

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***  
A Statement of Need and Fiscal Impact accompanies this form

**FILED**  
2-11-16 2:33 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

Board of Chiropractic Examiners  
Agency and Division

811  
Administrative Rules Chapter Number

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**RULE CAPTION**

Amends rule to reflect use of a national testing agency to administer Oregon Examination

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
3-17-16	8:30 a.m.	Morrow Crane Building, 3218 Pringle Road SE, 2nd Fl Large Conf Rm,	Jason Young DC, OBCE

**RULEMAKING ACTION**

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**ADOPT:**

**AMEND:**

OAR 811-010-0085 Application and Examination of Applicants

**REPEAL:**

**RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**AMEND AND RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**Statutory Authority:**

ORS 684.050, 684.052

**Other Authority:**

**Statutes Implemented:**

ORS 684.050, 684.052

**RULE SUMMARY**

Amends rule to reflect a change to using a national testing agency to administer a portion of the Oregon Specifics Examination

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

03-17-2016 Close of Hearing  
Last Day (m/d/yyyy) and Time for public comment

Kelly J. Beringer  
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\*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

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**STATEMENT OF NEED AND FISCAL IMPACT**  
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811  
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Amends rule to reflect use of a national testing agency to administer Oregon Examination

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

OAR 811-010-0085 Application and Examination of Applicants

**Statutory Authority:**

ORS 684.050, 684.052

**Other Authority:**

**Statutes Implemented:**

ORS 684.050, 684.052

**Need for the Rule(s):**

Amends rule to reflect a change to using a national testing agency to administer a portion of the Oregon Specifics Examination

**Documents Relied Upon, and where they are available:**

None.

**Fiscal and Economic Impact:**

A possible positive impact as it will save staff hours in proctoring and grading, and applicants will be able to take the examination anytime during the year instead of only four times a year as it is offered now.

**Statement of Cost of Compliance:**

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

None.

**2. Cost of compliance effect on small business (ORS 183.336):**

**a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:**

Unknown.

**b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:**

None.

**c. Equipment, supplies, labor and increased administration required for compliance:**

None.

**How were small businesses involved in the development of this rule?**

No involvement at this time.

**Administrative Rule Advisory Committee consulted?: No**

**If not, why?:**

-

03-17-2016 Close of Hearing

Kelly J. Beringer

kelly.beringer@oregon.gov

Last Day (m/d/yyyy) and Time  
for public comment

Printed Name

Email Address

### Application and Examination of Applicants

**811-010-0085** (1) Applicants shall be examined according to ORS 684.050 or 684.052.

(2) The Board shall provide a Candidate's Guide, which contains all necessary examination information.

(3) Fee and application ~~deadlines requirements~~ includes the following ~~are as follows~~:

(a) Application and ~~\$250~~ ~~100~~ ~~-\$250~~ ~~current actual examination~~ ~~(do we need current and actual in here? What are we trying to say?)~~ fee for chiropractic exams must be ~~postmarked no later than 30 days prior to the first exam day received prior to approval to write the examinations.~~

(b) Request for ~~reexamination take of of the Ethics and Jurisprudence exam must be made to the Board, submitted in writing, with the \$100 reexamination fee. the current actual reexamination fee.~~ Request for reexamination of the ~~Minor Surgery/Proctology and /or the Obstetrics/Gynecology examination(s) any section of the exam~~ must be ~~submitted in writing with a \$100 reexamination fee postmarked no later than 30 days prior to the first exam day submitted directly to the national testing agency.~~

~~(c) Supporting documentation must be postmarked no later than 30 days prior to the first exam day.~~

~~(d) Deadlines may be waived by the Board for good cause.~~

~~(ec)~~ A complete set of fingerprints ~~or LiveScan Transmittal Verification form and the criminal background check results~~ obtained from any state or local law enforcement agency, or from any other agency approved by the Board. Applicants shall use forms ~~or method~~ prescribed by the Board.

~~(fd)~~ Applicant must pay to the Board the current actual cost of conducting the state and federal background check.

~~(e) Criminal background check results must be submitted prior to the 30 day deadline.~~

(4) Documents to be submitted prior to approval to take the Oregon Specifics Examinations:

(a) A completed, official application including a recent photograph and fingerprints ~~or LiveScan Transmittal Verification form;~~

~~(b) Social Security Number Authorization form;~~

~~(cb)~~ Evidence of the applicant's good moral character on the letterhead stationary of a ~~Chiropractic-chiropractic~~ physician;

~~(de)~~ A signed affidavit attesting to successful completion of at least two years of liberal arts and sciences study in an accredited college. Original transcripts must be provided if requested by the Board; and

~~(ed)~~ A transcript certified by the registrar, from an approved chiropractic college, including transcripts of coursework as required by OAR 811-020-0006 (minimum Educational Requirements for physiotherapy and minor surgery/ proctology). A transcript of grades is necessary from each chiropractic college attended.

~~(fe)~~ An official transcript of passing grades from the National Board of Chiropractic Examiners on Part I, II, and III and physiotherapy.

(5) Documents and fee to be submitted prior to licensure include:

(a) ~~\$150~~ ~~The \$100~~ ~~\$150~~ ~~current actual~~ initial license fee. ~~(do we need both words: current and actual in here?)~~.

(b) A diploma or other evidence of graduation certified by the registrar from an

approved ~~C~~chiropractic college.

(c) An official transcript of passing grades from the National Board of Chiropractic Examiners Part IV.

(6) All applicants must take and pass the Oregon Specifics Examination consisting of written examination in ethics and jurisprudence, obstetrics and gynecology, minor surgery and proctology. Applicants who have previously taken and passed obstetrics and gynecology, and/or minor surgery and proctology within the last five years from the date of application as received by the Board are not required to retake these tests, however, all applicants must take and pass ~~ethics-the Ethics and J~~jurisprudence ~~examination.~~

(7) Oregon Specifics Examination Grades:

(a) The Board shall determine the passing scores. Each section of the examination shall be graded separately using the Angoff Method, a criterion referenced model. ~~Passing scores fluctuate between sections and between examinations.~~ All examinations are designed to test minimal competency to protect the public health and safety.

~~(b) Examination grades will be released within 30 days of the examination date.~~

(8) Regrades: any request for regrade ~~of the Ethics and Jurisprudence examination~~ must be submitted in writing to the Board, ~~no later than 45 days after the date of the examination.~~ A regrade involves a manual tally of points earned, ~~for the specific examination requested.~~

Any regrade of ~~the Minor~~ the Minor Surgery/Proctology and /or the Obstetrics/Gynecology examination(s) requires contact to be made directly to the national testing agency and the regrade procedures are determined by them.

(9) An applicant failing to achieve a passing grade, as determined by the Board for ~~the Ethics and Jurisprudence~~ ~~each~~ examination ~~section~~, may make application to the Board for a re-examination ~~in of the failed section~~. An applicant failing to achieve a passing grade, as determined by the Board for the Minor Surgery/Proctology, and /or the Obstetrics/Gynecology examination(s), must contact the national testing agency for reexamination of the failed section(s). ~~Do we want to say what the re-exam fees are here? I added it above in 3(b)~~

(10) An applicant must take at least one of the failed section(s) within 13 months following the date when the applicant took the entire examination. If the applicant fails to re-test on at least one failed section within 13 months of the last examination, the file shall become inactive and the applicant must re-apply and take the entire examination.

(11) An applicant attempting to give aid or accepting aid from another while examinations are in progress shall fail the examination and will not be allowed to take the examination for a period of five (5) years.

(12) Refunds:

(a) The application fee is non-refundable; and

(b) The retake fee for the Ethics and Jurisprudence exam is refundable upon request. ~~can be refunded, until 10 days prior to the test date.~~

(c) The criminal background check fee is non-refundable.

(13) The Board may reject applications for good cause, including evidence of unprofessional behavior.

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Commented [D1]: This needs verification from the NBCE

Commented [D2]: Do we want to add language here for the MS/Proc and OB/GYN retakes?

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(14) Effective June 1, 2001 applicants who have completed all requirements for licensure, including passage of all required examinations, must submit the initial license fee to obtain license within one year from the date they completed all the requirements. An applicant's initial license will be valid for a minimum of 180 days. However, if the applicant's next birth date is within the 180 days, the initial license will be valid for an additional 12 months beyond the applicant's birth date.

*Statutory Auth.: ORS 684*

*Stats. Implemented: ORS 684.050; 684.052*

*Adopted Eff. 7-1-2015*