

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

In the matter of the amendment of) NOTICE OF AMENDMENT,
ARM 24.126.301, 24.126.401,) ADOPTION, AND REPEAL
24.126.412, 24.126.504, 24.126.511,)
24.126.515, 24.126.701, 24.126.704,)
24.126.2103, and 24.126.2301, the)
adoption of NEW RULES I and II, and)
the repeal of ARM 24.126.502,)
24.126.507, 24.126.510, 24.126.2105,)
and 24.126.2304 pertaining to the)
Board of Chiropractors)

TO: All Concerned Persons

1. On April 12, 2024, the Board of Chiropractors (agency) published MAR Notice No. 24-126-39 regarding the public hearing on the proposed changes to the above-stated rules, at page 680 of the 2024 Montana Administrative Register, Issue No. 7.

2. On May 7, 2024, a public hearing was held on the proposed changes to the above-stated rules via the videoconference and telephonic platform. Comments were received by the deadline.

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

Comment 1: One commenter requests clarification as to whether licensees can continue to get continuing education (CE) credits from online options.

Response 1: The board's proposal allows for virtual options in ARM 24.126.2103(7)(b), and (7)(d) allows for self-study, so long as the content directly relates to the profession, is designed to increase competent or ethical practice, to stay current with the profession, or to enhance professional skills, and contains significant academic or practical content.

Comment 2: One commenter suggested retaining language in ARM 24.126.301(1) to include chiropractic colleges.

Response 2: The commenter's proposed language exists in 37-12-101, MCA, and it is therefore unnecessary to repeat in rule.

Comment 3: One commenter suggested retaining "any licensee" in the definition of "chiropractic physiotherapy" at ARM 24.126.301(1).

Response 3: The proposed definition is based off Federation of Chiropractic Licensing Boards model language, with the previous language of "ordered" retained to acknowledge the practice of unlicensed assistants.

Comment 4: One commenter was opposed to the change in definition of "chiropractic physiotherapy," noting that the board took steps in 2012 and 2013 to address the issue of "ordering" unlicensed personnel to perform services. The commenter further notes that statute is clear that only licensed chiropractors may perform services.

Response 4: The board acknowledges the commenter's concern, but notes that chiropractic assistants are standard within the practice and insurance law allows chiropractors to bill for the services of assistants. If chiropractors are not delegating tasks for which a license is required, using an unlicensed assistant is acceptable.

4. The agency has amended ARM 24.126.301, 24.126.401, 24.126.412, 24.126.504, 24.126.511, 24.126.515, 24.126.701, 24.126.704, 24.126.2103, and 24.126.2301 as proposed.

5. The agency has adopted NEW RULES I (24.126.404) and II (24.126.516) as proposed.

6. The agency has repealed ARM 24.126.502, 24.126.507, 24.126.510, 24.126.2105, and 24.126.2304 as proposed.

BOARD OF CHIROPRACTORS
JULIE MURACK, DC, PRESIDENT

/s/ QUINLAN L. O'CONNOR
Quinlan L. O'Connor
Rule Reviewer

/s/ SARAH SWANSON
Sarah Swanson, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State June 11, 2024.