



February 9, 2011

Ms. Carol Hall  
Executive Secretary  
North Carolina Board of Chiropractic Examiners  
Post Office Box 312  
Concord, NC 28026

RE: Comments on and objection to proposed 21 N.C. Admin. Code 10 .0212

Dear Ms. Hall,

The purpose of this letter is to comment on and object to proposed 21 N.C. Admin. Code 10 .0212, as published in 25 N.C. Reg. 1554-56 (Jan. 18, 2011).

In its Reason for Proposed Action, the Board indicates that it is proposing 21 N.C. Admin. Code 10. 0212 "to invoke the equivalency provision of G.S. 90-143(b) to clarify that when evaluating an application for chiropractic licensure, the Board of Chiropractic Examiners shall count transfer credits from an approved medical college that have been accepted by the applicant's chiropractic college."

We do not believe N.C. Gen. Stat. § 90-143(b) requires rulemaking. It is our position that the statute imposes a duty on the Board of Chiropractic Examiners (the Board) to scrutinize hours earned at institutions not accredited by the Council on Chiropractic Education on a case-by-case basis. If they are found to be equivalent, then they may be counted toward the statutory minimum.

Alternatively, even if the Board does not agree that N.C. Gen. Stat. § 90-143(b) requires a case-by-case review of hours earned at unaccredited institutions, it is against the public's interest for the Board to promulgate a rule prospectively declaring that all future applicants' medical school hours must be counted toward their chiropractic education. It is equally ill-advised to delegate this duty to the Chiropractic colleges, which obviously have interests that are vastly different from those of the Board, and unlike the Board, have no obligation whatsoever to protect the public.

We encourage the Board to abandon proposed 21 N.C. Admin. Code 10. 0212. We appreciate the opportunity to comment on these proposed rules. If the Board has any questions or would like clarification on any aspect of these comments, please feel free to contact us.

Sincerely,

Stephen W. Keene  
General Counsel