

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF CHIROPRACTIC [49 PA. CODE CH. 5]

Radiological Procedures Examination

The State Board of Chiropractic (Board) amends §§ 5.6 and 5.63 (relating to fees; and application for examination) to read as set forth in Annex A.

Effective Date

This final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

Statutory Authority

This final-form rulemaking is authorized under section 302(3) of the Chiropractic Practice Act (act) (63 P.S. § 625.302(3)).

Description and Need for this Rulemaking

Section 522(a) of the act (63 P.S. § 625.522(a)) prohibits auxiliary personnel from performing radiologic procedures on the premises of a chiropractor unless the person: (1) is under the direct supervision of a chiropractor who is on the premises; and (2) has passed an examination approved by the Board and administered by a third-party testing service. To implement section 522(a) of the act, the Board adopted Subchapter F (relating to performance of radiological procedures by auxiliary personnel). Under § 5.62 (relating to auxiliary personnel who may perform radiological procedures), the Board provides that auxiliary personnel who have passed an examination in radiological procedures approved by the Board, the State Board of Medicine or the State Board of Osteopathic Medicine, or an examination in radiography of the American Registry of Radiologic Technologists or the American Chiropractic Registry of Radiologic Technologists (ACRRT) may apply ionizing radiation to patients for diagnostic purposes on the premises of a licensed chiropractor. Under former § 5.63, the Board provided that auxiliary personnel applying for the examination applied to the Board on Board forms and pay the fee set by the Board. The fee for the radiological procedures examination is specified in § 5.6.

Under the Department's current agreement with ACRRT, a candidate for the examination is expected to apply directly to the testing service and pay directly to the testing service the fee set by that testing service. This practice is standard for examinations required by the Bureau of Professional and Occupational Affairs that are developed and administered by National organizations. Consistent with this practice, in 1997 the Board amended § 5.6 to delete the fee for the National Board Examination of the National Board of Chiropractic Examiners (NBCE) (the examination required to be licensed to practice chiropractic) and amended § 5.15 (relating to licensure examinations) to require that candidates for licensure to practice chiropractic apply directly to NBCE and pay NBCE the required fee to sit for its examination. Upon recent notice from ACRRT of its current fee, the Board realized that its regulations for the radiological

procedures examination had not been similarly updated.

Therefore, the Board is amending § 5.6 to delete the fee for the radiological procedures examination. It is also amending § 5.63 to delete reference to the application forms and to require auxiliary personnel to submit applications and pay the fee directly to the testing service rather than applying to the Board.

Summary and Responses to Comments

Notice of proposed rulemaking at 45 Pa.B. 2887 (June 13, 2015), with a 30-day public comment period. The Board did not receive comments from the public. The Board received one comment from the House Professional Licensure Committee (HPLC). The HPLC noted a typographical error in a heading in Annex A that was corrected by the Legislative Reference Bureau prior to publication in the *Pennsylvania Bulletin*. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment. The Independent Regulatory Review Commission (IRRC) notified the Board that it did not have objections, comments or recommendations and that, if the final-form rulemaking was delivered without revisions and the HPLC and the SCP/PLC did not take action, the rulemaking would be deemed approved. The Board did not revise the rulemaking as proposed.

Fiscal Impact

This final-form rulemaking will not have a fiscal impact on the regulated community, the general public or the Commonwealth and its political subdivisions.

Paperwork Requirements

The final-form rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions, the regulated community or the private sector.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 29, 2015, the Board submitted a copy of the notice of proposed rulemaking, published at 45 Pa.B. 2887, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board shall submit to IRRC, the HPLC and the SCP/PLC copies of comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Board considered comments from the HPLC.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on May 17, 2017, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective May 17, 2017.

Additional Information

Further information may be obtained by contacting Elizabeth Wecker, Board Administrator, State Board of Chiropractic, P.O. Box 2649, Harrisburg, PA 17105-2649, RA-chiropractic@pa.gov. Reference No. 16A-4324 (radiological procedures examination) when requesting information.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law.

(3) This final-form rulemaking does not enlarge the scope of proposed rulemaking published at 45 Pa.B. 2887.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 5, are amended by amending §§ 5.6 and 5.63 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

JOHN E. McCARRIN, DC,
Chairperson

(Editor's Note: See 47 Pa.B. 3157 (June 3, 2017) for IRRC's approval order.)

Fiscal Note: Fiscal Note 16A-4324 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 5. STATE BOARD OF CHIROPRACTIC

Subchapter A. GENERAL PROVISIONS

§ 5.6. Fees.

The Board will charge the following fees:

Pennsylvania chiropractic law examination	\$87
Application for licensure by examination	\$25
Application for licensure by reciprocity	\$65
Biennial registration	\$210
Limited license	\$30
Adjunctive procedure certification	\$25
Certification of grades or licensure	\$25
Application for continuing education course approval	\$30
License restoration	\$25

Subchapter F. PERFORMANCE OF RADIOLOGICAL PROCEDURES BY AUXILIARY PERSONNEL

§ 5.63. Application for examination.

Applications by auxiliary personnel for the examination in radiological procedures approved by the Board shall be submitted directly to the testing service, with the required fee set by the testing service.

[Pa.B. Doc. No. 17-1041. Filed for public inspection June 23, 2017, 9:00 a.m.]