

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Board of Chiropractic Examiners
Agency and Division

Chapter 811
Administrative Rules Chapter Number

Dave McTeague, Executive Director
Rules Coordinator

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January 22, 2009 9:30 a.m
Hearing Date Time

Western States Chiropractic College, 2900 NE 132nd Ave., Portland, OR 97230
Location 2nd Floor Conference Room

Dave McTeague, Executive Director
Hearings Officer

Are auxiliary aids for persons with disabilities available upon advance request? Yes No

RULE CAPTION

Amends continuing education rule for minor surgery certified chiropractic physicians adding a new option.

Not more than 15 words that reasonably identify the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: OAR 811-015-0030 (1)

REPEAL:

RENUMBER:

AMEND & RENUMBER:

ORS 684
Stat. Auth.

Other Authority

ORS 684.
Stats. Implemented

RULE SUMMARY

The proposed amendment adds a new option for continuing education for minor surgery certified chiropractic physicians adding a new option. Currently, certified doctors must obtain 12 hours CE in minor surgery/proctology every three years. The proposed amended rule adds an option of documenting 12 observed or performed procedures and four hours CE (or instruction) in the same three year period.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

January 22, 2009, 9:00 a.m. or following hearing

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Signature

Dave McTeague, OBCE Executive Director

Printed name

Date

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday upon which the deadline is 5:00 pm the preceding workday.

ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Board of Chiropractic Examiners
Agency and Division

Chapter 811
Administrative Rules Chapter Number

In the Matter of:

Amendment of Rule: OAR 811-015-0030 (1)

Rule Caption: Amends continuing education rule for minor surgery certified chiropractic physicians adding a new option.

Statutory Authority: ORS 684

Other Authority:

Stats. Implemented: ORS 684.155

Need for the Rule(s):

OAR 811-015-0030 (1) There is a lack of continuing education opportunities for chiropractic physicians certified in minor surgery/proctology. This creates an additional method to obtain instruction and experience in this area.

Documents Relied Upon, and where they are available:

Oregon Administrative Rules 811. Testimony from chiropractic physicians certified in minor surgery/proctology, and the Minor Surgery Review Committee.

Fiscal and Economic Impact, including Statement of Cost of Compliance: There is no appreciative impact on the agency. Chiropractic physicians certified in minor surgery/proctology may benefit from having an additional method to meet their continuing education requirement.

How were small businesses involved in the development of this rule? A public notice is being sent to the OBCE's public notice mailing list and chiropractic physicians certified in minor surgery/proctology have all been notified.

Administrative Rule Advisory Committee consulted?: The OBCE Minor Surgery Committee was been consulted prior to the OBCE meeting on November 20, 2008 and will be again prior to the hearing on January 22, 2009

Authorized Signer

Dave McTeague, OBCE Executive Director

Printed name

Date

December 5, 2008

Draft language in Bold below.

Chiropractic Obstetrics, Minor Surgery, And Proctology

811-015-0030(1) A Minor Surgery/ Proctology Review Committee will be appointed by the Board of Examiners. Members will serve at the pleasure of the Board. The committee may review the applications and rotation plans. The committee will review the results of the rotation and make a recommendation to the Board regarding the certification. The committee may advise the Board on all issues related to minor surgery and proctology.

(2) A chiropractic physician licensed in Oregon who wishes to practice minor surgery and/or proctology must apply to, and receive from, the Board a certification of special competency in minor surgery and/or proctology. To receive and maintain certification, the applicant must fulfill the following requirements:

(a) Give written application to the Board of Chiropractic Examiners to practice minor surgery and/or proctology, provide evidence of completion of 36 hours of undergraduate or postgraduate coursework in minor surgery/ proctology, and propose a plan to complete a rotation for practical experience in not less than 25 minor surgery/proctology cases. The purpose of the rotation is to learn and demonstrate competencies, as determined by the Minor Surgery/Proctology Review Committee, under the guidance of one or more supervising licensed physicians. The numbers of procedures required in each of these areas will be determined by this committee.

(A) The rotation must include no less than five cases where all aspects of the cases are performed solely by the chiropractic physician, and observed by the supervising licensed physician.

(B) The remainder of the rotation not covered in paragraph (A) shall consist of cases where the chiropractic physician observes and/or assists.

(C) Adequate documentation of the Chiropractic physician's participation in all cases is required on forms provided by the Board, and signed by the supervising licensed physician. It is recommended the rotation be completed within one year.

(b) 12 hours of continuing education (**seminar, course or instruction**) related to minor surgery/proctology every three years. **Optionally, in lieu of eight hours of the continuing education requirement, a chiropractic physician may document performance or observation of twelve minor surgery/proctology procedures every three years. Reasonable documentation of the procedure or observation is a copy of the patient schedule and/or patient billing/ or other patient record with the patient name redacted which indicates the type of procedure and date performed.**

(3) A chiropractic physician who is also licensed in Oregon as a doctor of naturopathy may make written application to practice minor surgery and proctology. The application may be approved by the Board if the chiropractic physician can demonstrate his naturopathic training and experience is equivalent to that required under section (2).

(4) A chiropractic physician licensed in Oregon who wishes to practice natural childbirth must apply to and receive from the Board a certification of special competency in natural childbirth. To receive and maintain certification, the applicant must fulfill the following requirements:

(a) Successfully complete at least 200 hours of direct instruction hours at an approved chiropractic, naturopathic, medical, osteopathic college or hospital in obstetrics and furnish a

signed log showing evidence that subsections (b) and (c) of this section have been completed under the direct supervision of a licensed practitioner with specialty training in obstetrics and/or natural childbirth;

(b) Take part in the care of 50 women in both the prenatal (including obstetrics intakes) and postnatal periods;

(c) Observe and assist in the intrapartum care and delivery of 50 natural childbirths in a hospital or alternative birth setting. These births must be under the supervision of a licensed practitioner with specialty training in obstetrics and/or natural childbirth. A labor and delivery that starts under the care of someone licensed to assist in childbirth and includes hospitalization shall count as a birth.

(d) Pass a certification exam in obstetrics given by or approved by the Board.

(e) Submit annually, at the time certificate holders submit their general continuing education hours, 15 hours of Board approved continuing education in obstetrics. Seven of the 15 hours in obstetrics may be used to satisfy OAR 811-015-0025(4). Every other year an approved class in neonatal resuscitation shall be part of this continuing education requirement.

(5) Licensing action by the Board under ORS 684 shall be deemed to have an equal effect upon a certificate of special competency issued the practitioner, unless specifically provided otherwise in the Board action.

(a) When the subject of a disciplinary proceeding relates specifically to the practice of minor surgery, proctology, or natural childbirth by a licensee who possesses a certificate of special competency, the license action may in lieu of affecting the entire scope of the licensee's practice, suspend, revoke, or curtail only the practitioner's authority under the certificate of special competency.

(b) To address emergency or other circumstances which indicate the use of substances or procedures not authorized for use by chiropractic physicians, a plan to access these must be developed in a timely fashion and entered in the patient's chart.

(6) Notwithstanding section (4), a Chiropractic physician may obtain a license as a direct entry midwife from the Board of Direct Entry Midwifery. Any chiropractic physician licensed as a naturopathic physician and certified in natural childbirth by the Oregon Board of Naturopathic Examiners, may also practice natural childbirth/obstetrics as a chiropractic physician to the extent allowed by ORS 684.