

# Macomb County Chiropractic Association



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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 and Board of Chiropractors

Sent via email on January 16, 2021 to: [BPL-BoardSupport@michigan.gov](mailto:BPL-BoardSupport@michigan.gov)

**RE:** Comments for the Jan. 19, 2021 Public Hearing on Chiropractic rule set 2019-84 LR from the Macomb County Chiropractic Association

To Whom It May Concern:

This correspondence is submitted on behalf of the Macomb County Chiropractic Association (M.C.C.A.) expressing our concerns about the proposed changes to the Michigan Board of Chiropractic's (B.O.C.) Administrative Rules (R 338.12001 to R 338.12054), specifically rule R 338.12041, governing continuing education. Our Association sees the need for **fair updates** to advance the process of Continuing Education (C.E.) review while continuing the Board's primary obligation of protecting the health and welfare of Michigan's citizens. The current onerous C.E. review process can be greatly reduced or eliminated in an honest and equitable manner that is fair to all, including the BOC, as well as the various entities providing C.E. An analysis and alternative options are provided in this report.

## **Information about the M.C.C.A.**

The Macomb County Chiropractic Association (M.C.C.A.) is a non-profit organization established in the 1970s to promote the Chiropractic profession and to support the Chiropractors. In 1971 a group of local D.C.'s seeking Chiropractic camaraderie, networking, continuing education, and health promotion throughout the county gathered and formed this fine organization. The M.C.C.A. is among the oldest and longest serving independent Chiropractic organizations in the state of Michigan.

The Macomb County Chiropractic Association has no paid staff and is run on a voluntary basis. The organization has no physical building, thus no significant overhead. Annual dues are just \$50 per doctor per year.

Annual continuing educational courses have been offered by the Macomb County Chiropractic Association for nearly 50 years as part of the mission of the organization.

The Macomb County Chiropractic Association has an established Permanent Endowment Fund to benefit autistic and emotionally impaired children via the Macomb Intermediate School

District. The fund's earnings benefit special needs children in perpetuity. The Macomb County Chiropractic Association also disburses thousands of dollars in scholarships to Chiropractic students annually. Scholarship applications are available by February and are due back mid-March. Winners are announced by June of each year.

The Macomb County Chiropractic Association is non-political and is independent of any other state or national chiropractic organization. The M.C.C.A. encourages concurrent membership in the Michigan Association of Chiropractors.

### **R 338.12041 Proposed C.E. Rule Change Synopsis**

The proposed new rule would require C.E. be approved by the Michigan Association of Chiropractors (M.A.C.) except courses related to Chiropractic practice are offered on-campus by an approved Chiropractic College; initial presentation of a C.E. program related to a state, regional, national or international organization.

The new rule would rescind C.E. sponsors from applying for approval from the B.O.C. directly and these rules do not address any B.O.C. appeal process or recourse for any potential review errors which may be made by the M.A.C. as the proposed primary reviewer of C.E. programs.

### **Current C.E. Rule Synopsis**

As of the B.O.C. meeting of January 29, 2020 the Board established automatic C.E. approval for up to 5 credits per semester of academic Chiropractic-related courses in an approved Chiropractic College; attending a C.E. program on-campus at an approved Chiropractic College; attending a C.E. program sponsored by the M.A.C. Provider entities aside from the M.A.C., such as the M.C.C.A., can apply for approval of C.E. programs. Initial presentation of C.E. courses with restrictions of 2 hours C.E. credit for each hour of presentation via the American Chiropractic Association (A.C.A.), International Chiropractors Association (I.C.A.) or the M.A.C., or an organization approved by the Board, with a maximum of ten hours in a renewal two-year period.

### **C.E. Application Review Procedure**

The process in place now allows organizations such as the M.C.C.A. to apply directly to the B.O.C. for review and approval of a C.E. program. The documentation is extensive and thorough as expected. The B.O.C. committee dealing with C.E. reviews the applications and makes recommendations to the Board which are formally voted on at the next quarterly meeting. The M.C.C.A. hosts just one weekend seminar per year. *(Online programming, for the very first time for the M.C.C.A. in 2020, has been added by necessity due to Covid gathering restrictions.)*

### **Why C.E. procedure change is needed**

The quantity of C.E. applications has increased, primarily due to the growth of online course options. The Board members reading the applications stated that they are overwhelmed by the

volume of applications. 2020 saw the highest number of applications over prior years. The Board desires to reduce the time-consuming C.E. review burden.

The Board's website lists the approved courses year by year and counting each year's applications reviewed does verify the increased number in 2020. Typically, there have been approximately 100 approved programs per year from 2014-2019. In 2020 302\* programs are listed as approved, the majority being online programs. This onerous workload is time-consuming and it is reasonable for the Board to consider alternatives to reduce the direct work involved. The M.C.C.A. does not oppose the establishment of a new C.E. application review system as long as the system is **fair and equitable to all C.E. providers**.

### **Timing issues**

It is recognized that the Board officially meets only on a quarterly interval throughout the year which slows the C.E. review process. For example, the M.C.C.A. has applied at least 9 months in advance of the sole annual seminar to ensure advance course approval. The Michigan C.E. sponsor application requests submission at least 60 days prior to the program date. Any new system utilizing an outside reviewer such as PACE would naturally expedite this process while maintaining a very rigorous and respected impartial review. PACE as a reviewer would avoid the concerns of conflict of interest, retaining neutrality *while streamlining and expediting the review process in a fair, even-handed manner*.

### **Analysis of 2020 C.E. approved courses**

A detailed analysis of the 2020 list of approved courses shows that there are just **17** distinct C.E. sponsoring entities approved by the board in 2020. If the Board had only reviewed sponsors with **5** or fewer applications in 2020 the Board would have reviewed just **21** applications, significantly fewer than typically reviewed over the past six years.

In fact, 7 of the 2020 sponsors only provided one (1) single application during the entire year. One sponsor submitted just 2 applications and the M.C.C.A. would have only submitted only 1 if the Covid crisis had not impacted the sole annual seminar, yielding additions for online courses. M.C.C.A. only hosts 1 seminar per year.

*Here is the breakdown of the 2020 approved programs: (Highlighted have 5 or fewer courses)*

'DC Hours' - 122

**Birmingham Chiro. Assoc. - 1**

N.Y.C.C. - 23

**Omni - 4**

**Univ/Western States - 4**

Wisconsin Chiro. Assoc. - 1

New Mexico Chiro. Assoc. - 1

Fetterman- 18

Healthquest - 1

Data Trace Publishing - 4

MCCA - 1 seminar +14 online

National Provider Compliance - 1

Palmer College - 82

Seminars in Chiro. Research - 1

Complete Concussion Mgt. - 1

'The Wise D.C.' - 16

Texas College -2

*\*Please note that the final approval number in the official list posted online starts with number 239190101 and ends with #239200402 thus you might assume that there was a grand total of 302 approved courses. Note that # ...290 and #...292 were removed as duplicates and #...393 was missing thus the actual total of approved courses in 2020 was 299.*

### **Comments on data analytics:**

Over two-thirds (2/3) of the approved courses came from just 2 sponsors ('D.C. Hours' and Palmer College.) If the Board permitted Chiropractic Colleges automatic approval for courses on-campus, off-campus or online the Board's workload would have been reduced by about 1/3.

**Online** programs: total count: 259 representing 87% **Online** courses.

**Live** programs: total count: 40 representing 13% **Live** courses.

This detailed data-review demonstrates that if the Board opts to accept the direct applications from C.E. sponsoring entities offering five (5) or fewer programs per year then the Board's **workload would be decreased by well over 90%.**

If the Board allowed sponsors submitting no more than 5 applications per year to apply directly to the Board they would have only reviewed **21** applications in 2020, far fewer than the number in any of the past 6 years. This quantity is very manageable and represents a significant reduction in the Board's workload while promoting fairness in the review process.

### Considerations for fairness in a new C.E. Review System

1. Any new system of C.E. approval adopted by the B.O.C. should be equitable and fair to all C.E. provider entities to retain integrity and even-handedness. *A reviewing entity that does **not** provide C.E. would be naturally impartial.*
2. Conflict of interest and the potential or appearance of impropriety must be avoided.
3. The Board always retains ultimate control over the requirements of continuing education. Even if an outside impartial C.E. review agency such as the nationally accepted P.A.C.E. is selected, the licensees would still abide by the specific Michigan C.E. rules.
4. An option of direct application for C.E. course approval should be retained (even if limited to 5 applications per year) regardless of any other choice of review entity. A Board appeal option for any unfairly denied applicant would inherently be retained by allowing direct application of up to 5 per year.
5. If M.A.C. programs are automatically approved so should M.C.C.A. programs. *(The non-profit M.C.C.A. has proven to be a worthy non-profit organization with an extensive history of high-quality C.E. programs approved for nearly 50 years. M.C.C.A.'s programs have consistently met the State of Michigan requirements. It is noteworthy that M.C.C.A. has a longer history than the merged M.A.C. which was formalized in 2007 and this should be acknowledged by the Board with comparable automatic approval for the one annual M.C.C.A. seminar. Equivalence of rationale over favoritism would be ethical.)*
6. The Board website should continue to list all approved courses regardless of reviewing entity.
7. Initial presentation of C.E. courses should **not** be restricted to A.C.A., I.C.A. or M.A.C. presenters as **ALL presenters of approved programs** put in time and effort to produce their lectures and should be entitled to the 2 hours C.E. credit for each hour of presentation. Language might be updated to: "...initial presentation of a C.E. program related to an approved program." (deleting the restrictive words: state, regional, national or international organization.)
8. Chiropractic College courses should be automatically approved whether given on-campus, off-campus or online. The pandemic crisis has created a seismic shift in education with online programs now offered as an educational alternative in schools and universities in Michigan and nationwide. There is no reason that an identical course should only be automatically approved on-campus, forcing Michigan's Chiropractors to travel at added risk and expense.

### Board always determines the number of C.E. hours and all specific requirements

The B.O.C. has always determined the number of hours required (*30 hours per 2-year re-licensure period*) as well as the specific courses or topics to be included in a D.C.'s completed courses. These include 1 hour in Pain and Symptom Management, 1 hour in Ethics, 1 hour in Sexual Boundaries, 2 hours live in Physical Measures, 2 hours live in the Performance and

Ordering of Tests. Other one-time requirements such as the Human Trafficking topic are part of the health care provider requirements as well.

These parameters are always to be determined by the B.O.C. As always, it is the responsibility of the licensee to be aware of the C.E. requirements as they attest to completion of these hours of course-work when renewing their license every two years. The various organizations such as the M.C.C.A. and the M.A.C. are careful to consistently inform the attendees of their programs about the specific requirements. The D.C.'s are very well aware of the need to meet the specific requirements within the re-licensure period. **Even if an outside impartial C.E. review agency such as the nationally accepted P.A.C.E. (Providers of Approved Continuing Education) the licensees would still abide by the specific Michigan C.E. rules.** All unique aspects of Michigan's C.E. requirements for Chiropractors would be fully preserved if P.A.C.E. does the C.E. application review. Utilizing an independent entity such as P.A.C.E. does **not** in any way interfere with the delivery of quality C.E. in Michigan, in fact **quality would be maintained and approval speed would be greatly enhanced.**

Outsourcing the duties of C.E. review and approval ***while retaining a concurrent limited direct application Board process option*** would dramatically reduce the workload of the current protocol for the Board and the State of Michigan's Board Support staff while retaining fairness, safeguarding C.E. program quality and continuing to meet all necessary standards. The Board could accept up to 5 applications per sponsor per year, with any overage going to P.A.C.E. This is a reasonable and fair compromise solution for serious Board consideration. There is clear precedent for this protocol.

#### **Other Jurisdictions:**

It should be noted that 48 of the 50 state Boards are members of the Federation of Chiropractic Licensing Boards (FCLB). Michigan is not currently a member. All state Boards are welcome to join FCLB and there are many benefits. Just as any Chiropractor is encouraged to join M.A.C., any state licensing board may easily join FCLB.

The essential mission of the FCLB is to protect the public by promoting excellence in chiropractic regulation through service to member boards. PACE (Providers of Approved Continuing Education) is a signature program of the FCLB. The FCLB encourages regulatory boards to employ best practices in public protection and to develop consistency in standards. PACE ensures reliable and scientifically sound quality chiropractic continuing education.

PACE streamlines chiropractic continuing education and reduces onerous paperwork and review processes, provides reliable reports on fulfillment of re-licensing requirements, and helps audit compliance. Before PACE, there was little consistency in chiropractic continuing education approval processes. PACE provides consistency for regulatory boards, providers, chiropractic practitioners, and professional associations. For Regulatory Boards such as the B.O.C., PACE provides economy of scale, informed and professional evaluations, automatic credit reporting, and a simplified CE approval process.

*The following jurisdictions are listed with PACE:*

Alabama	New Hampshire
Alaska	New Jersey
Arizona	New Mexico
Connecticut	North Carolina
District of Columbia	North Dakota
Florida	Ohio
Georgia	Oklahoma
Idaho	Oregon
Indiana	Rhode Island
Iowa	South Carolina
Kansas*	South Dakota
Kentucky	Tennessee
Maine	Texas
Maryland	Utah
Massachusetts	Vermont
Minnesota	Virginia
Montana	Washington
Nebraska	Wyoming
Nevada	Puerto Rico

Kansas\* is a unique aberration as they have a complex C.E. rule set with two “categories” of C.E. Category I (20 hours) includes structured formal lectures, panel discussions and seminars. Category II (30 hours) includes attendance at items not covered in Category I such as clinical consultations with other practitioners, participation in activities to review the quality of patient care, instructing health care practitioners, patient-centered discussions with other health care practitioners, participating in journal clubs, using searchable electronic databases in connection with patient care activities; and using self-instructional materials. Kansas has accepted PACE for years. The Kansas State Board of Healing Arts, their state’s version of the Michigan B.O.C., permits the Kansas Chiropractic Association Continuing Education Committee to review and approve C.E. in Kansas. ***This is not a trend but an aberration*** as the vast majority of states utilize PACE to impartially streamline and simplify the CE approval process.

The Kansas Association charges fees to C.E. sponsor applicants at \$45.00 per approval request or \$500.00 per 12 months of unlimited C.E. approval requests. The Michigan Board has never charged any C.E. sponsor an application fee. The M.A.C. has not provided any written guarantee that they will continue to provide ongoing C.E. application review at no charge as a service to the profession. They may decide to make this a profit-making component if the Board does not act to protect C.E. sponsors, a potential further conflict of interest related matter.

The state of Tennessee's Board of Chiropractic accepts PACE as well as programs approved by their state association, the Tennessee Chiropractic Association. Tennessee wisely provides multiple C.E. options including PACE. *Here are two images from the related Tennessee sites:*

The image shows two screenshots of Tennessee-related websites. The top screenshot is the Tennessee Department of Health website, featuring a navigation menu with options like 'Contact Us', 'Program Areas', 'News', 'Health Professionals', 'Parents', 'Individuals', 'Statistical Data', and 'Career Opportunities'. A prominent red banner reads 'FIND COVID-19 INFORMATION AND RESOURCES'. Below this, a section for 'Chiropractic Examiners' is visible, with a sub-section for the 'Board of Chiropractic Examiners'. A 'POLICY STATEMENT ON CONTINUING EDUCATION' is displayed, stating that the board accepts license renewal, continuing education courses approved by the International Chiropractic Association, American Chiropractic Association, and Tennessee Chiropractic Association, and courses approved by the Federation of Chiropractic Licensing Boards - PACE. The policy also notes that no courses approved by FCLB PACE on the topics of philosophy or practice-building are approved. Links for 'Continuing Education Policy 02-28-2017', 'PACE Recognized Providers', and 'Tennessee Chiropractic Association Approved Seminars - 10.15.2020' are provided. A warning states that failure to comply with continuing education requirements may result in disciplinary action against the licensee or registrant.

The bottom screenshot is the Tennessee Chiropractic Association (TCA) website. It features a navigation menu with options like 'Dashboard', 'Home', 'Course Catalog', 'TN CE Requirements', and 'Main TN Chiro Website'. A 'TN CE REQUIREMENTS' section is highlighted, detailing the requirements for continuing education (CE) for chiropractors in Tennessee. It states that doctors of chiropractic (DCs) are required to obtain 24 hours of approved continuing education (CE) each calendar year to maintain their license and remain compliant with the Tennessee Board of Examiners (BOE) rules and regulations. Tennessee chiropractic physicians may only obtain six (6) of these hours online. The other 18 hours can be taken at a TCA-sponsored event. A link to the TCA's calendar page is provided. It also notes that licensed CTAs and CXTs must submit six (6) hours of approved CE per calendar year, but currently, online CE is not approved by the Tennessee BOE for CTAs or CXTs. The BOE accepts for license renewal, continuing education courses approved by statute (T.C.A. § 63-4-112) (International Chiropractic Association, American Chiropractic Association and the Tennessee Chiropractic Association), and courses provided by the Federation of Chiropractic Licensing Boards PACE (Providers of Approved Continuing Education) programs that are consistent with RULE 0260-02-12. However, no courses approved by FCLB PACE on the topics of philosophy or practice-building are approved. A section titled 'CE Certificate Submission' states that effective January 1, 2019, the Tennessee Board of Chiropractic Examiners has partnered with CE Broker as their official CE tracking system. All annual CE for chiropractic licensees must be completed within the calendar year for which it is to be applied. To activate your free CE Broker account and upload and/or track CE hours go to: [www.cebroker.com/tn/plans](http://www.cebroker.com/tn/plans). Questions? Call (615) 532-5138 or visit [www.tennessee.gov/health](http://www.tennessee.gov/health). For more information on approval in states outside of Tennessee, please contact that state's Board of Chiropractic Examiners.



## Conclusions regarding changes to Continuing Education

The M.C.C.A. does not oppose **fair updates** to advance the process of Continuing Education (C.E.) review while continuing the Board's primary obligation of protecting the health, safety and welfare of Michigan's citizens. The current onerous C.E. review process can be greatly reduced or eliminated in an honest and equitable manner that is fair to all, including the BOC, the state, as well as the various entities providing C.E. in Michigan. This correspondence has provided a thorough analysis and fair alternative options for the Board's consideration.

Utilizing an impartial arbiter of C.E. sponsor applications such as PACE will expedite and simplify the process with unbiased equality. Maintaining a direct Board application for a limited number of five applications per sponsor per year will tremendously reduce the Board's workload while maintaining fairness to all applicants and avoid conflict of interest issues or any appearance of impropriety. This would also serve as an appeal option in the event of any unfair denial. PACE is well-established, conforms to high-quality and well-accepted standards and is utilized nationwide by the vast majority of states. PACE would be an unquestionable fair choice. The Board of Chiropractic's Michigan-specific educational requirements would be maintained under PACE without concern. Licensees would still abide by all specific Michigan C.E. rules. The Board can remain confident that PACE participation does ensure the quality and integrity of continuing education under Michigan's distinct scope of practice while also meeting national standards.

If M.A.C. programs are automatically approved so should the M.C.C.A. programs. Both organizations have proven themselves long-term to have provided high-quality Chiropractic educational programs available to all D.C.'s statewide that consistently meet State of Michigan requirements. The rationale used to select favored organizations should be consistent.

The Board website should continue to list all approved courses regardless of reviewing entity. Initial presentation of *any approved C.E. course* should be eligible for 2 hours credit for each hour of presentation. This should not be limited to presenters from just 3 organizations. Chiropractic college courses should be automatically approved whether on-campus, off-campus or online. Perhaps in the era of surging valid online education it is time for the Board to consider modification of the 'live, in person' requirement for the 'physical measures' and 'performance and ordering of tests' while maintaining the rule limiting online courses to a maximum of 15 credit hours.

There are critical distinctions between a government entity as a regulatory body as opposed to a professional trade association. Each has a different role. Regulatory bodies serve to protect the interest of the *public*, ensure minimum *standards of education*, define the *code of conduct* for practitioners, receive and manage public complaints related to practitioner conduct, and discipline practitioners who have acted outside of acceptable guidelines. Professional associations serve its members interests, advocates for its members, lobbies government about policies, provides continuing education courses, and supports its members. It is important *not to blur the line* between a government entity as a regulatory body versus a trade association due to the critical distinctions listed; they serve different purposes. Handing unchecked absolute power to one entity that potentially competes with others would not be fair.

The protection of the public in a fair and honest manner, equitable to all parties involved, must be the focus of the Rule changes being discussed at this public hearing. The proposal by the Work Rules Committee Work Group should be modified to avoid any inherent conflict of interest. The Michigan Association of Chiropractors is a non-governmental, non-regulatory trade association with no oversight and no current 'checks or balances' on their own C.E. programming nor in the proposal under consideration today. Giving them sole review and oversight over all other C.E. sponsor applicants would not be fair. A variety of options are available to the Board and several reasonable compromise options have been described in this correspondence.

My personal longstanding and loyal membership in M.A.C. has shown me that it is right to speak out when unfairness or injustice are noted, as in the cases when insurance companies treat Chiropractors unfairly or establish policies that exclude or unreasonably reduce Chiropractic claims. Likewise, this letter is shared with you to speak out now in the name of justice and objectivity in the evaluation of Michigan Continuing Education. I respect and appreciate the M.A.C. and I am proud to be a member, but fair limits should be preserved.

I truly hope that you will honestly consider the fair options offered. There can be an honorable and impartial solution to the Continuing Education situation that would equitably serve all stakeholders.

I would be glad to further discuss this matter or respond to any questions you may have. Please feel welcome to call me at (586) 795-3366 or via email: [BLESTDAY@yahoo.com](mailto:BLESTDAY@yahoo.com)

Thank you very much for your consideration.

Sincerely,

*/s/ Martin J. Brown, D.C.*

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

From the website of Federation of Chiropractic Licensing Boards:

# REGULATORY BODY

VERSUS

# PROFESSIONAL ASSOCIATION

COMPARING THE ROLES OF EACH

Protects the interests of the <b>public</b>	Protects the interests of the <b>profession</b>
<b>Ensures minimum standards</b> of education and practice	<b>Advocates for</b> the role and value of <b>practitioners</b> to the external stakeholders
Defines a <b>code of conduct</b> for practitioners	<b>Lobbies</b> government about policies related to professional practice
Receives and manages <b>complaints from the public</b> related to practitioner conduct	Provides <b>professional development</b> and education opportunities for its members
<b>Disciplines</b> practitioners who have acted outside acceptable practice guidelines	Provides <b>professional support</b> to its members