§ 6554-a. Mandatory continuing education for chiropractors. 1. (a) Each chiropractor licensed pursuant to this article, required to register triennially with the department to practice in this state, shall comply with the provisions of the mandatory continuing education requirements, except as set forth in paragraphs (b) and (c) of this subdivision. Chiropractors who do not satisfy the mandatory continuing education requirements shall not practice until they have met such requirements and have been issued a registration or conditional registration certificate.

(b) Chiropractors shall be exempt from the mandatory continuing education requirement for the triennial registration period during which they are first licensed. In accordance with the intent of this section, adjustments to the mandatory continuing education requirement may be granted by the department for reasons of health, certified by an appropriate health care professional, for extended active duty with the armed forces of the United States, or for other good cause acceptable to the department which may prevent compliance.

(c) A licensed chiropractor not engaged in chiropractic practice as an individual practitioner, a partner or a partnership, a shareholder of a professional service corporation, as an employee of such practice units, or as an employee of a facility operating pursuant to article twenty-eight of the public health law, or as otherwise determined by the department, shall be exempt from the mandatory continuing education requirement upon the filing of a statement with the department declaring such status. Any licensee who returns to the public practice of chiropractic during the triennial registration period shall notify the department prior to reentering the profession and shall meet such mandatory continuing education requirements as shall be promulgated by regulation of the commissioner in consultation with the board.

(d) Nothing in this section shall be construed as enabling or authorizing the department or state board for chiropractic to require or implement continuing competency testing or continued competency certification for chiropractors.

2. During each triennial registration period an applicant for registration shall complete thirty-six hours of acceptable formal continuing education, a maximum of twelve hours of which may be

self-instructional coursework as approved by the department in consultation with the board. Any chiropractor whose first registration date following the effective date of this section occurs less than three years from such effective date, but on or after January first, two thousand four, shall complete continuing education hours on a prorated basis at the rate of one hour per month for the period beginning January first, two thousand four up to the first registration date thereafter. A licensee who has not satisfied the mandatory continuing education requirements shall not be issued a triennial registration certificate by the department and shall not practice unless and until a conditional registration certificate is issued as provided in subdivision three of this section. The individual licensee shall determine the selection of courses or programs of study pursuant to subdivision four of this section. Continuing education hours taken during one triennium may not be carried over or otherwise credited or transferred to a subsequent triennium.

3. The department, in its discretion, may issue a conditional registration to a licensee who fails to meet the continuing education requirements established in subdivision two of this section but who agrees to make up any deficiencies and take any additional education which the department may require. The fee for such a conditional registration shall be the same as, and in addition to, the fee for the triennial registration. The duration of such conditional registration shall be determined by the department but shall not exceed one year. Any licensee who is notified of the denial of registration for failure to complete the required continued education and who continues to practice chiropractic without such registration may be subject to disciplinary proceedings pursuant to section sixty-five hundred ten of this title.

4. As used in this section, "acceptable formal continuing education" shall mean formal programs of learning which are sponsored or presented by a New York state chiropractic professional organization, national chiropractic professional organization or higher educational institution, and which meet the following requirements: contain subject matter which contributes to the enhancement of professional and clinical skills of the chiropractor and is approved as acceptable continuing

education by a chiropractic college recognized by the Commission on Accreditation of the Council of Chiropractic Education to fulfill the mandatory continuing education requirements, and which meets the standards prescribed by regulations of the commissioner in consultation with the board to fulfill the mandatory continuing education requirement.

5. Chiropractors shall certify at each triennial registration as to having satisfied the mandatory continuing education requirements of this section, shall maintain adequate documentation of completion of acceptable formal continuing education to support such certification and shall provide such documentation to the department upon request. Failure to provide such documentation upon request of the department shall be an act of misconduct subject to disciplinary proceedings pursuant to section sixty-five hundred ten of this title.

6. The mandatory continuing education fee shall be forty-five dollars, shall be payable on or before the first day of each triennial registration period, and shall be in addition to the triennial registration fee required by section sixty-five hundred fifty-four of this article.