employed in the chiropractic physician(s)' practice. This supervision, control and responsibility does not require the physical presence of the chiropractic physician(s) at all times at the site where the services are being provided. However, it does require that the chiropractic physician(s) have his/her primary practice physically located within the boundaries of the state of Tennessee and that he/she be capable of being physically present at the site where the services are being provided within a reasonable amount of time.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-4-101, 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 intended 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:
 - (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

(Rule 0260-05-.12, continued)

- (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).
- (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.
- (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.
- (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:
 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

(Rule 0260-05-.12, continued)

(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).
 - (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 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.
- (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.
 - (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.
- (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.

(Rule 0260-05-.12, continued)

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 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.
- (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.
- (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 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.

(Rule 0260-05-.12, continued)

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:

- (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.
 - (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

(Rule 0260-05-.14, continued)

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 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

(Rule 0260-05-.14, continued)

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.

Respectfully submitted this the ___ day of _____, 20____.

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

(Rule 0260-05-.14, continued)

- (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.
 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: _____

(Rule 0260-05-.14, continued)

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__.

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 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.

(Rule 0260-05-.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 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.

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.

(Rule 0260-05-.15, continued)

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 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.