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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Sara Chambers, Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 *AS*

DATE: May 29, 2024

RE: Filed Permanent Regulations: Board of Chiropractic Examiners
Board of Chiropractic Examiners regulations re: Examination and Continuing Ed.
Updates (12 AAC 16.030 - .390)

Attorney General File:	2023200580
Regulation Filed:	5/29/2024
Effective Date:	6/28/2024
Print:	250, July 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Sylvan Robb, Division Director
Stefanie Davis, Regulations Specialist



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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May 29, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *12 AAC 16.030-.390 - Board of Chiropractic Examiners - Examination and Continuing Ed. Updates*
Our file: 2023200580

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Board of Chiropractic Examiners against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Board of Chiropractic Examiners after the close of the public comment period.

The regulations amend Title 12, chapter 16 of the Alaska Administrative Code and primarily concern updates to application and examination requirements, removal of outdated information, and the elimination of the continuing education application requirement for applicants for initial licensure who meet certain criteria. The regulations also amend the hardship waiver process to clarify that the board may grant a waiver to an applicant for license reinstatement.

Both the March 19, 2024 public notice and the May 10, 2024 order certifying the changes to regulations state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

Digitally signed by
Rebecca C. Polizzotto
Date: 2024.05.29
13:54:42 -08'00'

BWS/fcb

CC w/enclosure: Stephanie Davis, Regulations Specialist
Department of Commerce, Community and Economic Development

Harriest D. Milks, Assistant Attorney General
Department of Law

Brad Sharp, Assistant Attorney General
Department of Law

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF CHIROPRACTIC EXAMINERS

The attached six pages of regulations, dealing with updating regulations on the Alaska state examination for chiropractors and clarifying continuing education requirements for recent graduates, are certified to be a correct copy of the regulation changes that the Board of Chiropractic Examiners adopted at its May 3, 2024 meeting, under the authority of AS 08.01.100, AS 08.20.055, AS 08.20.110, AS 08.20.120, AS 08.20.130, AS 08.20.141, AS 08.20.160, AS 08.20.167, and AS 08.20.170, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Board of Chiropractic Examiners paid special attention to the cost to private persons of the regulatory action being taken.


The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: May 10, 2024


Brian E. Larson, D.C., DACBSP, Chair
Alaska Board of Chiropractic Examiners

April Simpson for FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on May 29, 2024 at 2:56 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


for Nancy Dahlstrom, Lieutenant Governor

Effective: June 28, 2024

Register: 250, July 2024

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



Nancy Dahlstrom

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Chapter 16. Board of Chiropractic Examiners.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 16.030 is repealed and readopted to read:

12 AAC 16.030. Application for licensure by examination. (a) A person applying for chiropractic licensure by examination shall submit

- (1) a completed application on a form provided by the department;
- (2) the fees set out under 12 AAC 02.150;
- (3) official college transcripts that show that the applicant has met the education requirements set out in AS 08.20.120(a)(1), (3), and (4);
- (4) an official grade transcript sent directly to the department from the National Board of Chiropractic Examiners that shows that the applicant has passed the applicable examination under 12 AAC 16.037;
- (5) either
 - (A) official college transcripts that show that the applicant has met the education requirements set out in AS 08.20.120(a)(2); or
 - (B) evidence of active licensed practice of chiropractic for at least three of the four years preceding the date of the application;
- (6) if the applicant graduated from a school or college of chiropractic more than three years before the date of the application,
 - (A) verification of the status of the applicant's license from each licensing jurisdiction where the applicant holds or has held a license to practice chiropractic, sent directly to the department from the licensing jurisdiction; and

(B) documentation of continuing education that meets the requirements set out under (b) of this section;

(7) a report under AS 12.62 containing the applicant's criminal history record information, issued not more than 90 days before the date of the application; and

(8) if the applicant primarily resides in another state or holds or has held a license to practice chiropractic in another state, an equivalent report to the report under AS 12.62 containing the applicant's criminal history record information, issued by that state not more than 90 days before the date of the application.

(b) An applicant's documentation of continuing education required under (a) of this section must document 32 credit hours of continuing education, approved by the board or another licensing jurisdiction, earned within the two years preceding the date of the application, and

(1) must include at least

(A) eight hours in radiographic safety, radiographic techniques and interpretation, or diagnostic imaging;

(B) two hours in coding and documentation;

(C) two hours in ethics and boundaries;

(D) two hours in cardiopulmonary resuscitation; and

(E) 18 hours in education that does not include business management;

(2) may not include more than four total hours in the following subject areas:

(A) cardiopulmonary resuscitation (CPR) training;

(B) automated external defibrillator (AED) training;

(C) basic life support (BLS) training; and

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(3) may not include more than 16 hours obtained over the Internet or through distance learning. (Eff. 3/8/71, Register 37; am 9/30/81, Register 79; am 6/29/84, Register 90; am 5/10/90, Register 114; am 8/21/91, Register 119; am 4/7/96, Register 138; am 2/21/97, Register 141; am 5/27/2006, Register 178; am 1/29/2009, Register 189; am 8/14/2010, Register 195; am 2/23/2020, Register 233; am 6 / 28 / 2024, Register 250)

Authority: AS 08.20.055 AS 08.20.120 AS 08.20.170
AS 08.20.110 AS 08.20.130

The introductory language of 12 AAC 16.033 is amended to read:

12 AAC 16.033. Application for licensure by credentials. An applicant for licensure by credentials **shall** [MUST] meet the requirements of AS 08.20.141, pass the examination required under AS 08.20.141(5), and submit [, AT LEAST 45 DAYS BEFORE THE NEXT SCHEDULED STATE CHIROPRACTIC EXAMINATION,] the following:

...

(Eff. 5/23/2003, Register 166; am 5/27/2006, Register 178; am 1/29/2009, Register 189; am 8/14/2010, Register 195; am 2/23/2020, Register 233; am 6 / 28 / 2024, Register 250)

Authority: AS 08.20.055 AS 08.20.130 AS 08.20.170
AS 08.20.110 AS 08.20.141

12 AAC 16.130(b) is repealed:

(b) Repealed 6 / 28 / 2024 [AN EXAMINATION CANDIDATE MAY NOT

(1) HAVE ON THE EXAMINATION TABLE ANY PAPER OR OBJECT OTHER THAN THE EXAMINATION QUESTIONS, EXAMINATION PAPER, BLOTTER, PENCIL, PENS, INK, ERASER, AND A TIMEPIECE;

(2) WHILE THE EXAMINATION IS IN SESSION, LEAVE THE EXAMINATION ROOM FOR ANY REASON, UNLESS ACCOMPANIED BY A PROCTOR OR BOARD MEMBER;

(3) COMMUNICATE WITH ANOTHER CANDIDATE DURING THE EXAMINATION; COMMUNICATION WITH ANOTHER CANDIDATE WILL RESULT IN IMMEDIATE DISMISSAL FROM THE ENTIRE EXAMINATION].

(Eff. 3/8/71, Register 37; am 9/30/81, Register 79; am 10/21/82, Register 84; am 4/22/83, Register 86; am 6/3/89, Register 110; am 5/10/90, Register 114; am 5/10/98, Register 146; am 1/6/2002, Register 161; am 8/20/2004, Register 171; am 8/14/2010, Register 195; am 2/23/2020, Register 233; am 8/30/2020, Register 235; am 6 / 28 / 2024, Register 250)

Authority: AS 08.20.055 AS 08.20.120 AS 08.20.130

The introductory language of 12 AAC 16.150 is amended to read:

12 AAC 16.150. Reexamination. An applicant who has failed the state chiropractic examination may submit an application [APPLY] for reexamination [BY SUBMITTING] to the board not sooner than seven days after the date the applicant failed the examination.

The application for reexamination must include [AT LEAST 30 DAYS BEFORE THE NEXT SCHEDULED EXAMINATION]

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(Eff. 3/8/71, Register 37; am 6/3/89, Register 110; am 5/10/98, Register 146; am 1/6/2002, Register 161; am 5/27/2006, Register 178; am 6 / 28 / 2024, Register 250)

Authority: AS 08.20.055 AS 08.20.130

12 AAC 16.170 is repealed:

12 AAC 16.170. Special examination. Repealed 6 / 28 / 2024 [(a) REPEALED 5/27/2006.

(b) A SPECIAL EXAMINATION MAY BE ADMINISTERED AT A TIME OTHER THAN DURING A SCHEDULED EXAMINATION TO AN APPLICANT FOR A LOCUM TENENS PERMIT THAT MEETS THE REQUIREMENTS OF AS 08.20.163 AND 12 AAC 16.031]. (Eff. 3/8/71, Register 37; am 1/6/2002, Register 161; am 5/27/2006, Register 178; repealed 6 / 28 / 2024, Register 250)

12 AAC 16.200(a)(1) is amended to read:

(1) meets the requirements of **12 AAC 16.030** [12 AAC 16.030(a)] or 12 AAC 16.033, as applicable;

(Eff. 3/8/71, Register 37; am 3/31/82, Register 81; am 10/21/82, Register 84; am 8/21/91, Register 119; am 12/7/97, Register 144; am 6/10/2000, Register 154; am 5/27/2006, Register 178; am 6 / 28 / 2024, Register 250)

Authority: AS 08.20.055 AS 08.20.160 AS 08.20.170

12 AAC 16.390(d) is amended to read:

(d) A licensee unable to obtain the required continuing education hours for renewal **or reinstatement** of a license due to reasonable cause or excusable neglect **may submit a** [, MUST] request **for an** exemption [STATUS] in writing [,] to the board, accompanied by a statement explaining the reasonable cause or excusable neglect. If an exemption is granted, the board may prescribe an alternative method of compliance to the continuing education requirements as determined appropriate by the board for the individual situation.

(Eff. 6/29/84, Register 90; am 6/3/89, Register 110; am 5/8/99, Register 150; am 1/6/2002, Register 161; am 1/29/2009, Register 189; am 11/28/2010, Register 196; am 6 / 28 / 2024, Register 250)

Authority: AS 08.01.100 AS 08.20.167 AS 08.20.170
AS 08.20.055