

Comments of the Independent Regulatory Review Commission



State Board of Chiropractic Regulation #16A-4323 (IRRC #3068)

Distance Education

October 2, 2014

We submit for your consideration the following comments on the proposed rulemaking published in the August 2, 2014 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Chiropractic (Board) to respond to all comments received from us or any other source.

Whether the agency has the statutory authority to promulgate the regulation; Whether the regulation is consistent with the intent of the General Assembly; Protection of the public health, safety and welfare.

Section 507 of the Chiropractic Practice Act (Act) (63 P.S. § 625.507) outlines continuing education requirements for chiropractors. Subsection 507(a) requires a licensed chiropractor to complete at least 24 hours of continuing chiropractic education within the immediately preceding two-year period as a condition of biennial license renewal. We note that the following statement was made by the Board in Section 10 of the Regulatory Analysis Form and the Preamble: “Without explicitly saying so, the tenor of these requirements suggests that all continuing education must be in traditional classroom lecture or clinical presentation.”

Based on comments received from the regulated community, it is our understanding that the Board currently allows chiropractors to satisfy continuing education requirements through the completion of “distance education.” The Board has defined “distance education” in this rulemaking as, “instruction delivered in an independent format or in an instructor-led format during which the participant and the instructor are separated by distance and time.” This proposed rulemaking is intended to specifically allow “distance education,” but limit that amount to no more than 50% of the required continuing education hours.

Members of the regulated community that commented on the proposal urge the Board to retain its current policy of allowing chiropractors to complete 100% of continuing education via “distance education.” While we understand the desire of the commentators to retain this method of meeting continuing education requirements, we question the Board’s authority to allow any continuing education via “distance education.” We ask the Board what specific language of the Act allows for distance education.

In addition, Subsection 507(b) of the Act requires continuing education hours to be in the following specific areas:

- Anatomy;
- Physiology;
- Histology;
- Chemistry;
- Pathology;
- Physics;
- Bacteriology;
- Diagnosis;
- Hygiene and sanitation;
- Symptomatology;
- Chiropractic analysis;
- X-ray;
- Chiropractic principles;
- Chiropractic technique; and
- Adjunctive procedures.

As noted by the Board, the tenor of the continuing education requirements established by the General Assembly is that all continuing education be in a traditional classroom lecture or clinical presentation. We ask the Board to explain how completion of course work in these specific areas via distance education is consistent with the intent of the General Assembly.

Finally, we question if the public health, safety and welfare of the citizens of the Commonwealth is adequately protected if continuing education is obtained via distance education instead of traditional classroom lectures or clinical presentations, as intended by the General Assembly. What type of assurances can the Board provide that obtaining continuing education for the subject matter noted above through distance education is an adequate substitute for traditional lectures and presentations?