

Board of Chiropractic Examiners

Proposed Permanent Rules Governing Independent Examination Registration For Chiropractors.

2500.1160 INDEPENDENT EXAMINATION REGISTRATION.

Subpart 1. **Qualifications; proof.** Documentation establishing that a chiropractor meets the qualifications must be included with the application to register with the board as an independent examiner under Minnesota Statutes, section 148.09. A chiropractor must be licensed to practice in Minnesota and must have been in practice for the two years immediately preceding registration.

The chiropractor/instructor must present to the board proof of instructor status or attest to being involved in direct patient care for 50 percent of the time spent in practice during the two years immediately preceding the independent examination of a patient. Direct patient care is defined specifically as the number of hours in direct face-to-face contact providing examination or treatment of the registrant's own patients. An affidavit on a form as provided by the board must be filed with the board at the time of application to register.

Subp. 2. **Registration.** The chiropractor must apply for registration with the board ~~not less than 30 days~~ prior to the ~~anticipated date of~~ commencement of independent examinations. The chiropractor must pay a registration fee as established by the board in part 2500.1150, item G.

Subp. 2a. **Third party presence.** The subject of an independent examination shall not be prohibited from having a third party of the subject's choice present at all times during the consultation and examination conducted under this part. No third party may be barred from participation based upon any training or credential they may or may not hold. The third party shall only be required to provide their name to the examiner, but is not required to provide any form of proof of identification. The examiner must include the presence and stated identity of a third party in a written report. Advance notice to the

examiner or any other person, organization, or agency is not required. The third party may record the proceedings in written or audio form, provided the third party does not substantially interfere with the conduct of the examination. The third party is prohibited from video-recording the consultation or examination. An examinee exercising these rights shall not be considered as failing to cooperate with an examination. In any event in which the examiner declares that there has been substantial interference with the examination, the examiner shall describe the interference in detail in the body of the report.

Subp. 2b. **Records.** The examiner shall identify the source of records, as well as the dates or period of provided services which were reviewed by the examiner as part of the examination or report generated. The examiner's handwritten or otherwise generated notes, including a copy of the written final report, must be kept for a period of four years following the conduct of the examination.

Subp. 2c. **Disclosures.** The examiner shall provide disclosures to the patient in written form that clearly state the purpose for the examination and the right of the examinee to have a third party present as described in subpart 2a.

[For text of subp 3, see M.R.]

Subp. 4. **Violation.** A violation of this part is considered unprofessional conduct pursuant to Minnesota Statutes, section 148.10, subdivision 1, paragraphs (a), clause (11), and (e).