

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Minnesota Board of Chiropractic Examiners

REQUEST FOR COMMENTS for Proposed Rule Revisions Governing Independent Examiner Registration and related rules Minnesota Rules, Chapter 2500.1160, Revisor's ID Number R-4885

Subject of Rules. The Minnesota Board of Chiropractic Examiners ("Board") requests comments on its possible adoption of changes to rules governing registration of Independent Examiners. The Board is considering rules revisions to allow a third-party presence during an Independent Examination consultation and exam.

Persons Affected. The adoption of the rules would likely affect individuals currently functioning as Independent Examiners and the subject of the independent examination.

Statutory Authority. Minnesota Statutes section 148.08 authorizes the Board to adopt rules necessary to administer and enforce sections 148.01 to 148.108.

Public Comment. Interested persons or groups may submit comments or information on this possible rule in writing until 4:00 p.m. on March 7, 2025. Written comments, questions, requests to receive a draft of the rules, and requests for more information on this possible rule revision should be submitted via the Minnesota Board of Chiropractic Examiners at *Chiropractic.Board@state.mn.us*.

To develop the proposed amendments, the Board appointed a Rules Committee comprised of public and professional Board members. The Rules Committee provided input into the rule amendments and will provide input into responses to comments received as part of this process.

Rules Drafts. The Board has drafted the possible rules revisions, and the draft revisions are posted on the Board's website. https://mn.gov/boards/assets/IE%20language%20to%20be%20posted%20on%20website_tcm21-662202.pdf

Agency Contact Person. The agency contact person is Anne Braam, 335 Randolph Ave, Suite 280, St. Paul, Minnesota 55102, *Chiropractic.Board@state.mn.us*, 651-201-2850.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Date: 1/6/2025

Ridge M. Pidde, DC, Executive Director
Minnesota Board of Chiropractic Examiners

1.1 **Board of Chiropractic Examiners**

1.2 **Proposed Permanent Rules Governing Independent Examination Registration For**
1.3 **Chiropractors**

1.4 **2500.1160 INDEPENDENT EXAMINATION REGISTRATION.**

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

1.10 The chiropractor/instructor must present to the board proof of instructor status or attest
1.11 to being involved in direct patient care for 50 percent of the time spent in practice during
1.12 the two years immediately preceding the independent examination of a patient. For the
1.13 purposes of this part, "direct patient care" means the number of hours in direct face-to-face
1.14 contact providing examination or treatment of the chiropractor's own patients. An affidavit
1.15 on a form as provided by the board must be filed with the board at the time of application
1.16 to register.

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

1.21 Subp. 2a. **Third party presence.** An examiner shall not prohibit the subject of an
1.22 independent examination from having a third party of the subject's choice present at all
1.23 times during the consultation and examination conducted under this part. An examiner shall
1.24 not bar a third party from observation based upon any training or credential they may or
1.25 may not hold. The third party shall provide their name to the examiner, but is not required
1.26 to provide any form of proof of identification. The examiner must include the presence and

2.1 stated identity of a third party in a written report. Advance notice to the examiner or any
2.2 other person, organization, or agency is not required for a third party to be present. The
2.3 third party may record the proceedings in written or audio form, provided the third party
2.4 does not obstruct the conduct of the examination. The third party is prohibited from
2.5 video-recording the consultation or examination. An examiner shall not consider an examinee
2.6 exercising these rights as failing to cooperate with an examination. In any event in which
2.7 the examiner declares that there has been obstruction of the examination, the examiner shall
2.8 describe the obstruction in detail in the body of the report. For the purposes of this part,
2.9 "obstruct" means to hinder the examination to the degree that the examination cannot be
2.10 completed, unless the obstruction is for the safety and well-being of the patient.

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

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

2.19 *[For text of subpart 3, see Minnesota Rules]*

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