

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

John H. Armstrong, MD, FACS
State Surgeon General & Secretary

Vision: To be the Healthiest State in the Nation

MEMORANDUM

DATE: November 4, 2014
TO: Board of Chiropractic Medicine
FROM: Zohre Bahrayni, Ph.D., Psychometrician
Operational Support Services
SUBJECT: A Position Paper
Moving the Laws and Rules Examination to Continuing Education

ACTION REQUIRED

Introduction

Among all regulated professional disciplines served by the Department, some require that candidates for licensure pass an examination covering State Laws and Rules that are applicable to the practice of the profession. This requirement is in addition to other conditions stipulated for licensure. Other professions only require continuing education that covers the Laws and Rules but do not administer an examination on that competency. The purpose of giving a Laws and Rules examination is to ensure that new licensees are knowledgeable about the legal provisions governing practice of their specialty. Several factors, though, bring into question the effectiveness of the Laws and Rules examination:

General Concerns regarding Laws and Rules Examination

The concerns most often expressed with regard to the adequacy of Laws and Rules examinations are the following:

- Licensure applicants generally study the Laws and Rules when pursuing initial licensure. However, there is a general concern that once they pass the Laws and Rules examination, they do not keep their knowledge of the Laws and Rules current. Through our years of experience and frequent meetings with licensed professionals, we have learned that it is not necessarily the *new* licensees who violate the Laws and Rules set for different professions. In many cases, practitioners who have been in the profession for years are the ones who violate the Laws and Rules.
- At the same time, it has been argued by some that the Laws and Rules examinations have very little to do with the protection of the health, safety and welfare of the public, since many of the questions on the Laws and Rules examinations do not clearly test any knowledge directly related to competent practice.

- The Laws and Rules examination may not discriminate between minimally competent and incompetent practitioners as well as professional examinations in the same field, since the pass rate on the Laws and Rules examination is usually very high – much higher than on the professional examinations.
- The Laws and Rules examination also contain too few questions to be statistically sound. Statistical criteria require that an examination contain enough relevant questions to serve as a basis for estimating reliability and validity; but it is often difficult to come up with enough relevant and sound questions for the Laws and Rules examination. The Department is therefore frequently obliged to include some unimportant items in the examination in order to have the required number of items to compose a statistically defensible test and in order to be able to vary the questions included in the different forms of the examination.
- Another factor is that the knowledge tested in the Laws and Rules examinations changes and candidates preparing for a current examination may have studied an older version of the Laws and Rules.
- There is also the possibility that the board may change the Laws and Rules prior to an examination. When this happens, it both causes the current examination to be out of date and makes it difficult for the Department to develop and pilot-test new questions quickly enough to update the examination. This results in examination specifications and content that are out of compliance with the current Laws and Rules.

Recommendation

Given the factors described above, we recommend that the Chiropractic Laws and Rules examination be eliminated from the licensure requirements for becoming a Chiropractor in Florida and that the relevant subject matter instead be integrated into the continuing education curriculum of the profession.

It is our opinion that eliminating the Chiropractic Laws and Rules examination would not have an adverse effect on the health, safety and welfare of the public. We believe that the requirements for education and for demonstration of minimum competency applied through the current professional examination system are entirely sufficient to protect the public from incompetent practitioners.

In addition, changing from the present Laws and Rules examination procedure, where candidates only take the exam once or twice, to a system where that subject matter is incorporated directly into the profession's continuing education curriculum would provide a means for keeping practitioners more current on the changing nature of the standards governing their work.

If the Board accepts our proposal to eliminate the Laws and Rules examination and cover the same material through continuing education, then they should set a date for that measure to go into effect and correct the existing text of the Laws and Rules to reflect this change.

cc: Megan Givens, Program Operations Administrator, Operational Support Services