

To: BPL-BoardSupport@michigan.gov

RE: Public Hearing of Jan. 19, 2021

Department of Licensing & Regulatory Affairs, Bureau of Professional Licensing

Title of rule set: Chiropractic – General Rules

Rule set #: 2019-84 LR *Rule numbers:* R 338.12001 R 338.12054

To the Policy Analyst and the Michigan Board of Chiropractic:

I am writing to express my views for the Public Hearing on the matter referenced above. I oppose the Board of Chiropractic granting authority over the review and approval of Continuing Education to the Michigan Association of Chiropractors (M.A.C.) This is not common in other professions in Michigan nor is this common in other state's Chiropractic Boards. This option is very questionable and controversial.

I am a loyal, longstanding dues-paid member of the M.A.C. and of its predecessor organizations since the 1980's. I have consistently attended M.A.C. conventions and events for over 35 years. I recognize the M.A.C.'s fine efforts in their role of serving members and promoting the profession but there are limits on their roles and duties.

M.A.C. is a non-regulatory, non-governmental membership trade organization and should **not** be given a regulatory role. Chiropractors are not required to join M.A.C. The state Board's primary obligation is to protect the health, safety, and welfare of the public. M.A.C.'s role is to serve its members. These are different and separate roles and the distinction should remain.

M.A.C. holds continuing education programs and derives significant income from these programs. There is a clear **conflict of interest** if M.A.C. were to oversee all other provider entities offering Continuing Education (C.E.) in Michigan. The proposed Board rules provide **no** oversight, **no** checks and balances on M.A.C. whatsoever. In fact, M.A.C. has been placed 'above the rules' with **no** required application or review or approval required for their own C.E. programs. Historically, only a sovereign monarch would hold such unchecked power and control over others. No fair rationale exists for M.A.C. courses **not** being impartially reviewed and approved. I do not doubt the validity of M.A.C. programs but I oppose an unequal review process.

The national organization F.C.L.B. (Federation of Chiropractic Licensing Boards) has established P.A.C.E. (Providers of Approved Continuing Education) with a well-accepted nationwide rigorous review process which is utilized by the vast majority of state Chiropractic Boards. P.A.C.E. is a perfectly suitable Board option for Michigan. I have attached some additional information about P.A.C.E. from their website for your evaluation.

Chiropractic Colleges offer C.E. courses on-campus, online, and off-campus including venues in our state. There are **no** Chiropractic Colleges in the state of Michigan. Off-campus C.E. courses offered by Chiropractic Colleges given in **any** location should be automatically approved just as on-campus courses. The Covid pandemic has taught us about valid and realistic flexible

educational options. All major universities now offer online courses to protect students from coronavirus exposure. Especially in this pandemic era, Chiropractic C.E. should become more accessible, not further encumbered. There is no reason to require risky travel out-of-state for Michigan Chiropractors or to have M.A.C. review a College course no matter where the course is taught. The Board must always focus on its role of protecting the public. Adding M.A.C. review of College off-campus programs does not serve the public.

The State of Michigan must preserve fair authority over all aspects of government, including actions of the Board of Chiropractic. This letter is written in the name of fairness, equal justice and ethical principles.

A fair solution alternative: Perhaps a concurrent application process directly to the Board, as has been the standard since the initiation of mandatory C.E., with a limit of five (5) applications per year per sponsoring entity. This would provide a reasonable option to the Board. P.A.C.E. would effectively handle those submitting larger volumes of courses for review. This way the Board's work would be reduced but the Board would retain oversight on C.E. while P.A.C.E. could handle applications for entities offering numerous C.E. programs. I suggest that the Board endorse **multiple options** for C.E. review and approval as well as automatic approval for accredited Chiropractic college programs regardless of where the course is offered, either on-campus, online, or off-campus.

Thank you very much for your consideration.

Sincerely,

Martin J. Brown, D.C.
President,
Macomb County Chiropractic Association
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Note: Attachment

The following pages are all from the F.C.L.B. website:

Chiropractic P.A.C.E.

Providers of Approved Continuing Education

PACE (**Providers of Approved Continuing Education**) is the signature program of the Federation of Chiropractic Licensing Board (FCLB). The resonating mission of the FCLB is to protect the public by promoting excellence in chiropractic regulation through service to their member boards. The FCLB encourages regulatory boards to employ best practices in public protection, communicate and network to improve capability, develop consistency in standards, and envision a plan for the future.

A large part of this protection is the promotion and facilitation of the **PACE chiropractic continuing education program**. PACE recognized continuing education courses promote quality chiropractic continuing education programs, provide reliable and scientifically sound educational updates, help chiropractors remain current on licensing and new, effective clinical protocols, and help practitioners avoid isolation through peer-related educational activities.

The PACE continuing education program streamlines chiropractic continuing education course requirements and is administered by the FCLB. The PACE program reduces onerous paperwork and review processes, provides reliable reports on fulfillment of re-licensing requirements, and helps boards replace with audits for compliance.

A primary focus of the PACE continuing education program was to streamline this essential regulatory requirement. Before PACE, there was little consistency in **chiropractic continuing education** approval processes.

Through this program, PACE achieves excellence in maintaining consistency for regulatory boards, providers, chiropractic practitioners, and professional associations.

Snapshot of PACE Benefits:

For CE Providers – single, simplified application process, uniform criteria for approval, automatic course approval, professional credibility.

For Regulatory Boards – economies of scale, informed, professional evaluations, automatic credit reporting, simplified CE approval process.

For Practicing D.C.s – automatic attendance verification, easy course searching, simplified course assessment, the affirmation of quality!

Benefits of PACE for Regulatory Boards

The primary offering of the PACE chiropractic continuing education program is confidence in course quality. Each PACE recognized program offered in the chiropractic continuing education catalog is assessed by postgraduate chiropractic education and regulatory review experts. These experts are responsible for evaluating the provider's ability and willingness to comply with stringent PACE criteria and for conducting retrospective course reviews to ensure continued compliance. Additionally, representatives participate in on-site audits to ensure quality control and course integrity.

Through the streamlined PACE chiropractic continuing education requirements, regulatory boards no longer need to deal with stacks of course applications. PACE providers have already been reviewed for compliance with PACE standards. Additionally, regulatory boards save money and time otherwise spent assessing applications from reliable, quality providers. Furthermore, PACE has the flexibility to accommodate new technologies in attendance verification, allowing providers to use an efficient system that meets PACE quality standards.

Board CE Requirements

Updated 5/14/2020 Click to view the FCLB list of board links

Alabama

Distance Allowed: No more than 6 hours per renewal cycle

2 hrs per year in Alabama Law and Board Rules and Regs

18 hours per 1 year renewal cycle (October 1 - September 30) (Accepts PACE Pre-Check)

Alaska

32 hours per 2 year renewal cycle (Accepts PACE)

Distance Allowed: No more than 16 hours per renewal cycle

8 hours in diagnostic imaging/X-ray; 2 hours coding and documentation; 2 hours in ethics and boundaries; 2 hours in CPR

COVID-19 Accommodation: previously allowed in-person courses can be counted as in-person credits if they are instead offered online during the pandemic. Does not include specific hands-on training (for example, dry needling)

Arizona

12 hours per 1 year renewal cycle (January 1 - December 31) (Accepts PACE Pre-Check)

Distance Allowed: 12 hours of post-graduate mediated instruction through an accredited college or university

Approved subjects: Adjusting techniques; spinal analysis; physical medicine modalities and therapeutic procedures; record keeping and documentation; ethics; CPR; public health; communicable diseases; sexual boundaries; emergency procedures; acupuncture; nutrition; examination, assessment and diagnostic procedures to include physical, orthopedic, neurological procedures; radiographic technique; diagnostic imaging and interpretation; laser as permitted by law; clinical laboratory procedures limited to urine collection, fingerpricks and venipuncture; anatomy; physiology' bacteriology; chiropractic orthopedics and neurology; chemistry; pathology; patient management; evidence-based clinical intervention models; symptomatology; Arizona jurisprudence; participation in the NBCE exam development or administration

Arkansas

24 hours per 1 year renewal cycle

Distance Allowed: 12 hours per renewal cycle

Subject matter defined in statute; requires courses on subject examined for licensure and specialties

California

24 hours per 1 year renewal

Distance Allowed: 12

2 hours in ethics and law; 4 hours in history taking and physical exam procedures, chiropractic adjustive technique, chiropractic manipulation techniques, or proper ethical billing and coding; maximum 12 hours per day; financial management, practice building, and motivation not approved for CE.

COVID-19 Accommodation: please check [the board website](#) for information on current CE waivers

Colorado

15 hours per year (30 per 2 year renewal cycle)

Distance Allowed: 10 hours every 2 years; must include a proficiency test

4 hours every two years in record keeping and documentation; required to maintain Health Provider level CPR (does not pre-approve)

Connecticut

48 hours per 2 year renewal cycle (Accepts PACE)

Distance Allowed: 48 hours per renewal cycle - must include a self-assessment

Must include 1 hr ethics; 1 hr informed consent; 1 hr risk management, laws & rules, including informed consent; 2 hrs every 6 years in mental health conditions common to veterans and their families (does not pre-approve)

Delaware

24 hours per 2 year renewal cycle

Distance Allowed: 24 hours per renewal cycle in distance learning that includes live interaction with an instructor; 6 in asynchronous education

Must include 3 hours in ethics, record keeping, or risk management; no practice management

District of Columbia

24 hours per 2 year renewal cycle (Accepts PACE)

Distance Allowed: 24 hours per renewal cycle

Florida

40 hours per 2 year renewal cycle (Accepts PACE Precheck for online CE)

Distance Allowed: 10 hours per renewal cycle

- o Three (3) hours of risk management of which two (2) hours must be Florida laws and rules
- o Six (6) hours of record keeping/documentation and coding
- o Two (2) hours in the area of ethics and boundaries
- o For Chiropractic Physicians with Acupuncture Certification – 2 hours in acupuncture safety and risk management and 2 hours in acupuncture technique

Georgia

20 hours per 1 year (2 year renewal cycle) (Accepts PACE Precheck)

Distance Allowed: 10 hours every year - must be test and time monitored to ensure active participation

15 Chiropractic Clinical Science; 4 ethics or risk management; 1 GA Jurisprudence

Hawaii

20 hours per 2 year renewal cycle

Distance Allowed: 20 hours

Must be a formal program of learning which will contributed directly to the professional competence of a licensee in public practice (Practice-building NOT approved)

Idaho

18 hours per 1 year renewal cycle (Accepts PACE)

Distance Allowed: 18 hours per renewal cycle

Licensees MUST read both Rules 350 and 351 to ensure courses are in line with board standards.
COVID-19 Accommodations: if licensees are able to fulfill CE requirements via online courses, they are encouraged to do so. If licensees are not able to obtain CE prior to the renewal deadline, please send a brief statement and any relevant documentation to the Idaho board.

Illinois

150 hours per 3 year renewal cycle
Distance Allowed: 150 hours per renewal cycle
60 hours in "formal," 90 hours in "informal"
COVID-19 Accommodations: Renewal dates have been extended

Indiana

24 hours per 2 year renewal cycle / maximum 12 hours per year (Accepts PACE)
Distance Allowed: 0
4 hours of approved courses in public health and/or risk management per year; practice management prohibited

Iowa

40 hours per 2 year renewal cycle (July 1 to June 30) (Accepts PACE)
Distance Allowed: Up to 16 hours in clinical case management per renewal cycle
36 hours in clinical practice (see above for distance limitations); 2 in professional boundaries; 1 hr in Iowa administrative code; 12 in acupuncture if certified

Kansas

15 month update: 50 hours (minimum 20 hours in Cat I); 30 month update: 100 hours (minimum 40 hours in Cat I); 42 month update: 150 hours (minimum 60 hours in Cat I) (Accepts PACE)
Distance Allowed: No limit
Category I: Structured, interactive, formal learning; Category II: Indirectly related to healing arts skills and knowledge (see KS website for more information)

Kentucky

12 hours per 1 year renewal cycle (Accepts PACE Precheck)
Distance Allowed: 0
Courses must be taken over at least two days; 6 hours must be taken within the state of Kentucky; 2 hours of HIV/AIDs required every 10 years
COVID-19 Accommodations: Licensees must obtain 12 hours annually. All 12 hours may be completed by a combinations of online (live or recorded) or live in-person CE events through the 2021 relicensing cycle

Louisiana

15 hours per 1 year renewal cycle
Distance Allowed: 0
Must build upon the basic courses required for chiropractic practice; Three (3) hours of risk management, one (1) of which includes ethics.

Maine

48 hours per 2 year renewal cycle (Accepts PACE)

Distance Allowed: 12 hours per renewal cycle

Category 1 - includes documented physical attendance, subject material related to the concepts of chiropractic principles and practice including, but not limited to, diagnostic procedures, patient care and management; Category 2 - includes instruction, writing on health subjects for publication, participation in accreditation and exam programs, self-instruction, peer review, professional self-assessment programs, CPR certification, wellness programs, others as approved by the board

Maryland

48 hours per 2 year renewal cycle (Accepts PACE)

Distance Allowed: 48 hours per renewal cycle

5 hours in risk management including 1 hour in jurisprudence and 3 hours communicable disease training

Massachusetts

12 hours per 1 year renewal cycle (April 1 - May 31) (Accepts PACE)

Distance Allowed: 12 hours per renewal cycle

Allowable subject matter includes clinical proficiency, philosophy and ethics, jurisprudence, or the human and biological sciences; Courses devoted to administrative or economic aspects of practice shall not be approved for continuing education credit.

Michigan

30 hours per 2 year renewal cycle

Distance Allowed: 15 hours per renewal cycle

1 hour in sexual boundaries, 1 hour in ethics, and 1 hour in pain and symptom management; 2 live, in-person hours in physical measures and 2 live, in-person hours in performance and ordering of tests

Minnesota

20 hours per 1 year renewal cycle (Accepts PACE)

Distance Allowed: 20 hours per renewal cycle

20-hour requirement must include 3 hours in radiology/advanced imaging, 1 hour in professional boundaries, 2 hours in acupuncture (if registered), 6 hours in addition to the 20 hours in animal chiropractic (if registered). Note professional boundaries refers to preserving the Doctor/Patient relationship.

COVID-19 Accommodations: The Minnesota Health Licensing Boards are jointly promoting a deferral of CE requirements until the first renewal period after the COVID-19 emergency ends. However, since chiropractic renewals are not until the end of the year, and we allow all CE to be obtained by alternative means, i.e. online, video, CD, etc., it is not expected to affect chiropractors in Minnesota

Mississippi

12 hours per 1 year renewal cycle (July 1 - June 30)

Distance Allowed: 0

3 hours in risk management

Missouri

48 hours per 2 year renewal cycle

Distance Allowed: 48 hours per renewal cycle - must be board approved

24 hours of formal, board-approved CE in at least 3 of the 16 recognized categories (see MO website); self-study, meetings, publishing, presentations, etc. allowed for up to 24 hours of credit

Montana

13 hours per 1 year renewal cycle (Accepts PACE)

Distance Allowed: 13 hours per renewal cycle

No more than 2 hours of philosophy or practice management; 1 hour of professional ethics and boundaries required

Nebraska

36 hours per 2 year renewal cycle (August 1 - July 31) (Accepts PACE)

Distance Allowed: 6 hours per renewal cycle

Must complete 4 hours of technical skills in x-ray or adjustive techniques; and 4 hours in HIV/Aids, infectious diseases; boundary training; Nebraska scope; lab testing and interpretation; physical, neurological and orthopedic exam; fraud prevention; rehab; ethics; or use of unlicensed personnel. Maximum 8 hours CE per day. Does not pre-approve; acceptable programs/activities available on NE website (page 17).

Nevada

36 hours per 2 year renewal cycle (Accepts PACE)

Distance Allowed: 36 hours per renewal cycle

No practice-building or insurance-billing

New Hampshire

20 hours per 2 year renewal cycle (Accepts PACE)

Distance Allowed: No more than 25% of the total hours (currently 5 hours per renewal cycle)

Business courses specifically excluded; maximum 10 hours credit per day.

New Jersey

30 hours per 2 year renewal cycle (Accepts PACE)

Distance Allowed: 12 in asynchronous distance learning; or 30 in synchronous distance learning

2 hours in state laws regarding ethics or record keeping; 2 hours in nutrition education; maximum 10 hours of CE per day

New Mexico

16 hours per 1 year renewal cycle (July 1 - June 30) (accepts PACE Precheck)

Distance Allowed: 8 hours per renewal cycle unless specific approval is obtained

Additional hours may be required by the board; NOTE: 1 credit = 60 full minutes of education

COVID-19 Accommodations: License renewals will be processed without proof of CE. Licenses without sufficient CE will be required to give notice to the board or commission through procedures established by the Public Email Notice on March 17, 2020. If all other license renewal requirements are met, licenses will be renewed without proof of CE credits. When the public health emergency is lifted, Boards and Commissions staff will send out a notice to licensees stating that the licensee has 6 months to

submit their proof of CE or be subject to discipline by the Board.

New York

36 hours per 3 year renewal cycle

Distance Allowed: 12 hours per renewal cycle

One time 2-hour course in child abuse reporting required; at least 12 hours in patient communications, record keeping, and matters of law and/or ethics

North Carolina

18 hours per 1 year renewal cycle (Accepts PACE)

Distance Allowed: 8 hours per renewal cycle

2 hours in coding; 2 hour in compliance; 2 hours in documentation; 2 hours in ethics; 2 hours in sexual boundaries; 2 hours in NC jurisprudence every 5 years

North Dakota

20 hours per 1 year renewal cycle (Accepts PACE)

Distance Allowed: 20 hours per renewal cycle

4 hours of professional boundaries every 3 years; for licensees authorized to practice acupuncture, 2 hours of acupuncture CE required

Ohio

36 hours per 2 year renewal cycle (Accepts PACE)

Distance Allowed: 36 hours

2 hours on ethics or professionalism, human trafficking awareness, laws and rules of the board Topics related to billing and coding, risk management, malpractice defense, legal courses, and practice building are not eligible for CE.

Oklahoma

16 hours per 1 year renewal cycle (Accepts PACE Precheck)

Distance Allowed: 8

12 hours must be clinical in nature; 8 hours must be earned in-state through an Oklahoma state association

COVID-19 Accommodations: The Board approved an extension of continuing education hours for the current renewal period of 2020-2021. The licensee will have until June 30, 2021 to submit current renewal hours along with next year's license renewal hours once they have submitted the Non-attendance waiver. They will still need to pay for license renewal on or before June 30, 2020 to have their license renewed but with the submission of the waiver that grants them additional time on obtaining the required CE. The board has also removed the 90 day postmark deadline for CEs to be submitted by state associations and other entities who make application to have CEs approved by the board. This will allow for more CEs to be available for the licensee in-state, and more opportunities for the licensee to do 8 of the 16 out-of-state or online

Oregon

20 hours per 1 year renewal cycle (Accepts PACE)

Distance Allowed: 20 hours per renewal cycle

All first time licensees and those changing status from inactive to active must complete 4 hours in over-the-counter non-prescriptive substances

Pennsylvania

24 hours per 2 year renewal cycle (September 1 - August 31)

Distance Allowed: 24 hours per renewal cycle

Rhode Island

60 hours per 3 year registration cycle (Accepts PACE)

Distance Allowed: 30 hours per registration cycle

50 hours in clinically-related courses

South Carolina

36 hours per 2 year renewal cycle (Accepts PACE)

Distance Allowed: 18 hours per renewal cycle

2 hours SC rules and regs; 2 hrs risk management

South Dakota

40 hours per 2 years (January 1 to December 31) (Accepts PACE)

Distance Allowed: 40 hours per 2 years; online courses MUST include an end of seminar quiz with at least a 70% passing score required.

DCs must maintain current CPR certification; 8 hours acupuncture required if certified.

Tennessee

24 hours per 1 year (Accepts PACE)

Distance Allowed: 6 hours per 1 year

3 hours sexual boundaries training; 3 hours AIDS awareness/risk prevention (first year); For licensees with acupuncture certification, 6 hours of acupuncture are required. Philosophy is not allowed for CE.

Texas

16 hours per 1 year renewal cycle (Accepts PACE Pre-Check for chiropractic colleges)

Distance Allowed: 10 hours per renewal cycle

The board will designate a minimum of four hours as "TBCE Required Courses" which must be taken live: three hours in board rules including, ethics, recordkeeping, documentation, and coding; a minimum of one hour in risk management in chiropractic practice.

COVID-19 Accommodations: 10 hours are allowed online. The additional six may be earned via interactive webinar.

Utah

40 hours per 2 year renewal cycle (Accepts PACE)

Distance Allowed: 10 hours per renewal cycle

No more than 4 hours of marketing or practice building; licensees who practice acupuncture must complete 10 hours of acupuncture

COVID-19 Accommodations: Live requirements are suspended. Online or distance learning are acceptable for all 40 hours required

Vermont

24 hours per 2 year renewal cycle (Accepts PACE)

Distance Allowed: 24 per renewal cycle

Practice management, finance, and philosophy prohibited

Virginia

60 hours per 2 year renewal cycle (Accepts PACE)

Distance Allowed: Not specified

Minimum 30 hours in Type 1 (approved by board); maximum 30 hours Type 2 (not approved by board)

Washington

25 hours per 1 year renewal cycle (Accepts PACE)

Distance Allowed: 12 hours per renewal cycle

Diagnosis and treatment of the spine or immediate articulations within the scope of practice; X-ray/diagnostic imaging; Adjustive technique; Detection of a subluxation; Physical examination; Hygiene; Symptomatology; Neurology; Pathology; Orthopedics; Patient/case management; Impairment within the scope of practice; CPR; Dietary and nutrition advice; and Chiropractic philosophy and business management (not to exceed a total of 8 hours) 1-time requirement: 3 hrs suicide prevention screening

COVID-19 Accommodations: Expiration dates extended. Visit board website for more information

West Virginia

18 hours per 1 year renewal cycle

Distance Allowed: 6 hours per renewal cycle

COVID-19 Accommodations: All 18 allowed online for current renewal cycle

Wisconsin

40 hours per 2 year renewal cycle

Distance Allowed: 0

Must maintain current CPR certification; Chiropractors with nutritional counseling certificates must complete at least 4 hours of nutrition CE; 1 hour of coursework to become proficient in the use of an automated external defibrillator required.

Wyoming

12 hours per 1 year renewal cycle (Accepts PACE)

Distance Allowed: 4

COVID-19 Accommodations: Emergency rules instated to lift cap on online CE

Puerto Rico

45 hours per 3 years (Accepts PACE)

Distance Allowed: 15