

Notice of Emergency Rule

DEPARTMENT OF HEALTH Board of Chiropractic Medicine

RULE NO.: RULE TITLE:

64B2ER20-30 Satisfaction of Continuing Education and Meeting Attendance Requirements Through Online or Virtual Live Technology

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Florida Board of Chiropractic Medicine (“Board”) is statutorily mandated to require forty (40) contact classroom hours of Continuing Education (“CE”) for Chiropractic Physicians and twenty-four (24) hours for Certified Chiropractic Physician’s Assistants as a prerequisite to biennial licensure renewal for licensees. In addition, the Board, by rule, requires all licensees to attend one in-person board meeting within their first year of licensure or practice in Florida.

On March 1, 2020, Florida Governor Ron DeSantis issued Executive Order Number 20-51 which directed the State Health Officer and Surgeon General, Dr. Scott Rivkees, to declare a public health emergency regarding the spread of the Novel Coronavirus Disease 2019 (COVID-19). On March 9, 2020, Governor DeSantis issued Executive Order Number 20-52 (Emergency Management - COVID-19 Public Health Emergency) and officially declared that a state of emergency exists in the State of Florida. COVID-19 disease is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza. As of August 9, 2020, there are over 532,800 confirmed cases of COVID-19 disease in the State of Florida. The Center for Disease Control (“CDC”) recommends mitigation measures to combat the spread of COVID-19 disease such as “social distancing,” wearing masks in public, staying home when sick, keeping away from others who are sick, staying home when a household member is sick with respiratory disease symptoms, and for those who are at higher risk, including older adults and those who have serious chronic medical conditions, to avoid non-essential travel and to avoid in-person gatherings. Even though mitigation measures have been successful in “slowing the spread,” the risk of public infection remains high.

Since the issuance of the Executive Orders and declaration of a public health emergency by the Governor and the State Health Officer, the Board has determined that online technologies, including video streaming/videoconferencing, can provide a level of quality which, due to the ongoing public health emergency, could be used as an alternative method of delivery of CE courses and virtual meeting participation, and which would satisfy the purpose and intent of the statute and promulgated rules, without exposure to the dangers of being in large groups of people, necessity of travel itself, potential contribution to the spread of the virus, and most importantly, would ensure compliance with the State Health Officer’s Orders, CDC Recommendations, and Governor DeSantis’s Emergency Orders, including the Governor’s “Safe. Smart. Step-by-Step.” recovery plan.

Florida’s Chiropractic Professionals, and those who come in contact with them, should not be unnecessarily put at risk during this healthcare emergency. Accordingly, the Board, by emergency rule, will authorize licenses to satisfy CE and meeting attendance requirements through virtual live, synchronous online, and/or asynchronous online methods, while it contemporaneously initiates rulemaking to extend these changes until the end of the current licensure renewal biennium. The Board finds that this action is a measured regulatory approach that helps to mitigate the threat of exposure to COVID-19 disease to Floridians, including Chiropractic professionals and those that come in contact with them, while still satisfying the purpose and intent of the waived requirements.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Given the ongoing declared emergency in the State of Florida; Emergency Order 20-91; the guidance from the CDC; that chiropractic licensees are required to attend in-person continuing education courses and/or live meeting attendance to fulfill initial licensure or renewal requirements, the Board finds that an immediate danger to the public health, safety, or welfare necessitates immediate action regarding this issue. In addition, at the same meeting where this Emergency Rule was proposed, the Board determined to initiate rulemaking to amend the Board’s underlying rules in Chapter 64B2, Florida Administrative Code, to allow online and virtual live through the current renewal biennium, March 31, 2022; after this date, the existing requirements will resume unless altered by subsequent Board action. Notice of this meeting was published in the Florida Administrative Register in Volume 46, No.140 on July 20, 2020. In addition, notice of the meeting was posted on the Board’s official website.

SUMMARY: The emergency rule authorizes licensees to obtain all required continuing education hours by any means, live, virtual live, or online; and first year licensees to satisfy the required meeting attendance through either a live or online/livestreaming/webinar meeting for the ninety-day effective period of the emergency rule.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Anthony B. Spivey, Dr.BA, Executive Director, Florida Board of Chiropractic Medicine, Anthony.Spivey@flhealth.gov, (850)245-4355.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64B2ER20-30 Satisfaction of Continuing Education and/or Meeting Attendance Requirements Through Online or Virtual Live Technology.

For the duration of this Emergency Rule, all Florida Board of Chiropractic Medicine licensees may obtain all required continuing education hours by any means, live, virtual live, or synchronous or asynchronous online. In addition, licensees may satisfy the requirements of Rule 64B2-16.007, F.A.C., through attending the November 6, 2020, livestreaming Board of Chiropractic Medicine meeting.

Rulemaking Authority 456.013, 456.025(7), 460.405, 460.408 FS. Law Implemented 456.013(6), (8), (9), 456.025(7), 456.036(10), 460.408 FS. History—New 8-20-20.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.