

# Texas Board of Chiropractic Examiners

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August 7, 2002

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The Honorable John Cornyn  
Attorney General, State of Texas  
P.O. Box 12548  
Austin, TX 78711-2548

Dear General Cornyn:

As President of the Texas Board of Chiropractic Examiners and on behalf of the Board, I am seeking your opinion on the scope of the Chiropractic Act, Occupations Code § 201.354(e). That subsection reads:

"Except as provided by Section 201.355, a person may not renew a license that has been expired for one year or more. The person may obtain a new license by submitting to **reexamination** and complying with the requirements and procedures for obtaining an original license."

[emphasis added] See also, Board rule 73.2(h)(4) (22 TAC §73.2(h)(4).

Subchapter G of the Occupations Code sets out the requirements for obtaining an original license. Subsection (a) of section 201.304 reads:

"To receive a license, an applicant for a license by examination must pass:

- (1) the required and optional parts of the examination given by the National Board of Chiropractic Examiners, as required by and under conditions established by board rule.
- (2) an examination prepared by the board that tests the applicant's knowledge and understanding of the laws relating to the practice of chiropractic in this state. "

The National Board of Chiropractic Examiners (NBCE) is a non-profit national testing organization that was established in 1963 to provide pre-chiropractic licensure testing for graduate doctors of chiropractic seeking licensure. It currently provides seven different tests, including Parts I, II, III, IV and Physiotherapy mentioned previously, as well as the Special Purposes Examination for Chiropractic (or, "SPEC test") and the Chiropractic Aptitude Test



**THE HONORABLE JOHN CORNYN, ATTORNEY GENERAL**

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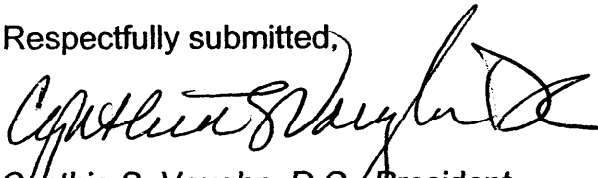
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(CAT). The NBCE Parts I through IV examinations are specifically designed to measure the competency of candidates for initial licensure who have recently matriculated. In fact, after successful completion of each of them, the NBCE issues "Certificates of Completion" for each candidate. These tests were never intended – and would be inappropriately used – for applicants who have been out of school for any length of time.

On the other hand, the SPEC exam is a test that the NBCE designed to objectively measure the clinical competency of doctors of chiropractic who have allowed their licenses to lapse or who have voluntarily refrained from clinical practice for a period of time. It is also frequently used by state licensing boards for reciprocity and interstate mobility determinations. However, it is not considered an initial licensure examination and is never used for this purpose.

My question is must a person subject to section 201.354(e) re-take all of the NBCE examinations presently required by rule 71.6(a) for original licensure, or may the Board, by rule, determine which NBCE examinations sufficiently and safely fulfill the requirement of reexamination under subsection (e)?

Respectfully submitted,



Cynthia S. Vaughn, D.C., President  
Texas Board of Chiropractic Examiners

c: Members, TBCE  
Ms. Brenda Loudermilk, Assistant Attorney General