

The Texas Board of Chiropractic Examiners (Board) proposes new 22 TAC §77.3 (Proper Use of "D.C." or Similar Terms and Restrictions). This rulemaking simply removes the language in the current 22 TAC §77.1 about the proper use of "D.C." and similar terms, and places it in this new stand-alone rule. The purpose of moving this language into a stand-alone rule is to make finding this information in the Board's rules easier.

The Board's Executive Director, Patrick Fortner, has determined that for the first five-year period the proposed new rule is in effect there will be no fiscal implications for state or local government. There will be no adverse effect on small businesses or rural communities, micro-businesses, or local or state employment. There will be no additional economic costs to persons required to comply with the new rule as proposed. An Economic Impact Statement and Regulatory Flexibility Analysis is not required because the proposed new rule will not have an adverse economic effect on small businesses or rural communities as defined in Texas Government Code §2006.001(1-a) and (2).

Mr. Fortner has determined that for each year of the first five years the proposed new rule will be in effect the public benefit is to make it easier to find the Board's requirements on the proper use of "D.C." and similar terms.

The Board provides this Government Growth Impact Statement, pursuant to Texas Government Code §2001.0221, for the new 22 TAC §77.3. For each year of the first five years the proposed new rule is in effect, Mr. Fortner has determined:

- (1) The proposed new rule does not create or eliminate a government program.
- (2) Implementation of the proposed new rule does not require the creation of new employee positions or the elimination of existing employee positions.
- (3) Implementation of the proposed new rule does not require an increase or decrease in future legislative appropriations to the Board.
- (4) The proposed new rule does not require a decrease in fees paid to the Board.
- (5) The proposed new rule does not create a new regulation.
- (6) The proposal new rule amends an existing Board rules for an administrative process.
- (7) The proposed new rule does not decrease the number of individuals subject to the rule's applicability.
- (8) The proposed new rule does not positively or adversely affect the state economy.

Comments on the proposed new rule or a request for a public hearing may be submitted to Christopher Burnett, General Counsel, Texas Board of Chiropractic Examiners, 333 Guadalupe, Suite 3-825, Austin, Texas 78701, via email: [rules@tbce.state.tx.us](mailto:rules@tbce.state.tx.us); or fax: 512-305-6705, no later than 30 days from the date that this proposed new rule is published in the *Texas Register*. Please include the rule name and number in the subject line of any comments submitted by email.

The new rule is proposed under Texas Occupations Code §201.152 (which authorizes the Board to adopt rules necessary to perform the Board's duties and to regulate the practice of chiropractic) and Texas Occupations Code §201.155 (which authorizes the Board to adopt rules to prohibit false, misleading, or deceptive advertising).

No other statutes or rules are affected by this proposed new rule.

<rule>

### 77.3. Proper Use of "D.C." or Similar Terms and Restrictions.

- (a) A licensee shall use clear language in any advertising and public communication to specify the type of license the licensee currently holds.
- (b) A licensee who uses the terms "doctor" or "Dr." in any public communication or advertising shall also clearly use the terms "doctor of chiropractic," "D.C.," "chiropractor," or "chiropractic" in the public communication or advertising.
- (c) An individual may not identify the individual as a "doctor of chiropractic," "D.C.," or "chiropractor" in any public communication or advertising without holding an active Texas license except as allowed by subsection (d) of this section.
- (d) An individual who has earned a chiropractic academic degree but is not licensed in Texas may use the academic title in advertising or public communications if the advertising or public communications makes clear the individual is unlicensed by prominently modifying the terms "doctor of chiropractic," "D.C.," or "chiropractor" with language such as:
  - (1) "retired;"
  - (2) "pending licensure in Texas" (only if the individual has submitted an application to the Board);
  - (3) "not licensed in Texas;" or
  - (4) "unlicensed in Texas."
- (e) A licensee shall identify by name any board certifying the licensee's professional credentials in any public communication or advertising using the term "Board Certified" or similar term.
- (f) A licensee may not state in any public communication or advertising that the licensee is "Board Certified" by the Texas Board of Chiropractic Examiners.
- (g) An individual violating this section is subject to disciplinary action.