

October 17, 2016

Dear Sunset Commission:

I am responding as an individual board member of the Texas Board of Chiropractic Examiners and I am not representing the board as a whole. I have comments regarding Issue 5 in the Sunset Staff Review report and also comments about the subject of access to chiropractic licensing.

The TBCE routinely has initiated stakeholder input on our rules that affect our licensees. The Sunset staff members did not see this process because we intentionally did not make any significant changes to our rules during this Sunset process in order to allow TBCE staff members the time to institute other agency changes.

When we decided to enhance the documentation requirements on patient records in 2014, we asked for input from licensees directly via individual emails, broadly on Facebook, in our newsletter and also by contacting CE providers, the Texas Chiropractic Association, the Chiropractic Society of Texas, Parker University and Texas Chiropractic College. We also formed a working group of stakeholders and board members and met either three or four times. All of this took 9-12 months. We hammered out the language of the rule within the working group meetings that met after all of the other stakeholder input was received. The working group consisted of members of chiropractic associations, continuing education providers, representatives from both Texas chiropractic colleges and individual licensees.

Prior to passing regulations concerning the use of acupuncture there were working groups, including the Texas Association of Acupuncture, the Texas Association of Acupuncture and Oriental Medicine, the acupuncture licensing board, individual licensees, leaders/instructors in acupuncture training and TBCE board members. Additionally, emails were sent out to licensees (prior to the change) asking for input. There were also at least two public hearings on this subject.

Before we wrote rules concerning vestibular testing examinations there was a public hearing. We invited the Texas Medical Association, Texas Chiropractic Association, chiropractic neurology diplomates and licensees in general. It was very well attended.

Before we passed rules regarding the designation of chiropractic specialties, we contacted all medical or health care groups that provided services similar to

what was discussed. This included licensees, the American Dietetic Association, the acupuncture groups that I discussed above, and all chiropractic specialty organizations. We ended up not passing much in chiropractic specialties and later removed all approved specialties from our rules. This was the result of a decision from our board attorney and also stakeholder input.

Regarding mobility of licensing in the United States:

The Federation of Chiropractic Licensing Boards seeks to increase the ability of a chiropractic licensee to move to other states and not have significant barriers to entry. Currently Texas does have significant barriers, particularly to the older practitioner that did not have access to take all parts of the National Board examinations. Parts 3 and Parts 4 of the National Boards were not developed and given until the 1990's. Those graduating and licensing prior to that time do not have those board examination scores. Texas requires those examinations in order to become licensed. The current trend is for states to allow licensure by endorsement.

Here is an example of the potential requirements to be licensed by endorsement:

1. Graduation from an accredited chiropractic college with doctor of chiropractic degree.
2. Passing Scores on NBCE Parts I – II.
3. Being physically and mentally able to practice chiropractic skillfully and safely.
4. Being a person of good character and reputation.
5. Passing the Texas jurisprudence examination with a score of 75% or better.
6. An active, current license, obtained by examination in another state.
7. Continuous chiropractic practice for not less than five (5) of the past seven (7) years immediately preceding the application.
8. No previous failing score on the Texas licensing examination.
9. No formal disciplinary action taken against any of your licenses.

Thank you for considering the information that I am submitting and I hope that it is helpful to the Sunset process.

Regards,

Cynthia Tays, D.C.