

State of Washington

(name of governing body)

Washington State Board of Chiropractic Examiners

(agency name, if applicable)

Resolution No. _____

Administrative Order No. PL 582

(1) Be it resolved by the Washington State Board of Chiropractic Examiners, acting at Seattle, Washington (place)

that it does adopt the annexed rules relating to:

- WAC 114-12-115 Examination Appeal Procedure
- WAC 114-12-155 Board Approved Continuing Education Subject Matter
- WAC 114-12-165 Prior Approval Not Required.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 86-03-082 filed with the code reviser on 1-22-86. These rules shall take effect:
 thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).
 at a later date, such date being _____

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, _____, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

- (a) This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute.
- (b) This rule is promulgated pursuant to RCW _____ which directs that the _____

_____ (agency) has authority to implement the provisions of _____ (name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the Washington State Board of Chiropractic Examiners (agency)

as authorized in RCW 18.25.017

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this governing body, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON APPROVED AND ADOPTED February 27, 19 86 FILED

MAR 4 1986

CODE REVISER'S OFFICE WSR 86-06-043

By Michael M. Davenport, D.C. Chairman, W.A. St. Chiropractic Examiners Title

NEW SECTION

WAC 114-12-165 PRIOR APPROVAL NOT REQUIRED. (1) It will be unnecessary for a chiropractor to inquire into the prior approval of any continuing chiropractic education. The board will accept any continuing chiropractic education that reasonably falls within these regulations and relies upon each individual chiropractor's integrity in complying with this requirement.

(2) Continuing chiropractic education program sponsors need not apply for nor expect to receive prior board approval for a formal continuing chiropractic education program. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The board relies upon the integrity of program sponsors to present continuing chiropractic education that constitutes a meritorious learning experience and complies with RCW 18.25.070.

(3) The board will conduct a random compliance audit of renewal applicants. If the board determines that the applicant has not obtained continuing chiropractic education that reasonably falls with the subject matter defined in WAC 114-12-155 and the guidelines for symposium approval in WAC 114-12-160, then the application for renewal will be denied.

NEW SECTION

WAC 114-12-155 BOARD APPROVED CONTINUING EDUCATION SUBJECT MATTER. (1) Licensed chiropractors will be responsible for obtaining 25 hours of Board approved continuing education over the preceding three year period to be submitted with annual renewal of their license.

(2) The board approves the following subject material for continuing chiropractic education credit:

- (a) diagnosis and treatment of the spine or immediate articulations within the scope of practice;
- (b) x-ray/roentgenology;
- (c) adjustive technique;
- (d) detection of a subluxation;
- (e) physical examination;
- (f) hygiene;
- (g) symptomatology;
- (h) neurology;
- (i) spinal pathology;
- (j) spinal orthopedics;
- (k) patient/case management
- (l) impairment within the scope of practice;
- (m) CPR - once every three years; and,
- (n) dietary advice.

(3) Subject matter not approved for continuing education credit:

- (a) business management;
- (b) subject matter not directly relating to the chiropractic clinical scope of practice;
- (c) practice building; and,
- (d) conduct prohibited by Washington state statutes or rules governing chiropractic practice.

NEW SECTION

WAC 114-12-115 EXAMINATION REVIEW AND APPEAL PROCEDURES.

(1) Any candidate who takes the state examination for licensure and does not pass may request a review by the board of his or her examination results. This request must be in writing and must be received by the board within thirty (30) days of receipt of notification of the examination results. The board will not set aside its prior determination unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness by the board. The board will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(2) The procedure for filing a review is as follows:

(a) Contact the Olympia board office for an appointment to appear personally to review incorrect answers on failed examinations.

(b) Candidate will be provided a form to complete in the Olympia board office in defense of examination answers.

(c) The candidate must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) Candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the board.

(e) Candidates may not bring in notes or texts for use while completing the informal review form.

(f) Candidates will not be allowed to take any notes or materials from the office upon leaving.

(g) The board will schedule a closed session meeting to review the exams and forms completed by the candidate for the purpose of informal review.

(h) The candidates will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the examination review may request a formal hearing to be held before the board pursuant to the administrative procedure act. Such hearing must be requested within thirty (30) days of receipt of the result of the board's review of the examination results. The request must state the specific reason or reasons why the candidate feels the results of the examination should be changed. The board will not set aside its prior determination unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness by the board. The board will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(4) The hearing will not be scheduled until after the candidate and the state's attorney have appeared before the board or an administrative law judge for a prehearing conference to consider the following:

(a) the simplification of issues;

(b) the necessity of amendments to the notice of specific reasons for examination result change;

(c) the possibility of obtaining stipulations, admissions of fact and documents;

(d) the limitation of the number of expert witnesses;
(e) a schedule for completion of all discovery; and,
(f) such other matters as may aid in the disposition of the proceeding.

(5) The board or the administrative law judge shall enter an order which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order of the board.

(6) Formal appeal candidates applicants will receive at least twenty (20) days notice of the time and place of the formal hearing. The hearing will be restricted to the specific reasons the candidate has identified as the basis for a change in the examination score.