

WISCONSIN LEGISLATIVE COUNCIL STAFF



**RULES CLEARINGHOUSE**

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 99-147**

AN ORDER to create Chir 4.06, relating to utilization reviews.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

10-15-99 RECEIVED BY LEGISLATIVE COUNCIL.  
11-12-99 REPORT SENT TO AGENCY.

RS:DD;jal;rv

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO

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## CLEARINGHOUSE RULE 99-147

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

Should "utilization review" be defined, or is its meaning sufficiently understood by those affected by the rule? If not defined, consideration might be given to explaining the term in the analysis.

MAR 01 2001

STATE OF WISCONSIN  
CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : CHIROPRACTIC EXAMINING BOARD  
CHIROPRACTIC EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 99-147)

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TO: Senator Judy Robson, Senate Co-Chairperson  
Joint Committee for the Review of Administrative Rules  
Room 15 South, State Capitol  
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the CHIROPRACTIC EXAMINING BOARD is submitting in final draft form rules relating to utilization reviews.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

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**STATE OF WISCONSIN  
CHIROPRACTIC EXAMINING BOARD**

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**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE  
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 99-147  
CHIROPRACTIC EXAMINING BOARD: (s. 227.19 (3), Stats.)**

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**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS:**

No new or revised forms are required by these rules.

**III. FISCAL ESTIMATES:**

These rules will have no significant impact upon state or local units of government.

**IV. STATEMENT EXPLAINING NEED:**

In this proposed rule-making order the Chiropractic Examining Board defines utilization review as an activity within the scope of practice of chiropractic and ensures that utilization reviews of chiropractic are performed by qualified persons familiar with Wisconsin law. This rule clarifies that a utilization review of a chiropractor's records of analysis, diagnosis, and treatment constitutes the practice of chiropractic and requires that the review be performed by a licensed chiropractor.

**V. NOTICE OF PUBLIC HEARING:**

A public hearing was held on November 18, 1999. Written comments were received from the following:

Russell A. Leonard, Executive Director, Wisconsin Chiropractic Association, Madison, WI

Barbara Levy, Legislative Director, Health Insurance Association of America, Washington, D.C.

Wisconsin Association of Life and Health Insurers, Madison, WI

Eric Englund, President, Wisconsin Insurance Alliance, Madison, WI

Julie A. Daggett, Director of Government Affairs, Wisconsin Association of Health Plans, Madison, WI

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

The recommendation suggested in the Clearinghouse Report was accepted in whole. The rule was amended both to comply with the Clearinghouse Report recommendation and in response to written comments received.

**VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:**

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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STATE OF WISCONSIN  
CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : CHIROPRACTIC EXAMINING BOARD  
CHIROPRACTIC EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 99-147)

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PROPOSED ORDER

An order of the Chiropractic Examining Board to create Chir 4.06, relating to utilization reviews.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.

Statutes interpreted: s. 446.01 (2), Stats.

In this proposed rule-making order the Chiropractic Examining Board defines utilization review as an activity within the scope of practice of chiropractic and ensures that utilization reviews of chiropractic are performed by qualified persons familiar with Wisconsin law. This rule clarifies that a utilization review of a chiropractor's records of analysis, diagnosis, and treatment constitutes the practice of chiropractic and requires that the review be performed by a licensed chiropractor.

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TEXT OF RULE

SECTION 1. Chir 4.06 is created to read:

**Chir 4.06 Utilization review.** (1) A utilization review of a chiropractor's records of analysis, diagnosis, and treatment constitutes the practice of chiropractic and may only be performed by a person who meets all of the following:

- (a) Is currently licensed under s. 446.02, Stats.
- (b) Has practiced for at least 2 years in Wisconsin.
- (c) Has at least 10 years of continuous clinical chiropractic experience.

(2) A person performing a utilization review shall do all of the following:

- (a) Sign the utilization review and provide his or her name and contact address.

(b) List in his or her report all documentation reviewed in performing the review.

(c) State a reasonable explanation of the factual basis for the review's conclusion.

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(END OF TEXT OF RULE)  
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The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson  
Chiropractic Examining Board

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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