

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	
	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 73	- 502
Changed to Admin. Code Ref. (R no.):	R	-	-

1.	Agency:	Commerce/Division of Occupational and Professional Licensing		
	Room no.:			
	Building:	Heber M. Wells Building		
	Street address 1:	160 East 300 South		
	Street address 2:			
	City, state, zip:	Salt Lake City UT 84111-2316		
	Mailing address 1:	PO Box 146741		
	Mailing address 2:			
	City, state, zip:	Salt Lake City UT 84114-6741		
	Contact person(s):			
	Name:	Phone:	Fax:	E-mail:
	Sally Stewart	801-530-6179	801-530-6511	sstewart@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2.	Title of rule or section (catchline):	Chiropractic Assistant		
3.	Type of notice:	New ___; Amendment XX; Repeal ___; Repeal and Reenact ___		
4.	Purpose of the rule or reason for the change:	The Division and Chiropractic Physician Licensing Board reviewed the rule and determined that amendments should be proposed to clarify responsibilities by prohibiting activities by an unlicensed chiropractic assistant. The proposed amendments address current practices which may be hazardous to the public safety or welfare.		
5.	This change is a response to comments from the Administrative Rules Review Committee.	No XXX; Yes ___		
6.	Summary of the rule or change:	Proposed amendments in paragraph (2) indicate that a supervising chiropractic physician shall never delegate the following to a chiropractic assistant: diagnosis or interpretation of examination results; administration of acupuncture services and administration of laser.		
7.	Aggregate anticipated cost or savings to:			
	A) State budget:			
	Affected:	No ___; Yes XX		

The Division will incur minimal costs of approximately \$50 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

B) Local government:

Affected: No ; Yes

The proposed amendments only apply to licensed chiropractic physicians and any unlicensed chiropractic assistants employed in a chiropractic physician office. As a result, the proposed amendments do not apply to local governments.

C) Small businesses ("small business" means a business employing fewer than 50 persons):

Affected: No ; Yes

The proposed amendments only apply to licensed chiropractic physicians and any unlicensed chiropractic assistants employed in a chiropractic physician office. A licensed chiropractic physician's office may qualify as a small business. If the proposed prohibited activities are currently being performed by unlicensed chiropractic assistants in a licensed chiropractic physician's office, there may be some unknown costs; however, the Division is not able to determine an exact cost due to the varying circumstances or frequency involving performance of the prohibited activities.

D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Affected: No ; Yes

The proposed amendments only apply to licensed chiropractic physicians and any unlicensed chiropractic assistants employed in a chiropractic physician office. If the proposed prohibited activities are currently being performed by unlicensed chiropractic assistants in a licensed chiropractic physician's office, there may be some unknown costs; however, the Division is not able to determine an exact cost due to the varying circumstances or frequency involving performance of the prohibited activities. The proposed amendments further clarify responsibilities of the licensed chiropractic physician to the benefit and safety of the public.

8. Compliance costs for affected persons:

The proposed amendments only apply to licensed chiropractic physicians and any unlicensed chiropractic assistants employed in a chiropractic physician office. If the proposed prohibited activities are currently being performed by unlicensed chiropractic assistants in a licensed chiropractic physician's office, there may be some unknown costs; however, the Division is not able to determine an exact cost due to the varying circumstances or frequency involving performance of the prohibited activities. The proposed amendments further clarify responsibilities of the licensed chiropractic physician to the benefit and safety of the public.

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

This rule filing clarifies the scope of practice for chiropractic assistants. No fiscal impact to businesses is anticipated from such clarification, and as indicated in the rule summary, any impact to licensees is expected to be minimal.

B) Name and title of department head commenting on the fiscal impacts:

Francine A. Giani, Executive Director

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Section 58-73-101	Subsection 58-1-106(1)(a)
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Subsection 58-1-202(1)(a)	
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11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; *if none, leave blank*):

	First Incorporation	Second Incorporation
Official Title of Materials Incorporated (from title page)		
Publisher		
Date Issued		
Issue, or version		

	ISBN Number (optional)		
	ISSN Number (optional)		
	Cost of Incorporated Reference		
	Action: Adds, updates, or removes		
(If this rule incorporates more than two items by reference, please attach additional pages)			
12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)		
	A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):	04/02/2012	
	B) A public hearing (optional) will be held:		
	On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
	03/06/2012	9:00 AM	160 East 300 South, Conference Room 474 (4th floor), Salt Lake City, Utah
13.	This rule change may become effective on (mm/dd/yyyy):		04/09/2012
	NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:		
	chiropractors	licensing	
	chiropractic physyician		
15.	Attach an RTF document containing the text of this rule change (filename):		R156-73.pro
To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			
Agency head or designee, and title:	Mark B. Steinagel, Director	Date (mm/dd/yyyy):	02/06/2012

R156. Commerce, Occupational and Professional Licensing.

R156-73. Chiropractic Physician Practice Act Rule.

R156-73-502. Chiropractic Assistant.

In accordance with Subsection 58-73-102(3), a chiropractic assistant may perform activities related to the practice of chiropractic in accordance with the following:

(1) The supervising chiropractic physician shall:

(a) be currently licensed in Utah;

(b) be responsible for the chiropractic activities and services performed by the assistant; and

(c) always be available to provide advice, instruction and consultation.

(2) The supervising chiropractic physician shall never delegate the following to a chiropractic assistant:

(a) adjustment of the articulation of the spinal column;

(b) diagnosis [~~of the articulation of the spinal column~~] or interpretation of examination results;

(c) manipulation of the articulation of the spinal column;

(d) therapeutic positioning of the articulation of the spinal column; [~~and~~]

(e) administration of injections per Subsection R156-73-501(14)

(f) administration of acupuncture services; and

(g) administration of laser.

KEY: chiropractors, licensing, chiropractic physician

Date of Enactment or Last Substantive Amendment: [~~August 24, 2009~~] 2012

Notice of Continuation: March 14, 2011

Authorizing, and Implemented or Interpreted Law: 58-73-101; 58-1-106(1) (a); 58-1-202(1) (a)