

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing – Boards and Committees Section
P.O. Box 30670
Lansing, MI 48909-8170
Attention: Policy Analyst

Submitted via Email to: BPL-BoardSupport@michigan.gov

RE: Michigan Association of Chiropractors Comments
for Public Hearing on Rule Set 2019-84 LR

To Whom It May Concern:

We are writing today representing the Michigan Association of Chiropractors (MAC) to express our support for the proposed changes to the Michigan Board of Chiropractic's (BOC) Administrative Rules (R 338.12001 to R 338.12054), specifically R 338.12041, which governs continuing education. We believe that these needed changes will continue to protect the public and provide Michigan chiropractors with quality continuing education programs, while eliminating the burdensome continuing education review process currently employed by the State of Michigan.

We will also comment on R 338.12036(2), which outlines relicensure requirements for applicants whose license to practice chiropractic in Michigan has been lapsed for three years or more. This Rule is not altered in the proposed draft Rules, but we believe it warrants another look.

R 338.12041 Acceptable Continuing Education

Overview of Proposed Rule Changes

In short, regarding Michigan chiropractic continuing education, the proposed Rule will:

- Include a requirement that acceptable continuing education be approved or offered by the MAC, with the following exceptions:
 - A course or courses related to the practice of chiropractic which are offered on campus by an approved chiropractic school
 - The initial presentation of a continuing education program related to the practice of chiropractic to a state, regional, national, or international organization
- Rescind the rule allowing a proposed sponsor of continuing education to seek approval from the BOC to offer continuing education courses, since proposed continuing education providers would have to seek approval from the MAC.

Overview of Current Rules

Under the current Rules, which were last updated January 29, 2020, the following programs are automatically approved by the State of Michigan and do not have to apply for continuing education credits with the BOC:

1. Successful completion of a course or courses related to the practice of chiropractic which are offered for academic credit in a chiropractic school approved by the board (Five CEs per semester credit allowed)

2. Attendance at or participating in a continuing education program or activity related to the practice of chiropractic that is offered on campus at a chiropractic school
3. Attendance at a continuing education program or activity related to the practice of chiropractic that is offered by the Michigan Association of Chiropractors

Organizations can also petition the board for approval of a continuing education program. Additionally, licensees can also receive continuing education credit for the initial presentation of a continuing education program related to the practice of chiropractic to the American Chiropractic Association, the International Chiropractors Association, the Michigan Association of Chiropractors, or an organization approved by the board (Two hours of CE for each 50 to 60 minutes of presentation, for a maximum of 10 hours of continuing education in each renewal period).

Overview of Current Review Process

Currently, organizations requesting approval of a continuing education program file an Application for Approval of a Chiropractic Continuing Education Program with the Michigan Department of Licensing and Regulatory Affairs’ Bureau of Professional Licensing, which then sends the application and all supporting documents to the BOC for review. The BOC has a Continuing Education Committee that is assigned to review all incoming applications and make a recommendation to the full Board if the program should be approved or not approved. The full BOC then votes whether to approve these recommendations at their next regularly scheduled meeting.

Rationale for Proposed CE Approval Change

Administrative Burden: Through the November 2020 meeting of the Michigan BOC, 302 chiropractic continuing education programs were approved by the Board, more than three times the number for 2019 and much higher than in the previous six entire years:

| | |
|------|-----|
| 2019 | 99 |
| 2018 | 128 |
| 2017 | 86 |
| 2016 | 73 |
| 2015 | 92 |
| 2014 | 105 |

This abrupt increase in the number of continuing education program applications, likely the result of the changes made to the Administrative Rules and finalized in 2019, has greatly increased the administrative burden placed on the Michigan Department of Licensing and Regulatory Affairs, the Bureau of Professional Licensing, and the Michigan Board of Chiropractic’s Continuing Education Committee.

Timeliness: Currently, the Michigan BOC only meets four times per year – in February, May, August, and November. If a meeting is cancelled for one reason or another (as has happened in the past due to weather conditions surrounding the February and November meetings, for example), it could be six months between meetings, creating uncertainty among both licensed chiropractors seeking continuing education hours for license renewal and the organizations wishing to provide these programs. In the past, we have seen, because of these delays, CE classes that Michigan DCs counted on being approved,

not being approved until long after the class was offered, and even denied after the class was held and attended.

A streamlined approval process independent of the Michigan BOC allows for much faster approval, eliminating this uncertainty and allowing organizations to present more timely programs benefitting the profession.

As proposed, the Rule changes being discussed today will benefit the public and Michigan chiropractors by utilizing a streamlined process that outsources these duties to the MAC. MAC programs are already approved for continuing education without going through the application process, the result of the recent changes to the Administrative Rules that were approved and went through the public hearing process four years ago, acknowledging the MAC's years of high-quality programs that consistently meet State of Michigan requirements.

The MAC has the nonprofit legal structure, expertise, experience, and well-informed staff to provide professional evaluation that strictly follows the guidelines for approved continuing education outlined in the State of Michigan Administrative Rules. Outsourcing these duties would ease the current burdensome process, freeing up State of Michigan staff and other scarce resources that the State increasingly does not have, while ensuring that the quality of programs in the state continue to meet the current standards.

Other States: There are precedents among other states and professional organizations for taking such action.

- Kansas: The Kansas State Board of Healing Arts, which oversees the practice of chiropractic and other health professions in the state of Kansas, has delegated the authority for the review and approval of chiropractic continuing education programs to the Kansas Chiropractic Association (KCA). The KCA Continuing Education Committee reviews and approves all continuing education for DCs in the state of Kansas. The committee reviews the course content and qualifications of speakers, then determines the hours of credit, classifies the hours, or determines that the program is not approved.
- Tennessee: The Tennessee Board of Chiropractic Examiners accepts for license renewal continuing education courses not just conducted by, but also approved by, the Tennessee Chiropractic Association.
- PACE: Some states outsource the approval of chiropractic continuing education to the Federation of Chiropractic Licensing Board's (FCLB) Providers of Approved Continuing Education (PACE) program. In Rules discussions over the past three years, however, members of the BOC's Rules Committee Work Group expressed the opinion that they did not want to rely on PACE for continuing education, as the State of Michigan is not a member of the FCLB and standards that need to be followed for CE PACE's standards are not specific to the state of Michigan. By keeping the ability to approve chiropractic continuing education within the state, whether with the BOC or an outside entity, the BOC wanted to ensure that continuing education conforms to the state's chiropractic scope of practice as well as national standards for chiropractic practice.

Conclusion – R 338.12041 Acceptable Continuing Education

We believe that the model proposed by the Rules Committee Work Group and approved by the BOC would be an outstanding solution to the administrative issues facing the Board. By outsourcing to the MAC, the State would ensure that CE programs continue to be state-specific, accounting for the Michigan chiropractic scope of practice and current trends in Michigan chiropractic practice, rather than a one-size-fits-all, national approach that ignores individual state requirements and /or needs. We feel that it is imperative that standards that understand the intricacies of Michigan's chiropractic scope, Administrative Rules, and issues facing the profession specific to our state are maintained, while continuing to allow only the highest quality programs for continuing education.

R 338.12036(2) Relicensure

Prior to the re-write of the Rules that was completed in 2019, all applicants for relicensure were required to satisfy *EITHER* of the following:

- 45 hours of continuing education in the preceding three years, with all the outlined requirements, *or*
- Have been licensed as a chiropractor in another state of the United States during the three-year period immediately preceding the application for relicensure.

This was changed in the most recent re-write of the Rules. Now, doctors seeking Michigan relicensure after their license has been lapsed for three years or more are required to have the 45 hours of continuing education **AND** either:

- Have been licensed in another state for the three years preceding the application
- Have passed the National Board of Chiropractic Examiners Special Purposes Examination for Chiropractic (SPEC)

We feel that this is overly burdensome on doctors seeking relicensure, and that if a doctor has been continuously licensed in another state for the three years immediately preceding application for re-licensure, has been following that state's continuing education rules, and has no sanction against his or her license in that other state, they are presumed to have the skills to practice chiropractic in the state of Michigan.

We also do not believe that passing the NBCE SPEC examination is necessary to establish the presumption of having the skills and ability to practice chiropractic in the state of Michigan.

It is also important to note that if a doctor had never been licensed in Michigan at all, the process to get a license is much less cumbersome, but because someone may have gotten a Michigan license right out of school but then moved to another state to practice, and now wants to come back, they must follow a completely different and more stringent set of rules.

We would like to see the rule re-written to be more in line with the Rule prior to the previous re-write, in which chiropractors have access to two methods in which to gain re-licensure:

1. Continuing Education; or,
2. Having been continuously licensed in another state for the immediate past three years

We believe that changing the relicensure rule in this way would fulfill the Board's duty to protect both the general public and the profession itself, while easing a burdensome requirement on applicants for relicensure whose license has been expired for three years or more.

In closing, the MAC Board of Directors and leadership feel that the proposed changes to the Michigan BOC Administrative Rules governing continuing education will greatly benefit the licensed chiropractors in our state and the State of Michigan itself.

We also believe that changing the Rule governing relicensure for chiropractors whose license to practice has been expired for three years or more would remove an overly burdensome requirement facing these doctors.

We appreciate your taking the time to consider these modifications. If you have any questions or concerns, please do not hesitate to contact us in care of the Michigan Association of Chiropractors at (517) 367-2225 or info@chiromi.com.

Sincerely,



Lisa Olszewski, DC
President
Michigan Association of Chiropractors



Kristine Dowell
Executive Director
Michigan Association of Chiropractors