



Certification Page
Regular and Emergency Rules
Revised June 2020

☐ **Emergency Rules** (Complete Sections 1-3 and 5-6)

☒ **Regular Rules**

1. General Information

a. Agency/Board Name* Chiropractic Examiners, Board of			
b. Agency/Board Address 2001 Capitol Ave, Rm 127		c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Emily Cronbaugh		f. Agency Liaison Telephone Number 307-777-6529	
g. Agency Liaison Email Address emily.cronbaugh@wyo.gov			h. Adoption Date 4/21/2023
i. Program Chiropractic Examiners, Board of			
Amended Program Name (if applicable):			
* ☐ By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.			

2. Legislative Enactment For purposes of this Section 2, "new" only applies to regular (non-emergency) rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these non-emergency or regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?	
☐ No. ☒ Yes. If the rules are new, please provide the Legislative Chapter Numbers 2018 Wyoming Laws Ch. 107 and Years Enacted (e.g. 2015 Session Laws Chapter 154):	

3. Rule Type and Information For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title* and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.			
Chapter Number: 1	Chapter Name: General Provisions	☐ New ☒ Amended ☐ Repealed	
Amended Chapter Name (if applicable):			
Chapter Number: 2	Chapter Name: License Requirements and Application Procedures	☐ New ☒ Amended ☐ Repealed	
Amended Chapter Name (if applicable):			
Chapter Number: 4	Chapter Name: Renewal of Licenses	☐ New ☒ Amended ☐ Repealed	
Amended Chapter Name (if applicable):			
Chapter Number: 5	Chapter Name: Fees	☐ New ☐ Amended ☐ Repealed	
Amended Chapter Name (if applicable):			
Chapter Number: 7	Chapter Name: Process and Procedure for Application, Licensure, and Disciplinary Matters	☐ New ☒ Amended ☐ Repealed	
Amended Chapter Name (if applicable): Grounds for Disciplinary Action			
Chapter Number: 9	Chapter Name: Acupuncture	☐ New ☒ Amended ☐ Repealed	
Amended Chapter Name (if applicable):			



Additional Rule Information

Revised June 2020

Include this page only if needed.

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h. Program Chiropractic Examiners, Board of			
Amended Program Name (if applicable):			
<u>2. Rule Type and Information, Cont.</u>			
a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.			
Chapter Number: 10	Chapter Name: Preceptor Training Programs	☒ New	☒ Amended ☐ Repealed
Amended Chapter Name (if applicable): Preceptorship Training Programs			
Chapter Number: 11	Chapter Name: Chiropractic Practice	☐ New	☒ Amended ☐ Repealed
Amended Chapter Name (if applicable):			
Chapter Number: 12	Chapter Name: Practice and Procedures for Applications	☒ New	☐ Amended ☐ Repealed
Amended Chapter Name (if applicable):			
Chapter Number: 13	Chapter Name: Practice and Procedures for Discipline Matters	☒ New	☐ Amended ☐ Repealed
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	☐ New	☐ Amended ☐ Repealed
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	☐ New	☐ Amended ☐ Repealed
Amended Chapter Name (if applicable):			
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Chapter Number:	Chapter Name:	☐ New	☐ Amended ☐ Repealed
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	☐ New	☐ Amended ☐ Repealed
Amended Chapter Name (if applicable):			

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. ☐ No. ☒ Yes. ☐ N/A

b. A public hearing was held on the proposed rules. ☒ No. ☐ Yes. Please complete the boxes below.

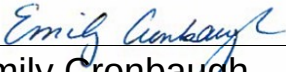
Date:	Time:	City:	Location:

5. Checklist

- a. ☒ For regular rules, the Statement of Principal Reasons is attached to this Certification and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule
- b. ☐ For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

Signature of Authorized Individual	
Printed Name of Signatory	Emily Cronbaugh
Signatory Title	Executive Director
Date of Signature	4/26/2023

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

STATEMENT OF PRINCIPAL REASONS

FOR FORMAL ADOPTION OF REGULAR RULES

The Wyoming Board of Chiropractic Examiners (Board) is authorized to adopt rules and regulations to implement the Board's practice act. The Board regularly reviews its rules to correct inconsistencies, eliminate any repetition with its practice act, correct grammatical errors, remove unnecessary requirements, and maintain alignment with national standards.

The Board has also been monitoring its revenue, expenses, and budgetary needs over the preceding years, with special focus on legislative changes that affect the Board's finances. The 2022 legislative session increased employee compensation and authorized an additional staff position within the Department of Administration and Information's Professional Licensing Board (PLB) office. Finally, the PLB office anticipates seeking an online licensing system in the next year and all boards administered within this office are expected to pay a reasonable portion of the startup and ongoing maintenance costs.

With these recent increases and future technology needs in mind, the Board has ultimately decided it cannot support these increased costs without increasing their fees. The Board has not increased application fees since 1999 and has not increased renewal fees since 2007. Since that time, the Board has absorbed all inflation costs affecting necessary office supplies, absorbed other state employee compensation increases over the years, and removed their fee for providing licensing rosters. As this Board receives no general fund monies, it is required to be self-sufficient.

The proposed changes to the Board rules are as follows:

Chapter 1: General Provisions

- Section 2:
 - Removed statement of purpose as it has been deemed no longer necessary.
 - Renumbered sections accordingly.
- New Section 2:
 - Removed "ACA" definition as the ACA Code of Ethics are no longer being incorporated by reference.
 - Removed "CCEI" definition as reference no longer being made.
 - Removed "ICA" definition as the ICA Code of Ethics are no longer being incorporated by reference.
- New Section 5:
 - Updated website links.
 - Removed ACA and ICA Codes of Ethics. The Board created their own ethical standards in Chapter 7.

Chapter 2: License Requirements and Application Procedures

- New Section 1:
 - Added authority section as required by Wyo. Stat. Ann. § 16-3-104(a).
- Section 1:
 - Removed statement of purpose as it has been deemed no longer necessary.
- Section 4:

- Removed the requirement for the ARC to recommend eligibility to test. This will allow applicants to complete the jurisprudence examination prior to application review and remove additional delay from application to licensure.
- Section 5:
 - Removed CCEI reference. CCEI is an association of accrediting agencies and not an accrediting body.
- Section 6:
 - Modified eligibility section to provide more broad endorsement criteria.
 - Removed (b)(ii) and (iv) and added similar requirements in new subsection (iii). This provides more flexibility in documenting licensure standards for those already licensed by another jurisdiction.
 - Added new subsection (b)(iii). This allows the Board to consider criteria vetted by another licensing jurisdiction. It is less burdensome for applicants to document another state's license than documenting completion of their exam and education.
 - Added new subsection (b)(iv). This adds a competency requirement for those that have been out of active clinical practice.
- Section 7:
 - Removed (b)(ii). This removes the requirement for temporary applicants actively licensed in another jurisdiction to submit their exam and education documentation. They need only submit evidence of their comparable, active license in good standing.
 - Changed temporary length from a ten (10) day license, available twice per year to a single thirty (30) day license.

Chapter 4: Renewal of Licenses

- New Section 1:
 - Added authority section as required by Wyo. Stat. Ann. § 16-3-104(a).
- Section 1:
 - Removed statement of purpose as it has been deemed no longer necessary.
- Section 2:
 - Moved the exemption of CE for new graduates from Section 3(e).
- Section 3:
 - Added two new acceptable CE sponsors.
 - Clarified duplicate CE may not be submitted more than once per renewal period.
 - Modified CE method to remove online CE limits. Clarified that technique based CE may not be earned online.
 - Updated waiver section to include a deadline for requests, examples of “just cause” and expectation of exempted hours.
- Section 4:
 - Clarified that CE submitted for a restoration application cannot also be applied to a subsequent renewal.
- Section 6:
 - Updated reinstatement of licensure provisions to only apply to those whose licenses lapsed following discipline.
 - Clarified a previous board order is only required when applicable.

Chapter 5: Fees

- New Section 1:

- Added authority section as required by Wyo. Stat. Ann. § 16-3-104(a).
- Section 1:
 - Removed statement of purpose as it has been deemed no longer necessary.
- Section 3:
 - Increased Initial License Application Fee and License by Endorsement Application Fee each from \$500 to \$600. An average of 16 applications are received per year.
 - Increased Annual License Renewal Fee from \$200 to \$300. Typically 200 licensees renew annually.
 - Removed roster fee. Providing a roster of licensees is considered a public record and is provided free of charge.

Chapter 7: Process and Procedure for Application, Licensure, and Disciplinary Matters (to be renamed Grounds for Discipline)

- New Section 1:
 - Added authority section as required by Wyo. Stat. Ann. § 16-3-104(a).
- Section 1:
 - Removed statement of purpose as it has been deemed no longer necessary.
- Section 2:
 - Removed ACA and ICA Codes of Ethics and referred to standards of practice in Chapter 11.
 - Removed violation for failure to comply with requests from the Board. The Board concluded a licensee should be disciplined for relevant conduct and further discipline regarding the administrative process was unnecessary.
 - Clarified failure to comply with a term, condition or obligation of a Board order applied to this Board or another chiropractic board.
- New Section 3:
 - Added Board created Code of Ethics. This is from a compilation of other boards of chiropractic, the Federation of Chiropractic Licensing Boards, and the ACA and ICA language.
- Sections 3 – 14:
 - Removed as this content is being addressed in new Chapter 12 and 13.

Chapter 9: Acupuncture

- New Section 1:
 - Added authority section as required by Wyo. Stat. Ann. § 16-3-104(a).
- Section 1:
 - Removed statement of purpose as it has been deemed no longer necessary.

Chapter 10: Preceptorship Training Programs

- New Section 1:
 - Added authority section as required by Wyo. Stat. Ann. § 16-3-104(a).
- Section 1:
 - Removed statement of purpose as it has been deemed no longer necessary.
- Section 2:
 - Removed moral turpitude and replaced with “that adversely relates to the practice of chiropractic or the ability to practice chiropractic”.

Chapter 11: Chiropractic Practice

- New Section 1:
 - Added authority section as required by Wyo. Stat. Ann. § 16-3-104(a).
- Section 1:
 - Removed statement of purpose as it has been deemed no longer necessary.
- Section 2:
 - Moved Telehealth Practice statement from (a) to (b). This allows professionalism expectation to apply to all licensees and not just those in telehealth practice.
- Section 4:
 - Clarified what records include.
 - Made requirement for evidence of informed consent clearer.
 - Added more information regarding informed consent. This is in response to multiple complaint related concerns.
- Section 5:
 - Added requirement for chiropractors to provide any relevant credentials and training in advertising.
 - Added requirement for chiropractors to provide an indication of their license in advertising.
- New Section 7:
 - Added requirement for practice closures to avoid patient abandonment and records distribution concerns.

NEW Chapter 12: Practice and Procedures for Applications

- The Board is adding this chapter governing recommendations and contested cases for license application matters. The changes are recommended by the Attorney General's Office and bring the Board's application procedures chapter in line with the procedures other professional licensing boards use.

NEW Chapter 13: Practice and Procedures for Discipline Matters

- The Board is adding this chapter governing investigations and contested cases for disciplinary matters. The changes are recommended by the Attorney General's Office and bring the Board's discipline chapter in line with the procedures other professional licensing boards use.

COMMENT SUMMARY AND CHANGES BASED UPON PUBLIC COMMENT

The Wyoming Board of Chiropractic Examiners proposed changes to Chapters 1, 2, 4, 5, 7, 9, 10, and 11; and created new Chapters 12 and 13. The Board held a public comment period from February 24, 2023 through April 14, 2023, and received three (3) public comments.

The Board subsequently met on April 21, 2023 and voted to proceed with the rules as proposed, except the proposed changes to Chapter 4, Section 3(d).

Comment #1: The Wyoming Chiropractic Association Board commented:

To Whom It May Concern,

The Wyoming Chiropractic Association would like to publicly state its support of the licensing requirement to have a portion of continuing education be in-person. It is the WCA's collective board member opinion that due to the highly personal and manual nature of Chiropractic, regular face-to-face learning is vital to maintain the highest level of care to serve the populous of Wyoming.

We believe that through in-person learning, chiropractors are better able to perfect their craft and provide the best patient care. Chiropractic is primarily a hands-on profession both in the delivery of care and in the way we interact and do business with the community at large. It also facilitates networking among providers, which can expedite the referral and treatment of patients across a geographically vast state that is Wyoming. Thus, we as a Board are in support of keeping a portion of continuing education in person at a physical location.

We do acknowledge the potential benefits and convenience of having a portion of the required credits be accepted via online education, but not all as aforementioned. 35 of the 50 States require the majority of their continuing education credits be completed in-person and Wyoming's current standards accept 4 virtual credits for licensure. We are open to increasing that number to 6 credit hours, but not in favor of the current proposal that would allow all required credits to be obtained in a distance learning or virtual manner.

Sincerely,

Members of the Wyoming Chiropractic Association Board

Tom Arnold
James Johnson
Nate Deines
Heather Smith
Mark Shane
Erica Higgins
Monte Lindmier

Response: *The Board thanks the Wyoming Chiropractic Association Board for commenting. At their April 21, 2023 meeting, the Board voted to adopt the rules as proposed, with the exception of Chapter 4, Section 3(d) which will be returned to the original language.*

Comment #2: Devin J. Simpson, DC, MBA commented:

I write to address some of the proposed changes to the Wyoming Chiropractic Rules and Practice Act. I appreciate what the board is doing and the time and work they put into the proposed changes and most all of them are for the betterment of the Chiropractic profession.

A couple of questions that I would a statement of principal reason for the changes are:

1. Chapter 2, section 7 (c). I would like to understand the reason for this change. I can support the change, but I would like further clarification of the reason for this decision.
2. Chapter 4, section 3 (d). I would like to understand the reason for this change. I stand in strong opposition to this change.

We need to make sure we are held to a higher standard, and by allowing all CE online I don't feel we do this. The requirement to attend an in-person conference is important as it forces Doctors to attend a conference where they can be instructed in the latest research and latest techniques. There are many benefits to attending in-person training some of them are rubbing shoulders with other Doctors, (knowing whom to refer patients to when needed), learning from vendors on the latest technology and resources available, and it provides an opportunity for face-to-face interaction with the leading experts.

I strongly encourage the Board to not make this change to Chapter 4, section 3 (d).

Sincerely,

Devin J. Simpson, DC, MBA

Response: *The Board thanks Dr. Simpson for commenting. At their April 21, 2023 meeting, the Board voted to adopt the rules as proposed, with the exception of Chapter 4, Section 3(d) which will be returned to the original language.*

Comment #3: Darnell Simpson, DC commented:

Good morning. I would like to write my opinion concerning the proposed rule change to the continuing education credit for chiropractors. I am not in support of this change. We are a unique state and interpersonal communication with one another is important to our profession. We do not work in hospital settings or other environments with multiple health care professionals to communicate and bounce ideas and learning off of. Isolation in health care is not good for the patients of our state or for the practitioner.

Requiring in person continuing education credits at least gives the health care practitioner some doctor to doctor contact and learning and will benefit both the doctors and their patients.

Again I am against the current proposed rule change to eliminate in person continuing education requirements.

Thank you,
Dr. Darnell Simpson
Prater View Chiropractic

Response: *The Board thanks Dr. Simpson for commenting. At their April 21, 2023 meeting, the Board voted to adopt the rules as proposed, with the exception of Chapter 4, Section 3(d) which will be returned to the original language.*

CHAPTER 1

GENERAL PROVISIONS

Section 1. Authority. The Board is authorized under the Act and the WAPA to promulgate rules and regulations related to the licensure and discipline of chiropractors and regulation of the practice of chiropractic in Wyoming.

Section 2. Definitions.

- (a) “Act” means Wyoming Statute 33-10-101 through -117.
- (b) “ARC” means Application Review Committee.
- (c) “Board” means the Wyoming State Board of Chiropractic Examiners.
- (d) “Board Rules” means the administrative rules and regulations promulgated by the Board.
- (e) “CCE” means Council on Chiropractic Education.
- (f) “CE” means continuing education hours.
- (g) “IC” means Investigative Committee.
- (h) “Dry Needling” is a physical intervention that uses a filiform needle to stimulate trigger points, diagnose and treat neuromuscular pain and functional movement deficits; is based on Western medical concepts; requires an examination and diagnosis, and treats specific anatomic entities selected according to physical signs. Dry needling does not include the stimulation of auricular or distal points or meridians.
- (i) “IAMA” means International Academy of Medical Acupuncture.
- (j) “Intern” means a student studying chiropractic concurrently participates in an undergraduate or postgraduate preceptorship program offered by an accredited chiropractic college or university that has completed Parts I and II of the NBCE examination.
- (k) “IMS” means intramuscular stimulation.
- (l) “Licensee” means a chiropractor licensed in Wyoming.
- (m) “NBCE” means the National Board of Chiropractic Examiners.
- (n) “NCAAOM” means National Certification Commission for Acupuncture and Oriental Medicine.

- (o) “PACE” means Providers of Approved Continuing Education.
- (p) “SPEC” means Special Purposes Examination for Chiropractic.
- (q) “Telehealth” means the delivery of healthcare services using electronic communications, information technology, or other means between a licensee in one location and a patient in another location with or without an intervening healthcare provider.
- (r) “Telehealth Technologies” means technologies and devices enabling secure electronic communications and information exchange between a licensee in one location and a patient in another location with or without an intervening healthcare provider.
- (s) “WAPA” means the Wyoming Administrative Procedure Act, W.S. 16-3-101 through -115.

Section 3. Board Office. The Board Office shall be located at 2001 Capitol Avenue, Cheyenne, Wyoming.

Section 4. Board Meetings. The Board shall meet in accordance with the Board’s resolution.

Section 5. Incorporation by Reference.

- (a) For any rule, regulation or code incorporated by reference in these Board Rules:
 - (i) The Board has determined that incorporation of the full text in these Board Rules would be cumbersome or inefficient given the length or nature of the rules;
 - (ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section;
 - (iii) The incorporated rule is maintained at the Board Office and is available for public inspection and copying at cost at the same location.
- (b) Each rule, regulation or code incorporated by reference in these Board Rules is further identified as follows:
 - (i) Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, found at: <http://chiropractic.wyo.gov/rules-and-regulations><http://chiropractic.wyo.gov/rules>;
 - (ii) Chapter 2 - Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, found at <http://chiropractic.wyo.gov/rules>.

Section 6. Public Records Inspection. Public records inspections shall be conducted pursuant to the Department of Administration and Information's rules concerning public records.

Section 7. Change of Name, Address, or Telephone Number. Each applicant and licensee shall notify the Board in writing of any change to his or her legal name, home address, business address, e-mail address, or telephone number within thirty (30) days of the change.

Section 8. Requests for Rosters. Any person requesting a roster of licensees shall submit a completed request form and payment of a fee.

Section 9. Duplicate Pocket Card and Wall Certificate. Any person requesting a duplicate pocket card and wall certificate shall submit a completed request form and payment of a fee.

Section 10. License Verification. Any person requesting verification of their license shall submit a completed request form and payment of a fee.

CHAPTER 2

LICENSURE REQUIREMENTS AND APPLICATION PROCEDURES

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-105 and 33-10-106.

Section 2. Application Status.

(a) For those applicants seeking licensure, all requirements shall be met during the timeframe identified immediately prior to submitting a completed application.

(b) Applications shall be deemed “complete” when all necessary documentation has been received by the Board Office.

(c) Applications shall expire one (1) year after submission. If an application expires, an applicant shall submit a new application, including payment of fee.

Section 3. Application Review Committee.

(a) Every application shall be reviewed by the ARC.

(b) An applicant for licensure shall have committed no acts that are grounds for disciplinary action, or if the act was committed, the ARC has found after investigation that sufficient restitution has been made and the applicant no longer presents a threat to the public safety.

(c) If the ARC is unable to ascertain from documents submitted by the applicant that the applicant is eligible for licensure, the ARC may require the applicant to provide additional documentation, information, or meet informally with the ARC.

Section 4. Jurisprudence Examination. To successfully pass the jurisprudence examination, the applicant shall score at least 80%.

Section 5. Initial Licensure.

(a) Eligibility. An applicant may seek initial licensure if the applicant is not licensed to practice in another jurisdiction or that jurisdiction’s licensure requirements are not as stringent as Wyoming.

(b) Application Requirements. Applicant shall:

(i) Submit a completed application and payment of fees;

(ii) Submit evidence of clinical competency by:

(A) Completion of education at a CCE accredited college or university. All applicants that matriculated in a chiropractic college or university prior to October 1, 1975, shall present evidence of having graduated from a chiropractic college or university that meets equivalent standards comparable to CCE.

(B) Successful completion of NBCE examination as follows:

(I) Applicants who graduated prior to 1996 shall successfully pass Parts I, II, III, and Part IV or SPEC Exam.

(II) Applicants who graduated in or after 1996 shall successfully pass Parts I, II, III and IV.

(III) Those applicants who perform physiotherapy services shall successfully pass physiotherapy exam.

(C) Applicants who do not hold an active license in another jurisdiction or who have graduated from an accredited chiropractic college within the preceding twenty-four (24) months and have never been licensed shall demonstrate competency by successfully passing Part IV or SPEC examination within six (6) months prior to submitting a completed application.

(iii) Successful completion of the jurisprudence examination; and

(iv) Submit license verification directly from every jurisdiction, if necessary.

Section 6. Licensure by Endorsement.

(a) Eligibility. An applicant may seek licensure by endorsement if the applicant is actively licensed to practice in another jurisdiction.

(b) Application Requirements. Applicant shall:

(i) Submit a completed application and payment of fees;

(ii) Successfully complete the jurisprudence examination;

(iii) Submit verification of licensure where the applicant holds an active license in another jurisdiction with licensure requirements as stringent as Wyoming. If the applicant has been licensed for more than ten (10) years, the National Board of Chiropractic Examiners examination requirement shall be waived;

(iv) If the applicant has been out of active clinical practice more than one (1) year, demonstrate competency as follows:

(A) If the applicant has been out of practice one (1) to three (3) years, submit verification showing completion of twelve (12) CE that complies with Chapter 4, Section 3 for each year out of active clinical practice; or

(B) If the applicant has been out of practice three (3) or more years, submit verification showing successful completion of the SPEC examination administered by NBCE within the last twelve (12) months.

Section 7. Temporary Licensure.

(a) Eligibility. An applicant may seek temporary licensure if the applicant is actively licensed in good standing to practice in another jurisdiction with licensure requirements as stringent as Wyoming.

(b) Application Requirements. Applicant shall:

(i) Submit a completed application and payment of fees; and

(ii) Submit license verification directly from their jurisdiction.

(c) Limitations and Conditions. A temporary license is valid for only thirty (30) consecutive days and shall not be renewed.

CHAPTER 4

RENEWAL OF LICENSES

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-113.

Section 2. Annual Renewal of Licenses.

(a) Licensure Lapse. Licenses shall lapse August 31 of each year. Licensees that fail to timely renew shall forfeit the right to practice. Failure to receive the renewal application from the Board does not excuse a licensee from the requirements for renewal under the Act or these rules.

(b) Renewal Procedure. The licensee seeking renewal shall:

(i) Submit a completed renewal application and payment of fee; and

(ii) Submit evidence of completion of twelve (12) CE that complies with Section 3. Licensees who have graduated in the preceding twelve (12) months do not need to complete CE for their first renewal.

Section 3. Continuing Education Requirements.

(a) Renewal Period. CE shall be obtained September 1 to August 31 of the year of expiration.

(b) Sponsorship. The Board shall accept CE directly related to the scope of practice defined in the Act sponsored by:

(i) ICA;

(ii) ACA;

(iii) Any CCE accredited chiropractic college or university;

(iv) Any state chiropractic association;

(v) PACE;

(vi) Federation of Chiropractic Licensing Boards; or

(vii) Any state physical therapy association or the American Physical Therapy Association.

(c) CE Content.

(i) Acceptable subjects shall include, but are not limited to: ethics, technique, physiotherapy, acupuncture, clinical nutrition, diagnostic imaging and interpretation of imaging, record keeping and coding classes, and other subjects as defined as the practice of chiropractic and accepted by the Board.

(ii) Unacceptable subjects shall include, but are not limited to, practice building and business management courses.

(iii) CE shall not be granted for attending duplicate courses in the same renewal period.

(d) Method. A minimum of eight (8) CE shall be earned at in person conferences or hands on training. A maximum of four (4) CE may be earned online

(e) Waiver. A licensee may seek an exemption from all or part of the CE requirements by submitting a petition to the Board demonstrating just cause for the exemption.

(i) Waiver requests shall be received no later than July 1 of the year of expiration and shall include documentation demonstrating just cause. Just cause may include experiencing a physical disability, illness, or other disabling situation exceeding one hundred and eighty (180) or more consecutive days in the renewal year.

(ii) The number of hours exempted shall be in proportion to the disability or situation.

Section 4. Restoration.

(a) Unlicensed Practice. Failure to timely renew may subject the licensee to disciplinary action for unlicensed practice.

(b) Eligibility. An applicant may seek restoration if the applicant's license lapsed within twelve (12) months.

(c) Application Requirements. Applicant shall:

(i) Submit a completed restoration application and payment of fee; and

(ii) Submit evidence of completion of twelve (12) CE that complies with Section 3. CE hours submitted with a restoration application shall not be applied to any subsequent renewal application.

Section 5. Relicensure.

(a) Eligibility. An applicant shall seek relicensure if the applicant has been licensed in Wyoming and did not restore his or her license within twelve (12) months after his or her license lapsed.

(b) Application Requirements. Applicant shall:

(i) Submit a completed relicensure application and payment of fee;

(ii) Demonstrate competency by:

(A) Submitting verification showing completion of twelve (12) CE that complies with Section 3 for every year the license has been lapsed, not to exceed three (3) years; or

(B) Submitting verification showing successful completion of the SPEC examination administered by NBCE within the last twelve (12) months, if not actively practicing within the last three (3) years; and

(iii) Successfully pass the jurisprudence examination.

Section 6. Reinstatement of Licensure.

(a) Eligibility. An applicant may seek reinstatement of his or her license if that license has been revoked, surrendered, suspended, conditioned, or restricted and no longer holds a license.

(b) Application Reinstatement Requirements. The applicant shall:

(i) Submit a completed reinstatement application and payment of fee;

(ii) Submit evidence of complying with the requirements of a previous Board order, if applicable;

(iii) Submit evidence of applicant's ability to safely and competently practice; and

(iv) Submit evidence demonstrating just cause for reinstatement.

CHAPTER 5

FEES

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-106, 33-10-113, and the WAPA.

Section 2. General Information.

(a) Fees shall be payable in the exact amount and shall be paid in advance of the services rendered.

(b) All fees collected by the Board are non-refundable.

(c) Fees related to public records requests shall be assessed pursuant to the Department of Administration and Information's rules concerning public records.

Section 3. Fees. Services for which the Board charges a fee shall include, but is not limited to, the following fee schedule.

(a)	Initial License Application Fee	\$600
(b)	License by Endorsement Application Fee	\$600
(c)	Temporary License Application Fee	\$150
(d)	Intern/Supervising Licensee Application Fee	\$100
(e)	Annual License Renewal Fee	\$300
(f)	Restoration Application Fee (September 1-August 31)	\$400
(g)	Relicensure Application Fee	\$400
(h)	Reinstatement Application Fee	\$550
(i)	Duplicate Document Fee	\$25
(j)	License Verification	\$25

CHAPTER 7

GROUND FOR DISCIPLINARY ACTION

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-110.

Section 2. Grounds for Disciplinary Action. The Board may take disciplinary action or refuse to issue or renew a license for one (1) or more of the following acts or conduct:

- (a) Failure to conform with the standards of practice identified in Chapter 11;
- (b) Inability to function with reasonable skill and safety for the following reasons, including but not limited to:
 - (i) Substance abuse/dependency or clinically diagnosed substance use disorder; or
 - (ii) Physical or mental disability, including cognitive impairment or other impairment from consumption of drugs or alcohol;
- (c) Immoral, unprofessional, or dishonorable conduct;
- (d) Violation of professional boundaries, including, but not limited to:
 - (i) Harassment, intimidation or abuse, sexual or otherwise, of a client or patient;
 - (ii) Engaging in sexual intercourse or other sexual contact with a client or patient; or
 - (iii) Exercising undue influence to exploit a patient, student or supervisee for financial or other personal advantage to the practitioner or a third party;
- (e) Practicing outside the areas of professional competence as established by education, training, and experience;
- (f) Practicing below the applicable standard of care;
- (g) Malpractice or negligence in the practice of chiropractic;
- (h) Fraud or deceit, including, but not limited to: prescription fraud, falsification of a medical record, omission of required information or submission of false information;
- (i) Disciplinary action taken by another state against a licensee;

(j) Conviction of any crime or offense that reflects the inability of the practitioner to practice chiropractic with due regard for the health and safety of clients or patients;

(k) Failure to comply with a term, condition or obligation imposed by the Board or another board of chiropractic;

(l) Failure to appropriately supervise; or

(m) Practicing without a valid license.

Section 3. Ethical Standards.

(a) Licensees shall demonstrate honesty with regard to the patient's condition when communicating with the patient and/or representatives of the patient. Licensees shall not mislead or appeal to an individual's anxiety or create unjustified expectation of results of treatment. The licensee shall not minimize the gravity of the patient's condition.

(b) Licensees shall not misrepresent their education, credentials, professional qualification or scope of clinical ability.

(c) Licensees shall preserve and protect the patient's confidential information, except as the patient directs or consents, or the law requires otherwise.

(d) Licensees shall consult and refer when appropriate.

(e) Licensees shall not neglect or abandon a patient. Licensees shall provide appropriate notice to the patient and/or representatives of the patient when care will be withdrawn so that appropriate alternatives for continuity of care may be arranged.

(f) Licensees shall not practice, facilitate or condone discrimination on the basis of race, sex, sexual orientation, age, religion, nation origin, marital status, political belief, mental or physical handicap or other preferences or characteristics.

(g) Licensees shall ensure all advertising is accurate, truthful, not misleading, false or deceptive. Communications to the public shall not appeal primarily to an individual's anxiety or create unjustified expectations of results.

(h) Licensees shall report to the Board known or suspected violations of the laws and regulations governing the practice of chiropractic.

(i) Licensees are responsible for all patient care provided by them, or patient care directly delegated by said chiropractor to their agent or employee. Patient care includes the practice of chiropractic, patient recordkeeping, patient billing, insurance billing, and communication with insurance companies.

(j) Licensees shall not knowingly make or sign any false certificate or other document relating to the practice of chiropractic care which falsely represents the existence or nonexistence of a state of facts.

(k) Licensees shall not delegate professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, by experience, or by licensure, to perform them.

(l) Violation of any provision above shall be considered "unprofessional conduct" and shall constitute grounds for disciplinary action by the Board.

CHAPTER 9

ACUPUNCTURE

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-104.

Section 2. Requirements for Acupuncture. Licensees who choose to provide acupuncture services as part of their practice shall demonstrate competency and training to perform clinical acupuncture. These requirements include:

- (a) Demonstrate a minimum of 100 hours of education in acupuncture;
- (b) Certification from the IAMA, the NCCAOM, or the equivalent as determined by the Board; or
- (c) Certification from the NBCE Acupuncture examination.

Section 3. Requirements for IMS/Dry Needling.

- (a) To demonstrate competency to perform dry needling, a licensee shall complete a minimum of twenty-four (24) hours of face-to-face IMS/dry needling course study (online study is not considered appropriate training).
- (b) A licensee performing IMS/dry needling in his or her practice shall have written informed consent for each patient where this technique is used. The patient shall sign and receive a copy of the informed consent form. The consent form shall, at a minimum, clearly state the risks and benefits of IMS/dry needling.
- (c) IMS/dry needling shall not be delegated and shall be directly performed by a qualified, licensed chiropractor.
- (d) IMS/dry needling shall be performed in a manner consistent with generally accepted standards of practice, including clean needle techniques.

CHAPTER 10

PRECEPTORSHIP TRAINING PROGRAMS

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-104.

Section 2. Supervising Licensee and Intern Eligibility.

(a) **Supervising Licensee Eligibility.** The Board shall approve participation for a supervising licensee who:

(i) Concurrently participates as a supervising licensee at the chiropractic college or university in which the intern is enrolled throughout the time period of the preceptorship program and provides verifiable proof of participation; and

(ii) Is continuously licensed in the State for at least five years before the date the program is to begin and, if the program is to include practice of chiropractic specialties, is certified in those specialties for at least three years before the date upon which the program is to begin.

(b) **Intern Eligibility.** The Board shall approve participation by an intern who:

(i) Provides verifiable proof of concurrent participation and enrollment in an undergraduate or postgraduate preceptorship program offered by an accredited chiropractic college or university;

(ii) Provides evidence of passing Parts I and II of the examination by the NBCE; and

(iii) Successfully completes and provides documentation of the coursework and certification required for practice of chiropractic specialties, if specialties are to be included in the training program.

(c) **Ineligibility.** The Board shall not approve participation for an intern or supervising licensee who:

(i) Has been the subject of disciplinary sanction or convicted of a felony or misdemeanor that adversely relates to the practice of chiropractic or the ability to practice chiropractic;

(ii) Is currently under investigation for a licensing violation, or a felony, or misdemeanor that adversely relates to the practice of chiropractic or the ability to practice chiropractic;

- (iii) Fails to demonstrate good character and reputation;
- (iv) Fails to demonstrate the physical and mental ability to practice chiropractic skillfully and safely;
- (v) Has practiced chiropractic without a license; or
- (vi) Has already participated in a preceptorship program.

Section 3. Intern Application.

- (a) Eligibility. An applicant may seek a permit to practice limitedly as an intern if the applicant meets the qualifications in Section 2(b).
- (b) Application Requirements. Applicant shall submit:
 - (i) A completed application and payment of fees; and
 - (ii) A waiver of confidentiality executed by the intern and supervising licensee.
- (c) Supervising Licensee Application. Supervising licensee shall submit the supervising licensee application and fees.

Section 4. Practice Limitations.

- (a) Under the supervision of the supervising licensee and commensurate with the intern's education, training, and experience, an intern may engage in the practice of chiropractic, as defined in Wyoming Statute 33-10-101, except that an intern shall not perform any procedure defined as a chiropractic specialty requiring certification unless the intern and the supervising licensee have met the eligibility requirements in Section 2 of this chapter for that specialty.
- (b) "Direct supervision" means that a supervising licensee provides guidance for the services to be provided with initial direction and periodic inspection of the service performance and is present on the premises while the services are being provided.
- (c) At all times when patients may be present, the intern shall wear a badge showing the intern's name and the title "Intern" in capital letters equal in size to the name.
- (d) Before an intern conducts an examination or renders care to a patient, the supervising licensee shall secure from the patient a written consent to the examination or care. The written consent shall specify that the patient understands that an intern is not a licensed doctor, and that the supervising licensee retains responsibility for quality of care. The supervising licensee shall maintain the signed consent as a part of the patient's file.

Section 5. Regulation and Termination of the Preceptorship Program.

(a) The Board, on its own initiative or upon receipt of a complaint, may investigate conduct of an intern or supervising licensee occurring within the program for compliance with this Chapter.

(b) If the Board receives written verification from a chiropractic college or university that the intern or supervising licensee is no longer concurrently participating in the associated chiropractic college program, the Board shall terminate approval of the intern's permit.

(c) An intern may participate in a preceptorship program until the intern's date of graduation from a chiropractic college or university.

CHAPTER 11

CHIROPRACTIC PRACTICE

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-104.

Section 2. Practice of Chiropractic.

(a) It is the expectation of the Board that licensees maintain the highest degree of professionalism and should:

- (i) Place the welfare of patients first;
- (ii) Maintain acceptable and appropriate standards of practice;
- (iii) Adhere to recognized ethical codes;
- (iv) Properly supervise non-provider clinicians; and
- (v) Protect patient confidentiality.

(b) Telehealth Practice. Practice occurs where the patient resides or receives services, regardless of means.

(i) A licensee should not render healthcare advice and/or care using telehealth technologies without:

(A) Fully verifying and authenticating the location and identity of the requesting patient;

(B) Disclosing and validating the provider's identity and applicable credential(s); and

(C) Obtaining appropriate consents from requesting patients after disclosures regarding the delivery models and treatment methods or limitations, including any special informed consents regarding the use of telehealth technologies. An appropriate licensee-patient relationship has not been established when the identity and credentials, including license status, of the provider may be unknown to the patient.

(ii) Informed Consent. Evidence documenting appropriate patient informed consent for the use of telehealth technologies must be obtained and maintained. Appropriate informed consent should, at a minimum, include the following terms:

- (A) Identification of the patient, the provider and the provider's

credentials;

(B) Types of transmissions permitted using telehealth technologies (e.g. appointment scheduling, patient education, etc.);

(C) The patient agrees that the licensee determines whether or not the condition being diagnosed and/or treated is appropriate for a telehealth encounter; and

(D) Details on security measures taken with the use of telehealth technologies, such as encrypting data, password protected screen savers and data files, or utilizing other reliable authentication techniques, as well as potential risks to privacy notwithstanding such measures, and adherence to all applicable Health Insurance Portability and Accountability Act standards.

(c) Licensees shall be responsible for the standard of care performed in his or her office, regardless of whether it is performed by him or her personally or by staff working under his or her supervision.

Section 3. Satellite Offices. Licensees using satellite offices shall ensure all offices maintain the appropriate standard of care.

Section 4. Patient Records.

(a) Basic Requirements.

(i) Records include any medical decision making documents, whether hard copy or digital.

(ii) Each patient record shall, at a minimum, include legible documentation of the following:

(A) The patient's identifying information and identity of the treating licensee and all health care providers;

(B) The reason for the clinical encounter, including any subjective complaints and pertinent history;

(C) The current objective findings and results of diagnostic studies;

(D) The diagnosis and assessment of the patient's condition;

(E) A management and care plan, including the recommendations, intended goals, prognosis, modifications to the plan, and the procedures provided;

(F) Evidence of informed consent.

(G) Radiographs shall include the patient's first name, last name, date of birth, date of study, and location of study. It is preferable to embed this information in the radiograph.

(b) Informed Consent.

(i) Licensees shall inform the patient about the availability of reasonable alternate modes of treatment and about the benefits and risks of these treatments. The reasonable chiropractor standard is the standard for informing a patient. The reasonable chiropractor standard requires disclosure only of information that a reasonable chiropractor would know and disclose under the circumstances.

(ii) Initial written consent shall be obtained prior to performing procedures.

(iii) Treatment of minors requires the informed consent of a legal guardian, unless the minor may consent to treatment pursuant to W.S. 14-1-101(b).

(iv) Licensees have an obligation to evaluate patient capacity to comprehend consent and make a choice regarding whether informed consent was obtained. Capacity means an individual's ability to understand the significant benefits, risks, and alternatives to proposed health care and to make and communicate a health care decision.

(c) Records Retention.

(i) Licensees shall not withhold records or diagnostic studies if a patient owes an outstanding balance.

(ii) Patient records and diagnostic studies shall be:

(A) Maintained for a minimum of seven (7) years from the date of the last patient clinical encounter;

(B) Maintained in a physically secure and confidential manner; and

(C) Accessible to the patient and treating doctor within a reasonable period.

(d) Violation of any provision above shall be considered "unprofessional conduct" within the meaning of Chapter 7 and shall constitute grounds for disciplinary action by the Board.

Section 5. Advertising.

(a) Licensees shall not advertise in any manner that is deceptive to the public. Advertisements include, but are not limited to, the use of social media.

(b) Licensees claiming expertise shall provide their related credential and training in all advertising.

(c) Doctor of Chiropractic, Chiropractor, or D.C. or equivalent shall prominently appear in all advertising.

Section 6. Prepaid Care Plans.

(a) Any arrangement or agreement between a licensee and a patient for a course of future treatment for which funds in an amount of five hundred dollars (\$500.00) or more during any twelve (12) month period are collected in advance of these services shall be considered a prepaid care plan within the meaning of this section. Services under a prepaid care plan may cost less than if the services were purchased individually. The reduction in cost must bear a reasonable relationship to the expense avoided by the provider due to reduced accounting and debt collection activities. The prepaid care plan may provide for either an annual or monthly fee out of pocket. A licensee who offers such a plan is subject to the following requirements:

(i) Escrow account. A designated escrow account insured by the Federal Deposit Insurance Corporation, state bank, or credit union shall be established for deposit of all funds received in connection with the prepaid care plan. Such funds may not be commingled with a licensee's personal or business account.

(A) All instruments, including checks and deposit slips, must bear the phrase "Escrow Account."

(B) The licensee shall maintain a clear accounting of all funds received, including date and from whom the funds were received.

(C) The licensee shall maintain a clear accounting of all disbursements including the dates and to whom the disbursements were made, and to which patient the disbursements are to be applied or accounted for.

(D) No more than one escrow account is required regardless of the number of prepaid plans maintained by the licensee.

(E) Funds may only be transferred out of the escrow account for the following reasons:

(I) After services, goods, or appliances have been provided to the patient, and only in the usual and customary amounts specifically related to the services, goods, or appliances provided;

(II) To reimburse the patient any amounts owed following a notice by either the patient or the licensee to terminate the prepaid plan. Any amounts must be transferred according to the written agreement; or

(F) The licensee shall cause a reconciliation of the escrow account to be made no less than quarterly, with a copy provided to the patient, and shall retain a copy of the reconciliations and all supporting documents for no less than seven (7) years.

(ii) Written plan. All prepaid care plans require a written plan, signed by both the licensee and the patient, with a copy maintained in the patient's record and a copy provided to the patient, and must include at least the following:

(A) A list of all services, goods, and appliances which are covered by the plan.

(B) A list of all fees related to the services described in the plan.

(C) A statement that an accounting can be requested by the patient at any time. This accounting must:

(I) Be provided to the patient within five (5) working days of a written or verbal request; and

(II) Itemize all fees used to calculate any reimbursement.

(D) An explanation of the reimbursement policies and formula that are used in returning unused funds to the patient in the event of early termination by either the chiropractor or the patient. The patient has the right to terminate the prepaid care plan at any time without financial penalty.

(E) An explanation of any policy modifying the plan in the event of an injury, such as an auto injury or work-related injury or in the event of extended absence or new illness. These explanations must be separately initialed by the patient.

(F) A provision that the patient will be notified in writing when the patient's account reaches a zero balance.

(G) A statement that indicates the licensee makes no claim or representation that a particular treatment, procedure, or service, or any combination of treatments, procedures, or services, is guaranteed to result in a particular clinical outcome.

(H) A statement that the patient has the right to cancel the prepaid care plan without penalty within three (3) business days of entering into the plan by submitting a written and signed cancellation notice, and upon the licensee's receipt of the cancellation notice, the licensee shall have seven (7) working days to fully refund any unused funds to the patient. This right of cancellation may not be waived or otherwise surrendered.

(iii) Early termination. The patient has the right to terminate the prepaid care plan at any time without financial penalty. The licensee may terminate the prepaid plan at any time, for good and sufficient cause, except the licensee must ensure that patient abandonment

does not occur. In the event care is terminated, the patient's remaining funds shall be reimbursed to the patient in full.

(iv) Prepaid care plans must be compliant with all applicable state and federal laws.

(v) When providing care as a part of a prepaid plan a licensee shall provide competent, necessary care in a timely and professional manner. All care recommended and rendered must be clinically justified and appropriately documented.

(vi) A prepaid care plan is not health insurance and does not meet the Affordable Care Act "individual mandate" requirements for health insurance coverage.

(vii) The regulations in this section do not release a licensee from any contractual obligations that the licensee has with an insurer or other entity. A licensee who has contracted with an insurance carrier shall adhere to the terms of their provider contract in regard to the collection of copayments, co-insurances, and applied deductibles. A licensee may not bill a reimbursement entity or a patient for any amount exceeding what is earned and distributed to the licensee.

(b) Failure to abide with the requirements of this section shall be considered "unprofessional conduct" within the meaning of Chapter 7 and shall constitute grounds for disciplinary action by the Board.

Section 7. Practice Closures.

(a) When a licensee retires, terminates employment, or otherwise leaves a chiropractic practice, the licensee is responsible for ensuring that active patients (those seen in the last twenty-four (24) months) receive reasonable notification and are given the opportunity to arrange for the transfer of their patient records. Such notification shall be provided no later than thirty (30) days after retirement, termination, or any other reason for leaving.

(b) A licensee or the chiropractic clinic which employs the licensee should not withhold information from a departing chiropractor which is necessary for the notification of patients.

(c) A licensee or their estate(s) transferring patient records in connection with the sale of a practice shall notify the active patients no more than thirty (30) days preceding the sale that the records are being transferred and should provide the patient with information sufficient to secure the transfer of the patient record. A copy of this notice shall also be provided to the Board office within the same timeframe. The notice shall also disclose whether any charges will be billed by the provider for supplying the patient or the provider chosen by the patient with the originals or copies of the patient's records. Such charges shall not exceed the actual costs of copying and mailing or delivering the records.

CHAPTER 12

PRACTICE AND PROCEDURES FOR APPLICATIONS

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-110 and 16-3-103(j)(i).

Section 2. Application Review.

- (a) Assigning Application Review Committee (ARC).
 - (i) Board staff shall review all applications for a license.
 - (ii) When Board staff determines that there may be grounds to deny a license or approve a license subject to discipline or restrictions, Board staff shall refer the application to an ARC.
- (b) The ARC shall investigate the application, which may include requesting additional information, meeting with the applicant, or any other action the ARC deems appropriate.
- (c) The ARC may recommend that the Board:
 - (i) Issue, renew, relicense, or reinstate a license;
 - (ii) Issue, renew, relicense, or reinstate a license subject to reprimand, conditions, restrictions, or other disciplinary action;
 - (iii) Approve a settlement agreement; or
 - (iv) Deny the application.
- (d) Notice of Intent.
 - (i) If the ARC intends to recommend that the Board deny an application or issue a license subject to other disciplinary action, the ARC shall notify the applicant of its recommendation.
 - (ii) The Notice of Intent shall contain:
 - (A) A brief description of the facts or conduct that the ARC alleges warrant denying the license or issuing the license subject to disciplinary action;
 - (B) Citations to the applicable statutory provisions or Board rules that the ARC alleges the applicant violated; and

(C) Notice that an applicant may request a hearing before the Board in writing within thirty (30) days from the date of mailing.

(e) The applicant shall have thirty (30) days from the date the ARC mailed the Notice of Intent to respond. The applicant may:

- (i) Request that the Board hold a hearing on the ARC's recommendation;
- (ii) Request that the Board table consideration of the application; or
- (iii) Withdraw the application.

(f) If an applicant fails to timely respond to the Notice of Intent, the Board may accept the ARC's recommendation.

(g) There shall be a presumption of lawful service of any communication required by these rules if sent by U.S. mail to the address stated on the application or, if applicable, an updated address later provided by the applicant.

Section 3. Hearing Procedure.

(a) Upon receiving a written request for a hearing from an applicant, the Board or a hearing officer appointed by the Board shall begin a contested case proceeding. Board staff or the hearing officer shall serve a Notice of Hearing on the applicant at least thirty (30) days before the hearing. The Notice of Hearing shall contain:

(i) A brief statement of the matters asserted, including:

(A) The ARC's recommendation;

(B) The facts upon which the recommendation is based; and

(C) The statutory provisions or Board rules the applicant is alleged to have violated or failed to meet to qualify for licensure.

(ii) The time, place, and nature of the hearing;

(iii) The legal authority and jurisdiction of the Board; and

(iv) Notice of the burden and standard of proof.

(b) Any hearing officer appointed by the Board shall preside over the contested case proceeding and shall conduct the proceeding according to the Wyoming Administrative Procedure Act and Chapter 2 of the Office of Administrative Hearings rules as incorporated by reference in Chapter 1.

(c) The applicant shall bear the burden to prove by a preponderance of the evidence that he or she meets the qualifications for licensure. The burden of production shall shift to the ARC to prove by clear and convincing evidence that the applicant should not be granted an unrestricted license or license subject to discipline. The burden of production then shifts to the applicant to demonstrate that the ARC's grounds for denial or issuance of a license subject to conditions or restrictions are insufficient and that the applicant is entitled to licensure.

(d) The Board may resolve an application matter by:

(i) Adopting the ARC's recommendation without a hearing if the applicant did not request a hearing;

(ii) Resolving a dispositive motion in either party's favor;

(iii) Conducting a contested case hearing. Following the hearing and the Board's deliberation, the Board may:

(A) Issue, renew, relicense, or reinstate a license;

(B) Issue, renew, relicense, or reinstate a license with conditions, restrictions, or other disciplinary action;

(C) Deny a license, renewal, reactivation, or reinstatement;

(e) The Board shall issue a written decision or order. The decision or order shall be sent by U.S. Mail to the applicant and the applicant's attorney or representative, if any.

(i) Board action is effective on the date that the Board approves the written decision or order and it is entered into the administrative record.

(ii) Written board decisions or orders are final agency action subject to judicial review according to the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

CHAPTER 13

PRACTICE AND PROCEDURES FOR DISCIPLINE MATTERS

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-110 and 16-3-103(j)(i).

Section 2. The Board may take disciplinary action for the following:

- (a) Licensee violating the Board's practice act or rules;
- (b) Licensee violating a Board order.

Section 3. Complaint Review and Disciplinary Investigation.

(a) Complaints that a licensee has violated the Board's practice act or the Board's rules shall be submitted to the Board's office. Board staff may initiate complaints.

(b) After receiving a complaint or initiating a complaint, Board staff shall assign the complaint to an Investigation Committee (IC) for investigation.

(c) After reviewing and investigating the complaint, the IC may recommend that the Board:

- (i) Dismiss the complaint;
- (ii) Summarily suspend a license;
- (iii) Approve a settlement agreement; or
- (iv) Discipline the licensee, including revocation, suspension, restriction, condition, or reprimand.

Section 4. Summary Suspension.

(a) An IC may recommend that the Board summarily suspend a license at any time when the IC or Board staff believes that the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare.

(b) The IC shall notify the licensee of its intent to recommend summary suspension. The Notice of Intent shall contain:

- (i) A copy of the complaint, if any;
- (ii) A description of the grounds for the summary suspension recommendation; and

(iii) Notice that an expedited summary suspension proceeding shall be set at the earliest opportunity a quorum of Board members may be assembled.

(c) When the date and time of the summary suspension hearing is set, the Board staff shall notify the licensee of the date and time of the proceeding by mailing written notice and emailing electronic notice to the licensee's mailing and email addresses.

(d) The scope of the expedited summary suspension proceeding shall be limited to a presentation of the information the IC believes warrants summary suspension and any information the licensee may present on his or her behalf.

(e) Hearing Format.

(i) The IC shall describe the allegations that it believes warrant emergency action against the licensee.

(ii) The IC shall present information that demonstrates probable cause that the allegations are true.

(iii) The IC shall explain why the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare.

(iv) The licensee, if present, may present any information demonstrating that the allegations are not true or that, even if the allegations are true, the licensee's continued practice does not imperatively require emergency action to protect the public health, safety, or welfare.

(f) The Board may order summary suspension if it concludes that probable cause exists that the allegations are true and that the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare. The Board shall incorporate a finding to that effect in its order granting summary suspension.

(g) No summary suspension shall be effective until the Board has adopted a written order incorporating the reasons justifying its decision.

(h) The Board shall enter a written order granting or denying summary suspension at the summary suspension proceeding or within seven days after the proceeding. The Board shall send the order to the licensee by U.S. mail and by email.

(i) Post-Deprivation Hearing.

(i) A licensee may request a post-deprivation hearing within ten (10) days from the date the summary suspension order is entered.

(ii) If a licensee requests a post-deprivation hearing, the Board shall conduct it within thirty (30) days of the licensee's request and notify the licensee of the date, time, and location of the hearing.

(iii) Post-deprivation hearings shall be conducted in the same manner as summary suspension proceedings as articulated in Section 4(e) of this chapter. The sole issue before the Board at a post-deprivation hearing shall be whether the IC's allegations imperatively require emergency action to protect the public health, safety, and welfare. The Board shall affirm its decision to summarily suspend a license, and issue a written order to that effect, if it concludes that the IC has proven the allegations by a preponderance of the evidence and that the allegations imperatively require emergency action to protect the public health, safety, or welfare.

(j) Unless earlier terminated by the Board or a petition for discipline is filed under Section 6 of this chapter, summary suspensions shall lapse one hundred eighty (180) days after the written order granting summary suspension is entered under subsection (h) of this section.

Section 5. Surrender in Lieu of Discipline and Licenses Issued in Error.

(a) A licensee may petition the Board, in writing, to voluntarily surrender a license in lieu of discipline.

(i) The IC shall recommend that the Board approve or deny the petition.

(ii) The Board may approve or deny the petition.

(b) If Board staff has reason to believe that a license has been issued despite an applicant not meeting licensure requirements and:

(i) If Board Staff has issued the license and the Board has not ratified its issuance, the license shall be rescinded and the matter shall be referred to an ARC.

(ii) If Board Staff has issued the license and the Board has ratified its issuance, the matter shall be referred to an IC.

(A) The IC may petition the Board to revoke the license or impose practice restrictions according to the procedures outlined in Section 6 of this chapter and may seek summary suspension.

(B) A revocation solely for the reasons specified this subsection shall not be considered license discipline. Nothing in this subsection prohibits discipline or application denial for a licensee's conduct.

(C) A licensee may surrender the license at issue under this provision in lieu of a hearing before the Board without Board approval.

Section 6. Hearing Procedure.

(a) There shall be a presumption of lawful service of a Notice of Intent, Petition, Notice of Hearing, or any other communication required by these rules if sent by U.S. mail to the address the licensee most recently supplied to the Board.

(b) The IC shall notify the licensee of its intent to file a petition for disciplinary action. The Notice of Intent shall:

(i) Include a brief description of the facts or conduct that warrant the intended action;

(ii) Include a description of the nature of the discipline the IC intends to seek; and

(iii) Provide the Licensee no less than thirty (30) days to show that the licensee has complied with all lawful license requirements.

(c) The IC shall initiate proceedings for disciplinary action by filing a Petition with the Board office and serving a copy upon the licensee to the last known address of the licensee by regular U.S. mail.

(d) A licensee may respond to the Petition by filing an Answer admitting or denying the allegations in the Petition or by filing a dispositive motion.

(e) A licensee shall respond to a Petition within twenty (20) days from the date the Petition is filed with the Board office or, if the licensee files a dispositive motion, from the date the dispositive motion is decided by entry of a written order. Failure to respond to the Petition within this time may result in a default judgment.

(f) When a petition for disciplinary action is filed, the Board or a hearing officer appointed by the Board shall begin a contested case proceeding. Board staff or the hearing officer shall serve a Notice of Hearing, with the Petition attached, on the applicant at least thirty (30) days before the hearing. The notice of hearing shall contain:

(i) The legal authority for the Petition and statement of the Board's jurisdiction;

(ii) The facts justifying the disciplinary action sought;

(iii) The statutory provisions or Board rules the licensee is alleged to have violated;

(iv) The time, place, and nature of the hearing; and

(v) Notice of the burden and standard of proof.

(g) If a licensee fails to timely answer the allegations in a Petition or appear at a noticed hearing, and upon the IC's motion, the Board may enter default against the licensee. In entering default, the Board may:

(i) Order that the factual allegations in the Petition are to be taken as true for the purposes of the hearing;

(ii) Order that the licensee may not present evidence on some or all issues in the matter; or

(iii) Any other relief the Board determines is just.

(h) The Board may set aside an entry of default for good cause.

(i) Any hearing officer appointed by the Board shall preside over the contested case proceeding and shall conduct the proceeding according to the Wyoming Administrative Procedure Act and Chapter 2 of the Office of Administrative Hearings rules as incorporated by reference in Chapter 1.

(j) The IC shall bear the burden to prove by clear and convincing evidence that the licensee violated the Board's practice act or the Board's rules.

(k) The Board may resolve a discipline matter by:

(i) Resolving a dispositive motion in either party's favor;

(ii) Accepting a settlement agreed on by both parties;

(iii) Granting a licensee's petition for voluntary surrender in lieu of discipline under Section 5(a) of this Chapter;

(iv) Conducting a contested case hearing. Following the hearing and the Board's deliberation, the Board may, as applicable:

(A) Find no violation of the Board's practice act or rules and therefore impose no discipline on the licensee;

(B) Find that the licensee has violated the Board's practice act or rules and impose the following discipline: reprimand, conditions, restrictions, suspension, revocation, other discipline, or a combination thereof.

(l) The Board shall issue a written decision or order. The decision or order shall be sent by U.S. Mail to the licensee and the licensee's attorney or representative, if any.

(m) Board action is effective on the date that the Board approves the written decision or order and it is entered into the administrative record.

(n) Written board decisions or orders are final agency action subject to judicial review according to the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

Section 7. Petition for Modifying Conditions or Restrictions.

(a) A licensee may petition the Board to modify any conditions or restrictions on his or her license. The licensee shall submit a written petition for modification to the Board office. The petition for modification shall include evidence demonstrating:

- (i) Compliance with all previously entered Board orders;
- (ii) That the modification is consistent with any treatment plan or medical orders, if applicable; and
- (iii) That the modification will ensure the public is adequately protected.

(b) The IC assigned the matter shall review the petition and shall recommend that the Board either grant or deny the petition within thirty (30) days of the Board office receiving the petition.

(c) Board Consideration.

- (i) The Board shall consider the petition and the IC's recommendation at its earliest convenience.
- (ii) The Board may approve or deny the petition for modification.

CHAPTER 1

GENERAL PROVISIONS

Section 1. Authority. The Board is authorized under the Act and the WAPA to promulgate rules and regulations related to the licensure and discipline of chiropractors and regulation of the practice of chiropractic in Wyoming.

~~Section 2. Statement of Purpose.~~ These Board Rules are adopted to implement the Board's authority to establish administrative procedures.

Section 2~~Section 3.~~ Definitions.

(a) "Act" means Wyoming Statute 33-10-101 through -117.

~~(b) "ACA" means the American Chiropractic Association.~~

~~(b)~~(e) "ARC" means Application Review Committee.

~~(c)~~(d) "Board" means the Wyoming State Board of Chiropractic Examiners.

~~(d)~~(e) "Board Rules" means the administrative rules and regulations promulgated by the Board.

~~(e)~~(f) "CCE" means Council on Chiropractic Education.

~~(g) "CCEI" means the Councils on Chiropractic Education International.~~

~~(f)~~(h) "CE" means continuing education hours.

~~(g)~~(i) "IC" means Investigative Committee.

~~(h)~~(j) "Dry Needling" is a physical intervention that uses a filiform needle to stimulate trigger points, diagnose and treat neuromuscular pain and functional movement deficits; is based on Western medical concepts; requires an examination and diagnosis, and treats specific anatomic entities selected according to physical signs. Dry needling does not include the stimulation of auricular or distal points or meridians.

~~(i)~~(k) "IAMA" means International Academy of Medical Acupuncture.

~~(l) "ICA" means the International Chiropractors Association.~~

~~(j)~~(m) "Intern" means a student studying chiropractic concurrently participates in an undergraduate or postgraduate preceptorship program offered by an accredited chiropractic college or university that has completed Parts I and II of the NBCE examination.

~~(k)(n)~~ “IMS” means intramuscular stimulation.

~~(l)(o)~~ “Licensee” means a chiropractor licensed in Wyoming.

~~(m)(p)~~ “NBCE” means the National Board of Chiropractic Examiners.

~~(n)(q)~~ “NCAAOM” means National Certification Commission for Acupuncture and Oriental Medicine.

~~(o)(r)~~ “PACE” means Providers of Approved Continuing Education.

~~(p)(s)~~ “SPEC” means Special Purposes Examination for Chiropractic.

~~(q)(t)~~ “Telehealth” means the delivery of healthcare services using electronic communications, information technology, or other means between a licensee in one location and a patient in another location with or without an intervening healthcare provider.

~~(r)(u)~~ “Telehealth Technologies” means technologies and devices enabling secure electronic communications and information exchange between a licensee in one location and a patient in another location with or without an intervening healthcare provider.

~~(s)(v)~~ “WAPA” means the Wyoming Administrative Procedure Act, W.S. 16-3-101 through -115.

Section 3~~Section 4~~. Board Office. The Board Office shall be located at 2001 Capitol Avenue, Cheyenne, Wyoming.

Section 4~~Section 5~~. Board Meetings. The Board shall meet in accordance with the Board’s resolution.

Section 5~~Section 6~~. Incorporation by Reference.

(a) For any rule, regulation or code incorporated by reference in these Board Rules:

(i) The Board has determined that incorporation of the full text in these Board Rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section;

(iii) The incorporated rule is maintained at the Board Office and is available for public inspection and copying at cost at the same location.

(b) Each rule, regulation or code incorporated by reference in these Board Rules is further identified as follows:

(i) Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, found at: <http://chiropractic.wyo.gov/rules-and-regulationshttp://chiropractic.wyo.gov/rules;>

~~(ii) Code of Ethics, adopted by ACA and effective in 2007, found at: <http://chiropractic.wyo.gov/rules-and-regulations>;~~

~~(iii) Referenced in Chapter 7, Section 2 is Code of Ethics, adopted by ICA and effective in 1991, found at: <http://chiropractic.wyo.gov/rules-and-regulations>;~~

~~(iv) Chapter 2 - Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, found at [http://chiropractic.wyo.gov/rules-and-regulations](http://chiropractic.wyo.gov/rules-and-regulationshttp://chiropractic.wyo.gov/rules-and-regulations) and.~~

Section 6Section 7. Public Records Inspection. Public records inspections shall be conducted pursuant to the Department of Administration and Information's rules concerning public records.

Section 7Section 8. Change of Name, Address, or Telephone Number. Each applicant and licensee shall notify the Board in writing of any change to his or her legal name, home address, business address, e-mail address, or telephone number within thirty (30) days of the change.

Section 8Section 9. Requests for Rosters. Any person requesting a roster of licensees shall submit a completed request form and payment of a fee.

Section 9Section 10. Duplicate Pocket Card and Wall Certificate. Any person requesting a duplicate pocket card and wall certificate shall submit a completed request form and payment of a fee.

Section 10Section 11. License Verification. Any person requesting verification of their license shall submit a completed request form and payment of a fee.

CHAPTER 2

LICENSURE REQUIREMENTS AND APPLICATION PROCEDURES

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-105 and 33-10-106.

~~**Section 1. Statement of Purpose.** These Board Rules are adopted to implement the Board's authority to establish the requirements and procedures for licensure.~~

Section 2. Application Status.

(a) For those applicants seeking licensure, all requirements shall be met during the timeframe identified immediately prior to submitting a completed application.

(b) Applications shall be deemed "complete" when all necessary documentation has been received by the Board Office.

(c) Applications shall expire one (1) year after submission. If an application expires, an applicant shall submit a new application, including payment of fee.

Section 3. Application Review Committee.

(a) Every application shall be reviewed by the ARC.

(b) An applicant for licensure shall have committed no acts that are grounds for disciplinary action, or if the act was committed, the ARC has found after investigation that sufficient restitution has been made and the applicant no longer presents a threat to the public safety.

(c) If the ARC is unable to ascertain from documents submitted by the applicant that the applicant is eligible for licensure, the ARC may require the applicant to provide additional documentation, information, or meet informally with the ARC.

Section 4. Jurisprudence Examination.

~~——(a)——The ARC shall recommend eligibility to sit for the jurisprudence examination.~~

~~——(b)——To successfully pass the jurisprudence examination, the applicant shall score at least 80%.~~

Section 5. Initial Licensure.

(a) Eligibility. An applicant may seek initial licensure if the applicant is not licensed to practice in another jurisdiction or that jurisdiction's licensure requirements are not as stringent

as Wyoming.

(b) Application Requirements. Applicant shall:

- (i) Submit a completed application and payment of fees;
- (ii) Submit evidence of clinical competency by:

(A) Completion of education at a CCE or CCEI-accredited college or university. All applicants that matriculated in a chiropractic college or university prior to October 1, 1975, shall present evidence of having graduated from a chiropractic college or university that meets equivalent standards comparable to CCE.

(B) Successful completion of NBCE examination as follows:

(I) Applicants who graduated prior to 1996 shall successfully pass Parts I, II, III, and Part IV or SPEC Exam.

(II) Applicants who graduated in or after 1996 shall successfully pass Parts I, II, III and IV.

(III) Those applicants who perform physiotherapy services shall successfully pass physiotherapy exam.

(C) Applicants who do not hold an active license in another jurisdiction or who have graduated from an accredited chiropractic college within the preceding twenty-four (24) months and have never been licensed shall demonstrate competency by successfully passing Part IV or SPEC examination within six (6) months prior to submitting a completed application.

(iii) Successful completion of the jurisprudence examination; and

(iv) Submit license verification directly from every jurisdiction, if necessary.

Section 6. Licensure by Endorsement.

(a) Eligibility. An applicant may seek licensure by endorsement if the applicant is actively licensed in good standing to practice in another jurisdiction with licensure requirements as stringent as Wyoming.

(b) Application Requirements. Applicant shall:

(i) Submit a completed application and payment of fees;

~~(ii) Meet requirements identified in Section 5(b)(ii);~~

~~(ii)(iii)~~ Successfully complete~~Successful completion~~ of the jurisprudence examination; and

~~(iv) Submit license verification directly from every jurisdiction.~~

(iii) Submit verification of licensure where the applicant holds an active license in another jurisdiction with licensure requirements as stringent as Wyoming. If the applicant has been licensed for more than ten (10) years, the National Board of Chiropractic Examiners examination requirement shall be waived;

(iv) If the applicant has been out of active clinical practice more than one (1) year, demonstrate competency as follows:

(A) If the applicant has been out of practice one (1) to three (3) years, submit verification showing completion of twelve (12) CE that complies with Chapter 4, Section 3 for each year out of active clinical practice; or

(B) If the applicant has been out of practice three (3) or more years, submit verification showing successful completion of the SPEC examination administered by NBCE within the last twelve (12) months.

Section 7. Temporary Licensure.

(a) Eligibility. An applicant may seek temporary licensure if the applicant is actively licensed in good standing to practice in another jurisdiction with licensure requirements as stringent as Wyoming.

(b) Application Requirements. Applicant shall:

(i) Submit a completed application and payment of fees;

~~(ii) Meet requirements identified in Section 5(b)(ii); and~~

~~(ii)(iii)~~ Submit license verification directly from their jurisdiction.

(c) Limitations and Conditions. A temporary license is valid for only thirty (30)~~ten (10)~~ consecutive days and shall not be renewed. ~~The Board shall not grant more than two (2) temporary licenses to an applicant during any calendar year.~~

CHAPTER 4

RENEWAL OF LICENSES

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-113.

~~**Section 1. Statement of Purpose.** These Board Rules are adopted to implement the Board's authority to establish the requirements and procedures for annual license renewal.~~

Section 2. Annual Renewal of Licenses.

(a) Licensure Lapse. Licenses shall lapse August 31 of each year. Licensees that fail to timely renew shall forfeit the right to practice. Failure to receive the renewal application from the Board does not excuse a licensee from the requirements for renewal under the Act or these rules.

(b) Renewal Procedure. The licensee seeking renewal shall:

(i) Submit a completed renewal application and payment of fee; and

(ii) Submit evidence of completion of twelve (12) CE that complies with Section 3. Licensees who have graduated in the preceding twelve (12) months do not need to complete CE for their first renewal.

Section 3. Continuing Education Requirements.

(a) Renewal Period. CE shall be obtained September 1 to August 31 of the year of expiration.

(b) Sponsorship. The Board shall accept CE directly related to the scope of practice defined in the Act sponsored by:

(i) ICA;

(ii) ACA;

(iii) Any CCE accredited chiropractic college or university;

(iv) Any state chiropractic association; ~~or~~

(v) PACE;

(vi) Federation of Chiropractic Licensing Boards; or

(vii) Any state physical therapy association or the American Physical Therapy Association.

(c) CE Content.

(i) Acceptable subjects shall include, but are not limited to: ethics, technique, physiotherapy, acupuncture, clinical nutrition, diagnostic imaging and interpretation of imaging, record keeping and coding classes, and other subjects as defined as the practice of chiropractic and accepted by the Board.

(ii) Unacceptable subjects shall include, but are not limited to, practice building and business management courses.

(iii) CE shall not be granted for attending duplicate courses in the same renewal period.

(d) Method. A minimum of eight (8) CE shall be earned at in-person conferences or hands-on training. A maximum of four (4) CE may be earned online.

(e) Waiver. ~~The Board may grant a waiver for CE requirements to licensees who have petitioned and demonstrated just cause based on extenuating circumstances. A licensee may seek an exemption from all or part of the CE requirements by submitting a petition to the Board demonstrating just cause for the exemption. Additionally, licensees who have graduated in the preceding twelve (12) months do not need to complete CE for their first renewal.~~

(i) Waiver requests shall be received no later than July 1 of the year of expiration and shall include documentation demonstrating just cause. Just cause may include experiencing a physical disability, illness, or other disabling situation exceeding one hundred and eighty (180) or more consecutive days in the renewal year.

(ii) The number of hours exempted shall be in proportion to the disability or situation.

Section 4. Restoration.

(a) Unlicensed Practice. Failure to timely renew may subject the licensee to disciplinary action for unlicensed practice.

(b) Eligibility. An applicant may seek restoration if the applicant's license lapsed within twelve (12) months.

(c) Application Requirements. Applicant shall:

(i) Submit a completed restoration application and payment of fee; and

(ii) Submit evidence of completion of twelve (12) CE that complies with Section 3. CE hours submitted with a restoration application shall not be applied to any subsequent renewal application.

Section 5. Relicensure.

(a) Eligibility. An applicant shall seek relicensure if the applicant has been licensed in Wyoming and did not restore his or her license within twelve (12) months after his or her license lapsed.

(b) Application Requirements. Applicant shall:

(i) Submit a completed relicensure application and payment of fee;

(ii) Demonstrate competency by:

(A) Submitting verification showing completion of twelve (12) CE that complies with Section 3 for every year the license has been lapsed, not to exceed three (3) years; or

(B) Submitting verification showing successful completion of the SPEC examination administered by NBCE within the last twelve (12) months, if not actively practicing within the last three (3) years; and

(iii) Successfully pass the jurisprudence examination.

Section 6. Reinstatement of Licensure.

(a) Eligibility. An applicant may seek reinstatement of his or her license if that license has been revoked, surrendered, suspended, conditioned, or restricted and no longer holds a license.

(b) Application Reinstatement Requirements. The applicant shall:

(i) Submit a completed reinstatement application and payment of fee;

(ii) Submit evidence of complying with the requirements of a previous Board order, if applicable;

(iii) Submit evidence of applicant's ability to safely and competently practice; and

(iv) Submit evidence demonstrating just cause for reinstatement.

CHAPTER 5

FEES

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-106, 33-10-113, and the WAPA.

~~**Section 1. Statement of Purpose.** These Board Rules are adopted to implement the Board's authority to determine and collect reasonable fees.~~

Section 2. General Information.

(a) Fees shall be payable in the exact amount and shall be paid in advance of the services rendered.

(b) All fees collected by the Board are non-refundable.

(c) Fees related to public records requests shall be assessed pursuant to the Department of Administration and Information's rules concerning public records.

Section 3. Fees. Services for which the Board charges a fee shall include, but is not limited to, the following fee schedule.

(a)	Initial License Application Fee	\$600 \$500
(b)	License by Endorsement Application Fee	\$600 \$500
(c)	Temporary License Application Fee	\$150
(d)	Intern/Supervising Licensee Application Fee	\$100
(e)	Annual License Renewal Fee	\$300 \$200
(f)	Restoration Application Fee (September 1-August 31)	\$400
(g)	Relicensure Application Fee	\$400
(h)	Reinstatement Application Fee	\$550
(i)	Roster Fee	\$100
(i) (j)	Duplicate Document Fee	\$25
(j) (k)	License Verification	\$25

CHAPTER 7

PROCESS AND PROCEDURE FOR APPLICATION, LICENSE, AND DISCIPLINARY MATTERS **GROUND FOR DISCIPLINARY ACTION**

Section 1. — Statement of Purpose. These Board Rules are adopted to implement the Board's authority to:

- (a) — Conduct investigations, hearing and proceedings concerning:
 - (i) — Actions relating to an application for a license, including granting or denying; or
 - (ii) — Alleged violations of the Act or other Board Rules.
- (b) — Determine and administer appropriate disciplinary action against an applicant or licensee.
- (c) — For purposes of this chapter, “licensee” means a chiropractor issued a license by the Board or an intern issued a permit to practice chiropractic in Wyoming.

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-110.

Section 2. Grounds for Disciplinary Action. The Board may take disciplinary action or refuse to issue or renew a license for one (1) or more of the following acts or conduct:

- (a) Failure to conform with the standards of practice identified in Chapter 11 Code of Ethics of the ACA or the ICA as incorporated by reference in Chapter 1;
- (b) Inability to function with reasonable skill and safety for the following reasons, including but not limited to:
 - (i) Substance abuse/dependency or clinically diagnosed substance use disorder; or
 - (ii) Physical or mental disability, including cognitive impairment or other impairment from consumption of drugs or alcohol;
- (c) Immoral, unprofessional, or dishonorable conduct;
- (d) Violation of professional boundaries, including, but not limited to:
 - (i) Harassment, intimidation or abuse, sexual or otherwise, of a client or

patient;

(ii) Engaging in sexual intercourse or other sexual contact with a client or patient; or

(iii) Exercising undue influence to exploit a patient, student or supervisee for financial or other personal advantage to the practitioner or a third party;

(e) Practicing outside the areas of professional competence as established by education, training, and experience;

(f) Practicing below the applicable standard of care;

(g) Malpractice or negligence in the practice of chiropractic;

(h) Fraud or deceit, including, but not limited to: prescription fraud, falsification of a medical record, omission of required information or submission of false information;

(i) Disciplinary action taken by another state against a licensee;

(j) Conviction of any crime or offense that reflects the inability of the practitioner to practice chiropractic with due regard for the health and safety of clients or patients;

~~_____ (k) Failure to comply with reasonable requests from the Board including, but not limited to, failing to:~~

~~_____ (i) Answer the administrative complaint;~~

~~_____ (ii) Respond to request for explanation for failure to disclose required information; or~~

~~_____ (iii) Cooperate in the investigation;~~

~~(k)(4)~~ Failure to comply with a term, condition or obligation imposed by the Board or another board of chiropractic ~~of a Board order;~~

~~(l)(m)~~ Failure to appropriately supervise; or

~~(m)(n)~~ Practicing without a valid license.

Section 3. Ethical Standards.

(a) Licensees shall demonstrate honesty with regard to the patient's condition when communicating with the patient and/or representatives of the patient. Licensees shall not mislead or appeal to an individual's anxiety or create unjustified expectation of results of treatment. The licensee shall not minimize the gravity of the patient's condition.

(b) Licensees shall not misrepresent their education, credentials, professional qualification or scope of clinical ability.

(c) Licensees shall preserve and protect the patient's confidential information, except as the patient directs or consents, or the law requires otherwise.

(d) Licensees shall consult and refer when appropriate.

(e) Licensees shall not neglect or abandon a patient. Licensees shall provide appropriate notice to the patient and/or representatives of the patient when care will be withdrawn so that appropriate alternatives for continuity of care may be arranged.

(f) Licensees shall not practice, facilitate or condone discrimination on the basis of race, sex, sexual orientation, age, religion, nation origin, marital status, political belief, mental or physical handicap or other preferences or characteristics.

(g) Licensees shall ensure all advertising is accurate, truthful, not misleading, false or deceptive. Communications to the public shall not appeal primarily to an individual's anxiety or create unjustified expectations of results.

(h) Licensees shall report to the Board known or suspected violations of the laws and regulations governing the practice of chiropractic.

(i) Licensees are responsible for all patient care provided by them, or patient care directly delegated by said chiropractor to their agent or employee. Patient care includes the practice of chiropractic, patient recordkeeping, patient billing, insurance billing, and communication with insurance companies.

(j) Licensees shall not knowingly make or sign any false certificate or other document relating to the practice of chiropractic care which falsely represents the existence or nonexistence of a state of facts.

(k) Licensees shall not delegate professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, by experience, or by licensure, to perform them.

(l) Violation of any provision above shall be considered "unprofessional conduct" and shall constitute grounds for disciplinary action by the Board.

Section 3. Application Review and Investigation Process.

(a) Application Review and Investigation. In application matters:

(i) Every applicant bears the burden of satisfying license requirements; and

~~————— (ii) — Every application for a license issued by the Board shall be subject to investigation to determine whether the requirements set forth in the Act and Board Rules are satisfied.~~

~~————— (b) — ARC Action. Following investigation, the ARC may recommend:~~

~~————— (i) — A license be issued, renewed, restored, relicensed, or reinstated;~~

~~————— (ii) — A license be issued, renewed, restored, relicensed, or reinstated subject to conditions, restrictions, or other disciplinary action;~~

~~————— (iii) — Approval of a settlement agreement, which may include the issuance, renewal, restoration, relicense, or reinstatement of a license with the imposition of a reprimand, conditions, restrictions, suspension, other discipline or a combination thereof; or~~

~~————— (iv) — Denial of the application.~~

~~————— (c) — Notice of Intent. The ARC shall notify the applicant of its intent to recommend approval of the license subject to conditions, restrictions, or other disciplinary action or denial of the application. Such notification shall contain:~~

~~————— (i) — A brief description of the facts or conduct that warrant the issuance or denial of a license subject to conditions, restrictions, or other disciplinary action;~~

~~————— (ii) — A statement of the nature of the actions that warrant the issuance or denial of a license subject to conditions, restrictions, or other disciplinary action and a citation to the applicable statutory provisions in the Act or the Board Rules; and~~

~~————— (iii) — Notice of the right to a hearing if a written request is received by the Board Office within thirty (30) days of the date of mailing the Notice of Intent.~~

~~————— (d) — Applicant's Request for Hearing. If the ARC recommends denial of an application, the applicant may request a contested case hearing in writing within thirty (30) days of the mailing of the notification.~~

~~————— **Section 4. — Complaint Review and Investigation Process.**~~

~~————— (a) — Complaint Review and Investigation. Every complaint submitted to the Board or initiated on behalf of the Board shall be investigated by an IC.~~

~~————— (b) — Voluntary Surrender. A licensee may petition the Board in writing to voluntarily surrender his or her license. The Board shall consider the petition at its earliest convenience. The Board may accept or reject the petition for voluntary surrender and may consider whether the licensee is under investigation.~~

~~————— (c) — IC Action. Following investigation, the IC may recommend:~~

- ~~_____ (i) _____ Dismissal of the complaint;~~
- ~~_____ (ii) _____ Issuance of a notice of warning;~~
- ~~_____ (iii) _____ Approval of a settlement agreement, which may include a reprimand, conditions, restrictions, non-renewal, suspension, voluntary surrender, other discipline or a combination thereof;~~
- ~~_____ (iv) _____ Disciplinary action, which may include a reprimand, conditions, restrictions, non-renewal, suspension, revocation, other discipline or a combination thereof; or~~
- ~~_____ (v) _____ Summary suspension.~~

~~_____ **Section 5. Summary Suspension.**~~

~~_____ (a) _____ Recommendation. If the IC recommends summary suspension, the Board shall conduct an expedited proceeding to determine whether the licensee's continued practice presents a clear and imminent danger to public health, safety or welfare.~~

~~_____ (b) _____ Notice of Intent to Recommend Summary Suspension.~~

~~_____ (i) _____ The IC shall notify the licensee of its intent to recommend summary suspension.~~

~~_____ (ii) _____ The Notice of Intent shall contain:~~

~~_____ (A) _____ Copy of the complaint;~~

~~_____ (B) _____ Notice that a summary suspension proceeding shall be set for expedited proceeding at the earliest opportunity a quorum of Board members may be assembled.~~

~~_____ (c) _____ Notice of Expedited Proceeding. Upon confirmation of the date and time of the expedited proceeding, the IC shall notify the licensee of the date and time of the proceeding.~~

~~_____ **Section 6. Formal Proceedings for Disciplinary Action.**~~

~~_____ (a) _____ Notice of Intent to Recommend Disciplinary Action.~~

~~_____ (i) _____ The IC shall notify the licensee of its intent to recommend disciplinary action.~~

~~_____ (ii) _____ The Notice of Intent shall:~~

~~_____ (A) _____ Include a brief description of the facts or conduct which warrant the intended action; and~~

~~_____ (B) Provide the licensee an opportunity to show compliance or respond to allegations for disciplinary action within fifteen (15) days of the date of the mailing.~~

~~_____ (b) Informal Conference. The licensee may request an informal conference to provide any additional information or to resolve an administrative complaint without a hearing.~~

~~_____ **Section 7. Petition.** The IC shall initiate formal proceedings for disciplinary action by serving a Petition and Notice of Hearing to the licensee by certified mail, by regular mail, by electronic mail to the e-mail address indicated to be the preferred method of communication or by personal service at least thirty (30) days prior to the date set for hearing.~~

~~_____ **Section 8. Notice of Hearing.**~~

~~_____ (a) Hearing. Upon receipt of a written request for hearing from an applicant or commencement of formal proceedings for disciplinary action against a licensee, the Board shall conduct a hearing. The Board shall serve a Notice of Hearing on the applicant or licensee.~~

~~_____ (b) Notice of Hearing. The Notice of Hearing shall contain:~~

~~_____ (i) The name and last known address of the applicant or licensee;~~

~~_____ (ii) A brief statement of the matters asserted relating to:~~

~~_____ (A) The recommendation to deny the application, the facts upon which the recommendation to deny is based, the statutory provisions and/or the Board Rules the applicant is alleged to have violated; or~~

~~_____ (B) The nature of the Petition, the facts upon which the Petition is based, the statutory provisions and/or the Board Rules the licensee is alleged to have violated;~~

~~_____ (iii) The time, place, and nature of the hearing;~~

~~_____ (iv) The legal authority and jurisdiction; and~~

~~_____ (v) A statement indicating:~~

~~_____ (A) The applicant's failure to appear at the hearing or pursue proceedings may result in a dismissal; or~~

~~_____ (B) The licensee's failure to answer the allegations contained in the Petition twenty (20) days of the date of mailing and failure to appear at a noticed hearing may result in a default judgment.~~

~~_____ **Section 9. Lawful Service.** There shall be a presumption of lawful service for a Notice of Intent, Petition, Notice of Hearing, or any other communication required by these~~

Board Rules sent to the last known address of the applicant or licensee by certified mail, by regular mail, by electronic mail to the e-mail address indicated to be the preferred method of communication, or by personal service.

~~Section 10. Dismissal and Default.~~

~~(a) Dismissal. The Board may enter an order of dismissal based on the allegations contained in the recommendation to deny in any case where the applicant or the applicant's representative has not appeared at a noticed hearing.~~

~~(b) Default. The Board may enter an order of default judgment based on the allegations contained in the Petition in any case where the licensee or the licensee's representative has not answered the allegations contained in the Petition and has not appeared at a noticed hearing.~~

~~Section 11. Contested Case Hearing. The hearing officer shall preside over the contested case hearing which shall be conducted pursuant to the WAPA and the Office of Administrative Hearings rules concerning contested case proceedings incorporated by reference in Chapter 1.~~

~~Section 12. Burden and Standard of Proof.~~

~~(a) Application/Licensure Matters. The applicant shall bear the burden to prove by a preponderance of evidence that they meet the qualifications for licensure. The burden shall shift to the ARC or IC to prove by clear and convincing evidence that the board should deny the applicant a license. The applicant bears the burden to persuade the Board that the ARC or IC's grounds for denial are insufficient.~~

~~(b) Discipline Matters. The IC shall bear the burden to prove by clear and convincing evidence that a licensee violated the Act or the Board's Rules.~~

~~Section 13. Board Decision and Order.~~

~~(a) Board Action. The Board may resolve an application matter, complaint or Petition by:~~

~~(i) Approving the recommendations of the ARC or IC;~~

~~(ii) Dismissing a complaint;~~

~~(iii) Issuing a notice of warning; or~~

~~(iv) Conducting a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the Board may:~~

~~(A) Issue, renew, restore, relicense, or reinstate a license;~~

~~_____ (B) Issue, renew, restore, relicense, or reinstate a license with conditions, restrictions, or other disciplinary action;~~

~~_____ (C) Deny a license, renewal, restoration, relicensure, or reinstatement;~~

~~_____ (D) Dismiss the Petition due to lack of clear and convincing evidence;~~

~~_____ (E) Issue a notice of warning; or~~

~~_____ (F) Impose a reprimand, conditions, restrictions, suspension, revocation, other discipline or a combination thereof.~~

~~_____ (b) Board Order. The Board shall issue a written decision which shall be sent to the applicant, licensee, or their representative.~~

~~_____ **Section 14. Judicial Review.**~~

~~_____ (a) Appeals from decisions of the Board are governed by the WAPA and Wyoming Rules of Appellate Procedure.~~

~~_____ (b) Costs of transcripts and any reasonable costs assessed by the Board regarding the record on appeal shall be borne by the party making the appeal.~~

CHAPTER 9

ACUPUNCTURE

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-104.

~~**Section 1. Statement of Purpose.** These Board Rules are adopted to implement the Board's authority to regulate acupuncture and competency requirements to provide such services.~~

Section 2. Requirements for Acupuncture. Licensees who choose to provide acupuncture services as part of their practice shall demonstrate competency and training to perform clinical acupuncture. These requirements include:

- (a) Demonstrate a minimum of 100 hours of education in acupuncture;
- (b) Certification from the IAMA, the NCCAOM, or the equivalent as determined by the Board; or
- (c) Certification from the NBCE Acupuncture examination.

Section 3. Requirements for IMS/Dry Needling.

- (a) To demonstrate competency to perform dry needling, a licensee shall complete a minimum of twenty-four (24) hours of face-to-face IMS/dry needling course study (online study is not considered appropriate training).
- (b) A licensee performing IMS/dry needling in his or her practice shall have written informed consent for each patient where this technique is used. The patient shall sign and receive a copy of the informed consent form. The consent form shall, at a minimum, clearly state the risks and benefits of IMS/dry needling.
- (c) IMS/dry needling shall not be delegated and shall be directly performed by a qualified, licensed chiropractor.
- (d) IMS/dry needling shall be performed in a manner consistent with generally accepted standards of practice, including clean needle techniques.

CHAPTER 10

PRECEPTORSHIP TRAINING PROGRAMS

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-104.

~~**Section 1. Statement of Purpose.** The Board Rules are adopted to implement the Board's authority to regulate and approve preceptorship training programs in the State.~~

Section 2. Supervising Licensee and Intern Eligibility.

(a) Supervising Licensee Eligibility. The Board shall approve participation for a supervising licensee who:

(i) Concurrently participates as a supervising licensee at the chiropractic college or university in which the intern is enrolled throughout the time period of the preceptorship program and provides verifiable proof of participation; and

(ii) Is continuously licensed in the State for at least five years before the date the program is to begin and, if the program is to include practice of chiropractic specialties, is certified in those specialties for at least three years before the date upon which the program is to begin.

(b) Intern Eligibility. The Board shall approve participation by an intern who:

(i) Provides verifiable proof of concurrent participation and enrollment in an undergraduate or postgraduate preceptorship program offered by an accredited chiropractic college or university;

(ii) Provides evidence of passing Parts I and II of the examination by the NBCE; and

(iii) Successfully completes and provides documentation of the coursework and certification required for practice of chiropractic specialties, if specialties are to be included in the training program.

(c) Ineligibility. The Board shall not approve participation for an intern or supervising licensee who:

(i) Has been the subject of disciplinary sanction or convicted of a felony or misdemeanor that adversely relates to the practice of chiropractic or the ability to practice chiropractic involving moral turpitude;

(ii) Is currently under investigation for a licensing violation, or a felony, or misdemeanor that adversely relates to the practice of chiropractic or the ability to practice chiropractic involving moral turpitude;

(iii) Fails to demonstrate good character and reputation;

(iv) Fails to demonstrate the physical and mental ability to practice chiropractic skillfully and safely;

(v) Has practiced chiropractic without a license; or

(vi) Has already participated in a preceptorship program.

Section 3. Intern Application.

(a) Eligibility. An applicant may seek a permit to practice limitedly as an intern if the applicant meets the qualifications in Section 2(b).

(b) Application Requirements. Applicant shall submit:

(i) A completed application and payment of fees; and

(ii) A waiver of confidentiality executed by the intern and supervising licensee.

(c) Supervising Licensee Application. Supervising licensee shall submit the supervising licensee application and fees.

Section 4. Practice Limitations.

(a) Under the supervision of the supervising licensee and commensurate with the intern's education, training, and experience, an intern may engage in the practice of chiropractic, as defined in Wyoming Statute 33-10-101, except that an intern shall not perform any procedure defined as a chiropractic specialty requiring certification unless the intern and the supervising licensee have met the eligibility requirements in Section 2 of this chapter for that specialty.

(b) "Direct supervision" means that a supervising licensee provides guidance for the services to be provided with initial direction and periodic inspection of the service performance and is present on the premises while the services are being provided.

(c) At all times when patients may be present, the intern shall wear a badge showing the intern's name and the title "Intern" in capital letters equal in size to the name.

(d) Before an intern conducts an examination or renders care to a patient, the supervising licensee shall secure from the patient a written consent to the examination or care. The written consent shall specify that the patient understands that an intern is not a licensed

doctor, and that the supervising licensee retains responsibility for quality of care. The supervising licensee shall maintain the signed consent as a part of the patient's file.

Section 5. Regulation and Termination of the Preceptorship Program.

(a) The Board, on its own initiative or upon receipt of a complaint, may investigate conduct of an intern or supervising licensee occurring within the program for compliance with this Chapter.

(b) If the Board receives written verification from a chiropractic college or university that the intern or supervising licensee is no longer concurrently participating in the associated chiropractic college program, the Board shall terminate approval of the intern's permit.

(c) An intern may participate in a preceptorship program until the intern's date of graduation from a chiropractic college or university.

CHAPTER 11

CHIROPRACTIC PRACTICE

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-104.

~~**Section 1. Statement of Purpose.** The Board Rules are adopted to implement the Board's authority to clarify practice standards.~~

Section 2. Practice of Chiropractic.

~~(a) Telehealth Practice. Practice occurs where the patient resides or receives services, regardless of means.~~

(a) (i) — It is the expectation of the Board that licensees maintain the highest degree of professionalism and should:

(i) (A) — Place the welfare of patients first;

(ii) (B) — Maintain acceptable and appropriate standards of practice;

(iii) (C) — Adhere to recognized ethical codes;

(iv) (D) — Properly supervise non-provider clinicians; and

(v) (E) — Protect patient confidentiality.

(b) Telehealth Practice. Practice occurs where the patient resides or receives services, regardless of means.

(i)(ii) A licensee should not render healthcare advice and/or care using telehealth technologies without:

(A) Fully verifying and authenticating the location and identity of the requesting patient;

(B) Disclosing and validating the provider's identity and applicable credential(s); and

(C) Obtaining appropriate consents from requesting patients after disclosures regarding the delivery models and treatment methods or limitations, including any special informed consents regarding the use of telehealth technologies. An appropriate licensee-patient relationship has not been established when the identity and credentials, including license status, of the provider may be unknown to the patient.

~~(ii)(iii)~~ Informed Consent. Evidence documenting appropriate patient informed consent for the use of telehealth technologies must be obtained and maintained. Appropriate informed consent should, at a minimum, include the following terms:

(A) Identification of the patient, the provider and the provider's credentials;

(B) Types of transmissions permitted using telehealth technologies (e.g. appointment scheduling, patient education, etc.);

(C) The patient agrees that the licensee determines whether or not the condition being diagnosed and/or treated is appropriate for a telehealth encounter; and

(D) Details on security measures taken with the use of telehealth technologies, such as encrypting data, password protected screen savers and data files, or utilizing other reliable authentication techniques, as well as potential risks to privacy notwithstanding such measures, and adherence to all applicable Health Insurance Portability and Accountability Act standards.

~~(c)(b)~~ Licensees shall be responsible for the standard of care performed in his or her office, regardless of whether it is performed by him or her personally or by staff working under his or her supervision.

Section 3. Satellite Offices. Licensees using satellite offices shall ensure all offices maintain the appropriate standard of care.

Section 4. Patient Records.

(a) Basic Requirements.

(i) Records include any medical decision making documents, whether hard copy or digital.

~~(ii)(i)~~ Each patient record shall, at a minimum, include legible documentation of the following:

(A) The patient's identifying information and identity of the treating licensee and all health care providers;

(B) The reason for the clinical encounter, including any subjective complaints and pertinent history;

(C) The current objective findings and results of diagnostic studies;

(D) The diagnosis and assessment of the patient's condition;

(E) A management and care plan, including the recommendations, intended goals, prognosis, modifications to the plan, and the procedures provided;

(F) Evidence of informed consent~~that the patient was informed of any material risk relative to a proposed treatment/procedure and consented to receive this treatment/procedure.~~

(G) Radiographs shall include the patient's first name, last name, date of birth, date of study, and location of study. It is preferable to embed this information in the radiograph.

(b) Informed Consent.

(i) Licensees shall inform the patient about the availability of reasonable alternate modes of treatment and about the benefits and risks of these treatments. The reasonable chiropractor standard is the standard for informing a patient. The reasonable chiropractor standard requires disclosure only of information that a reasonable chiropractor would know and disclose under the circumstances.

(ii) Initial written consent shall be obtained prior to performing procedures.

(iii) Treatment of minors requires the informed consent of a legal guardian, unless the minor may consent to treatment pursuant to W.S. 14-1-101(b).

(iv) Licensees have an obligation to evaluate patient capacity to comprehend consent and make a choice regarding whether informed consent was obtained. Capacity means an individual's ability to understand the significant benefits, risks, and alternatives to proposed health care and to make and communicate a health care decision.

~~(c)(b)~~ Records Retention.

(i) Licensees shall not withhold records or diagnostic studies if a patient owes an outstanding balance.

(ii) Patient records and diagnostic studies shall be:

(A) Maintained for a minimum of seven (7) years from the date of the last patient clinical encounter;

(B) Maintained in a physically secure and confidential manner; and

(C) Accessible to the patient and treating doctor within a reasonable period.

~~(d)(e)~~ Violation of any provision above shall be considered "unprofessional conduct"

within the meaning of Chapter 7 and shall constitute grounds for disciplinary action by the Board.

Section 5. Advertising. ~~Licensees shall not advertise in any manner that is deceptive to the public. Advertisements include, but are not limited to, the use of social media.~~

(a) Licensees shall not advertise in any manner that is deceptive to the public. Advertisements include, but are not limited to, the use of social media.

(b) Licensees claiming expertise shall provide their related credential and training in all advertising.

(c) Doctor of Chiropractic, Chiropractor, or D.C. or equivalent shall prominently appear in all advertising.

Section 6. Prepaid Care Plans.

(a) Any arrangement or agreement between a licensee and a patient for a course of future treatment for which funds in an amount of five hundred dollars (\$500.00) or more during any twelve (12) month period are collected in advance of these services shall be considered a prepaid care plan within the meaning of this section. Services under a prepaid care plan may cost less than if the services were purchased individually. The reduction in cost must bear a reasonable relationship to the expense avoided by the provider due to reduced accounting and debt collection activities. The prepaid care plan may provide for either an annual or monthly fee out of pocket. A licensee who offers such a plan is subject to the following requirements:

(i) Escrow account. A designated escrow account insured by the Federal Deposit Insurance Corporation, state bank, or credit union shall be established for deposit of all funds received in connection with the prepaid care plan. Such funds may not be commingled with a licensee's personal or business account.

(A) All instruments, including checks and deposit slips, must bear the phrase "Escrow Account."

(B) The licensee shall maintain a clear accounting of all funds received, including date and from whom the funds were received.

(C) The licensee shall maintain a clear accounting of all disbursements including the dates and to whom the disbursements were made, and to which patient the disbursements are to be applied or accounted for.

(D) No more than one escrow account is required regardless of the number of prepaid plans maintained by the licensee.

(E) Funds may only be transferred out of the escrow account for the following reasons:

(I) After services, goods, or appliances have been provided to the patient, and only in the usual and customary amounts specifically related to the services, goods, or appliances provided;

(II) To reimburse the patient any amounts owed following a notice by either the patient or the licensee to terminate the prepaid plan. Any amounts must be transferred according to the written agreement; or

(F) The licensee shall cause a reconciliation of the escrow account to be made no less than quarterly, with a copy provided to the patient, and shall retain a copy of the reconciliations and all supporting documents for no less than seven (7) years.

(ii) Written plan. All prepaid care plans require a written plan, signed by both the licensee and the patient, with a copy maintained in the patient's record and a copy provided to the patient, and must include at least the following:

(A) A list of all services, goods, and appliances which are covered by the plan.

(B) A list of all fees related to the services described in the plan.

(C) A statement that an accounting can be requested by the patient at any time. This accounting must:

(I) Be provided to the patient within five (5) working days of a written or verbal request; and

(II) Itemize all fees used to calculate any reimbursement.

(D) An explanation of the reimbursement policies and formula that are used in returning unused funds to the patient in the event of early termination by either the chiropractor or the patient. The patient has the right to terminate the prepaid care plan at any time without financial penalty.

(E) An explanation of any policy modifying the plan in the event of an injury, such as an auto injury or work-related injury or in the event of extended absence or new illness. These explanations must be separately initialed by the patient.

(F) A provision that the patient will be notified in writing when the patient's account reaches a zero balance.

(G) A statement that indicates the licensee makes no claim or representation that a particular treatment, procedure, or service, or any combination of treatments, procedures, or services, is guaranteed to result in a particular clinical outcome.

(H) A statement that the patient has the right to cancel the prepaid care plan without penalty within three (3) business days of entering into the plan by submitting a written and signed cancellation notice, and upon the licensee's receipt of the cancellation notice, the licensee shall have seven (7) working days to fully refund any unused funds to the patient. This right of cancellation may not be waived or otherwise surrendered.

(iii) Early termination. The patient has the right to terminate the prepaid care plan at any time without financial penalty. The licensee may terminate the prepaid plan at any time, for good and sufficient cause, except the licensee must ensure that patient abandonment does not occur. In the event care is terminated, the patient's remaining funds shall be reimbursed to the patient in full.

(iv) Prepaid care plans must be compliant with all applicable state and federal laws.

(v) When providing care as a part of a prepaid plan a licensee shall provide competent, necessary care in a timely and professional manner. All care recommended and rendered must be clinically justified and appropriately documented.

(vi) A prepaid care plan is not health insurance and does not meet the Affordable Care Act "individual mandate" requirements for health insurance coverage.

(vii) The regulations in this section do not release a licensee from any contractual obligations that the licensee has with an insurer or other entity. A licensee who has contracted with an insurance carrier shall adhere to the terms of their provider contract in regard to the collection of copayments, co-insurances, and applied deductibles. A licensee may not bill a reimbursement entity or a patient for any amount exceeding what is earned and distributed to the licensee.

(b) Failure to abide with the requirements of this section shall be considered "unprofessional conduct" within the meaning of Chapter 7 and shall constitute grounds for disciplinary action by the Board.

Section 7. Practice Closures.

(a) When a licensee retires, terminates employment, or otherwise leaves a chiropractic practice, the licensee is responsible for ensuring that active patients (those seen in the last twenty-four (24) months) receive reasonable notification and are given the opportunity to arrange for the transfer of their patient records. Such notification shall be provided no later than thirty (30) days after retirement, termination, or any other reason for leaving.

(b) A licensee or the chiropractic clinic which employs the licensee should not withhold information from a departing chiropractor which is necessary for the notification of patients.

(c) A licensee or their estate(s) transferring patient records in connection with the sale of a practice shall notify the active patients no more than thirty (30) days preceding the sale that the records are being transferred and should provide the patient with information sufficient to secure the transfer of the patient record. A copy of this notice shall also be provided to the Board office within the same timeframe. The notice shall also disclose whether any charges will be billed by the provider for supplying the patient or the provider chosen by the patient with the originals or copies of the patient's records. Such charges shall not exceed the actual costs of copying and mailing or delivering the records.

CHAPTER 12

PRACTICE AND PROCEDURES FOR APPLICATIONS

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-110 and 16-3-103(j)(i).

Section 2. Application Review.

(a) Assigning Application Review Committee (ARC).

(i) Board staff shall review all applications for a license.

(ii) When Board staff determines that there may be grounds to deny a license or approve a license subject to discipline or restrictions, Board staff shall refer the application to an ARC.

(b) The ARC shall investigate the application, which may include requesting additional information, meeting with the applicant, or any other action the ARC deems appropriate.

(c) The ARC may recommend that the Board:

(i) Issue, renew, relicense, or reinstate a license;

(ii) Issue, renew, relicense, or reinstate a license subject to reprimand, conditions, restrictions, or other disciplinary action;

(iii) Approve a settlement agreement; or

(iv) Deny the application.

(d) Notice of Intent.

(i) If the ARC intends to recommend that the Board deny an application or issue a license subject to other disciplinary action, the ARC shall notify the applicant of its recommendation.

(ii) The Notice of Intent shall contain:

(A) A brief description of the facts or conduct that the ARC alleges warrant denying the license or issuing the license subject to disciplinary action;

(B) Citations to the applicable statutory provisions or Board rules that the ARC alleges the applicant violated; and

(C) Notice that an applicant may request a hearing before the Board in writing within thirty (30) days from the date of mailing.

(e) The applicant shall have thirty (30) days from the date the ARC mailed the Notice of Intent to respond. The applicant may:

(i) Request that the Board hold a hearing on the ARC's recommendation;

(ii) Request that the Board table consideration of the application; or

(iii) Withdraw the application.

(f) If an applicant fails to timely respond to the Notice of Intent, the Board may accept the ARC's recommendation.

(g) There shall be a presumption of lawful service of any communication required by these rules if sent by U.S. mail to the address stated on the application or, if applicable, an updated address later provided by the applicant.

Section 3. Hearing Procedure.

(a) Upon receiving a written request for a hearing from an applicant, the Board or a hearing officer appointed by the Board shall begin a contested case proceeding. Board staff or the hearing officer shall serve a Notice of Hearing on the applicant at least thirty (30) days before the hearing. The Notice of Hearing shall contain:

(i) A brief statement of the matters asserted, including:

(A) The ARC's recommendation;

(B) The facts upon which the recommendation is based; and

(C) The statutory provisions or Board rules the applicant is alleged to have violated or failed to meet to qualify for licensure.

(ii) The time, place, and nature of the hearing;

(iii) The legal authority and jurisdiction of the Board; and

(iv) Notice of the burden and standard of proof.

(b) Any hearing officer appointed by the Board shall preside over the contested case proceeding and shall conduct the proceeding according to the Wyoming Administrative Procedure Act and Chapter 2 of the Office of Administrative Hearings rules as incorporated by reference in Chapter 1.

(c) The applicant shall bear the burden to prove by a preponderance of the evidence that he or she meets the qualifications for licensure. The burden of production shall shift to the ARC to prove by clear and convincing evidence that the applicant should not be granted an unrestricted license or license subject to discipline. The burden of production then shifts to the applicant to demonstrate that the ARC's grounds for denial or issuance of a license subject to conditions or restrictions are insufficient and that the applicant is entitled to licensure.

(d) The Board may resolve an application matter by:

(i) Adopting the ARC's recommendation without a hearing if the applicant did not request a hearing;

(ii) Resolving a dispositive motion in either party's favor;

(iii) Conducting a contested case hearing. Following the hearing and the Board's deliberation, the Board may:

(A) Issue, renew, relicense, or reinstate a license;

(B) Issue, renew, relicense, or reinstate a license with conditions, restrictions, or other disciplinary action;

(C) Deny a license, renewal, reactivation, or reinstatement;

(e) The Board shall issue a written decision or order. The decision or order shall be sent by U.S. Mail to the applicant and the applicant's attorney or representative, if any.

(i) Board action is effective on the date that the Board approves the written decision or order and it is entered into the administrative record.

(ii) Written board decisions or orders are final agency action subject to judicial review according to the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

CHAPTER 13

PRACTICE AND PROCEDURES FOR DISCIPLINE MATTERS

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-10-110 and 16-3-103(j)(i).

Section 2. The Board may take disciplinary action for the following:

(a) Licensee violating the Board's practice act or rules;

(b) Licensee violating a Board order.

Section 3. Complaint Review and Disciplinary Investigation.

(a) Complaints that a licensee has violated the Board's practice act or the Board's rules shall be submitted to the Board's office. Board staff may initiate complaints.

(b) After receiving a complaint or initiating a complaint, Board staff shall assign the complaint to an Investigation Committee (IC) for investigation.

(c) After reviewing and investigating the complaint, the IC may recommend that the Board:

(i) Dismiss the complaint;

(ii) Summarily suspend a license;

(iii) Approve a settlement agreement; or

(iv) Discipline the licensee, including revocation, suspension, restriction, condition, or reprimand.

Section 4. Summary Suspension.

(a) An IC may recommend that the Board summarily suspend a license at any time when the IC or Board staff believes that the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare.

(b) The IC shall notify the licensee of its intent to recommend summary suspension. The Notice of Intent shall contain:

(i) A copy of the complaint, if any;

(ii) A description of the grounds for the summary suspension recommendation; and

(iii) Notice that an expedited summary suspension proceeding shall be set at the earliest opportunity a quorum of Board members may be assembled.

(c) When the date and time of the summary suspension hearing is set, the Board staff shall notify the licensee of the date and time of the proceeding by mailing written notice and emailing electronic notice to the licensee's mailing and email addresses.

(d) The scope of the expedited summary suspension proceeding shall be limited to a presentation of the information the IC believes warrants summary suspension and any information the licensee may present on his or her behalf.

(e) Hearing Format.

(i) The IC shall describe the allegations that it believes warrant emergency action against the licensee.

(ii) The IC shall present information that demonstrates probable cause that the allegations are true.

(iii) The IC shall explain why the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare.

(iv) The licensee, if present, may present any information demonstrating that the allegations are not true or that, even if the allegations are true, the licensee's continued practice does not imperatively require emergency action to protect the public health, safety, or welfare.

(f) The Board may order summary suspension if it concludes that probable cause exists that the allegations are true and that the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare. The Board shall incorporate a finding to that effect in its order granting summary suspension.

(g) No summary suspension shall be effective until the Board has adopted a written order incorporating the reasons justifying its decision.

(h) The Board shall enter a written order granting or denying summary suspension at the summary suspension proceeding or within seven days after the proceeding. The Board shall send the order to the licensee by U.S. mail and by email.

(i) Post-Deprivation Hearing.

(i) A licensee may request a post-deprivation hearing within ten (10) days from the date the summary suspension order is entered.

(ii) If a licensee requests a post-deprivation hearing, the Board shall conduct it within thirty (30) days of the licensee's request and notify the licensee of the date, time, and location of the hearing.

(iii) Post-deprivation hearings shall be conducted in the same manner as summary suspension proceedings as articulated in Section 4(e) of this chapter. The sole issue before the Board at a post-deprivation hearing shall be whether the IC's allegations imperatively require emergency action to protect the public health, safety, and welfare. The Board shall affirm its decision to summarily suspend a license, and issue a written order to that effect, if it concludes that the IC has proven the allegations by a preponderance of the evidence and that the allegations imperatively require emergency action to protect the public health, safety, or welfare.

(j) Unless earlier terminated by the Board or a petition for discipline is filed under Section 6 of this chapter, summary suspensions shall lapse one hundred eighty (180) days after the written order granting summary suspension is entered under subsection (h) of this section.

Section 5. Surrender in Lieu of Discipline and Licenses Issued in Error.

(a) A licensee may petition the Board, in writing, to voluntarily surrender a license in lieu of discipline.

(i) The IC shall recommend that the Board approve or deny the petition.

(ii) The Board may approve or deny the petition.

(b) If Board staff has reason to believe that a license has been issued despite an applicant not meeting licensure requirements and:

(i) If Board Staff has issued the license and the Board has not ratified its issuance, the license shall be rescinded and the matter shall be referred to an ARC.

(ii) If Board Staff has issued the license and the Board has ratified its issuance, the matter shall be referred to an IC.

(A) The IC may petition the Board to revoke the license or impose practice restrictions according to the procedures outlined in Section 6 of this chapter and may seek summary suspension.

(B) A revocation solely for the reasons specified this subsection shall not be considered license discipline. Nothing in this subsection prohibits discipline or application denial for a licensee's conduct.

(C) A licensee may surrender the license at issue under this provision in lieu of a hearing before the Board without Board approval.

Section 6. Hearing Procedure.

(a) There shall be a presumption of lawful service of a Notice of Intent, Petition, Notice of Hearing, or any other communication required by these rules if sent by U.S. mail to the address the licensee most recently supplied to the Board.

(b) The IC shall notify the licensee of its intent to file a petition for disciplinary action. The Notice of Intent shall:

(i) Include a brief description of the facts or conduct that warrant the intended action;

(ii) Include a description of the nature of the discipline the IC intends to seek;
and

(iii) Provide the Licensee no less than thirty (30) days to show that the licensee has complied with all lawful license requirements.

(c) The IC shall initiate proceedings for disciplinary action by filing a Petition with the Board office and serving a copy upon the licensee to the last known address of the licensee by regular U.S. mail.

(d) A licensee may respond to the Petition by filing an Answer admitting or denying the allegations in the Petition or by filing a dispositive motion.

(e) A licensee shall respond to a Petition within twenty (20) days from the date the Petition is filed with the Board office or, if the licensee files a dispositive motion, from the date the dispositive motion is decided by entry of a written order. Failure to respond to the Petition within this time may result in a default judgment.

(f) When a petition for disciplinary action is filed, the Board or a hearing officer appointed by the Board shall begin a contested case proceeding. Board staff or the hearing officer shall serve a Notice of Hearing, with the Petition attached, on the applicant at least thirty (30) days before the hearing. The notice of hearing shall contain:

(i) The legal authority for the Petition and statement of the Board's jurisdiction;

(ii) The facts justifying the disciplinary action sought;

(iii) The statutory provisions or Board rules the licensee is alleged to have violated;

(iv) The time, place, and nature of the hearing; and

(v) Notice of the burden and standard of proof.

(g) If a licensee fails to timely answer the allegations in a Petition or appear at a noticed hearing, and upon the IC's motion, the Board may enter default against the licensee. In entering default, the Board may:

(i) Order that the factual allegations in the Petition are to be taken as true for the purposes of the hearing;

(ii) Order that the licensee may not present evidence on some or all issues in the matter; or

(iii) Any other relief the Board determines is just.

(h) The Board may set aside an entry of default for good cause.

(i) Any hearing officer appointed by the Board shall preside over the contested case proceeding and shall conduct the proceeding according to the Wyoming Administrative Procedure Act and Chapter 2 of the Office of Administrative Hearings rules as incorporated by reference in Chapter 1.

(j) The IC shall bear the burden to prove by clear and convincing evidence that the licensee violated the Board's practice act or the Board's rules.

(k) The Board may resolve a discipline matter by:

(i) Resolving a dispositive motion in either party's favor;

(ii) Accepting a settlement agreed on by both parties;

(iii) Granting a licensee's petition for voluntary surrender in lieu of discipline under Section 5(a) of this Chapter;

(iv) Conducting a contested case hearing. Following the hearing and the Board's deliberation, the Board may, as applicable:

(A) Find no violation of the Board's practice act or rules and therefore impose no discipline on the licensee;

(B) Find that the licensee has violated the Board's practice act or rules and impose the following discipline: reprimand, conditions, restrictions, suspension, revocation, other discipline, or a combination thereof.

(l) The Board shall issue a written decision or order. The decision or order shall be sent by U.S. Mail to the licensee and the licensee's attorney or representative, if any.

(m) Board action is effective on the date that the Board approves the written decision or order and it is entered into the administrative record.

(n) Written board decisions or orders are final agency action subject to judicial review according to the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

Section 7. Petition for Modifying Conditions or Restrictions.

(a) A licensee may petition the Board to modify any conditions or restrictions on his or her license. The licensee shall submit a written petition for modification to the Board office. The petition for modification shall include evidence demonstrating:

(i) Compliance with all previously entered Board orders;

(ii) That the modification is consistent with any treatment plan or medical orders, if applicable; and

(iii) That the modification will ensure the public is adequately protected.

(b) The IC assigned the matter shall review the petition and shall recommend that the Board either grant or deny the petition within thirty (30) days of the Board office receiving the petition.

(c) Board Consideration.

(i) The Board shall consider the petition and the IC's recommendation at its earliest convenience.

(ii) The Board may approve or deny the petition for modification.