

**Joint Legislative Committee on Performance  
Evaluation and Expenditure Review (PEER)**

Report to  
the Mississippi Legislature



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# **A Review of the Board of Chiropractic Examiners**

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PEER sought to determine whether Mississippi needs a Board of Chiropractic Examiners and what the board's responsibilities are in regulating the practice of chiropractic. PEER also reviewed whether the board's licensing process provides assurance of competency of professionals and whether the board fairly and consistently enforces regulatory requirements.

Risk factors associated with the chiropractic profession create a need for state government to protect the public. The State Board of Chiropractic Examiners, if it fulfills its function properly, should diminish or eliminate the profession's potential risk to the public. The board's responsibilities in regulating the practice of chiropractic consist of licensing professionals and enforcing applicable laws and regulations.

The board's licensing process does provide assurance of competency of professionals. Through the use of a national licensure examination and continuing education requirements, the board assures the competency of practitioners. However, the board has not developed and validated its state jurisprudence exam in accordance with accepted test construction standards.

Concerning whether the board fairly and consistently enforces regulatory requirements, PEER determined that the board does not because of its insufficient complaint recordkeeping and tracking process and its reliance on informal methods to sanction noncompliant practitioners.

## **PEER: The Mississippi Legislature's Oversight Agency**

The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A flowing joint committee, the PEER Committee is composed of five members of the House of Representatives appointed by the Speaker and five members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms with one Senator and one Representative appointed from each of the U. S. Congressional Districts. Committee officers are elected by the membership with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of three Representatives and three Senators voting in the affirmative.

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The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

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October 7, 2003

Honorable Ronnie Musgrove, Governor  
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Members of the Mississippi State Legislature

On October 7, 2003, the PEER Committee authorized release of the report entitled **A Review of the Board of Chiropractic Examiners.**

A handwritten signature in cursive script that reads "Mary Ann Stevens".

Representative Mary Ann Stevens, Chair

**This report does not recommend increased funding or additional staff.**



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# A Review of the Board of Chiropractic Examiners

## Executive Summary

### Introduction

The PEER Committee authorized a review of the Mississippi Board of Chiropractic Examiners. This review is a “cycle review,” which is not driven by specific complaints or allegations of misconduct.

Mississippi law prohibits individuals from practicing chiropractic in this state without a license. The Board of Chiropractic Examiners issues all licenses to practice chiropractic in Mississippi.

PEER sought to determine the effectiveness of the Board of Chiropractic Examiners’ oversight by answering the following questions:

- Does Mississippi need a Board of Chiropractic Examiners?
- What are the board’s responsibilities in regulating the practice of chiropractic?
- Does the board’s licensing process provide assurance of competency of professionals?
- Does the board fairly and consistently enforce regulatory requirements?

### Conclusions

#### Does Mississippi need a Board of Chiropractic Examiners?

***Yes. Risk factors associated with the chiropractic profession create a need for state government to protect the public. The State Board of Chiropractic Examiners, if it fulfills its function properly, should diminish or eliminate the profession’s potential risk to the public.***

State government is responsible for protecting the public’s health, welfare, and safety. When potential risks to these exist, measures such as establishing a board to regulate a profession are available to diminish or eliminate the potential for risk.

The nature of the practice of chiropractic, particularly the use of chiropractic adjustments, presents a risk to the public if

practitioners are not properly trained and regulated. State regulation of the chiropractic profession is necessary to reduce or eliminate risk to the public.

**What are the board's responsibilities in regulating the practice of chiropractic?**

***The board's responsibilities in regulating the practice of chiropractic consist of licensing professionals and enforcing applicable laws and regulations.***

The state's regulation of chiropractic practice should ensure that chiropractors meet and maintain certain qualifications and competency requirements, act in a professional and competent manner, and comply with laws and regulations governing the profession. Failure to perform these duties could result in negative outcomes such as lack of chiropractor competence.

**Does the board's licensing process provide assurance of competency of professionals?**

***Yes. Through the use of a national licensure examination and continuing education requirements, the State Board of Chiropractic Examiners assures the competency of practitioners. However, the board has not developed and validated its state jurisprudence exam in accordance with accepted test construction standards.***

As is the practice in most other states, the Mississippi Board of Chiropractic Examiners requires candidates to pass all four parts of a national examination prior to initial licensure. The board also requires them to pass its own state jurisprudence exam, designed to test knowledge of Mississippi laws regulating the profession of chiropractic. However, the board has not developed and validated the state jurisprudence exam for chiropractors in accordance with accepted test construction standards.

**Does the board fairly and consistently enforce regulatory requirements?**

***No. Because of its insufficient complaint recordkeeping and tracking process and its reliance on informal methods to sanction noncompliant practitioners, the Board of Chiropractic Examiners does not fairly and consistently enforce regulatory requirements.***

Although the board has a complaint process in place, its effectiveness is compromised because the system does not have written policies specifying the logistics of the complaint process, complete indexing to facilitate locating complaint files, or a sufficient complaint tracking system. The board also does not prioritize complaints based on their threat to public safety.

State law enumerates reasons for which the board shall refuse to grant a certificate of licensure or may cancel, revoke, or suspend the certificate of a practitioner. The law further states that any practitioner who is charged with a violation shall be furnished with a copy of the charges and shall receive a formal hearing before the board.

However, since July 2001, the board's disciplinary actions have relied on consent decrees and letters of advice or guidance to chiropractors. None of these remedies is specifically provided for in statute. According to board officials, the board changed its procedure based on advice of legal counsel in order to expedite handling a backlog of complaints.

## Recommendations

1. The Board of Chiropractic Examiners should ensure that the state jurisprudence exam meets professional testing standards by:
  - a) improving content validity (coverage) by including at least two questions from each area of chiropractic law;
  - b) improving face validity (presentation) of the licensure exam by editing typographical errors;
  - c) reporting items missed to the candidates for their own improvement; and,
  - d) providing basic statistical feedback to the board regarding the types of items missed.
2. The Board of Chiropractic Examiners should develop written policies regarding professional complaint filing and handling procedures. Specifically, complaint-handling procedures should address docketing, assigning case numbers, investigating, and resolving. Complaint records should be maintained for informal, anonymous, and written complaints. The board should also clearly state in its policies what information is available to the public. The board should track and analyze information on informal and anonymous complaints to identify areas of non-compliance or substandard treatment for possible investigation.
3. As required by MISS. CODE ANN. § 73-6-19 (4) (1972), the Board of Chiropractic Examiners should utilize formal hearings to sanction noncompliant practitioners and document its actions through formal orders in the board's minutes.

The Legislature should amend § 73-6-19 to allow for consent decrees and letters of advice in any matter not involving quality of care.

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# A Review of the Board of Chiropractic Examiners

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## Introduction

### Authority

The PEER Committee authorized a review of the Mississippi Board of Chiropractic Examiners. PEER conducted the review pursuant to the authority granted by MISS. CODE ANN. Section 5-3-57 et seq. (1972). This review is a “cycle review,” which is not driven by specific complaints or allegations of misconduct.

### Scope and Purpose

PEER sought to determine the effectiveness of the Mississippi Board of Chiropractic Examiners’ oversight by answering the following questions:

- Does Mississippi need a Board of Chiropractic Examiners?
- What are the board’s responsibilities in regulating the practice of chiropractic?
- Does the board’s licensing process provide assurance of competency of professionals?
- Does the board fairly and consistently enforce regulatory requirements?

### Method

In conducting this review, PEER:

- reviewed relevant sections of federal and state laws, board rules, regulations, policies, and procedures;
- interviewed board members and staff and selected national board personnel; and,
- analyzed financial information and board files.

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## Background

MISS. CODE ANN. § 73-6-1 (1) (1972) defines *chiropractic* as:

*...the analysis of any interference with normal nerve transmission and expression, and the procedure preparatory to and complementary to the correction thereof, by adjustment and/or manipulation of the articulations of the vertebral column and its immediate articulations for the restoration and maintenance of health without the use of drugs or surgery.*

As with the physical therapy and osteopathy professions, chiropractic uses musculoskeletal and neurodevelopmental procedures, therapeutic message, mechanical devices, and therapeutic agents. However, the indication of spinal misalignment or misalignment of joints is the area of practice in which chiropractors receive specific training.

### Statutory Authority for Regulation of Chiropractic Practice in Mississippi

All fifty states regulate the practice of chiropractic. The first chiropractic licenses were issued in Kansas and North Dakota in 1915. Mississippi began licensing chiropractors on January 1, 1974.

Mississippi law prohibits individuals from practicing chiropractic in this state without a license (MISS. CODE ANN. Section 73-6-31 [1972]). Chapter 6, Title 73 of the CODE establishes a regulatory regimen by which chiropractors are licensed. CODE Section 73-6-29 provides that persons practicing chiropractic without a license are guilty of a misdemeanor punishable by a fine of not less than \$500 nor more than \$2,500 and/or imprisonment in the county jail for not less than thirty days nor more than one year.

### Board Composition

The membership of the Board of Chiropractic Examiners consists of six members:

- the executive officer of the Board of Health or his designee;
- four professional chiropractors that represent each of the four congressional districts; and,

- one chiropractor appointed at large to represent the state as a whole.

Unlike some other Mississippi regulatory boards, the Board of Chiropractic Examiners does not have a member designated to represent the consuming public.

The board has committees to address the issues of continuing education, rules and regulations, examination, and legislation. The chair of the board assigns each board member to a committee and hears a report on each area during board meetings.

## Staff

The Board of Chiropractic Examiners has statutory authority to employ a staff to assist in its operations. The board currently contracts for a part-time executive secretary. The executive secretary screens and administers exams to applicants, conducts financial transactions for the board, maintains the board's records and databases, and conducts board communications. In addition to administering chiropractors' licensure, the executive secretary updates certifications for chiropractic assistants and ensures that chiropractic radiological technologists have met annual continuing education requirements.

The board also retains legal assistance from a representative of the Attorney General's office. This assistance is used primarily in the area of complaint resolution. The Attorney General representative attends all quarterly board meetings.

## Revenues and Expenditures

The Board of Chiropractic Examiners is a special fund agency, with revenues generated from fees charged for licensure application, examination, and annual license renewal. The board has established a fee schedule with fees of \$100, \$200, and \$150, respectively, for each of these services. The board has the authority to adjust fees with legislative approval.

As illustrated in Exhibit 1, page 3, the Board of Chiropractic Examiners' revenues have exceeded expenditures for the past six fiscal years and the board has maintained a substantial cash balance at the end of each fiscal year. Contractual services payments to the board's part-time executive secretary represent the majority of the board's annual expenditures. Per diem and travel expenses for board members represent the only other major item of annual expenditure. For the past six fiscal years, these two categories of expenditure have accounted for approximately 79% of the board's annual expenditures.

(Beginning in FY 2001, the board eliminated all out-of-state travel.)

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**Exhibit 1: FY 1998-2003 Revenues, Expenditures, and Cash Balances**

	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
<i>Beginning Cash</i>	\$90,686	\$78,246	\$53,272	\$59,516	\$47,415	\$54,731
Special Funds (Fees)	\$27,435	\$26,700	\$47,610	\$36,630	\$52,105	\$80,960
<i>Subtotal</i>	\$118,121	\$104,946	\$100,882	\$96,146	\$99,520	\$135,691
Total Expenditures	(\$39,875)	(\$51,674)	(\$41,366)	(\$48,731)	(\$44,789)	(\$39,217)
<i>Ending Cash</i>	\$78,246	\$53,272	\$59,516	\$47,415	\$54,731	\$96,474

SOURCE: Mississippi Board of Chiropractic Examiners' budget requests for fiscal years 2000 through 2005.



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# Conclusions

## Does Mississippi need a Board of Chiropractic Examiners?

**Yes. Risk factors associated with the chiropractic profession create a need for state government to protect the public. The State Board of Chiropractic Examiners, if it fulfills its function properly, should diminish or eliminate the profession's potential risk to the public.**

State government is responsible for protecting the public's health, welfare, and safety. When potential risks to these exist, measures such as establishing a board to regulate a profession are available to diminish or eliminate the potential for risk.

### Risks to the Public

***The nature of the practice of chiropractic, particularly the use of chiropractic adjustments, presents a risk to the public if practitioners are not properly trained and regulated.***

Many risks are common to all health care professions and are not unique to chiropractic. However, the nature of the profession, particularly the use of chiropractic adjustments, places great importance on trained practitioners. According to a review of the Hawaii Board of Chiropractic Examiners:

*...a chiropractic adjustment, commonly called a 'dynamic thrust,' is a sudden quick maneuver performed on a patient who has no control over the action. Practitioners must be able to recognize contraindications to spinal therapy and have the proper training and skills in manipulative therapy to avoid patient injuries such as sprains or fractures. The incompetent use of chiropractic adjustment techniques may result in irreversible spinal damage, a ruptured spinal disc, paraplegia, stroke, or even death.*

Those who hold an interest in chiropractic (particularly consumers and practitioners) should recognize the potential risks associated with the practice. Regulatory activities should be designed to guard against the following risks: incompetence; hurting the patient by joint displacement, bone breakage, hyperextension of the joints; failure to detect vital signs that indicate a referral is necessary (e.g., rotating the neck of someone with hypertension could easily lead to a stroke); poor recordkeeping; or misrepresentation of professional scope.

## Need for Regulation

*State regulation of the chiropractic profession is necessary to reduce or eliminate risk to the public.*

The typical regulatory functions of licensure and enforcement provide a safeguard against risk for the consuming public. Without the safeguards of licensure and enforcement in place, the likelihood of untrained practitioners injuring persons without accountability could increase.

**The Board of Chiropractic Examiners' regulatory functions do not duplicate those of other similar agencies.**

As with other health regulatory boards, the Board of Chiropractic Examiners should protect the public by screening licensees, requiring continuing education and knowledge of laws and regulations, and serving as an investigative body. Under the current regulatory scheme, as outlined in Mississippi law, the Board of Chiropractic Examiners' regulatory functions do not duplicate those of other similar agencies.

## What are the board's responsibilities in regulating the practice of chiropractic?

**The board's responsibilities in regulating the practice of chiropractic consist of licensing professionals and enforcing applicable laws and regulations.**

The Board of Chiropractic Examiners exists as a separate state agency whose purpose is to protect the public's health, safety, and welfare as it is affected by the practice of chiropractic. The state's regulation of chiropractic practice should ensure that chiropractors meet and maintain certain qualifications and competency requirements, act in a professional and competent manner, and comply with laws and regulations governing the profession. Failure to perform these duties could result in negative outcomes such as lack of chiropractor competence.

In addition to licensing chiropractors, the board certifies chiropractic assistants, chiropractic radiological technicians, and chiropractic claims reviewers.

**The regulation of chiropractic practice should ensure that chiropractors meet qualifications and act in a professional and competent manner, and comply with laws and regulations governing the profession.**

The major regulatory duties of the board are licensure and enforcement. The licensure function includes processing of applications, test validation and administration, communication with the candidate, reporting of exam results, collection of fees, and issuance of licenses. The enforcement function includes developing policies, distributing copies of chiropractic law to practitioners, ensuring that chiropractors receive twelve hours of continuing education annually, processing and investigating complaints, and sanctioning the practice of chiropractic.

## Does the board's licensing process provide assurance of competency of professionals?

**Yes.** Through the use of a national licensure examination and continuing education requirements, the State Board of Chiropractic Examiners assures the competency of practitioners. However, the board has not developed and validated its state jurisprudence exam in accordance with accepted test construction standards.

A major function of the Board of Chiropractic Examiners is to license chiropractors who want to practice in Mississippi. Licensing should involve a fair process that assures competency to practice. State law requires that the board determine that the chiropractor meets certain standards pertaining to general qualifications, education, and testing.

The board uses several screening methods to verify qualifications to practice such as checking national healthcare databases, requiring the dean's signature attesting to the candidate's graduation from a chiropractic college in good standing, and obtaining scores from the National Board of Chiropractic Examiners. No prior experience is required for new licensure.

### Licensure Requirements

*As is the practice in most other states, the Mississippi Board of Chiropractic Examiners requires candidates to pass all four parts of a national examination prior to initial licensure. State law provides a means for chiropractors licensed in another state to become licensed in Mississippi.*

MISS. CODE ANN. Section 73-6-13 (1972) requires that candidates for licensure as a chiropractor pass all four parts of an examination administered by the National Board of Chiropractic Examiners. These candidates must also pass a jurisprudence exam administered by the Mississippi Board of Chiropractic Examiners. The jurisprudence exam is designed to test the candidate's knowledge of Mississippi laws regulating the profession of chiropractic.

**The four-part national exam is administered by the National Board of Chiropractic Examiners.**

After passing the required examinations, candidates pay a \$200 initial licensure and examination fee. Each year chiropractors must pay a \$150 license renewal fee and obtain twelve hours of continuing professional education each year, with three of the twelve hours relating to risk management.

State law provides a means whereby practitioners who were licensed in another state but who now work in Mississippi may become licensed in Mississippi. MISS. CODE ANN. § 73-6-13 (4) (1972) states that a chiropractor from another state shall be licensed if the individual is of good moral character and complies with the following:

- a) is currently an active competent practitioner for at least eight years with no disciplinary proceeding or unresolved complaint pending;
- b) demonstrates that his or her license was obtained in another state under the same education requirements required of practitioners initially licensed in Mississippi;
- c) satisfactorily passes the board’s state jurisprudence exam and the “Spec” examination prepared by the National Board of Chiropractic Examiners. (A spec examination is an abbreviated version of the national licensing examination.); and,
- d) complies with the state’s education and training requirements regarding therapeutic modalities.

## Exam Validation

***The Board of Chiropractic Examiners has not developed and validated the state jurisprudence exam for chiropractors in accordance with accepted test construction standards.***

As noted above, the Board of Chiropractic Examiners administers its own state jurisprudence exam to test candidates’ knowledge of Mississippi laws regulating the profession of chiropractic.

**The board administers its own state jurisprudence exam to test candidates’ knowledge of Mississippi laws regulating the profession of chiropractic.**

When developing and administering licensing examinations for professionals, state regulatory boards typically abide by testing standards developed by the Council on Licensure, Enforcement, and Regulation (CLEAR). These standards reflect principles of fairness that make the process uniform for each examinee.

As illustrated in Exhibit 2, page 9, the Board of Chiropractic Examiners did not develop the state jurisprudence examination in accordance with all accepted test construction standards. Specifically, the board uses two different types of examinations—one with sixteen open-ended questions and another with fifteen true-false questions. The board has no assurances that the two examinations are equivalent or accurately test for the required competencies. Also, the board has not conducted formal research analysis on test results to determine the tests’ effectiveness.

**The board uses two different types of jurisprudence exams with no assurance that the two are equivalent or accurately test for the required competencies.**

Although board members are highly familiar with the practice of chiropractic in Mississippi, their development of the state exam still needs content validation in order to provide assurance that practitioners have reliable knowledge of laws governing state practice. Until the board develops an exam validation procedure, its perceptions of performance improvement will continue to go untested.

Exhibit 2: Analysis of the Mississippi State Board of Chiropractic Examiners' Jurisprudence Examination Procedures

Standard	Actions Needed to Meet Testing Standard	Did the board Follow Professional Testing Standards Suggested by the Council on Licensure, Enforcement and Regulation (CLEAR)?
<b>Test Development</b>	<ul style="list-style-type: none"> <li>analyze skills and knowledge required for chiropractic competency</li> <li>ensure test includes questions on each necessary skill</li> <li>set a valid passing score based on entry-level knowledge and skills</li> <li>develop oral, practical, and essay exams with standard answers that can be consistently graded</li> </ul>	<p><b>Partially.</b></p> <p><b>Actions Taken</b> The Mississippi Board of Chiropractic Examiners has reviewed state laws pertaining to the practice of chiropractic in Mississippi. Exam content is based on chiropractic law.</p> <p>The State Board uses two versions of an examination of chiropractic jurisprudence. One version is a 16-item open-ended exam. The other is a 15-item true-false exam.</p> <p><b>Standards Not Addressed</b> Although the board should have multiple versions of the exam available for security purposes, the board cannot assure that the two exam versions are equivalent. The open-ended version requires a variety of response styles, ranging from "yes/no" to a more complex listing or essay response. Face validity may be compromised because the exam contains minor typographical errors.</p>
<b>Test Administration</b>	<ul style="list-style-type: none"> <li>provide applicants with detailed information on testing times and dates, test content, test site conditions, grading procedures, and disclosure of test scores to applicants</li> <li>develop a written plan for accommodating candidates with disabilities which complies with the Americans with Disabilities Act</li> </ul>	<p><b>Yes.</b></p> <p><b>Actions Taken</b> The board sends each applicant the actual laws and regulations on which they are tested. The packet the board sends applicants also includes information about the test date, location and map, time of test, and scoring information. The board has also made accommodations for physical disabilities. For example, the board has large print exams available.</p>
<b>Statistical Analysis and Research</b>	<ul style="list-style-type: none"> <li>analyze test results to determine which test questions need revision to ensure the test is measuring appropriate knowledge and skills</li> </ul>	<p><b>No.</b></p> <p><b>Standards Not Addressed</b> The board has not conducted formal research analysis on test results. Although the board periodically updates the exam to reflect disciplinary actions, the board cannot provide formal assurance of the tests' effectiveness.</p>
<b>Scoring and Reporting</b>	<ul style="list-style-type: none"> <li>ensure that tests are graded and test results are reported to students in a fair and uniform manner</li> </ul>	<p><b>Yes.</b></p> <p><b>Actions Taken</b> The executive secretary and exam committee member grade the exams after they administer the test. The executive secretary notifies the candidates of their score immediately. After he notifies the candidates of their test results, he gives a report to the board.</p>
<b>Examination Security</b>	<ul style="list-style-type: none"> <li>ensure secrecy of test questions in advance</li> <li>maintain test materials in secure locations</li> <li>ensure students have no access to tests during printing, storage, transportation, and distribution</li> </ul>	<p><b>Yes.</b></p> <p><b>Actions Taken</b> The exams are developed and printed in the board's office. The executive secretary provides security for the exams. The exams are stored in the board's business office, where only the executive secretary and board members have access.</p>

SOURCE: PEER analysis of Board of Chiropractic Examiners' jurisprudence exam and Council on Licensure, Enforcement, and Regulation (CLEAR) standards suggested for regulatory boards.

## Does the board fairly and consistently enforce regulatory requirements?

**No. Because of its insufficient complaint recordkeeping and tracking process and its reliance on informal methods to sanction noncompliant practitioners, the Board of Chiropractic Examiners does not fairly and consistently enforce regulatory requirements.**

The enforcement of chiropractic law and regulations is greatly dependent on how well the board administers processes for receiving and handling complaints against practitioners and the expediency and uniformity with which the board takes disciplinary action against violators. PEER examined the board's complaint and disciplinary processes.

### Complaint Process

***The effectiveness of the board's complaint process is compromised due to an insufficient recordkeeping and tracking system.***

An effective regulatory process should have a means of lodging complaints against practitioners that is clear and easily accessible to the general public and users of the service. Although the board has a complaint process in place, it suffers from the following deficiencies:

- *no written policies specifying the logistics of the complaint process*--No statutes or written board policies specify the logistics of the complaint process, such as the method by which the complaint must be filed. Implicit in MISS. CODE ANN. §73-6-19 (2) (1972) is the requirement that the complaint must be in written form. However, the board has no standard form for filing a complaint that would ensure that the complaint contains all necessary elements.
- *no complete indexing system to facilitate locating complaint files*--The board considers any written complaint regarding an infraction of statute under the board's jurisdiction to be a valid complaint. The board receives about four valid complaints each year but does not have a complete indexing system that would facilitate locating complaint files. As a result, during PEER's review, board staff could not locate three of the fourteen complaints handled since July 2001.
- *an insufficient complaint tracking system*--The board has implemented a complaint tracking procedure that currently consists only of assigning a number to each complaint. An effective, complete complaint tracking system should include the recording of both formal and informal complaints, docketing valid complaints, numbering each case, prioritizing cases, and noting time to completion.
- *no prioritization of complaints based on threat to public safety*--The board's policies do not reflect a formal system for

prioritizing complaints nor do they indicate whether certain infractions will be investigated on a priority basis.

## Disciplinary Process

***Since July 2001, the Board of Chiropractic Examiners has utilized informal disciplinary methods to sanction noncompliant practitioners. These are not specifically provided for in law.***

The Board of Chiropractic Examiners is obligated to enforce professional standards outlined in chiropractic law. Professional conduct is clearly defined in the guidelines that the board distributes to chiropractors upon application for licensure.

MISS. CODE ANN. § 73-6-19 (1) (1972) enumerates reasons for which the Board of Chiropractic Examiners shall refuse to grant a certificate of licensure or may cancel, revoke, or suspend the certificate of a practitioner. The reasons included in state law range from failure to adhere to board regulations to unprofessional and unethical conduct to failure to make payment on chiropractic student loans.

MISS. CODE ANN. § 73-6-19 (4) (1972) states that whenever the board finds anyone unqualified to practice chiropractic, the board may enter an order imposing one or more of the following.

- a) deny the individual's application for a license or other authorization to practice chiropractic;
- b) administer a public or private reprimand;
- c) suspend, limit, or restrict the individual's license or other authorization to practice chiropractic for up to five years;
- d) revoke or cancel the individual's license or other authorization to practice chiropractic;
- e) require the individual to submit to care, counseling, or treatment by physicians or chiropractors designated by the board, as a condition for initial, continued, or renewal of licensure or other authorization to practice chiropractic;
- f) require the individual to participate in a program of education prescribed by the board; or,
- g) require the individual to practice under the direction of a chiropractor designated by the board for a specified period.

MISS. CODE ANN. § 73-6-19 (2) (1972) states that "Any holder of such certificate or any applicant therefor against whom is preferred any of the designated charges shall be furnished a copy of the complaint and shall receive a formal hearing in Jackson, Mississippi before the board, at which time he may be represented by counsel and examine witnesses."

**Since 2001, the board's disciplinary actions have relied on consent decrees and letters of advice or guidance to chiropractors, none of which is specifically provided for in state law.**

Prior to July 2001, the complainant and the chiropractor appeared before the board to present evidence related to their cases. PEER notes that since 2001, the disciplinary actions taken have relied on consent decrees and letters of advice or guidance to chiropractors. None of these remedies is specifically provided for in statute. Neither board minutes nor policies reflect the board's rationale in recent years for utilizing informal methods rather than formal hearings to resolve complaints. According to board officials, the board changed its procedure based on advice of legal counsel in order to expedite handling a backlog of complaints.



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# Recommendations

## Licensure

1. The Board of Chiropractic Examiners should ensure that the state jurisprudence exam meets professional testing standards by:
  - (a) improving content validity (coverage) by including at least two questions from each area of chiropractic law;
  - (b) improving face validity (presentation) of the licensure exam by editing typographical errors;
  - (c) reporting items missed to the candidates for their own improvement; and,
  - (d) providing basic statistical feedback to the board regarding the types of items missed.

## Complaint Process

2. The Board of Chiropractic Examiners should develop written policies regarding professional complaint filing and handling procedures. Specifically, complaint-handling procedures should address docketing, assigning case numbers, investigating, and resolving. Complaint records should be maintained for informal, anonymous, and written complaints. The board should also clearly state in its policies what information is available to the public. The board should track and analyze information on informal and anonymous complaints to identify areas of non-compliance or substandard treatment for possible investigation.

## Disciplinary Process

3. As required by MISS. CODE ANN. § 73-6-19 (4) (1972), the Board of Chiropractic Examiners should utilize formal hearings to sanction noncompliant practitioners and document its actions through formal orders in the board's minutes.

The Legislature should amend § 73-6-19 to allow for consent decrees and letters of advice in any matter not involving quality of care.



# Agency Response



## MISSISSIPPI STATE BOARD OF CHIROPRACTIC EXAMINERS

P.O. DRAWER 775  
LOUISVILLE, MS 39339  
(662) 773-4478  
FAX (662) 773-4433

Thomas F. Walker, D.C.  
Chairman

Richard Walker, D.C.  
Executive Secretary

September 20, 2003

Dr. Max K. Arinder  
Executive Director  
PEER Committee  
P.O. Box 1204  
Jackson, MS 39215-1204

Dear Dr. Arinder:

Thank you for providing an opportunity to respond to the review of the Mississippi State Board of Chiropractic Examiners. The Board is responsible for the licensure and regulation of the practice of chiropractic in Mississippi pursuant to Section 73-6-1 through 34, Code of 1972, as amended.

We offer the following response to your recommendations outlined in your review.

**Recommendation #1:**

The Board has implemented a dialogue with Mr. Max McDaniel, Jackson, MS, to insure the state jurisprudence examination meets professional testing standards, including the recommendations under A, B, C, & D. Please see enclosed letter.

**Recommendation #2:**

The Board of Chiropractic Examiners has instituted a database for tracking all disciplinary actions and recommended procedures. A written policy will be developed and approved in the Board's October meeting to implement the recommendations.

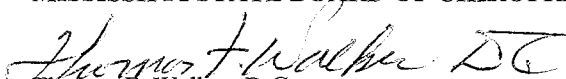
**Recommendation #3:**

The Board of Chiropractic Examiners has and will continue using formal hearings or the recommended hearings as directed by our attorney, who is with the State Attorney General's office.

Your staff has been very cooperative, helpful, and professional in every way. Again, we appreciate this opportunity to respond to your recommendations.

Sincerely,

**MISSISSIPPI STATE BOARD OF CHIROPRACTIC EXAMINERS**

  
Thomas F. Walker, D.C.  
Chairman

dlw  
Enclosure

Munson Hinman, D.C.  
Vice Chairman

L.A. Norville, D.C.  
David Ritch, D.C.

Rick C. Murphree, D.C.  
Brian W. Amy, M.D.



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Thomas F. Walker, D.C.  
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Richard Walker, D.C.  
Executive Secretary

September 20, 2003

Mr. Max McDaniel  
1453 Rebel Drive  
Jackson, MS 39211

RE: Chiropractic Jurisprudence Examination

Dear Mr. McDaniel:

I appreciate you taking the time to talk with me on Friday, September 19, 2003, relative to helping the Board of Chiropractic Examiners validate the jurisprudence examination we are required to administer to our prospective doctors entering the state of Mississippi.

Enclosed find a copy of the two examinations we have used in the past, along with a copy of the statute governing the practice of chiropractic in Mississippi, as requested.

Please feel free to contact our office if additional information is needed. We look forward to working with you on this project.

Sincerely,  
MISSISSIPPI STATE BOARD OF CHIROPRACTIC EXAMINERS

A handwritten signature in cursive script, appearing to read "Thomas F. Walker, D.C.", written in black ink.

Thomas F. Walker, D.C.  
Chairman

dlw

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## PEER Committee Staff

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