

**Department of State
Division of Publications**

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: 08-26-21
Notice ID(s): 3358-3359
File Date: 8/26/2021

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of Health
Division:	Board of Chiropractic Examiners
Contact Person:	Kevin Griffin, Associate General Counsel
Address:	665 Mainstream Drive, Nashville, Tennessee 37243
Phone:	(615) 741-1611
Email:	Kevin.Griffin@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	710 James Robertson Parkway, Andrew Johnson Building, 5th Floor, Nashville, Tennessee 37243
Phone:	(615) 741-6350
Email:	Tina.M.Harris2@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Metro Center
Address 2:	665 Mainstream Drive, Iris Conference Room
City:	Nashville, Tennessee
Zip:	37228
Hearing Date:	10/21/2021
Hearing Time:	9:00 A.M. <input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

Additional Hearing Information:

--

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. 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

Chapter Number	Chapter Title
0260-05	General Rules Governing Chiropractic Therapy Assistants
Rule Number	Rule Title
0260-05-.01	Definitions
0260-05-.02	Scope of Practice
0260-05-.04	Qualifications for Certification
0260-05-.06	Fees
0260-05-.09	Renewal of Certification
0260-05-.10	Supervision
0260-05-.12	Continuing Education
0260-05-.13	Professional Ethics

Place substance of rules and other info here. 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 physician licensed in the state of Tennessee or medical or osteopathic physician working in a chiropractic practice.
- (18) Supervision of Certificate holders - The ongoing, direct review, for the purpose of training or teaching, by a licensed chiropractic physician 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 – Licensed physician and with respect to interns, a 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 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 chiropractic 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 Tennessee licensed physician.
 - (b) 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 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

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 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.
- (5) A Chiropractic x-ray technologist 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 x-ray technologist without being credentialed are in violation of T.C.A. §§ 63-1-123 and 63-4-119.

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 licensure examination before beginning internship hours.
- (f) Provide proof of successful completion of twelve hundred (1,200) hours of clinical internship under direct supervision by a Tennessee licensed chiropractic physician or 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 Tennessee licensed physician pursuant to the following:
 - 1. Must meet internship criteria.
 - 2. Supervision is maintained pursuant to 0260-03-.10(1).
 - 3. 1,200 hours of clinical internship must be completed within one (1) year from

date of examination pursuant to 0260-03-.03(f).

4. Application to the state must occur within one year of examination and procedures pursuant to 0260-03-.05 must be followed.
- (h) 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.

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, 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 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 Radiological 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'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 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's 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. 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 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 Licenses (Chiropractic Therapy Assistants and Chiropractic X-ray Technologists) - Persons who are licensed as a Chiropractic Therapy Assistant and Chiropractic X-ray Technologist at the same time shall pay according to the fees established for Dual Licenses. Persons who are licensed at separate times for these designations shall pay the application, initial license and state regulatory fee for that additional license, 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	\$ 100.00
(b) Late Fee	\$ 100.00
(c) Renewal	\$ 50.00
(d) Reciprocity	\$ 100.00
(e) Replacement Certificate	\$ 75.00
(f) State Regulatory (biennial)	\$ 10.00
- (6) Dual License Fee Schedule Amount

(a) Application	\$ 100.00
(b) Late Fee	\$ 100.00

(c)	Renewal	\$ 50.00
(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 subparagraph (7)(b) 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 or not 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'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 60th day after the applicant's receipt of the notification.
 - (b) Such notification shall be sent certified mail return receipt requested from the board's administrative office.
 - (c) If the requested information is not received within 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 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 within 60 days after the applicant's receipt of the nullification.
 - (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 a board-approved examination with a score of seventy-five percent (75%) or higher.
- (2) Examinations and re-examinations may be performed by the American Chiropractic Registry of Radiologic Technologists, 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 licensed physician or licensed chiropractic x-ray technologist.
 - (d) A supervisor who is a chiropractic x-ray technologist must have been certified for a minimum of 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 assistants 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 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 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 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) and (21), 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 licensed 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 as 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 – Licensed physician.

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 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. Services shall include physical agent modalities, physical treatment, clinical services and advice to the public, specifically and only on orders from a duly licensed 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 licensed physician.
- (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.

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), and (2)(c) 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, 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 process of completing clinical internship shall be able to perform services as directed by a Tennessee licensed physician pursuant to the following
 1. Must meet internship criteria.
 2. Supervision is maintained pursuant to 0260-05-.10(1).
 3. 1,200 hours of clinical internship must be completed withing one (1) year from date of examination pursuant to 0260-05-.03(f).
 4. Application to the state must occur within one year of examination and procedures pursuant to 0260-05-.05 must be followed.
 5. A list of those persons while in a clinical internship shall be provided tby the examining body and be maintained by the board and listed on the board's website.
- (2) (c) Be a graduate of a college, high school or high school equivalent.

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 paragraph (5) in its entirety and substituting instead the following language and adding new paragraph (6), so that as amended, the new paragraphs shall read:

(2) Dual Licenses (Chiropractic Therapy Assistants and Chiropractic X-ray Technologists) - Persons who are licensed as a Chiropractic Therapy Assistant and Chiropractic X-ray Technologist at the same time shall pay according to the fees established for Dual Licenses. Persons who are licensed at separate times for these designations shall pay the application, initial license and state regulatory fees for that additional license, but only at the time of the application. After these initial applications, only one renewal and state regulatory fee will be required.

(5) Chiropractic Therapy Assistant

Fee Schedule	Amount
(a) Application	\$ 100.00
(b) Late Fee	\$ 100.00
(c) Renewal	\$ 50.00
(d) Reciprocity	\$ 100.00
(e) Replacement Certificate	\$ 75.00
(f) State Regulatory (biennial)	\$ 10.00

(6) Dual License

Fee Schedule	Amount
(a) Application	\$ 100.00
(b) Late Fee	\$ 100.00
(c) Renewal	\$ 50.00
(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:

- (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 licensed physician or licensed chiropractic therapy assistant.
- (4) A supervisor who is a chiropractic therapy assistant must have been certified for a minimum of 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 licensee 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 as 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.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 8/26/2021

Signature: 

Name of Officer: Kevin Griffin

Title of Officer: Associate General Counsel, Department of Health

Department of State Use Only

Filed with the Department of State on: 8/26/2021



Tre Hargett
Secretary of State

RECEIVED

AUG 26 2021

Secretary of State
Division of Publications