MEMORANDUM

TO: Joint Committee on Legislative Rules Date: October 3, 2024

FROM: Tina M. Kelley, Rules Coordinator
Office of Professional Licensure and Certification

RE: **Conditional Approval Request**
Notice Number 2024-99; Ch 500

Please find enclosed a conditional approval request for Final Proposal Notice Number 2024-99, submitted on behalf of the Board of Chiropractic Examiners (Board).

I believe this request largely alleviates all the Committee's Attorney's concerns except for the note to the Joint Legislative Committee on Administrative Rules (JLCAR) requesting why the Board did not enact ethical standards for licensees when the law was created in 1988. The Board would like to respond as follows:

(1) When ethical questions arise, the Board refers to specific rules. For example: Ch 404.02(h), Ch 407.01, and Ch 407.02 when addressing matters about patient records, The Health Insurance Portability and Accountability Act (HIPAA) privacy rules for confidentiality of patient information, etc. If there was not a rule the Board could rely on, they would not be able to hold the licensee accountable;

(2) The current Board members were not on the Board at the time the law was created and cannot answer as to why ethical standards were not enacted. As soon as the current Board became aware that ethical standards were required by law they voted to begin the rulemaking process; and

(3) The Board voted on 10/3/2024 to add the requirements for ethical rules for the Board to Chapter Ch 100. Those will be submitted to JLCAR as soon as a FIS is obtained.

Please contact me directly with any questions or concerns.

Tina M. Kelley, Program Specialist
Office of Professional Licensure & Certification