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STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : CHIROPRACTIC EXAMINING BOARD
CHIROPRACTIC EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 03-082)

TO: Alan J. Lasee
President of the Senate
Room 219 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the CHIROPRACTIC EXAMINING BOARD is submitting in final draft form rules relating to minor changes to conform the rules to current practices and to correct oversights and problematic language in the current rules, especially related to the board's adoption of Part IV of the national examination in lieu of a state-administered examination to demonstrate clinical competence.

If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

**STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING
PROCEEDINGS BEFORE THE
CHIROPRACTIC EXAMINING BOARD**

**: REPORT TO THE LEGISLATURE
: ON CLEARINGHOUSE RULE 03-082
: (s. 227.19 (3), Stats.)**

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:

The Department of Regulation and Licensing will incur \$500 in costs to print and distribute the rule change.

IV. STATEMENT EXPLAINING NEED:

This proposed rule-making order makes numerous minor changes to the existing rules regulating the practice of chiropractic, mainly to conform the rules to current practices but also to correct oversights and problematic language in current rules. This proposed rule-making order also changes the advance time required for consideration of applications based on the change to accept Part IV of the national examination.

This proposed rule-making removes a never-used option for direct board approval of a college or university and transfers that responsibility to the United States Office of Education or its successor, and creates a mechanism for the board to be able to consider applicants with foreign degrees. Also, this rule-making expands and clarifies the scope of disciplinary actions and malpractice claims that the board may consider in approving a preceptor.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on October 16, 2003. The following individuals appeared:

Opposed

Carmel J. Raihala, DC, DBA Metzler & Raihala Chiropractic
Randall Adams, DC, DACBOH, MS, Adams Chiropractic Clinic
Michael Anderson, DC, Anderson Chiropractic Office
Dan A. Farah, DC, Bayport Chiropractic Clinic
Paul M. Bekkum, DC, Atlas Chiropractic Clinic

Judy Davis, DC, Accent Chiropractic
Elena Boles, DC, Boles Chiropractic Centre
Jodi Griffith, DC, Toftness Chiropractic Clinic
Rick Behncke, DC, Douglas and Mork Chiropractic Office, S.C.
David Stalheim, DC, Stalheim Chiropractic, S.C.
Douglas Cox, DC, Gonstead Clinic of Chiropractic
James Stoenner, DC, Gonstead Clinic of Chiropractic
T. Raymond Clinton, DC, Gonstead Clinic of Chiropractic
Sandra Chilson, DC, Gonstead Clinic of Chiropractic
Harold Dykema, DC, Dykema Chiropractic Office, S.C.
Kimberly A. Johnson, DC, Johnson Chiropractic Office
Alan Zelm, DC, Zelm Chiropractic Center, S.C.
Steve Douglas, DC, Douglas and Mork Chiropractic Office, S.C.
Robert W. Miclot Jr., DC, Miclot Chiropractic Office
Leon Klusmeyer, DC, Chiropractic Wellness Center
Jo Ellen Manville, DC, Manville Chiropractic, L.L.C.
David Schmitz, DC, Schmitz Chiropractic Clinic
Pamela J. Thompson, DC, Chiropractic Health Center
Cindy Puent, DC, Black River Chiropractic Center
F. J. Passineau, DC, Passineau Chiropractic Industrial Health Services
Jay Meverden, DC, Meverden Sports & Family Chiropractic
George Varish III., DC, CCOHC, Varish Chiropractic Clinics, L.L.P
Ruth Jean, DC, Black River Chiropractic Center, S.C.
David Reif, DC, Platta Chiropractic & Therapeutic Massage
Bruce K. Platta, DC, Platta Chiropractic & Therapeutic Massage
Brett Hoefl, DC, Hoefl Chiropractic Office
Jeremy Frigo, DC, Frigo Chiropractic
Timothy J. Peterson, DC, Peterson Chiropractic Clinic, L.L.C.
Ronald D. Peterson, DC, Peterson Chiropractic Clinic, L.L.C.
Julia Hobbins, DC, Prairie Chiropractic
Bernie Erenberger, DC, Downtown Chiropractic
Daniel J. Wautlet, DC, DACRB, Diplomate American Chiropractic Rehabilitation Board
Gerald V. Beyerl, DC, Chiropractic Service of Marshfield
Victoria Zueger, DC, O'Connor Chiropractic Office, S.C.
John Nowicki, DC, Niagara Chiropractic
Jeffrey Winter, DC, Winter Chiropractic
William Tomcek, DC, Tomcek Chiropractic
Thomas Potisk, DC, Potisk Chiropractic Office
Charles L. Nieuwenhuis, DC
Michael D. Berglund, DC, Berglund Health & Wellness Center
Joseph K. Murphy, DC
John C. Murphy, DC
Nancy A. Budish, DC
Gregg Bakke, DC
Alan Resch, DC
Daniel E. Hyatt, DC

Duane D. Kimball, DC
Eric Davidson, DC, Davidson Chiropractic Office
Robert F. Swenson, DC, Swenson Chiropractic, S.C.
Howard Henning, DC, Henning Chiropractic, S.C.
Dennis R. Smith, Smith Chiropractic Clinic
Scott D. Newcomer, DC, Zastrow Chiropractic Clinic S.C.
Ross S. Royster, DC, Madison Chiropractic L.L.C.
Warren L. Silbaugh, DC, Silbaugh Chiropractic Clinic
Gary A. Fischer, DC, Chiropractic and Physical Therapy
Steven E. Schuelke, DC, Peshtigo Chiropractic Office
Robert Sell, DC, Family Chiropractors, Inc
Mark Anderson, DC, Family Chiropractors, Inc
Eric Clausen, DC, Family Chiropractors, Inc
Amy Nussbaum-Schubbe, DC, Nussbaum Chiropractic L.L.C.
Jim Markovich, DC, Markovich Chiropractic
Warren Witkowski, DC, Witkowski Chiropractic Clinic
Richard J. Kemp, DC, Kemp Clinic of Chiropractic
Thomas Leuthner, DC, Leuthner Chiropractic Clinic
Jon A. Peterson, DC, Boots Chiropractic & Wellness Center S.C.
William J. Boots, DC, Boots Chiropractic & Wellness Center S.C.
James R. Boots, DC, Boots Chiropractic & Wellness Center S.C.
David M. Whitty, DC, Whitty Chiropractic
Roxanne F. Best, DC, Dykema Chiropractic Office, S.C.
Chris Clifford, DC, Back to Health Chiropractic Rehabilitation Center
Jerry A. Twit, DC, Twit Chiropractic Clinic
Patrick O'Connor, DC, O'Connor Chiropractic Office S.C.
Lori Bents, DC, Bents Chiropractic Center S.C.
Ryne D. DeVries, DC, Black River Chiropractic Center S.C.
Richard Glessing, DC, Chiropractic Clinic, INC
Jeff Lyne, DC
Eileen Isom, DC
Sherry L. Walker, DC
Kenneth Ruedlke, DC
Dale W. Brockman, DC
Lisa Sadowski, DC
Sean Duffy, DC
Mark D. Peterson, DC
Martin L. Hazuka, DC
Christopher Kroll, DC
Brian Maisel, DC
Mark R. Wollff, DC
Thomas Siegel, DC
Jason Smith, DC
Peter J. Kish, DC
R.T. Michalski, DC
Dennis A. Bulgrin, DC

Allen Orth, DC
Nancy A Budish, DC
Charles L. Nieuwenhuis, DC
Michael D. Berglund, DC
Dale W. Brockman, DC
Daniel E. Joseph, DC
Joel Sperling, DC
Teresa Paulsrud, DC
Christine M. Krsko, DC
Nancy Weidner, DC
Wendy Varish, DC
Tim Baron, DC
John G. Rutsch, DC
Tim & Kathy DeFlorian, DC
Randy Strickland, DC
Stephen D. Schlosser, DC
Keith J. Oudenhoven, DC
Daniel E. Maiman, DC
Integrity Sports Medicine, DC
John P. Wagener, DC
Carmel J. Raihala, DC
Bevier H. Sleight, III., DC
Cheryl Metzler, DC
Teresa M. Paulsrud, DC
Bradley N. Paulsrud, DC
Timothy P. Wolter, DC
Gerald H. Retzlaff, DC
James D. Webley, DC
Christine M. Krsko, DC
Ross H. Kading, DC
Nancy Weidner, DC
John P. Wagener, DC
Mark A. Dull, DC
Dennis A. Abegglen, DC
Ryan T. Hansen, DC
John C. Murphy, DC
Chad W Schultz, DC
Marty J Lorentz, DC

Favor

Brian J. Brost, DC, Black River Chiropractic Center, S.C.
John Fisher, DC, Fisher Chiropractic Center
Margaret Mertens, DC
Thomas H. Nelson, DC

The main opposition to this proposed rule-making order was replacing the Wisconsin state examination with the national examination (Part IV). Majority stated opinion is that "It would weaken state standards and reputation, plus professionalism of chiropractors."

The board is of the opinion that going to the national examination has solid reliability and validity and appears to be less subjective. It is set up in a fashion to measure a candidate's minimum competence fairly and equally, which is something that the state examination did not exhibit. The board does not feel that by using the national examination there would be harm to the public. It would provide consistency in the measurement of minimum competency, and will protect the public by assuring minimum competence.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 5.c. There are some laser applications that claim not to be invasive. By including "invasive" with "laser application" it helps distinguish between the two.

All of the remaining recommendations suggested in the Clearinghouse Report were accepted in whole.

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : CHIROPRACTIC EXAMINING BOARD
CHIROPRACTIC EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 03-092)

PROPOSED ORDER

An order of the Chiropractic Examining Board to repeal Chir 2.02 (7), 2.05, 2.06, 2.08, 2.09, 2.10, the Note following 2.11 (2), 3.01, 3.03 (2) (k), the Note following 10.01 (2), 10.04 and 10.06; to renumber and amend Chir 9.06 (intro.) and (1) to (6); to amend Chir 2.02 (intro.), the Note following 2.02 (intro.), (3), the Note following 2.02 (3), (4), (6) (a) and (b), 2.03 (2) (intro.), 2.04, 2.07 (3), 2.11 (2) and (3), chapter Chir 3 (title), 3.02 (title), (1) (intro.), (c), (d), (2) and (3) (a), 3.03 (1) (intro.), (b), (c) 1., 2. and 3., (e), (h) and (2) (d) to (g), the Note following 3.03 (2) (k), the Note following 3.035 (1) (b) and (2), 3.04, 3.06, 3.07, 3.09, the Note following 4.04 (3), 4.05 (1) (b) 3., the Note following 4.05 (2) (d) 3., 5.02 (1) (a) and (b), the Note following 5.02 (4) (a) 1., 5.02 (4) (a) 6., the Note following 5.02 (6), 6.02 (14), 9.03 (3) (intro.), (4), (5) and the Note following 9.03 (5), the Note following 9.04 (5), 9.05 (1) (intro.) and (a), the Note following 9.05 (1) (f), 10.01 (1) and (2), the Note following 10.03; and to create Chir 2.01 (3), 5.01 (1) (e), 5.02 (1) (h), 9.06 (2), 10.02 (3) and a Note following 11.02 (8), relating to minor changes to conform the rules to current practices and to correct oversights and problematic language in current rules, especially related to the board's adoption of Part IV of the national examination in lieu of a state-administered examination to demonstrate clinical competence.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 446.02 and 446.04, Stats.

Statutes interpreted: Chapter 446, Stats.

This proposed rule-making order makes numerous minor changes to the existing rules regulating the practice of chiropractic, mainly to conform the rules to current practices but also to correct oversights and problematic language in the current rules.

SECTION 1 moves text from two other locations in the rules, Chir 2.02 (7) and Chir 3.03 (2) (k), to a more logical location.

SECTION 2 changes the advance time required for consideration of applications based on the change to accept Part IV of the national examination and changes the address for requesting applications; updates the name of the United States Office of Education, allows for future changes in the name, and creates a mechanism for the board to be able

to consider applicants with foreign degrees; removes a never-used option for direct board approval of a college or university and transfers that responsibility to the U.S. Office of Education or its successor; creates a mechanism for the board to be able to consider applicants with foreign degrees; and updates the name of the United States Office of Education, allows for future changes in the name.

SECTION 3 deletes language that is moved to a more logical location by SECTION 1.

SECTION 4 removes language that has been rendered obsolete by the acceptance of Part IV of the national examination.

SECTION 5 removes language that has been rendered obsolete by the acceptance of Part IV of the national examination.

SECTION 6 removes two sections that have been rendered obsolete by the acceptance of Part IV of the national examination.

SECTION 7 removes language that has been rendered obsolete by the acceptance of Part IV of the national examination.

SECTION 8 removes three sections that have been rendered obsolete by the acceptance of Part IV of the national examination.

SECTION 9 removes language that has been rendered obsolete by the acceptance of Part IV of the national examination.

SECTION 10 removes language that has been rendered obsolete by the acceptance of Part IV of the national examination.

SECTION 11 removes language that has been rendered obsolete by the acceptance of Part IV of the national examination.

SECTION 12 removes language related to a credentialing distinction that is not observed.

SECTION 13 removes a section related to a credentialing distinction that is not observed

SECTION 14 removes obsolete language related to a credentialing distinction that is not observed; changes "evidence" to "verification" to avoid licensees sending in continuing education certificates; clarifies that the certificates need to be kept and sent in only on request; allows the CPR requirement to be waived; clarifies that a person may return to practice once requirements are met; removes obsolete language related to a credentialing distinction that is not observed; and clarifies that continuing education must be up-to-date for reinstatement.

SECTION 15 clarifies the meaning of "jurisdiction"; creates a means by which a foreign degree may be recognized; changes language to conform to language in another section,

s. Chir 2.02 (3); removes obsolete language related to a state practical exam; changes language to conform to language in s. Chir 3.03 (1) (e); permits a chiropractic college to be accredited by an agency other than the Council on Chiropractic Education (CCE); acknowledges another source of practical examination scores; and deletes language which is moved to a more logical location, s. Chir 2.01 (3).

SECTION 16 deletes language that is moved to a more logical location by SECTION 1.

SECTIONS 17 and 18 change the address for requesting applications and makes the temporary permit less restrictive.

SECTION 19 provides for a temporary permit to practice chiropractic to individuals licensed in another state or country.

SECTION 20 removes obsolete language related to a credentialing distinction that is not observed.

SECTION 21 clarifies a current and common use of titles, and changes a mandate to audit insurance to a discretionary decision.

SECTION 22 grants the board the discretion to waive the CPR requirement.

SECTION 23 deletes information concerning board review of approved programs and provides current address for requesting a list of approved programs.

SECTION 24. clarifies a current practice question

SECTION 25 changes the address for requesting lists of specific courses of instruction.

SECTION 26 grants the board the discretion to waive or postpone the continuing education requirement.

SECTION 27 grants the board the discretion to approve a provider of continuing education not listed in the rule and clarifies that continuing education credit will not be granted for instruction in techniques or practices that the board has determined are unsafe or ineffective.

SECTION 28 adds a requirement that an instructor of continuing education be qualified.

SECTION 29 changes the address for requesting applications.

SECTION 30 adds the United States Office of Education or its successor as an accrediting organization.

SECTION 31 changes the address for requesting continuing education approval forms.

SECTION 32 adds specific instances to the general rule against fraud to make it easier to enforce.

SECTION 33 clarifies the source of forms.

SECTION 34 changes the address for requesting forms.

SECTION 35 clarifies the source of forms, and expands and clarifies the scope of disciplinary actions and malpractice claims that the board may consider in approving a preceptor.

SECTION 36 changes the address for requesting forms.

SECTION 37 expands the authority to declare that a graduate chiropractor participating in a preceptorship has passed or failed a licensing examination to include the national board.

SECTION 38 creates a provision and criteria allowing the board to approve a replacement preceptor.

SECTION 39 changes a reference to "preliminary patient history" to a more logical place and conforms the language of the definition of "adjunctive services to s. 446.02 (7) (b), Stats., and moves a description of "preliminary patient history" to a more logical spot by combining a note with the preceding line.

SECTION 40 deletes the note combined above.

SECTION 41 moves language from Chir 10.06 to a more logical spot.

SECTION 42 removes language related to an annual review of programs that is not performed.

SECTION 43 removes language because preliminary patient history has been added to the definition of adjunctive services.

SECTION 44 deletes language which has been moved to a more logical spot.

SECTION 45 creates a note in the chapter on patient records to remind chiropractors of the responsibility to observe federal rules and regulations regarding the privacy of such records.

TEXT OF RULE

SECTION 1. Chir 2.01 (3) is created to read:

Chir 2.01 (3) An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

SECTION 2. Chir 2.02 (intro.), the Note following 2.02 (intro.), (3), the Note following 2.02 (3), (4) and (6) (a) and (b) are amended to read:

Chir 2.02 Applications. (intro.) An applicant for the practical examination ~~demonstrating clinical competence for license~~ licensure as a chiropractor shall make an application on a form prescribed by the board at least 30 days prior to the date of the next scheduled ~~examination~~ board meeting and shall also submit:

Note: Applications are available upon request ~~to the board office,~~ from the Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53702 53708.

(3) An official certified transcript sent directly to the board from a college or university or post-secondary technical college accredited by ~~an accrediting body listed as nationally recognized by the secretary of the federal department of education or a~~ an agency approved by the United States Office of Education or its successor, or from a foreign school determined to be equivalent to an accredited college or post-secondary technical college showing completion by the applicant of a minimum of 60 credits in post-secondary academic education as specified in s. 446.02 (2), Stats.

Note: Accrediting bodies nationally recognized by the ~~secretary of the federal department of education~~ United States Office of Education include the New England Association of Schools and Colleges, the Middle States Association of Colleges and Schools, the North Central Association of Colleges and Schools, the Northwest Association of Schools and Colleges, the Southern Association of Colleges and Schools, and the Western Association of Schools and Colleges.

(4) An official certified transcript sent directly to the board from a chiropractic college accredited by the ~~commission on accreditation of the council on chiropractic education, or approved by the board~~ Commission on Accreditation of the Council on Chiropractic Education (CCE) or by an agency approved by the United States Office of Education or its successor, or from a foreign school determined to be equivalent to an accredited college of chiropractic by the CCE or another approved accrediting agency.

(6) (a) An official certified transcript sent directly to the board from a college or university accredited by an accrediting body listed as nationally recognized by the secretary of the federal department of education, or from a foreign school determined to be equivalent to an accredited college or university by an approved accrediting agency.

stating that the applicant has graduated from that college or university with a bachelor's degree.

(b) An official certified transcript sent directly to the board from a college of chiropractic accredited by the ~~council on chiropractic education and approved by the board~~ Council on Chiropractic Education (CCE) or by an agency approved by the United States Office of Education or its successor, or from a foreign school determined to be equivalent to an accredited college of chiropractic by the CCE or another approved accrediting agency, stating that the applicant has graduated from the college with the degree of doctor of chiropractic.

SECTION 3. Chir 2.02 (7) is repealed.

SECTION 4. Chir 2.03 (2) (intro.) is amended to read:

Chir 2.03 (2) PRACTICAL EXAMINATION DEMONSTRATING CLINICAL COMPETENCE. (intro.) An applicant shall pass ~~each part of~~ a practical examination demonstrating clinical competence which includes the following parts:

SECTION 5. Chir 2.04 is amended to read:

Chir 2.04 Unauthorized assistance or cheating on examinations. The board may withhold the grade, deny release of grades or deny issuance of a credential of an applicant who gives or receives unauthorized assistance during the state law ~~or practical examination demonstrating clinical competence~~, violates rules of conduct of an examination, or otherwise cheats or acts dishonestly respecting an examination. The board may consider this applicant for retesting at a future time.

SECTION 6. Chir 2.05 and 2.06 are repealed.

SECTION 7. Chir 2.07 (3) is amended to read:

Chir 2.07 (3) PRACTICAL EXAMINATION DEMONSTRATING CLINICAL COMPETENCE. To pass the practical examination demonstrating clinical competence, an applicant shall receive a grade determined by the board to represent minimum competence to practice ~~on each part of the examination~~.

SECTION 8. Chir 2.08, 2.09 and 2.10 are repealed.

SECTION 9. Chir 2.11 (2) is amended to read:

Chir 2.11 (2) PRACTICAL EXAMINATION DEMONSTRATING CLINICAL COMPETENCE. An applicant who fails the practical examination demonstrating clinical competence ~~due to the failure of one part of the examination may retake the failed part only. An applicant who fails the practical examination demonstrating clinical~~

~~competence due to the failure of 2 or more parts of the practical examination~~ shall be required to retake the entire practical examination demonstrating clinical competence.

SECTION 10. The Note following Chir 2.11 (2) is repealed.

SECTION 11. Chir 2.11 (3) is amended to read:

Chir 2.11 (3) **LIMITATION ON REEXAMINATION.** If an applicant does not pass ~~all parts of~~ the examinations under subs. (1) and (2) within 2 years of the first attempt, the applicant shall retake and pass the entire practical examination demonstrating clinical competence and state law examination in order to be licensed.

SECTION 12. Chapter Chir 3 (title) is amended to read:

CHAPTER Chir 3 (title)

LICENSE REGISTRATION AND RENEWAL

SECTION 13. Chir 3.01 is repealed.

SECTION 14. Chir 3.02 (title), (1) (intro.), (c), (d), (2) and (3) (a) are amended to read:

Chir 3.02 (title) ~~Biennial registration~~ License renewal. (1) **REQUIREMENTS FOR RENEWAL.** (intro.) To renew and obtain a new ~~certificate of registration~~ license a licensee shall, by December 31 of the even-numbered year following initial licensure and every 2 years thereafter, file with the department:

(c) Evidence Verification that the licensee has, during the biennial period immediately preceding application, completed the continuing education requirement specified in s. 446.02 (1) (b), Stats., except that the requirement may be waived if the licensee was not practicing in Wisconsin during that period. Licensees shall retain original documents showing attendance at programs for at least 4 years from the time that credit is claimed for the continuing education program. Licensees shall deliver their original documents or copies to the board upon request.

(d) Evidence that the licensee is certified in cardiopulmonary resuscitation or has been granted a waiver of the requirement by the board.

(2) **REQUIREMENTS FOR LATE RENEWAL.** A licensee who fails to meet the requirements in sub. (1) by the renewal date shall cease and desist from practice as a chiropractor until all requirements for renewal are met. Within 5 years following the renewal date, a licensee may renew and obtain a new ~~certificate of registration~~ license by filing with the department the materials specified in sub. (1) and a late renewal fee specified in s. 440.08 (3) (a), Stats.

(3) REQUIREMENTS FOR REINSTATEMENT. (a) *Reinstatement following failure to renew.* A licensee who fails to renew within 5 years of the renewal date may be reinstated by meeting requirements in sub. (2), completing continuing education requirements for the previous biennium, and may be required to take an examination prescribed by the board.

SECTION 15. Chir 3.03 (1) (intro.), (b), (c) 1., 2. and 3., (e), (h) and (2) (d) to (g) are amended to read:

Chir 3.03 Licensure by endorsement. (1) QUALIFICATIONS. (intro.) The board shall grant a license to a chiropractor who holds a valid license by the proper authorities of any other jurisdiction state or country provided the applicant:

(b) Has graduated from a college of chiropractic accredited by the ~~council on chiropractic education and~~ Council on Chiropractic Education (CCE) or by an agency approved by the United States Office of Education or its successor, or from a foreign school determined to be equivalent to an accredited college of chiropractic by the CCE or another approved accrediting agency.

(c) 1. ~~Has graduated from a reputable college of chiropractic, if~~ If the applicant first applied for any a license to practice chiropractic in any jurisdiction state or country before July 1, 1960, the applicant must have graduated from a reputable college of chiropractic.

2. ~~Has~~ If the applicant first applied for a license to practice chiropractic in any state or country between July 1, 1960 and June 30, 1998, the applicant must have completed at least the first 2 years of a baccalaureate degree program a minimum of 60 credits in post-secondary academic education at a college or university accredited by an accrediting body nationally recognized by the secretary of the United States department of education, if the applicant first applied for any license to practice chiropractic in any jurisdiction on or after July 1, 1960 the Council on Chiropractic Education (CCE) or by an agency approved by the United States Office of Education or its successor, or from a foreign school determined to be equivalent to an accredited college of chiropractic by the CCE or another approved accrediting agency.

3. ~~Has~~ If the applicant first applied for a license to practice chiropractic in any state or country on or after July 1, 1998, the applicant must have graduated with a baccalaureate degree from a college or university accredited by an accrediting body nationally recognized by the secretary of the United States department of education, the Council on Chiropractic Education (CCE) or by an agency approved by the United States Office of Education or its successor, or from a foreign school determined to be equivalent to an accredited college of chiropractic by the CCE or another approved accrediting agency.

(e) Has successfully completed a practical examination demonstrating clinical competence which, in the board's judgment, is substantially

equivalent to the practical examination demonstrating clinical competence ~~administered~~
accepted by the board.

(h) Has not had a license or other credential limited, suspended or
revoked by a licensing or regulatory authority in Wisconsin or other ~~jurisdiction~~ state or
country.

(2) (d) A certified transcript from a chiropractic college accredited by the
~~commission on accreditation of the council on chiropractic education, or approved by the~~
~~board, Commission on Accreditation of the Council on Chiropractic Education (CCE) or~~
by an agency approved by the United States Office of Education or its successor, or from
a foreign school determined to be equivalent to an accredited college of chiropractic by
the CCE or another approved accrediting agency, sent directly to the board by the
college.

(e) A certified transcript verifying that the applicant has a
bachelor's degree from a college or university accredited by an accrediting body
nationally recognized by the ~~secretary of the federal department of education~~ United
States Department of Education, or from a foreign school determined to be equivalent to
an accredited college or university by an approved accrediting agency, if the applicant
first applies for any license to practice chiropractic in any jurisdiction on or after July 1,
1998. The transcript shall be sent directly to the board by the college or university.

(f) Verification of successful completion of a practical
examination demonstrating clinical competence which, in the board's judgment, is
substantially equivalent to the practical examination demonstrating clinical competence
accepted by the board. The verification shall be forwarded directly to the board from the
state that administered the examination or from the national board.

(g) Proof of successful completion of the special purpose
examination in chiropractic or the initial licensure examination of the national board of
chiropractic examiners. The proof of completion shall be forwarded directly to the board
from the institution that administered the examination.

SECTION 16. Chir 3.03 (2) (k) is repealed.

SECTION 17. The Note following Chir 3.03 (2) (k) is amended to read:

Note: Applications are available upon request ~~to the board office located at~~ from
the Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East
Washington Avenue, P.O. Box 8935, Madison, WI Wisconsin 53708.

SECTION 18. The Note following Chir 3.035 (1) (b) is amended to read:

Note: Applications are available upon request to from the Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 19. Chir 3.035 (2) is amended to read:

Chir 3.035 (2) ~~A The board may issue a temporary permit to practice chiropractic issued by the board is valid for 10 calendar days during the 12 month period immediately following its effective date, but no single period of practice under the temporary permit may exceed 3 calendar days to an individual who is licensed to practice chiropractic in another state or country. The applicant, or holder of for a temporary permit shall inform the board, in writing, of the locations at which and the dates on which the applicant or holder of the temporary permit will be practicing requests to practice under the temporary permit, prior to engaging in practice under the temporary permit and shall request the issuance of a temporary permit. The board may issue a temporary permit for a reasonable time period based on the activity.~~

SECTION 20. Chir 3.04 is amended to read:

Chir 3.04 Display of license. The license ~~and certificate of biennial registration~~ shall be displayed in a prominent place by every person licensed and currently registered by the board.

SECTION 21. Chir 3.06 and 3.07 are amended to read:

Chir 3.06 Professional title. A licensee shall use the suffix "D.C." or "Chiropractor" immediately following his or her surname for proper identification. The title "Doctor" or "Dr." may be used if "Chiropractor" is used following the name.

Chir 3.07 Professional liability insurance. Every chiropractor practicing in the state of Wisconsin shall have professional liability insurance coverage in effect at all times in the amount of at least \$100,000 for each occurrence and \$300,000 for all occurrences in one year. The board ~~shall~~ may conduct random audits of chiropractors licensed and practicing in this state, and institute disciplinary proceedings against any chiropractor who fails to submit proof that he or she has insurance coverage meeting the minimum limits required by this section.

SECTION 22. Chir 3.09 is amended to read:

Chir 3.09 Cardiopulmonary resuscitation certification. Every chiropractor shall obtain certification in cardiopulmonary resuscitation at least every 2 years. The board may grant a waiver of this requirement in cases of hardship or retirement from practice.

SECTION 23. The Note following Chir 4.04 (3) is amended to read:

Note: ~~The board annually reviews for approval programs offered or approved by the council on chiropractic education, American chiropractic registry of radiographic technicians, the university of Wisconsin, the Wisconsin vocational, technical and adult education system, hospital training and other programs.~~ A list of board-approved programs is available upon request from the ~~board office~~ Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 24. Chir 4.05 (1) (b) 3. is amended to read:

Chir 4.05 (1) (b) 3. Acupuncture by needle insertion or invasive laser application.

SECTION 25. The Note following Chir 4.05 (2) (d) 3. is amended to read:

Note: A list of courses of instruction in therapeutic ultrasound and galvanic therapy approved by the board is available upon request from the ~~board office at~~ Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 26. Chir 5.01 (1) (e) is created to read:

Chir 5.01 (1) (e) The board may grant a waiver, partial waiver or postponement of the continuing education requirements in cases of hardship.

SECTION 27. Chir 5.02 (1) (a) and (b) are amended to read:

Chir 5.02 (1) (a) The program is sponsored by the Wisconsin chiropractic association, the American chiropractic association, the international chiropractors association, a college of chiropractic approved by the board, ~~or~~ a college of medicine or osteopathy accredited by an agency recognized by the United States department of education, or another chiropractic organization approved by the board.

(b) The program subject matter relates to improving the clinical skills of a chiropractor and is generally taught at the undergraduate or postgraduate level of a chiropractic college meeting the requirements of s. Chir 2.02 (6) (b). The board will not approve credit for continuing education regarding a technique or practice which the board has determined to be unsafe or ineffective.

SECTION 28. Chir 5.02 (1) (h) is created to read:

Chir 5.02 (1) (h) The instructor is qualified to present the course.

SECTION 29. The Note following Chir 5.02 (4) (a) 1. is amended to read:

Note: Application forms are available on request ~~to the board office located in~~ from the Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 30. Chir 5.02 (4) (a) 6. is amended to read:

Chir 5.02 (4) (a) 6. Describe the names and qualifications of all instructors, and if applicable, whether an instructor of the program who is an undergraduate or postgraduate faculty member of a sponsoring college was appointed in accordance with accreditation standards of the ~~council on chiropractic education~~ Council on Chiropractic Education (CCE) or by an agency approved by the United States Office of Education or its successor.

SECTION 31. The Note following Chir 5.02 (6) is amended to read:

Note: Continuing education approval request forms are available upon request ~~to the board office at~~ from the Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 32. Chir 6.02 (14) is amended to read:

Chir 6.02 (14) Obtaining or attempting to obtain any compensation for chiropractic services by fraud, including billing for services not rendered or submitting a claim for a fraudulent diagnosis.

SECTION 33. Chir 9.03 (3) (intro.), (4), (5) and the Note following Chir 9.03 (5) are amended to read:

Chir 9.03 (3) (intro.) Certifies to the board, on forms supplied by the ~~board~~ department:

(4) Certifies to the board, on forms supplied by the ~~board~~ department, that all chiropractors who participate as preceptors are faculty of the chiropractic college.

(5) Certifies to the board, on forms supplied by the ~~board~~ department, that the chiropractor preceptor and the chiropractic student have agreed on the goals of the preceptor program to be completed by the chiropractic student.

Note: Forms may be obtained upon request from the Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 34. The Note following Chir 9.04 (5) is amended to read:

Note: Forms may be obtained from the Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 35. Chir 9.05 (1) (intro.) and (a) are amended to read:

Chir 9.05 (1) (intro.) Certifies to the board, on forms supplied by the ~~board~~ department, that:

(a) The chiropractor preceptor has been continuously licensed in Wisconsin for the previous 5 years, and that there are no pending disciplinary actions or malpractice claims against the chiropractor preceptor, and that there have been no disciplinary actions taken against the chiropractor preceptor within the last 3 years in any state or country. If any discipline has ever been imposed in any state or country on any professional license held by the preceptor, the preceptor shall provide details of the discipline for the board's review.

SECTION 36. The Note following Chir 9.05 (1) (f) is amended to read:

Note: Forms may be obtained upon request from the Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 37. Chir 9.06 (intro.) and (1) to (6) are renumbered Chir 9.06 (1) (a) to (f) and as renumbered Chir 9.06 (1) (b) is amended to read:

Chir 9.06 (1) (b) A graduate chiropractor participating in a postgraduate preceptorship program is declared to have passed or failed a chiropractic licensing examination by any licensing authority or the national board.

SECTION 38. Chir 9.06 (2) is created to read:

Chir 9.06 (2) If a preceptorship is terminated under sub. (1) (d), (e) or (f), the board may approve a replacement preceptor proposed by the chiropractic student or graduate chiropractor who satisfies the requirements in s. Chir 9.05 (1) (a) and (c) to (f). The proposed chiropractor preceptor need not have been listed by the chiropractic college operating the preceptorship program.

SECTION 39. Chir 10.01 (1) and (2) are amended to read:

Chir 10.01 (1) "Adjunctive services" means services which are preparatory or complementary to chiropractic adjustments of the spine or skeletal articulations, or both. "Adjunctive services" include the taking of a preliminary patient history. "Adjunctive

services" does not include making a chiropractic diagnosis, analyzing a diagnostic test, or performing a chiropractic adjustment.

(2) "Preliminary patient history" means the process of gathering baseline data regarding a patient, including the nature of the chief complaint, family history, and medical history. The "preliminary patient history" is intended to provide a starting point for further inquiry by the chiropractor into the patient's condition.

SECTION 40. The Note following Chir 10.01 (2) is repealed.

SECTION 41. Chir 10.02 (3) is created to read:

Chir 10.02 (3) The chiropractor retains ultimate responsibility for the manner and quality of the service.

SECTION 42. The Note following Chir 10.03 is amended to read:

Note: The coursework specified in s. Chir 10.03 provides the training required by s. Chir 4.04. ~~The board annually reviews for approval programs offered or approved by the council on chiropractic education, American chiropractic registry of radiographic technicians, the university of Wisconsin, the Wisconsin technical college system, hospital training and other programs.~~ A list of board-approved programs is available upon request from the board office Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 43. Chir 10.04 is repealed.

SECTION 44. Chir 10.06 is repealed.

SECTION 45. A Note following Chir 11.02 (8) is created to read:

Note: Chiropractors should be aware that federal requirements, especially in the Health Insurance Portability and Accountability Act of 1996 (HIPAA), may have an impact on record-keeping requirements.

(END OF TEXT OF RULE)

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

The Department of Regulation and Licensing will incur \$500 in costs to print and distribute the rule change.

FINAL REGULATORY FLEXIBILITY ANALYSIS

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

Chir CR03-082 (Housekeeping & practical exam) Draft to Leg 01-30-04



LCRC
FORM 2

WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[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 03-082

AN ORDER to repeal Chir 2.02 (7), 2.05, 2.06, 2.08, 2.09, 2.10, 2.11 (2) Note, 3.01, 10.01 (2) Note, 10.04, and 10.06; to amend Chir 2.02 (intro.) and Note, (3) (intro.) and Note, (4) and (6) (a) and (b), 2.03 (2) (intro.), 2.04, 2.07 (3), 2.11 (2) and (3), chapter Chir 3 (title), 3.02, 3.03, 3.035 (1) Note and (2), 3.04, 3.06, 3.07, 3.09, 4.04 (3) Note, 4.05 (1) (b) 3., (2) (d) 3. Note, 5.01 (4) (a) 1. Note, (4) (a) 6. and (6) Note, 5.02 (1) (a) and (b), 6.02 (14), 9.03 (3) (intro.) and (4) and (5), 9.04 (3) (intro.), (4) and (5), 9.05 (1) (intro.) and (a), 10.01 (1) and (2) and Chir 10.03 Note; to repeal and recreate Chir 9.06; and to create Chir 2.01 (3), 5.01 (1) (e) and (h), 10.02 (3) and Chir 11.02 (8) Note, relating to minor changes to conform the rules to current practices and to correct oversights and problematic language in the current rules, especially related to the board's adoption of Part IV of the national exam in lieu of a state-administered exam to demonstrate clinical competence.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

09-05-2003 RECEIVED BY LEGISLATIVE COUNCIL.

10-03-2003 REPORT SENT TO AGENCY.

RNS:PGC



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 03-082

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 October 2002.]

2. Form, Style and Placement in Administrative Code

- a. In the treatment clause of each SECTION, the word "Section" before "Chir" should be deleted.
- b. The text of each SECTION should begin with the full rule citation. For example, in SECTION 1, "Chir 2.01" should precede "(3)".
- c. Current rules that are not affected should not be shown. For example, s. Chir 2.02 (6) (intro.) should not be shown.
- d. Section Chir 2.02 (6) (a) and (b) should be in SECTION 5. Presently, the rule has two SECTIONS numbered SECTION 4.
- e. Stricken material should always precede immediately adjacent underscored material. [See s. 1.06 (1), Manual.] Section Chir 3.03 (1) (c) should be reviewed in this regard.
- f. Newly created subunits should not be underscored. For example, s. Chir 10.02 (3) should not be underscored.
- g. In the fiscal estimate, all of the dollar calculations have been left blank.

4. Adequacy of References to Related Statutes, Rules and Forms

In s. Chir 9.06 (2), "sub. (1) (d), (e) or (f)" should replace "(1) (d), (e) or (f) above." In the third line, "s." should replace "sec." and "to" should replace "through."

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

- a. In s. Chir 2.02 (intro.), the word "an" should be inserted before "application."
- b. Should the address information contained in the note at the end of s. Chir 3.03 be modified as it has been in other notes relating to application availability? See s. Chir 4.05 (2) (d) 3. (note).
- c. In s. Chir 4.05 (1) (b) 3., what constitutes "*invasive* laser application" as opposed to "laser application". In other words, how invasive must the procedure be? Also, s. Chir 4.05 (1) (b) (intro.) already provides "invasive procedures, such as:" and then it lists the procedures, which presently contain "laser application." Is it necessary to list "invasive" with "laser application" since par. (b) (intro.) already provides that?
- d. In s. Chir 5.01 (1) (h), the note following s. Chir 5.01 (4) (a) 1, s. Chir 5.01 (4) (a) 6, and the note following s. Chir 5.01 (6), it is unclear in how those sections pertain to s. Chir 5.01. It appears that those changes are intended to apply to s. Chir 5.02.

**STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING
PROCEEDINGS BEFORE THE
CHIROPRACTIC EXAMINING BOARD**

**: REPORT TO THE LEGISLATURE
: ON CLEARINGHOUSE RULE 03-082
: (s. 227.19 (3), Stats.)**

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:

The Department of Regulation and Licensing will incur \$500 in costs to print and distribute the rule change.

IV. STATEMENT EXPLAINING NEED:

This proposed rule-making order makes numerous minor changes to the existing rules regulating the practice of chiropractic, mainly to conform the rules to current practices but also to correct oversights and problematic language in current rules. This proposed rule-making order also changes the advance time required for consideration of applications based on the change to accept Part IV of the national examination.

This proposed rule-making removes a never-used option for direct board approval of a college or university and transfers that responsibility to the United States Office of Education or its successor, and creates a mechanism for the board to be able to consider applicants with foreign degrees. Also, this rule-making expands and clarifies the scope of disciplinary actions and malpractice claims that the board may consider in approving a preceptor.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on October 16, 2003. The following individuals appeared:

Opposed

Carmel J. Raihala, DC, DBA Metzler & Raihala Chiropractic
Randall Adams, DC, DACBOH, MS, Adams Chiropractic Clinic
Michael Anderson, DC, Anderson Chiropractic Office
Dan A. Farah, DC, Bayport Chiropractic Clinic
Paul M. Bekkum, DC, Atlas Chiropractic Clinic

- Judy Davis, DC, Accent Chiropractic
- Elena Boles, DC, Boles Chiropractic Centre
- Jodi Griffith, DC, Toftness Chiropractic Clinic
- Rick Behncke, DC, Douglas and Mork Chiropractic Office, S.C.
- David Stalheim, DC, Stalheim Chiropractic, S.C.
- Douglas Cox, DC, Gonstead Clinic of Chiropractic
- James Stoenner, DC, Gonstead Clinic of Chiropractic
- T. Raymond Clinton, DC, Gonstead Clinic of Chiropractic
- Sandra Chilson, DC, Gonstead Clinic of Chiropractic
- Harold Dykema, DC, Dykema Chiropractic Office, S.C.
- Kimberly A. Johnson, DC, Johnson Chiropractic Office
- Alan Zelm, DC, Zelm Chiropractic Center, S.C.
- Steve Douglas, DC, Douglas and Mork Chiropractic Office, S.C.
- Robert W. Miclot Jr., DC, Miclot Chiropractic Office
- Leon Klusmeyer, DC, Chiropractic Wellness Center
- Jo Ellen Manville, DC, Manville Chiropractic, L.L.C.
- David Schmitz, DC, Schmitz Chiropractic Clinic
- Pamela J. Thompson, DC, Chiropractic Health Center
- Cindy Puent, DC, Black River Chiropractic Center
- F. J. Passineau, DC, Passineau Chiropractic Industrial Health Services
- Jay Meverden, DC, Meverden Sports & Family Chiropractic
- George Varish III., DC, CCOHC, Varish Chiropractic Clinics, L.L.P
- Ruth Jean, DC, Black River Chiropractic Center, S.C.
- David Reif, DC, Platta Chiropractic & Therapeutic Massage
- Bruce K. Platta, DC, Platta Chiropractic & Therapeutic Massage
- Brett Hoeft, DC, Hoeft Chiropractic Office
- Jeremy Frigo, DC, Frigo Chiropractic
- Timothy J. Peterson, DC, Peterson Chiropractic Clinic, L.L.C.
- Ronald D. Peterson, DC, Peterson Chiropractic Clinic, L.L.C.
- Julia Hobbins, DC, Prairie Chiropractic
- Bernie Erenberger, DC, Downtown Chiropractic
- Daniel J. Wautlet, DC, DACRB, Diplomate American Chiropractic Rehabilitation Board
- Gerald V. Beyerl, DC, Chiropractic Service of Marshfield
- Victoria Zueger, DC, O'Connor Chiropractic Office, S.C.
- John Nowicki, DC, Niagara Chiropractic
- Jeffrey Winter, DC, Winter Chiropractic
- William Tomcek, DC, Tomcek Chiropractic
- Thomas Potisk, DC, Potisk Chiropractic Office
- Charles L. Nieuwenhuis, DC
- Michael D. Berglund, DC, Berglund Health & Wellness Center
- Joseph K. Murphy, DC
- John C. Murphy, DC
- Nancy A. Budish, DC
- Gregg Bakke, DC
- Alan Resch, DC
- Daniel E. Hyatt, DC

Duane D. Kimball, DC
Eric Davidson, DC, Davidson Chiropractic Office
Robert F. Swenson, DC, Swenson Chiropractic, S.C.
Howard Henning, DC, Henning Chiropractic, S.C.
Dennis R. Smith, Smith Chiropractic Clinic
Scott D. Newcomer, DC, Zastrow Chiropractic Clinic S.C.
Ross S. Royster, DC, Madison Chiropractic L.L.C.
Warren L. Silbaugh, DC, Silbaugh Chiropractic Clinic
Gary A. Fischer, DC, Chiropractic and Physical Therapy
Steven E. Schuelke, DC, Peshtigo Chiropractic Office
Robert Sell, DC, Family Chiropractors, Inc
Mark Anderson, DC, Family Chiropractors, Inc
Eric Clausen, DC, Family Chiropractors, Inc
Amy Nussbaum-Schubbe, DC, Nussbaum Chiropractic L.L.C.
Jim Markovich, DC, Markovich Chiropractic
Warren Witkowski, DC, Witkowski Chiropractic Clinic
Richard J. Kemp, DC, Kemp Clinic of Chiropractic
Thomas Leuthner, DC, Leuthner Chiropractic Clinic
Jon A. Peterson, DC, Boots Chiropractic & Wellness Center S.C.
William J. Boets, DC, Boots Chiropractic & Wellness Center S.C.
James R. Boets, DC, Boots Chiropractic & Wellness Center S.C.
David M. Whitty, DC, Whitty Chiropractic
Roxanne F. Best, DC, Dykema Chiropractic Office, S.C.
Chris Clifford, DC, Back to Health Chiropractic Rehabilitation Center
Jerry A. Twit, DC, Twit Chiropractic Clinic
Patrick O'Connor, DC, O'Connor Chiropractic Office S.C.
Lori Bents, DC, Bents Chiropractic Center S.C.
Ryne D. DeVries, DC, Black River Chiropractic Center S.C.
Richard Glessing, DC, Chiropractic Clinic, INC
Jeff Lyne, DC
Eileen Isom, DC
Sherry L. Walker, DC
Kenneth Ruedlke, DC
Dale W. Brockman, DC
Lisa Sadowski, DC
Sean Duffy, DC
Mark D. Peterson, DC
Martin L. Hazuka, DC
Christopher Kroll, DC
Brian Maisel, DC
Mark R. Wollff, DC
Thomas Siegel, DC
Jason Smith, DC
Peter J. Kish, DC
R.T. Michalski, DC
Dennis A. Bulgrin, DC

Allen Orth, DC
Nancy A Budish, DC
Charles L. Nieuwenhuis, DC
Michael D. Berglund, DC
Dale W. Brockman, DC
Daniel E. Joseph, DC
Joel Sperling, DC
Teresa Paulsrud, DC
Christine M. Krsko, DC
Nancy Weidner, DC
Wendy Varish, DC
Tim Baron, DC
John G. Rutsch, DC
Tim & Kathy DeFlorian, DC
Randy Strickland, DC
Stephen D. Schlosser, DC
Keith J. Oudenhoven, DC
Daniel E. Maiman, DC
Integrity Sports Medicine, DC
John P. Wagener, DC
Carmel J. Raihala, DC
Bevier H. Sleight, III., DC
Cheryl Metzler, DC
Teresa M. Paulsrud, DC
Bradley N. Paulsrud, DC
Timothy P. Wolter, DC
Gerald H. Retzlaff, DC
James D. Webley, DC
Christine M. Krsko, DC
Ross H. Kading, DC
Nancy Weidner, DC
John P. Wagener, DC
Mark A. Dull, DC
Dennis A. Abegglen, DC
Ryan T. Hansen, DC
John C. Murphy, DC
Chad W Schultz, DC
Marty J Lorentz, DC

50

135 total
crossed

Favor

Brian J. Brost, DC, Black River Chiropractic Center, S.C.
John Fisher, DC, Fisher Chiropractic Center
Margaret Mertens, DC
Thomas H. Nelson, DC

4

The main opposition to this proposed rule-making order was replacing the Wisconsin state examination with the national examination (Part IV). Majority stated opinion is that "It would weaken state standards and reputation, plus professionalism of chiropractors."

The board is of the opinion that going to the national examination has solid reliability and validity and appears to be less subjective. It is set up in a fashion to measure a candidate's minimum competence fairly and equally, which is something that the state examination did not exhibit. The board does not feel that by using the national examination there would be harm to the public. It would provide consistency in the measurement of minimum competency, and will protect the public by assuring minimum competence.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 5.c. There are some laser applications that claim not to be invasive. By including "invasive" with "laser application" it helps distinguish between the two.

All of the remaining recommendations suggested in the Clearinghouse Report were accepted in whole.

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : CHIROPRACTIC EXAMINING BOARD
CHIROPRACTIC EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 03-092)

PROPOSED ORDER

An order of the Chiropractic Examining Board to repeal Chir 2.02 (7), 2.05, 2.06, 2.08, 2.09, 2.10, the Note following 2.11 (2), 3.01, 3.03 (2) (k), the Note following 10.01 (2), 10.04 and 10.06; to renumber and amend Chir 9.06 (intro.) and (1) to (6); to amend Chir 2.02 (intro.), the Note following 2.02 (intro.), (3), the Note following 2.02 (3), (4), (6) (a) and (b), 2.03 (2) (intro.), 2.04, 2.07 (3), 2.11 (2) and (3), chapter Chir 3 (title), 3.02 (title), (1) (intro.), (c), (d), (2) and (3) (a), 3.03 (1) (intro.), (b), (c) 1., 2. and 3., (e), (h) and (2) (d) to (g), the Note following 3.03 (2) (k), the Note following 3.035 (1) (b) and (2), 3.04, 3.06, 3.07, 3.09, the Note following 4.04 (3), 4.05 (1) (b) 3., the Note following 4.05 (2) (d) 3., 5.02 (1) (a) and (b), the Note following 5.02 (4) (a) 1., 5.02 (4) (a) 6., the Note following 5.02 (6), 6.02 (14), 9.03 (3) (intro.), (4), (5) and the Note following 9.03 (5), the Note following 9.04 (5), 9.05 (1) (intro.) and (a), the Note following 9.05 (1) (f), 10.01 (1) and (2), the Note following 10.03; and to create Chir 2.01 (3), 5.01 (1) (e), 5.02 (1) (h), 9.06 (2), 10.02 (3) and a Note following 11.02 (8), relating to minor changes to conform the rules to current practices and to correct oversights and problematic language in current rules, especially related to the board's adoption of Part IV of the national examination in lieu of a state-administered examination to demonstrate clinical competence.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 446.02 and 446.04, Stats.

Statutes interpreted: Chapter 446, Stats.

This proposed rule-making order makes numerous minor changes to the existing rules regulating the practice of chiropractic, mainly to conform the rules to current practices but also to correct oversights and problematic language in the current rules.

SECTION 1 moves text from two other locations in the rules, Chir 2.02 (7) and Chir 3.03 (2) (k), to a more logical location.

SECTION 2 changes the advance time required for consideration of applications based on the change to accept Part IV of the national examination and changes the address for requesting applications; updates the name of the United States Office of Education, allows for future changes in the name, and creates a mechanism for the board to be able

to consider applicants with foreign degrees; removes a never-used option for direct board approval of a college or university and transfers that responsibility to the U.S. Office of Education or its successor; creates a mechanism for the board to be able to consider applicants with foreign degrees; and updates the name of the United States Office of Education, allows for future changes in the name.

SECTION 3 deletes language that is moved to a more logical location by SECTION 1.

SECTION 4 removes language that has been rendered obsolete by the acceptance of Part IV of the national examination.

SECTION 5 removes language that has been rendered obsolete by the acceptance of Part IV of the national examination.

SECTION 6 removes two sections that have been rendered obsolete by the acceptance of Part IV of the national examination.

SECTION 7 removes language that has been rendered obsolete by the acceptance of Part IV of the national examination.

SECTION 8 removes three sections that have been rendered obsolete by the acceptance of Part IV of the national examination.

SECTION 9 removes language that has been rendered obsolete by the acceptance of Part IV of the national examination.

SECTION 10 removes language that has been rendered obsolete by the acceptance of Part IV of the national examination.

SECTION 11 removes language that has been rendered obsolete by the acceptance of Part IV of the national examination.

SECTION 12 removes language related to a credentialing distinction that is not observed.

SECTION 13 removes a section related to a credentialing distinction that is not observed

SECTION 14 removes obsolete language related to a credentialing distinction that is not observed; changes "evidence" to "verification" to avoid licensees sending in continuing education certificates; clarifies that the certificates need to be kept and sent in only on request; allows the CPR requirement to be waived; clarifies that a person may return to practice once requirements are met; removes obsolete language related to a credentialing distinction that is not observed; and clarifies that continuing education must be up-to-date for reinstatement.

SECTION 15 clarifies the meaning of "jurisdiction"; creates a means by which a foreign degree may be recognized; changes language to conform to language in another section,

s. Chir 2.02 (3); removes obsolete language related to a state practical exam; changes language to conform to language in s. Chir 3.03 (1) (e); permits a chiropractic college to be accredited by an agency other than the Council on Chiropractic Education (CCE); acknowledges another source of practical examination scores; and deletes language which is moved to a more logical location, s. Chir 2.01 (3).

SECTION 16 deletes language that is moved to a more logical location by SECTION 1.

SECTIONS 17 and 18 change the address for requesting applications and makes the temporary permit less restrictive.

SECTION 19 provides for a temporary permit to practice chiropractic to individuals licensed in another state or country.

SECTION 20 removes obsolete language related to a credentialing distinction that is not observed.

SECTION 21 clarifies a current and common use of titles, and changes a mandate to audit insurance to a discretionary decision.

SECTION 22 grants the board the discretion to waive the CPR requirement.

SECTION 23 deletes information concerning board review of approved programs and provides current address for requesting a list of approved programs.

SECTION 24. clarifies a current practice question

SECTION 25 changes the address for requesting lists of specific courses of instruction.

SECTION 26 grants the board the discretion to waive or postpone the continuing education requirement.

SECTION 27 grants the board the discretion to approve a provider of continuing education not listed in the rule and clarifies that continuing education credit will not be granted for instruction in techniques or practices that the board has determined are unsafe or ineffective.

SECTION 28 adds a requirement that an instructor of continuing education be qualified.

SECTION 29 changes the address for requesting applications.

SECTION 30 adds the United States Office of Education or its successor as an accrediting organization.

SECTION 31 changes the address for requesting continuing education approval forms.

SECTION 32 adds specific instances to the general rule against fraud to make it easier to enforce.

SECTION 33 clarifies the source of forms.

SECTION 34 changes the address for requesting forms.

SECTION 35 clarifies the source of forms, and expands and clarifies the scope of disciplinary actions and malpractice claims that the board may consider in approving a preceptor.

SECTION 36 changes the address for requesting forms.

SECTION 37 expands the authority to declare that a graduate chiropractor participating in a preceptorship has passed or failed a licensing examination to include the national board.

SECTION 38 creates a provision and criteria allowing the board to approve a replacement preceptor.

SECTION 39 changes a reference to "preliminary patient history" to a more logical place and conforms the language of the definition of "adjunctive services to s. 446.02 (7) (b), Stats., and moves a description of "preliminary patient history" to a more logical spot by combining a note with the preceding line.

SECTION 40 deletes the note combined above.

SECTION 41 moves language from Chir 10.06 to a more logical spot.

SECTION 42 removes language related to an annual review of programs that is not performed.

SECTION 43 removes language because preliminary patient history has been added to the definition of adjunctive services.

SECTION 44 deletes language which has been moved to a more logical spot.

SECTION 45 creates a note in the chapter on patient records to remind chiropractors of the responsibility to observe federal rules and regulations regarding the privacy of such records.

TEXT OF RULE

SECTION 1. Chir 2.01 (3) is created to read:

Chir 2.01 (3) An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

SECTION 2. Chir 2.02 (intro.), the Note following 2.02 (intro.), (3), the Note following 2.02 (3), (4) and (6) (a) and (b) are amended to read:

Chir 2.02 Applications. (intro.) An applicant ~~for the practical examination demonstrating clinical competence for license licensure~~ as a chiropractor shall make an application on a form prescribed by the board at least 30 days prior to the date of the next scheduled ~~examination board meeting~~ and shall also submit:

Note: Applications are available upon request ~~to the board office, from the Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53702~~ 53708.

(3) An official certified transcript sent directly to the board from a college or university or post-secondary technical college accredited by an accrediting body listed as nationally recognized by the secretary of the federal department of education or an agency approved by the United States Office of Education or its successor, or from a foreign school determined to be equivalent to an accredited college or post-secondary technical college showing completion by the applicant of a minimum of 60 credits in post-secondary academic education as specified in s. 446.02 (2), Stats.

Note: Accrediting bodies nationally recognized by the ~~secretary of the federal department of education~~ United States Office of Education include the New England Association of Schools and Colleges, the Middle States Association of Colleges and Schools, the North Central Association of Colleges and Schools, the Northwest Association of Schools and Colleges, the Southern Association of Colleges and Schools, and the Western Association of Schools and Colleges.

(4) An official certified transcript sent directly to the board from a chiropractic college accredited by the ~~commission on accreditation of the council on chiropractic education, or approved by the board~~ Commission on Accreditation of the Council on Chiropractic Education (CCE) or by an agency approved by the United States Office of Education or its successor, or from a foreign school determined to be equivalent to an accredited college of chiropractic by the CCE or another approved accrediting agency.

(6) (a) An official certified transcript sent directly to the board from a college or university accredited by an accrediting body listed as nationally recognized by the secretary of the federal department of education, or from a foreign school determined to be equivalent to an accredited college or university by an approved accrediting agency.

stating that the applicant has graduated from that college or university with a bachelor's degree.

(b) An official certified transcript sent directly to the board from a college of chiropractic accredited by the ~~council on chiropractic education and approved by the board~~ Council on Chiropractic Education (CCE) or by an agency approved by the United States Office of Education or its successor, or from a foreign school determined to be equivalent to an accredited college of chiropractic by the CCE or another approved accrediting agency, stating that the applicant has graduated from the college with the degree of doctor of chiropractic.

SECTION 3. Chir 2.02 (7) is repealed.

SECTION 4. Chir 2.03 (2) (intro.) is amended to read:

Chir 2.03 (2) PRACTICAL EXAMINATION DEMONSTRATING CLINICAL COMPETENCE. (intro.) An applicant shall pass ~~each part of~~ a practical examination demonstrating clinical competence which includes the following ~~parts~~:

SECTION 5. Chir 2.04 is amended to read:

Chir 2.04 Unauthorized assistance or cheating on examinations. The board may withhold the grade, deny release of grades or deny issuance of a credential of an applicant who gives or receives unauthorized assistance during the state law ~~or practical~~ examination ~~demonstrating clinical competence~~, violates rules of conduct of an examination, or otherwise cheats or acts dishonestly respecting an examination. The board may consider this applicant for retesting at a future time.

SECTION 6. Chir 2.05 and 2.06 are repealed.

SECTION 7. Chir 2.07 (3) is amended to read:

Chir 2.07 (3) PRACTICAL EXAMINATION DEMONSTRATING CLINICAL COMPETENCE. To pass the practical examination demonstrating clinical competence, an applicant shall receive a grade determined by the board to represent minimum competence to practice ~~on each part of the examination~~.

SECTION 8. Chir 2.08, 2.09 and 2.10 are repealed.

SECTION 9. Chir 2.11 (2) is amended to read:

Chir 2.11 (2) PRACTICAL EXAMINATION DEMONSTRATING CLINICAL COMPETENCE. An applicant who fails the practical examination demonstrating clinical competence ~~due to the failure of one part of the examination may retake the failed part only. An applicant who fails the practical examination demonstrating clinical~~

~~competence due to the failure of 2 or more parts of the practical examination shall be required to retake the entire practical examination demonstrating clinical competence.~~

SECTION 10. The Note following Chir 2.11 (2) is repealed.

SECTION 11. Chir 2.11 (3) is amended to read:

Chir 2.11 (3) LIMITATION ON REEXAMINATION. If an applicant does not pass ~~all parts of~~ the examinations under subs. (1) and (2) within 2 years of the first attempt, the applicant shall retake and pass the entire practical examination demonstrating clinical competence and state law examination in order to be licensed.

SECTION 12. Chapter Chir 3 (title) is amended to read:

CHAPTER Chir 3 (title)

LICENSE REGISTRATION AND RENEWAL

SECTION 13. Chir 3.01 is repealed.

SECTION 14. Chir 3.02 (title), (1) (intro.), (c), (d), (2) and (3) (a) are amended to read:

Chir 3.02 (title) ~~Biennial registration~~ License renewal. (1) REQUIREMENTS FOR RENEWAL. (intro.) To renew and obtain a new ~~certificate of registration~~ license a licensee shall, by December 31 of the even-numbered year following initial licensure and every 2 years thereafter, file with the department:

(c) ~~Evidence~~ Verification that the licensee has, during the biennial period immediately preceding application, completed the continuing education requirement specified in s. 446.02 (1) (b), Stats., except that the requirement may be waived if the licensee was not practicing in Wisconsin during that period. Licensees shall retain original documents showing attendance at programs for at least 4 years from the time that credit is claimed for the continuing education program. Licensees shall deliver their original documents or copies to the board upon request.

(d) Evidence that the licensee is certified in cardiopulmonary resuscitation or has been granted a waiver of the requirement by the board.

(2) REQUIREMENTS FOR LATE RENEWAL. A licensee who fails to meet the requirements in sub. (1) by the renewal date shall cease and desist from practice as a chiropractor until all requirements for renewal are met. Within 5 years following the renewal date, a licensee may renew and obtain a new ~~certificate of registration~~ license by filing with the department the materials specified in sub. (1) and a late renewal fee specified in s. 440.08 (3) (a), Stats.

(3) REQUIREMENTS FOR REINSTATEMENT. (a) *Reinstatement following failure to renew.* A licensee who fails to renew within 5 years of the renewal date may be reinstated by meeting requirements in sub. (2), completing continuing education requirements for the previous biennium, and may be required to take an examination prescribed by the board.

SECTION 15. Chir 3.03 (1) (intro.), (b), (c) 1., 2. and 3., (e), (h) and (2) (d) to (g) are amended to read:

Chir 3.03 Licensure by endorsement. (1) QUALIFICATIONS. (intro.) The board shall grant a license to a chiropractor who holds a valid license by the proper authorities of any other ~~jurisdiction~~ state or country provided the applicant:

(b) ~~Has graduated from a college of chiropractic accredited by the council on chiropractic education and~~ Council on Chiropractic Education (CCE) or by an agency approved by the United States Office of Education or its successor, or from a foreign school determined to be equivalent to an accredited college of chiropractic by the CCE or another approved accrediting agency.

(c) 1. ~~Has graduated from a reputable college of chiropractic, if~~ If the applicant first applied for any a license to practice chiropractic in any jurisdiction state or country before July 1, 1960, the applicant must have graduated from a reputable college of chiropractic.

2. ~~Has~~ If the applicant first applied for a license to practice chiropractic in any state or country between July 1, 1960 and June 30, 1998, the applicant must have completed at least the first 2 years of a baccalaureate degree program a minimum of 60 credits in post-secondary academic education at a college or university accredited by an accrediting body nationally recognized by the secretary of the United States department of education, if the applicant first applied for any license to practice chiropractic in any jurisdiction on or after July 1, 1960 the Council on Chiropractic Education (CCE) or by an agency approved by the United States Office of Education or its successor, or from a foreign school determined to be equivalent to an accredited college of chiropractic by the CCE or another approved accrediting agency.

3. ~~Has~~ If the applicant first applied for a license to practice chiropractic in any state or country on or after July 1, 1998, the applicant must have graduated with a baccalaureate degree from a college or university accredited by an accrediting body nationally recognized by the secretary of the United States department of education, the Council on Chiropractic Education (CCE) or by an agency approved by the United States Office of Education or its successor, or from a foreign school determined to be equivalent to an accredited college of chiropractic by the CCE or another approved accrediting agency.

(e) Has successfully completed a practical examination demonstrating clinical competence which, in the board's judgment, is substantially

equivalent to the practical examination demonstrating clinical competence administered accepted by the board.

(h) Has not had a license or other credential limited, suspended or revoked by a licensing or regulatory authority in Wisconsin or other jurisdiction state or country.

(2) (d) A certified transcript from a chiropractic college accredited by the ~~commission on accreditation of the council on chiropractic education, or approved by the board,~~ Commission on Accreditation of the Council on Chiropractic Education (CCE) or by an agency approved by the United States Office of Education or its successor, or from a foreign school determined to be equivalent to an accredited college of chiropractic by the CCE or another approved accrediting agency, sent directly to the board by the college.

(e) A certified transcript verifying that the applicant has a bachelor's degree from a college or university accredited by an accrediting body nationally recognized by the ~~secretary of the federal department of education~~ United States Department of Education, or from a foreign school determined to be equivalent to an accredited college or university by an approved accrediting agency, if the applicant first applies for any license to practice chiropractic in any jurisdiction on or after July 1, 1998. The transcript shall be sent directly to the board by the college or university.

(f) Verification of successful completion of a practical examination demonstrating clinical competence which, in the board's judgment, is substantially equivalent to the practical examination demonstrating clinical competence accepted by the board. The verification shall be forwarded directly to the board from the state that administered the examination or from the national board.

(g) Proof of successful completion of the special purpose examination in chiropractic or the initial licensure examination of the national board of chiropractic examiners. The proof of completion shall be forwarded directly to the board from the institution that administered the examination.

SECTION 16. Chir 3.03 (2) (k) is repealed.

SECTION 17. The Note following Chir 3.03 (2) (k) is amended to read:

Note: Applications are available upon request ~~to the board office located at~~ from the Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI Wisconsin 53708.

SECTION 18. The Note following Chir 3.035 (1) (b) is amended to read:

Note: Applications are available upon request ~~to~~ from the Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 19. Chir 3.035 (2) is amended to read:

Chir 3.035 (2) ~~A~~ The board may issue a temporary permit to practice chiropractic issued by the board is valid for 10 calendar days during the 12 month period immediately following its effective date, but no single period of practice under the temporary permit may exceed 3 calendar days to an individual who is licensed to practice chiropractic in another state or country. The applicant, ~~or holder of~~ for a temporary permit shall inform the board, in writing, of the locations at which and the dates on which the applicant or holder of the temporary permit will be practicing requests to practice under the temporary permit, prior to engaging in practice under the temporary permit and shall request the issuance of a temporary permit. The board may issue a temporary permit for a reasonable time period based on the activity.

SECTION 20. Chir 3.04 is amended to read:

Chir 3.04 Display of license. The license ~~and certificate of biennial registration~~ shall be displayed in a prominent place by every person licensed and currently registered by the board.

SECTION 21. Chir 3.06 and 3.07 are amended to read:

Chir 3.06 Professional title. A licensee shall use the suffix "D.C." or "Chiropractor" immediately following his or her surname for proper identification. The title "Doctor" or "Dr." may be used if "Chiropractor" is used following the name.

Chir 3.07 Professional liability insurance. Every chiropractor practicing in the state of Wisconsin shall have professional liability insurance coverage in effect at all times in the amount of at least \$100,000 for each occurrence and \$300,000 for all occurrences in one year. The board ~~shall~~ may conduct random audits of chiropractors licensed and practicing in this state, and institute disciplinary proceedings against any chiropractor who fails to submit proof that he or she has insurance coverage meeting the minimum limits required by this section.

SECTION 22. Chir 3.09 is amended to read:

Chir 3.09 Cardiopulmonary resuscitation certification. Every chiropractor shall obtain certification in cardiopulmonary resuscitation at least every 2 years. The board may grant a waiver of this requirement in cases of hardship or retirement from practice.

SECTION 23. The Note following Chir 4.04 (3) is amended to read:

Note: ~~The board annually reviews for approval programs offered or approved by the council on chiropractic education, American chiropractic registry of radiographic technicians, the university of Wisconsin, the Wisconsin vocational, technical and adult education system, hospital training and other programs.~~ A list of board-approved programs is available upon request from the ~~board office~~ Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 24. Chir 4.05 (1) (b) 3. is amended to read:

Chir 4.05 (1) (b) 3. Acupuncture by needle insertion or invasive laser application.

SECTION 25. The Note following Chir 4.05 (2) (d) 3. is amended to read:

Note: A list of courses of instruction in therapeutic ultrasound and galvanic therapy approved by the board is available upon request from the ~~board office at~~ Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 26. Chir 5.01 (1) (e) is created to read:

Chir 5.01 (1) (e) The board may grant a waiver, partial waiver or postponement of the continuing education requirements in cases of hardship.

SECTION 27. Chir 5.02 (1) (a) and (b) are amended to read:

Chir 5.02 (1) (a) The program is sponsored by the Wisconsin chiropractic association, the American chiropractic association, the international chiropractors association, a college of chiropractic approved by the board, ~~or~~ a college of medicine or osteopathy accredited by an agency recognized by the United States department of education, or another chiropractic organization approved by the board. *

(b) The program subject matter relates to improving the clinical skills of a chiropractor and is generally taught at the undergraduate or postgraduate level of a chiropractic college meeting the requirements of s. Chir 2.02 (6) (b). The board will not approve credit for continuing education regarding a technique or practice which the board has determined to be unsafe or ineffective.

SECTION 28. Chir 5.02 (1) (h) is created to read:

Chir 5.02 (1) (h) The instructor is qualified to present the course.

SECTION 29. The Note following Chir 5.02 (4) (a) 1. is amended to read:

Note: Application forms are available on request ~~to the board office located in~~ from the Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 30. Chir 5.02 (4) (a) 6. is amended to read:

Chir 5.02 (4) (a) 6. Describe the names and qualifications of all instructors, and if applicable, whether an instructor of the program who is an undergraduate or postgraduate faculty member of a sponsoring college was appointed in accordance with accreditation standards of the ~~council on chiropractic education~~ Council on Chiropractic Education (CCE) or by an agency approved by the United States Office of Education or its successor.

SECTION 31. The Note following Chir 5.02 (6) is amended to read:

Note: Continuing education approval request forms are available upon request ~~to the board office at~~ from the Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 32. Chir 6.02 (14) is amended to read:

Chir 6.02 (14) Obtaining or attempting to obtain any compensation for chiropractic services by fraud, including billing for services not rendered or submitting a claim for a fraudulent diagnosis.

SECTION 33. Chir 9.03 (3) (intro.), (4), (5) and the Note following Chir 9.03 (5) are amended to read:

Chir 9.03 (3) (intro.) Certifies to the board, on forms supplied by the ~~board~~ department:

(4) Certifies to the board, on forms supplied by the ~~board~~ department, that all chiropractors who participate as preceptors are faculty of the chiropractic college.

(5) Certifies to the board, on forms supplied by the ~~board~~ department, that the chiropractor preceptor and the chiropractic student have agreed on the goals of the preceptor program to be completed by the chiropractic student.

Note: Forms may be obtained upon request from the Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 34. The Note following Chir 9.04 (5) is amended to read:

Note: Forms may be obtained from the Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 35. Chir 9.05 (1) (intro.) and (a) are amended to read:

Chir 9.05 (1) (intro.) Certifies to the board, on forms supplied by the ~~board~~ department, that:

(a) The chiropractor preceptor has been continuously licensed in Wisconsin for the previous 5 years, and that there are no pending disciplinary actions or malpractice claims against the chiropractor preceptor, ~~and that there have been no disciplinary actions taken against the chiropractor preceptor within the last 3 years in any state or country.~~ If any discipline has ever been imposed in any state or country on any professional license held by the preceptor, the preceptor shall provide details of the discipline for the board's review.

SECTION 36. The Note following Chir 9.05 (1) (f) is amended to read:

Note: Forms may be obtained upon request from the Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 37. Chir 9.06 (intro.) and (1) to (6) are renumbered Chir 9.06 (1) (a) to (f) and as renumbered Chir 9.06 (1) (b) is amended to read:

Chir 9.06 (1) (b) A graduate chiropractor participating in a postgraduate preceptorship program is declared to have passed or failed a chiropractic licensing examination by any licensing authority or the national board.

SECTION 38. Chir 9.06 (2) is created to read:

Chir 9.06 (2) If a preceptorship is terminated under sub. (1) (d), (e) or (f), the board may approve a replacement preceptor proposed by the chiropractic student or graduate chiropractor who satisfies the requirements in s. Chir 9.05 (1) (a) and (c) to (f). The proposed chiropractor preceptor need not have been listed by the chiropractic college operating the preceptorship program.

SECTION 39. Chir 10.01 (1) and (2) are amended to read:

Chir 10.01 (1) "Adjunctive services" means services which are preparatory or complementary to chiropractic adjustments of the spine or skeletal articulations, or both. "Adjunctive services" include the taking of a preliminary patient history. "Adjunctive

services" does not include making a chiropractic diagnosis, analyzing a diagnostic test, or performing a chiropractic adjustment.

(2) "Preliminary patient history" means the process of gathering baseline data regarding a patient, including the nature of the chief complaint, family history, and medical history. The "preliminary patient history" is intended to provide a starting point for further inquiry by the chiropractor into the patient's condition.

SECTION 40. The Note following Chir 10.01 (2) is repealed.

SECTION 41. Chir 10.02 (3) is created to read:

Chir 10.02 (3) The chiropractor retains ultimate responsibility for the manner and quality of the service.

SECTION 42. The Note following Chir 10.03 is amended to read:

Note: The coursework specified in s. Chir 10.03 provides the training required by s. Chir 4.04. ~~The board annually reviews for approval programs offered or approved by the council on chiropractic education, American chiropractic registry of radiographic technicians, the university of Wisconsin, the Wisconsin technical college system, hospital training and other programs.~~ A list of board-approved programs is available upon request from the board office Department of Regulation and Licensing, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 43. Chir 10.04 is repealed.

SECTION 44. Chir 10.06 is repealed.

SECTION 45. A Note following Chir 11.02 (8) is created to read:

Note: Chiropractors should be aware that federal requirements, especially in the Health Insurance Portability and Accountability Act of 1996 (HIPAA), may have an impact on record-keeping requirements.

(END OF TEXT OF RULE)

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

The Department of Regulation and Licensing will incur \$500 in costs to print and distribute the rule change.

FINAL REGULATORY FLEXIBILITY ANALYSIS

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

Chir CR03-082 (Housekeeping & practical exam) Draft to Leg 01-30-04



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[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 03-082

AN ORDER to repeal Chir 2.02 (7), 2.05, 2.06, 2.08, 2.09, 2.10, 2.11 (2) Note, 3.01, 10.01 (2) Note, 10.04, and 10.06; to amend Chir 2.02 (intro.) and Note, (3) (intro.) and Note, (4) and (6) (a) and (b), 2.03 (2) (intro.), 2.04, 2.07 (3), 2.11 (2) and (3), chapter Chir 3 (title), 3.02, 3.03, 3.035 (1) Note and (2), 3.04, 3.06, 3.07, 3.09, 4.04 (3) Note, 4.05 (1) (b) 3., (2) (d) 3. Note, 5.01 (4) (a) 1. Note, (4) (a) 6. and (6) Note, 5.02 (1) (a) and (b), 6.02 (14), 9.03 (3) (intro.) and (4) and (5), 9.04 (3) (intro.), (4) and (5), 9.05 (1) (intro.) and (a), 10.01 (1) and (2) and Chir 10.03 Note; to repeal and recreate Chir 9.06; and to create Chir 2.01 (3), 5.01 (1) (e) and (h), 10.02 (3) and Chir 11.02 (8) Note, relating to minor changes to conform the rules to current practices and to correct oversights and problematic language in the current rules, especially related to the board's adoption of Part IV of the national exam in lieu of a state-administered exam to demonstrate clinical competence.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

09-05-2003 RECEIVED BY LEGISLATIVE COUNCIL.

10-03-2003 REPORT SENT TO AGENCY.

RNS:PGC

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



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

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Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 03-082

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 October 2002.]

2. Form, Style and Placement in Administrative Code

- a. In the treatment clause of each SECTION, the word "Section" before "Chir" should be deleted.
- b. The text of each SECTION should begin with the full rule citation. For example, in SECTION 1, "Chir 2.01" should precede "(3)".
- c. Current rules that are not affected should not be shown. For example, s. Chir 2.02 (6) (intro.) should not be shown.
- d. Section Chir 2.02 (6) (a) and (b) should be in SECTION 5. Presently, the rule has two SECTIONS numbered SECTION 4.
- e. Stricken material should always precede immediately adjacent underscored material. [See s. 1.06 (1), Manual.] Section Chir 3.03 (1) (c) should be reviewed in this regard.
- f. Newly created subunits should not be underscored. For example, s. Chir 10.02 (3) should not be underscored.
- g. In the fiscal estimate, all of the dollar calculations have been left blank.

4. Adequacy of References to Related Statutes, Rules and Forms

In s. Chir 9.06 (2), "sub. (1) (d), (e) or (f)" should replace "(1) (d), (e) or (f) above." In the third line, "s." should replace "sec." and "to" should replace "through."

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

- a. In s. Chir 2.02 (intro.), the word "an" should be inserted before "application."
- b. Should the address information contained in the note at the end of s. Chir 3.03 be modified as it has been in other notes relating to application availability? See s. Chir 4.05 (2) (d) 3. (note).
- c. In s. Chir 4.05 (1) (b) 3., what constitutes "*invasive* laser application" as opposed to "laser application". In other words, how invasive must the procedure be? Also, s. Chir 4.05 (1) (b) (intro.) already provides "invasive procedures, such as:" and then it lists the procedures, which presently contain "laser application." Is it necessary to list "invasive" with "laser application" since par. (b) (intro.) already provides that?
- d. In s. Chir 5.01 (1) (h), the note following s. Chir 5.01 (4) (a) 1, s. Chir 5.01 (4) (a) 6, and the note following s. Chir 5.01 (6), it is unclear in how those sections pertain to s. Chir 5.01. It appears that those changes are intended to apply to s. Chir 5.02.

Clearinghouse Rule 03-082

Relating to changes to the existing rules regulating the practice of chiropractic.

- The analysis of the rule indicates that:
*This proposed rule-making order makes numerous **minor changes** to the existing rules regulating the practice of chiropractic, mainly to conform the rules to current practices but also to correct oversights and problematic language in current rules.*
- **Some of the changes are not viewed as minor (I have tabbed the pages of the rule which apply to the below mentioned concerns).**
- A public hearing was held on October 16, 2003. **135 people testified in opposition to CR03-082.** 4 people testified in favor.
- The main opposition to this rule was replacing the Wisconsin state examination with the national examination. Majority stated opinion is that "It would weaken state standards and reputation, plus professionalism of chiropractors."
- An e-mail I received from Russ Leonard does indicate concern about the exam. He also expressed a concern about the discretion the rules provide the Board in approving any "chiropractic organization" to offer continuing education requirements.
- Kanavas has concerns relating to language in the bill that would require the board to grant a license to a chiropractor who holds a valid license if the applicant has graduated from a college of chiropractic accredited by a foreign school determined to be equivalent to an accredited college of chiropractic by the Council on Chiropractic Education (CCE).