

CHAPTER 20:41:05

APPLICATIONS FOR EXAMINATION

Section

20:41:05:01 Verified general information to be furnished by applicant for examination.

20:41:05:01.01 Application submission more than two years after graduation.

20:41:05:02 Information on education to be provided.

20:41:05:03 Verified information on other licenses and experience.

20:41:05:04 Attachments and other information in connection with application.

20:41:05:04.01 Criminal background investigation required – Procedure – Results furnished to board.

20:41:05:05 Reciprocity.

20:41:05:06 Inactive status and reactivation of license.

20:41:05:06.01 Lapse and reinstatement of license.

20:41:05:07 Continuing rights.

20:41:05:08 Repealed.

20:41:05:09 Licensure examination.

20:41:05:10 Financial responsibility.

20:41:05:11 Exemption from financial responsibility.

20:41:05:12 Exemption from licensing requirement for a person licensed in another state.

20:41:05:01.01. Application submission more than two years after graduation. An applicant for examination who completed the educational requirements for licensure more than two years before the date of application may, at the board's direction, be required to retake, complete, and pass the following before the application will be considered:

(1) Parts I, II, III, IV, and physiotherapy of the examination given by the National Board of Chiropractic Examiners (NBCE); and

(2) The Special Purposes Examination for Chiropractic (SPEC) with a scaled score of at least 375.

The board may also require the applicant to complete additional board approved continuing education before considering the application. In making its determination, the board shall consider whether the applicant has been licensed in another jurisdiction and has been actively engaged in chiropractic practice since completion of education.

Source:

General Authority: SDCL 36-5-4.

Law Implemented: SDCL 36-5-4, 36-5-10.

20:41:05:06. Inactive status and reactivation of license. Upon filing with the board a written statement requesting inactive license status and paying the fee prescribed in § 20:41:07:02, the board shall place the licensee on inactive status and issue an inactive license. No person may practice chiropractic in South Dakota with an inactive license. A chiropractor with an inactive South Dakota license and an active license in good standing in another state may, after meeting all other requirements of this chapter, convert to an active South Dakota license by paying the active license fee, submitting a renewal application, and providing verification of continuing education as required by § 20:41:08:02. A chiropractor with an inactive South Dakota license who does not currently have an active license in good standing in another state, may convert to an active license in South Dakota only after successfully passing the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic (SPEC), the National Board of Chiropractic Examiners Part IV Examination, or both, as determined by the board. The board shall

determine the score for successful passage and shall consider the NBCE recommended score to make that determination. If it has been two years or less since a chiropractor had an active license in South Dakota, the board may waive the Special Purposes Examination for Chiropractic (SPEC).

Source: 2 SDR 63, effective April 12, 1976; 12 SDR 117, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 28 SDR 88, effective December 23, 2001; 33 SDR 66, effective October 23, 2006; 37 SDR 133, effective January 12, 2011.

General Authority: SDCL 36-5-4, 36-5-10, 36-5-12, 36-5-14.2, 36-5-15.2(3)(4).

Law Implemented: SDCL 36-5-4, 36-5-9, 36-5-10, 36-5-12, 36-5-14.2, 36-5-15.2(3)(4).

Cross-Reference: Annual renewal fees, ch 20:41:07.

20:41:05:06.01. Lapse and reinstatement of license. If a licensee fails to maintain an active license or secure an inactive license as provided in § 20:41:05:06, the chiropractor's license lapses on the date immediately following the final date of the period for which it was last renewed. A chiropractor with a lapsed South Dakota license and an active license in good standing in another state may, after meeting all other requirements of this chapter, obtain an active South Dakota license by paying the active license fee, submitting a renewal application, and providing verification of continuing education as required by § 20:41:08:02. A chiropractor with a lapsed South Dakota license who does not currently have an active license in good standing in another state, may obtain an active South Dakota license only after successfully passing the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic (SPEC), the National Board of Chiropractic Examiners Part IV Examination, or both, as determined by the board. The board shall determine the score for successful passage and shall consider the NBCE recommended score to make that determination. If it has been two years or less since the chiropractor had an active license in South Dakota, the board may waive the Special Purposes

Examination, or both.

Source: 37 SDR 133, effective January 12, 2011.

General Authority: SDCL 36-5-4, 36-5-10, 36-5-12, 36-5-14.2, 36-5-15.2(3)(4).

Law Implemented: SDCL 36-5-4, 36-5-9, 36-5-10, 36-5-12, 36-5-14.2, 36-5-15.2(3)(4).

CHAPTER 20:41:13

CHIROPRACTIC RADIOGRAPHY

Section

- 20:41:13:01 Definition of terms.
- 20:41:13:02 Minimum eligibility requirements.
- 20:41:13:03 Training requirements.
- 20:41:13:04 Exemptions to requirements.
- 20:41:13:05 Qualification by endorsement.
- 20:41:13:06 Approval of programs -- Application.
- 20:41:13:07 Application for registration.
- 20:41:13:08 Examination and proficiency evaluation.
- 20:41:13:09 Fee for certificate of registration – Renewal.
- 20:41:13:09.01 Lapse and reinstatement of certificate.
- 20:41:13:10 Exemption for chiropractors.
- 20:41:13:11 Board action in general.
- 20:41:13:11.01 Procedures for formal hearing.
- 20:41:13:12 Continuing education.

20:41:13:09.01. Lapse and reinstatement of certificate. If a chiropractic radiographer fails to maintain an active certification as provided in § 20:41:13, the certification lapses on the date immediately following the final date of the period for which it was last renewed. No person may practice as a chiropractic radiographer in South Dakota with a lapsed certificate. If certificate has been in lapse status for less than two years, applicant may convert to an active South Dakota certification by paying the license fee, submitting a renewal application, and providing continuing education as required by § 20:41:13:12. If a certificate has been in lapse status two years or more, the applicant must retake and successfully pass a board approved chiropractic radiographer examination and reapply for certification.

Source:

General Authority: SDCL 36-5-15.2(6), 36-5-15.3.

Law Implemented: SDCL 36-5-15.2(6), 36-5-15.3.

20:41:13:12. Continuing education. As a condition to renewing a certificate, a chiropractic radiographer must receive ~~six~~ four hours of continuing education every ~~three~~ two years as approved by the board as set forth in § 20:41:13:06. The period shall begin on January 1, 2016. Continuing education hours must be submitted to the executive secretary of the board for approval before a certificate will be renewed.

Source: 28 SDR 88, effective December 23, 2001.

General Authority: SDCL 36-5-4, 36-5-15.3.

Law Implemented: SDCL 36-5-15.3.

CHAPTER 20:41:14

PEER REVIEW

Section

- 20:41:14:01 Definitions.
- 20:41:14:02 Purpose of peer review committee.
- 20:41:14:03 Composition of peer review committee.
- 20:41:14:04 Qualifications of peer review committee.
- 20:41:14:05 Requests for peer review.
- 20:41:14:06 Procedures for peer review.
- 20:41:14:07 Materials utilized for peer review.
- 20:41:14:08 Fees for peer review.

20:41:14:07. Materials utilized for peer review. The peer review committee shall use the following materials:

(1) ~~If conducting any review of chiropractic services, the *Guidelines for Chiropractic Quality Assurance and Practice Parameters*, *Proceedings of the Mercy Center Consensus Conference*, for review of chiropractic quality assurance; and Richard E. Olson's *Procedural Utilization Facts for Chiropractic/Physical Therapy Treatment Standards*, a Reference Guide, 5th Edition, for review of treatment parameters; *The Council on Chiropractic Guidelines and Practice Parameters (CCGPP)* will be utilized to assist the reviewing doctors for the reasonableness and appropriateness of care provide; and~~

(2) ~~If conducting a review concerning workers' compensation, the materials in subdivision (1) and the treatment guidelines for workers' compensation developed and adopted pursuant to article 47:03; and~~ The reviewing doctors will be expected to utilize their own clinical expertise.

~~(3) In reviewing any concern about the cost of chiropractic services, the one hundred seventy fifth percentile of the HCFA Participating Provider Base (South Dakota).~~

Source: 25 SDR 80, effective December 6, 1998; 28 SDR 88, effective December 23, 2001; 32 SDR 32, effective August 31, 2005; 35 SDR 47, effective September 8, 2008.

General Authority: SDCL 36-5-4, 36-5-15.2(3), 36-5-19.

Law Implemented: SDCL 36-5-4, 36-5-15.2(3), 36-5-19.

References: ~~**Procedural/Utilization Facts**, 5th Edition, Richard Olson, D.C. Copies may be obtained from the Chiropractic Board of Examiners Office, 407 Belmont Avenue, Yankton, SD 57078. Cost: \$89~~ Copies may be obtained from the Council on Chiropractic Guidelines and Practice Parameters (CCGPP) at www.ccgpp.org.

~~**Guidelines For Chiropractic Quality Assurance and Practice Parameters**, 1993. Copies may be obtained from Jones and Bartlett Publishers www.alliedhealth.jbpub.com. Cost: \$79.95.~~

The HCFA Participating Provider Base may be found at ~~**CMS, Centers for Medicare and Medicaid Services**~~ www.cms.hhs.gov (South Dakota).

CHAPTER 20:41:15

CHIROPRACTIC ASSISTANTS

Section

20:41:15:01 Minimum training requirements.

- 20:41:15:02 Exemptions to requirements.
- 20:41:15:03 Qualification by endorsement.
- 20:41:15:04 Information required for course approval.
- 20:41:15:05 Approval of courses.
- 20:41:15:06 Application for chiropractic assistant certification.
- 20:41:15:06.01 Lapse and reinstatement of certificate.
- 20:41:15:07 Examination and proficiency evaluation.
- 20:41:15:08 Fee for certificate of registration – Renewal.
- 20:41:15:09 Continuing education.
- 20:41:15:10 Supervision by chiropractor.
- 20:41:15:11 Board action in general.
- 20:41:15:12 Grounds for denial, revocation, or suspension of license, certification, or application.
- 20:41:15:13 Disciplinary procedures.

20:41:15:06.01. Lapse and reinstatement of certificate. If a chiropractic assistant fails to maintain an active certification as provided in § 20:41:15, the certification lapses on the date immediately following the final date of the period for which it was last renewed. No person may practice as a chiropractic assistant in South Dakota with a lapsed certificate. If certificate has been in lapse status for less than two years, applicant may convert to an active South Dakota certification by paying the license fee, submitting a renewal application, and providing continuing education as required by 20:41:15:09. If a certificate has been in lapse status two years or more, the applicant must retake and successfully pass a board approved chiropractic assistant examination and reapply for certification.

Source:

General Authority: SDCL 36-5-24.

Law Implemented: SDCL 36-5-24.

20:41:15:09. Continuing education. As a condition to renewing a certificate, a chiropractic assistant must complete a minimum of ~~six~~ four hours of continuing education approved by the board as set forth in § 20:41:15:06 every ~~three~~ two years. CPR certification may count for only two hours of continuing education in each two-year period. The period shall begin on January 1, ~~2010~~ 2016. Continuing education hours must be submitted to the executive director of the board for approval before a certificate will be renewed.

Source: 35 SDR 47, effective September 8, 2008.

General Authority: SDCL 36-5-25.

Law Implemented: SDCL 36-5-25.