

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CHIROPRACTIC - GENERAL RULES

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16401, 16412, 16423, and 16431 of 1978 PA 368, MCL 333.16145, 333.16148, 333.16401, 333.16412, 333.16423, and 333.16431, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

PART 1. GENERAL PROVISIONS

R 338.12001 Definitions.

Rule 1. (1) As used in these rules:

(a) "Adjustment apparatus" means a tool or device used to apply a mechanical force to correct or reduce subluxations, misalignments, and joint dysfunctions.

(b) "Analytical instruments" means instruments used in the detection and diagnosis of human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health.

(c) "Board" means the Michigan board of chiropractic created in section 16421 of the code, MCL 333.16421.

(d) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211, known as the public health code.

(e) "Department" means the department of licensing and regulatory affairs.

(f) "Nationally recognized standards" means that which is taught in a chiropractic educational program or postgraduate educational program that is accredited by the council on chiropractic education.

(g) "Physical measures" means procedures or techniques used to correct or reduce subluxations, misalignments, and joint dysfunctions.

(h) "Rehabilitative exercise program" means the coordination of a patient's exercise program; the performance, ordering and use of tests; the performance of measurements; instruction and consultation; supervision of personnel; and the use of exercise and rehabilitative procedures, with or without assistive devices, for the purpose of correcting or preventing subluxations, misalignments, and joint dysfunctions.

(i) "Test" means a procedure that is ordered or performed for the purpose of detecting and diagnosing human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health.

(2) Except as otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.

History: 1982 AACS; 2006 AACS; 2011 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12001a Rescinded.

History: 2016 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12002 Rescinded.

History: 1982 AACS; 1998-2000 AACS; 2011 AACS.

R 338.12003 Rescinded.

History: 1982 AACS; 1987 AACS; 1992 AACS; 2000 AACS; 2001 AACS; 2006 AACS; 2011 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12004 Rescinded.

History: 1982 AACS; 1987 AACS; 1998-2000 AACS; 2011 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12005 Rescinded.

History: 1982 AACS; 1987 AACS; 1998-2000 AACS; 2006 AACS; 2011 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12006 Rescinded.

History: 1982 AACS; 1998-2000 AACS; 2006 AACS; 2011 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12007 Rescinded

History: 1982 AACS; 1998-2000 AACS.

R 338.12008 Rescinded.

History: 2006 AACS; 2011 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12008a Rescinded.

History: 1982 AACS; 1987 AACS; 1992 AACS; 1998-2000 AACS; 2006 AACS; 2011 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12008b Rescinded.

History: 2011 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12009 Rescinded.

History: 1982 AACS; 2011 AACS; 2014 AACS.

R 338.12010 Rescinded.

History: 1982 AACS; 2011 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12011 Rescinded.

History: 1982 AACS; 2011 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12011a Rescinded.

History: 2011 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12011b Rescinded.

History: 2011 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12012 Rescinded.

History: 1982 AACS; 1996 AACS.

R 338.12013 Rescission.

Rule 13. R 338.2201 to R 338.2225 and R 338.2241 of the Michigan Administrative Code, appearing on pages 2536 and 2537 of the 1979 Michigan Administrative Code, and page 135 of Quarterly Supplement No. 5 to the 1979 Michigan Administrative Code, are rescinded.

History: 1982 AACS.

R 338.12014 Rescinded.

History: 1987 AACCS; 2011 AACCS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12015 Rescinded.

History: 2006 AACCS; 2011 AACCS; 2019 MR 1, Eff. Jan. 7, 2019.

PART 2. EDUCATION

R 338.12021 Educational program standards; adoption by reference.

Rule 21. (1) The board adopts by reference the standards of the council on chiropractic education, (CCE), as specified in the publication entitled, "CCE Accreditation Standards: Principles, Processes & Requirements for Accreditation" January 2018. The standards are available from The Council on Chiropractic Education, 8049 N. 85th Way, Scottsdale, Arizona 85258-4321, or at the council's website at <http://www.cce-usa.org> at no cost. Copies of the standards are available for inspection and distribution at cost from the Board of Chiropractic, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P. O. Box 30670, Lansing, Michigan 48909.

(2) Any chiropractic educational program that is accredited by the CCE qualifies as a chiropractic educational program approved by the board.

History: 2019 MR 1, Eff. Jan. 7, 2019.

PART 3. LICENSURE

R 338.12031 Training standards for identifying victims of human trafficking; requirements.

Rule 31. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or registration or who is licensed or registered shall complete training in identifying victims of human trafficking that meets the following standards:

(a) Training content shall cover all of the following:

(i) Understanding the types and venues of human trafficking in the United States.

(ii) Identifying victims of human trafficking in health care settings.

(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.

(iv) Resources for reporting the suspected victims of human trafficking.

(b) Acceptable providers or methods of training include any of the following:

(i) Training offered by a nationally-recognized or state-recognized health-related organization.

- (ii) Training offered by, or in conjunction with, a state or federal agency.
 - (iii) Training obtained in an educational program that has been approved by the board for initial licensure or registration, or by a college or university.
 - (iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
- (c) Acceptable modalities of training may include any of the following:
- (i) Teleconference or webinar.
 - (ii) Online presentation.
 - (iii) Live presentation.
 - (iv) Printed or electronic media.
- (2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
- (a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
 - (b) A self-certification statement by an individual. The certification statement shall include the individual's name and either of the following:
 - (i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
 - (ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
- (3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2016 renewal cycle and for initial licenses issued after March 17, 2021.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12032 Educational limited license; requirements.

Rule 32. An applicant for a nonrenewable educational limited license under section 16412 of the code, MCL 333.16412, shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code, an applicant shall satisfy all of the following requirements:

- (a) Submit evidence that the applicant has successfully completed 2 years of education in a college of arts and sciences and have official transcripts provided to the department from the educational institution.
- (b) Submit evidence that the applicant has successfully completed at least 1 of the following:
 - (i) Two years of attendance in a program or institution of chiropractic that meets the educational standards in R 338.12021 and have official transcripts provided to the department from the educational institution.

(ii) Four semesters of attendance in a program or institution of chiropractic that meets the educational standards in R 338.12021 and have official transcripts provided to the department from the educational institution.

(iii) Six quarter terms of attendance in a program or institution of chiropractic that meets the educational standards in R 338.12021 and have official transcripts provided to the department from the educational institution.

(c) Submits evidence that the applicant will be supervised by a licensed chiropractor on a form provided by the department.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12033 Examination; adoption and approval; passing score.

Rule 33. The board approves and adopts the national board examination in chiropractic that is conducted and scored by the national board of chiropractic examiners (NBCE). The board adopts the passing score recommended by the NBCE for the national board examination parts I, II, III, and IV.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12034 Licensure by examination; requirements.

Rule 34. An applicant for a chiropractic license by examination shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code, an applicant shall satisfy both of the following requirements:

(a) Have graduated from a program or institution of chiropractic that meets the educational standards in R 338.12021 and have final and official transcripts provided to the department from the educational institution.

(b) Have passed parts I, II, III, and IV of the national board examination that is conducted and scored by the NBCE, under R 338.12033. The applicant shall ensure that the NBCE issues evidence of official passing scores directly to the department.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12035 Licensure by endorsement; requirements.

Rule 35. (1) An applicant for a chiropractic license by endorsement shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code, an applicant shall satisfy either of the following requirements:

(a) Have been licensed in another state of the United States for 5 years or more immediately preceding the date of application.

(b) Have been licensed in another state of the United States for less than 5 years immediately preceding the date of filing an application and have passed parts I, II, III, and IV of the national board examination that is conducted and scored by the NBCE,

pursuant to R 338.12033. The applicant shall have the NBCE issue evidence of official passing scores directly to the department.

(2) An applicant shall have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license to practice chiropractic. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12036 Relicensure requirements.

Rule 36. (1) An applicant for relicensure whose license has been lapsed for less than 3 years preceding the date of application may be relicensed under section 16201(3) of the code, MCL 333.16201(3), if the applicant satisfies all of the following requirements:

(a) Establishes that he or she is of good moral character.

(b) Submits the required fee and a completed application on a form provided by the department.

(c) Submits proof to the department of the completion of, in the 3-year period immediately preceding the application for relicensure, 45 hours of continuing education in programs approved by the board that include all of the following:

(i) The required continuing education hours listed in R 338.12041(1)(c) to (g).

(ii) Not more than 15 continuing education hours in board-approved distance learning programs.

(d) An applicant shall have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license to practice chiropractic. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(2) An applicant for relicensure whose license has been lapsed for 3 years or more may be relicensed under section 16201(4) of the code, MCL 333.16201(4), if the applicant satisfies all of the following:

(a) Establishes that he or she is of good moral character.

(b) Submit fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).

(c) Submits the required fee and a completed application on a form provided by the department.

(d) Submits proof to the department of the completion of, in the 3-year period immediately preceding the application for relicensure, 45 hours of continuing education in programs approved by the board that include all of the following:

(i) Twenty-four live and in-person continuing education hours on chiropractic adjusting techniques.

(ii) The required continuing education hours listed in R 338.12041(1)(c) to (g).

(iii) Not more than 15 continuing education hours in board-approved distance learning programs.

(e) Provides either of the following:

(i) Documentation to the department that the applicant holds or has held a valid and unrestricted license in another state within 3 years immediately preceding the application for relicensure.

(ii) Evidence of having passed the special purposes exam for chiropractic (SPEC) of the NBCE. The applicant shall request written authorization from the department to take the exam. The applicant must pass the exam within 6 months after the department's issuance of written authorization to take the exam. The applicant shall ensure that the NBCE issues evidence of official passing scores directly to the department.

(f) An applicant shall have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license to practice chiropractic. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12037 License renewal; continuing education.

Rule 37. (1) An applicant for license renewal shall complete 30 hours of board-approved continuing education in the 2-year period immediately preceding the application that complies with R 338.12041.

(2) This rule does not apply to a licensee who has obtained his or her initial chiropractic license within the 2-year period immediately preceding the expiration date of the initial license.

(3) Submission of an application for renewal shall constitute the applicant's certification of compliance with this rule. The licensee shall retain documentation of meeting this rule for a period of 4 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221(h).

History: 2019 MR 1, Eff. Jan. 7, 2019.

PART 4. CONTINUING EDUCATION

R 338.12041 Acceptable continuing education.

Rule 41. (1) The 30 hours of continuing education required under R 338.12037 shall comply with all of the following:

(a) No more than 12 credit hours of continuing education shall be earned during 1 24-hour period.

(b) Credit for a continuing education program or activity that is identical to or substantially identical to a program or activity for which the licensee has already earned credit during the license cycle shall not be granted.

(c) Pursuant to section 16431(2) of the code, MCL 333.16431(2), at least 1 hour of continuing education shall be in the area of pain and symptom management. Continuing education in pain and symptom management may include, but is not limited to, courses in: chiropractic manipulative treatment, manual therapies, therapeutic exercises for pain management; behavior management; psychology of pain; pharmacology; behavior

modification; stress management; clinical applications; and drug interventions as they relate to the practice of chiropractic.

(d) At least 1 hour of continuing education shall be in the area of sexual boundaries.

(e) At least 1 hour of continuing education shall be in the area of ethics.

(f) At least 2 hours of continuing education shall be in the area of physical measure and shall be completed by attending a live, in-person program.

(g) At least 2 hours of continuing education shall be in the area of performing and ordering tests and shall be completed by attending a live, in-person program.

(h) At least 15 hours of continuing education shall be completed by attending a live, in-person program.

(2) In addition to those programs approved by the board under R 338.12042, the board shall consider any of the following as acceptable continuing education:

(a) Successful completion of a course or courses related to the practice of chiropractic which are offered for academic credit in a chiropractic school approved by the board under R 338.12021, according to the following:

(i) If audited, the licensee shall submit a letter from the program director verifying the licensee participated in the program.

(ii) Five continuing education credit hours may be earned for each semester credit. Three continuing education contact hours may be earned for each quarter credit earned.

(iii) There is no limitation on hours earned in this category.

(b) Attendance at or participating in a continuing education program or activity related to the practice of chiropractic that is offered on campus at a chiropractic school approved by the board under R 338.12021, by the Michigan association of chiropractors, or by an organization approved by the board under R 338.12042.

(i) If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or other activity, and the date on which the program or activity was completed.

(ii) The number of continuing education hours for a specific program or activity shall be the number of hours approved by the sponsor or approving organization for the specific program or activity.

(iii) A maximum of 30 hours of continuing education may be earned for the program or activity in each renewal period.

(c) Initial presentation of a continuing education program related to the practice of chiropractic to a state, regional, national, or international organization. To receive credit, the presentation shall not be a part of the licensee's regular job description and shall be approved or offered for continuing education credit by any of the following: the American chiropractic association, the international chiropractors association, the Michigan association of chiropractors, or an organization approved by the board under R 338.12042.

(i) If audited, the licensee shall submit a copy of the presentation notice or advertisement showing the date of the presentation and the licensee's name listed as a presenter.

(ii) Two hours of continuing education credit shall be granted for each 50 to 60 minutes of presentation. No additional credit shall be granted for preparation of a presentation.

(iii) A maximum of 10 hours of continuing education may be earned for the activity in each renewal period.

(3) This rule takes effect beginning with the first renewal cycle after the promulgation of this rule. Continuing education programs approved by the board before the effective date of this amended rule are considered approved.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12042 Approval of continuing education programs.

Rule 42. (1) An organization may petition the board for approval of a continuing education program.

(2) The petition shall be filed at least 60 days before the commencement of the program.

(3) The petition shall include all of the following information:

(a) A description of the sponsoring organization.

(b) Name, title, and address of the program director.

(c) An outline of the course.

(d) A resumé for all speakers or presenters, or both.

(e) A description of the delivery method.

(f) The dates and location or locations that the course will be delivered.

(g) A description of how attendance will be monitored, sample documents, and identification of the person monitoring attendance.

(h) A sample certificate or other document that will be issued upon completion and a description of how the participant will be notified.

(i) If appropriate, a request for recognition in a specific topic area required by R 338.12041(1)(c) to (h).

History: 2019 MR 1, Eff. Jan. 7, 2019.

PART 5. STANDARDS OF PRACTICE

R 338.12051 Performance of invasive procedure; requirements.

Rule 51. Under sections 16401(2)(d) and 16423 of the code, MCL 333.16401(2)(d) and MCL 333.16423, a chiropractor may perform an invasive procedure if both of the following requirements are satisfied:

(a) The invasive procedure is limited to an examination of the ears, nose, and throat.

(b) The purpose of the examination is to detect and diagnose human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12052 Tests; performance or ordering; requirements.

Rule 52. Under section 16423 of the code, MCL 333.16423, the performance, ordering or use of tests shall satisfy all of the following requirements:

(a) The performance and ordering of tests shall be for the practice of chiropractic as defined in section 16401(1)(e) of the code, MCL 333.16401(1)(e).

(b) The performance, ordering, or use of tests shall be for the purpose of detecting and diagnosing human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health. The performance and ordering of tests may be included as, but not limited to, a part of a rehabilitative exercise program.

(c) The performance and ordering of tests shall be substantially equivalent to nationally recognized standards as defined in R 338.12001(1)(f).

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12053 Analytical instruments; criteria for board approval.

Rule 53. Under section 16423 of the code, MCL 333.16423, analytical instruments shall satisfy all of the following requirements:

(a) The instruments shall be used for the practice of chiropractic as defined in section 16401(1)(e) of the code, MCL 333.16401(1)(e).

(b) The instruments shall be used for the purpose of detecting and diagnosing human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health. The use of the instrument may be included as, but not limited to, a part of a rehabilitative exercise program.

(c) The use of the instrument shall be substantially equivalent to nationally recognized standards as defined in R 338.12001(1)(f).

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12054 Adjustment apparatus; criteria for board approval.

Rule 54. Under section 16423 of the code, MCL 333.16423, an adjustment apparatus shall satisfy all of the following requirements:

(a) The apparatus shall be used for the practice of chiropractic as defined in section 16401(1)(e) of the code, MCL 333.16401(1)(e).

(b) The apparatus shall be used for the purpose of correcting or reducing subluxations, misalignments, and joint dysfunctions. The use of the apparatus may be included as, but not limited to, a part of a rehabilitative exercise program.

(c) The use of the apparatus shall be substantially equivalent to nationally recognized standards as defined in R 338.12001(1)(f).

History: 2019 MR 1, Eff. Jan. 7, 2019.