

BEFORE THE BOARD OF CHIROPRACTORS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF AMENDMENT
ARM 24.126.401 fees, 24.126.402 fee)	
abatement, 24.126.501 applications,)	
24.126.502 military training or)	
experience, 24.126.504 license by)	
examination, 24.126.507 temporary)	
permit, 24.126.510 license by)	
endorsement, 24.126.511 display of)	
license, 24.126.701 inactive status)	
and conversion to active status,)	
24.126.704 intern and preceptor)	
registration, 24.126.910 impairment)	
evaluator standards, 24.126.2103)	
continuing education requirements,)	
and 24.126.2105 approved continuing)	
education)	

TO: All Concerned Persons

1. On January 12, 2018, the Board of Chiropractors (board) published MAR Notice No. 24-126-36 regarding the public hearing on the proposed amendment of the above-stated rules, at page 45 of the 2018 Montana Administrative Register, Issue No. 1.

2. On February 2, 2018, a public hearing was held on the proposed amendment of the above-stated rules in Helena. Several comments were received by the February 9, 2018, deadline.

3. The board has thoroughly considered the comments received. A summary of the comments and the board responses are as follows:

COMMENT 1: One commenter opposed ARM 24.126.504(1)(b), stating the board should not force new chiropractors to take and pay for physiotherapy for Montana licensure. The commenter asserted that physiotherapy is not synonymous with the practice of chiropractic and paying for the physiotherapy portion of the national exam will put a great financial burden on students. The commenter suggested the board amend this rule to require only those who will use physiotherapy in their chiropractic practice to take the physiotherapy portion of the exam.

RESPONSE 1: The board notes that the physiotherapy portion of the NBCE examination is not a new requirement, and currently exists in the rule. The board determined that because the statutory scope of practice of a Montana-licensed

chiropractor includes physiotherapy, it is necessary to require that portion of the licensure exam.

COMMENT 2: One commenter suggested that ARM 24.126.504(1)(a)(i) and 24.126.510(1)(a)(i), requiring a minimum of a bachelor's degree from an accredited institution, may cause confusion among licensure staff. This is because 37-12-302(3), MCA, provides two exemptions from the bachelor's degree requirement. The commenter suggested the board amend the two rules to reference the exemptions.

RESPONSE 2: The board agrees with the comment and is amending the rules accordingly.

COMMENT 3: One commenter questioned whether it is reasonable in ARM 24.126.510(2)(a) to require long-term graduates to request official transcripts from their colleges when they already prove current licensure in other states. The commenter believed this is another financial barrier to licensure and should be dropped.

RESPONSE 3: Chiropractic licensure requires a minimum of a bachelor's degree from an accredited college or university, and graduation from a college of chiropractic approved by the board. The board determined that the simplest and most efficient method of proving the education is through certified, official transcripts.

COMMENT 4: A commenter opposed ARM 24.126.510(2)(b) for the same reasons as provided in COMMENT 1.

RESPONSE 4: See RESPONSE 1.

4. The board has amended ARM 24.126.401, 24.126.402, 24.126.501, 24.126.502, 24.126.507, 24.126.511, 24.126.701, 24.126.704, 24.126.910, 24.126.2103, and 24.126.2105 exactly as proposed.

5. The board has amended ARM 24.126.504 and 24.126.510 with the following changes, stricken matter interlined, new matter underlined:

24.126.504 LICENSE BY EXAMINATION (1) and (1)(a) remain as proposed.
(i) a minimum of a bachelor's degree from an accredited college or university, except as provided in 37-12-302(3), MCA; and
(ii) through (2) remain as proposed.

24.126.510 LICENSE BY ENDORSEMENT (1) through (2)(a) remain as proposed.
(i) a minimum of a bachelor's degree from an accredited college or university, except as provided in 37-12-302(3), MCA; and
(ii) through (5) remain as proposed.

BOARD OF CHIROPRACTORS
AMY PEZO, DC, PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ GALEN HOLLENBAUGH
Galen Hollenbaugh, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 20, 2018.