

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Chiropractic hereby gives Notice of Intended Action to amend Chapter 41, “Licensure of Chiropractic Physicians,” Chapter 43, “Practice of Chiropractic Physicians,” Chapter 44, “Continuing Education for Chiropractic Physicians,” and Chapter 45, “Discipline for Chiropractic Physicians,” Iowa Administrative Code.

These amendments propose changes to remove a provision requiring that picture identification be submitted for licensure, clarify language regarding the final examination for acupuncture, make the conditions for independent study consistent with the other 19 professional boards in the Division of Professional Licensure by requiring a posttest, and remove the continuing education provision that requires OSHA training for licensure and licensure renewal. In addition, subrule 43.10(3) and paragraph 45.2(2)“g” are revised to make them consistent.

Any interested person may make written comments on the proposed amendments no later than June 22, 2010, addressed to Pierce Wilson, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; or by E-mail to pwilson@idph.state.ia.us.

A public hearing will be held on June 22, 2010, from 10 to 10:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

These amendments are intended to implement Iowa Code chapters 21, 147, 151 and 272C.

The following amendments are proposed.

ITEM 1. Rescind paragraph **41.2(1)“g.”**

ITEM 2. Reletter paragraph **41.2(1)“h”** as **41.2(1)“g.”**

ITEM 3. Rescind rule 645—43.5(151) and adopt the following new rule in lieu thereof:

645—43.5(151) Acupuncture. A chiropractic physician who engages in the practice of acupuncture shall maintain documentation that shows the chiropractic physician has successfully completed a course in acupuncture consisting of at least 100 hours of traditional, in-person classroom instruction with the instructor on site. The licensee shall maintain a transcript or certification of completion showing the licensee’s name, school or course sponsor’s name, date of course completion or graduation, grade or other evidence of successful completion, and number of course hours. The licensee shall provide the transcript or certification of completion to the board upon request.

ITEM 4. Amend subrule 43.10(3) as follows:

43.10(3) Retention of records. A chiropractic physician shall maintain a patient’s record(s) for a minimum of six years after the date of last examination or treatment. Records for minors shall be maintained for one year after the patient reaches the age of majority (18) or six years after the date of last examination or treatment, whichever is longer. Proper safeguards shall be maintained to ensure the safety of records from destructive elements. This provision includes both clinical and fiscal records.

ITEM 5. Amend rule **645—44.1(151)**, definition of “Independent study,” as follows:

“*Independent study*” means a subject/program/activity that a person pursues autonomously that meets standards for approval criteria in the rules and includes a posttest ~~or~~ and certificate of completion.

ITEM 6. Amend subparagraph **44.3(2)“a”(4)** as follows:

(4) Classes on child abuse, and dependent adult abuse, ~~and OSHA training~~ that meet the criteria in subrule 44.3(1).

ITEM 7. Amend paragraph **45.2(2)“g”** as follows:

~~g. Failure to maintain for a minimum of six years from one of the following dates, as applicable, clinical and fiscal records in support of services rendered. For the purposes of this rule, clinical records shall include all laboratory and diagnostic imaging studies a patient’s record(s) for a minimum of six years after the date of last examination or treatment. Records for minors shall be maintained for one year after the patient reaches the age of majority (18) or six years after the date of last examination or treatment, whichever is longer. Proper safeguards shall be maintained to ensure the safety of records from destructive elements. This provision includes both clinical and fiscal records.~~

~~(1) For an adult patient, the last office visit.~~

~~(2) Records for minors shall be maintained for a minimum of either (a) one year after the patient reaches the age of majority (18), or (b) five years, whichever is longer.~~