



Virginia
Regulatory
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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board of Medicine, Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC85-20-10 et seq.
Regulation title	Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry and Chiropractic
Action title	Bachelor's degree for chiropractic licensure
Document preparation date	3/20/07

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The Board's intent is to consider an amendment in response to a petition for rule-making from Dr. William Ward, on behalf of the Virginia Chiropractic Association (VCA). The petition asked to amend regulations to require, after July 1, 2010 that all applicants for licensure in chiropractic to have a bachelor's degree from an accredited college or university prior to enrolling in chiropractic school. The VCA submitted the petition requesting the change because chiropractors need to have a better educational foundation to ensure quality of care delivered to patients. The intended action of the Board is to consider a bachelor's degree as a prerequisite for licensure in chiropractic for those who are applying for licensure after a specified future date.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Regulations are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400, which provides the Board of Medicine the authority to promulgate regulations to administer the regulatory system:

§ 54.1-2400 -General powers and duties of health regulatory boards

The general powers and duties of health regulatory boards shall be:

...

6. *To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ [54.1-100](#) et seq.) and Chapter 25 (§ [54.1-2500](#) et seq.) of this title. ...*

Provisions in the Medical Practice Act relating to requirements for examination and post-graduate training include:

§ 54.1-2930. Requirements for admission to examination.

The Board may admit to examination for licensure to practice medicine, osteopathy, chiropractic and podiatry any candidate who has submitted satisfactory evidence verified by affidavits that he:

- 1. Is eighteen years of age or more;*
- 2. Is of good moral character;*
- 3. Has successfully completed all or such part as may be prescribed by the Board, of an educational course of study of that branch of the healing arts in which he desires a license to practice, which course of study and the educational institution providing that course of study are acceptable to the Board; and*
- 4. Has completed one year of satisfactory postgraduate training in a hospital approved by an accrediting agency recognized by the Board for internships or residency training. At the discretion of the Board, the postgraduate training may be waived if an applicant for licensure in podiatry has been in active practice for four continuous years while serving in the military and is a diplomate of the American Board of Podiatric Surgery. Applicants for licensure in chiropractic need not fulfill this requirement.*

In determining whether such course of study and institution are acceptable to it, the Board may consider the reputation of the institution and whether it is approved or accredited by regional or national educational or professional associations including, but not limited to, such organizations as the Accreditation Council of Graduate Medical Education or other official accrediting body recognized by the American Medical Association, by the Committee for the Accreditation of Canadian Medical Schools or their appropriate subsidiary agencies, by any appropriate agency of the United States government, or by any other organization approved by the Board. Supervised clinical training which is received in the United States as part of the curriculum of a foreign medical school shall be obtained in an approved hospital, institution or school of medicine offering an approved residency program in the specialty area for the relevant clinical training. The Board may also consider any other factors that reflect whether that institution and its course of instruction provide training sufficient to prepare practitioners to practice their branch of the healing arts with competency and safety in the Commonwealth.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.

The requirements for licensure in chiropractic found in subsection C of section 121 would be amended to require applicants graduating from a chiropractic college on or after July 1, 2010 to have received a bachelor's degree from an accredited college or university either prior or subsequent to matriculating in a chiropractic college.

According to the VCA and the many persons who submitted comment in favor of the petition, this is important to ensure an adequate level of education so chiropractors may function in the increasingly evidence-based and scientifically sophisticated environment. The VCA proposal is similar to requirements in Maryland, North Carolina, Tennessee and West Virginia and is a standard evolving nationwide. If Virginia is left with an educational standard below other mid-Atlantic states, patients in Virginia may not have the benefit of care by the best-qualified doctors.

Students currently enrolling in a chiropractic college without first earning an undergraduate degree must allocate certain didactic hours to fulfill requirements in both credit hours and core content, which may detract from time available for advanced didactic courses and clinical experience. It was noted that Palmer College (one of the approved chiropractic colleges) recommends that its student obtain a bachelor's degree prior to entering the doctoral program.

By having a delayed effective date in the amendment, it would not affect those who will matriculate in chiropractic school prior to the effective date of the regulations and would not affect those who have been licensed previously – either in Virginia or in another state.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.

In its consideration of the proposal, the Board will review the numerous comments received in support and in opposition to the amendment. The Virginia Society of Chiropractic (VSC) expressed opposition to the petition by the Virginia Chiropractic Association, pointing to the lack of evidence that an undergraduate degree equates to greater competency. In a letter from Dr. Sandy Elbaum, President of the VSC, he noted that the number of new licensees is declining in Virginia with less than 100 per year. In contrast, North Carolina, which does have a 4-year degree requirement, is licensing over 140 per year and that number is increasing. However, in NC, the 4-year degree is not required prior to matriculation in chiropractic school but a BS and DC degree are required for licensure. After looking at requirements from other states, the Board may consider some variation of the 4-year degree requirement.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.

There is no potential impact of the proposed regulatory action on the institution of the family and family stability.