

03-082d
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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 03-082)

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) (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 clarifies that continuing education credit regarding a technique or practice which the board has determined to be unsafe or ineffective will not be approved by the board.

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 accredited 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) (b) is amended to read:

Chir 5.02 (1) (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 & exam) Final Draft with Amendment to Leg Committees 05-17-04

Jim Doyle
Governor

**WISCONSIN DEPARTMENT OF
REGULATION & LICENSING**

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Donsia Strong Hill
Secretary



May 18, 2004

Senator Carol Roessler, Chairperson
Senate Committee on Health, Children, Families,
Aging and Long-Term Care
Room 8 South, State Capitol
Madison, WI 53702

Re: Clearinghouse Rule 03-082

Dear Senator Roessler:

On March 22, 2004, the Senate Committee on Health, Children, Families, Aging and Long Term Care requested that the Chiropractic Examining Board review and modify CR 03-082, 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. The board met on April 8, 2004, via a teleconference, and agreed to work with the committee to address the proposed modifications.

A meeting was held on May 6, 2004, with you. Also in attendance at that meeting were two representatives from the board, James Rosemeyer, D.C., chair, and one of the public members, Susan Feith. Also present at the meeting were Kimberly Nania, Bureau Director, Bureau of Health Service Professions; Barbara Showers, Director, Office of Education and Examinations; and Jacquelynn Rothstein, legal counsel to the Chiropractic Examining Board. The Chiropractic Examining Board met on May 13, 2004, and agreed to amend Clearinghouse Rule 03-082. More specifically, the board agreed to remove the proposed amendment to s. Chir 5.02 (1) (a), which is found in Section 27 of the pending proposed rule-making order. Section Chir 5.02 (1) (a) will 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.

Letter to Senator Roessler
May 18, 2004
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The proposed change to s. Chir 5.02 (1) (b) will remain. The final version of Section 27 of Clearinghouse Rule 03-082 is amended to read:

Chir 5.02 (1) (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.

A copy of the entire proposed rule-making order is attached, with the amendment to s. Chir 5.02 (1) (b).

Thank you for your time and consideration of these rules. I understand that this request extends the committee review period for 10 working days under s. 227.19 (4) (b) 2., Wis. Stats.

Sincerely,



Kimberly Nania, Ph.D.
Director
Bureau of Health Services

cc: Chiropractic Examining Board
Jacquelynn Rothstein, Legal Counsel
Barbara Showers, Director, Office of Education
and Examinations

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 03-082)

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) (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 clarifies that continuing education credit regarding a technique or practice which the board has determined to be unsafe or ineffective will not be approved by the board.

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) (b) is amended to read:

Chir 5.02 (1) (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 & exam) Final Draft with Amendment to Leg Committees 05-17-04

TRANSCRIPT OF TAPED PROCEEDINGS 12/19/02

=====
WISCONSIN CHIROPRACTIC ASSOCIATION
BOARD MEETING
=====

TRANSCRIPT OF TAPED PROCEEDINGS

December 19, 2002

Reporter: Emily Aurit

confirmed my thoughts prior to having seen
either of the exams. And I don't want to
comment more than that until other people
comment. I think you know where I stand.

MALE SPEAKER: But in reality, I
don't think anybody's changing position around
the table. I don't know. I want to see the
face of the person coming in. I want to know
that they understand the clinical realm of
what we're trying to apply. If they can do
that, they get the license. But I think, you
know, some of the people that -- you know, as
examiners as you guys sit in on exams, when
you look at our purpose in protecting the
public, are there people that have passed
Part IV, that come into the state of Wisconsin
exam, that you would have concern with in
practicing under public of Wisconsin? In
other words the people that can't pass our
exam who have already passed Part, do you
think there are -- do you think they meet that
minimum criteria that's necessary to practice
on the public?

FEMALE SPEAKER: They fall in the
establishment of that minimum criteria.

MALE SPEAKER: Okay. Then we're
going to move on to discussing Part IV. Shar,
you're here?

SHAR: I'm here.

MALE SPEAKER: All right. Let's
move on then. Discussing national Part IV
exam that was attended by numerous board
members and Susan (inaudible).

MALE SPEAKER: Before -- as we move
on, I just -- I am looking for a letter that I
wrote to this (inaudible) -- and it's mostly
what you said last time but I didn't
specifically address this issue (inaudible) so
I didn't (inaudible).

MALE SPEAKER: Okay.

MALE SPEAKER: (Inaudible).

MALE SPEAKER: All right. So
Part IV. Who wants to go? Susan?

SUSAN: I don't want to go first.

MALE SPEAKER: Well, I'd just like
to have you open comment because you've seen
both exams.

SUSAN: I was very delighted to see
both exams. That was a major education for
me. I would have to say that it probably

MALE SPEAKER: But, see --
FEMALE SPEAKER: But that's so
subjective because that minimum criteria is --
MALE SPEAKER: You've not sat in on
the exam --

FEMALE SPEAKER: Right.

MALE SPEAKER: -- and watched these
--

FEMALE SPEAKER: That's why --

MALE SPEAKER: -- people. That's
why I'm looking at them and saying, you know,
what do you think?

FEMALE SPEAKER: I wasn't able to
actually sit in the room for the national
Part IV exam where an applicant was being
tested because they had misgivings about that
impacting the performance of the student. I
was allowed to sit in on the Wisconsin exam.
I would have to say that I found the national
exam to be extremely professional and everyone
to be extremely conscientious, and the
pretraining of the examiners to be very
consistent and thorough, and the instructions
given to the students to be very consistent
and thorough. Also they did it by virtual

1 video presentation which answered all of the
 2 possible questions you could have, and then
 3 they also had a Q and A for the students after
 4 the video was presented. Everything was
 5 constructed to be very consistent so that
 6 everybody received the same information and
 7 was to carry out their respected parts in this
 8 in exactly consistent and same ways. And I
 9 think that's really, really good. It puts
 10 students at ease. It puts the examiners at
 11 ease. It levels the plain view of both sides
 12 of the equation so that you know the
 13 presentation was pretty much the same.
 14 Everybody who arrived had to do that.

15 MALE SPEAKER: So am I --

16 FEMALE SPEAKER: In terms --

17 MALE SPEAKER: Am I -- I think I'm
 18 hearing you say that that doesn't exist in the
 19 Wisconsin exam.

20 FEMALE SPEAKER: I would say that
 21 the comparison would favor the national exam
 22 to a great extent. Now, there was the issue
 23 about the content of the exam and whether or
 24 not one was harder than the other one. And
 25 that I can't speak to. The one thing that I

1 could say and this is a mechanical thing as
 2 well. Obviously, when you are not given the
 3 answer within the printed material that you
 4 receive, it's always more difficult to answer
 5 the question in the vain that the examiner
 6 wants you to choose because there are always
 7 options. So we get back to the consistency
 8 issue and whether the examiners are all
 9 working off the same check list or if they are
 10 assigned the same mental framework. So that's
 11 one thing.

12 But I would have to say that there were
 13 mechanical things that I saw happen at the
 14 state test that if I were an examinee, I would
 15 have been very discombobulated about. And
 16 that had to do with the noise in the hallways,
 17 for instance, and light boxes that didn't hold
 18 the x-rays. They kept falling out.
 19 Differences in the way the rooms were set up.
 20 You know, just mechanical things that might
 21 cost an examinee one minute of precious time
 22 in thinking or put them so ill at ease that
 23 they lose their train of thought, or don't --
 24 forget to do something that if they were
 25 calmer, that they wouldn't state it in the

1 explanation of what they were doing. So for
 2 that reason I think that overall I still think
 3 that the Part IV is a much preferable tool.

4 Then we talked about the idea of
 5 whether or not you could hike the bar and have
 6 it be a situation where you required a 475
 7 instead of a 375. And in talking with the
 8 people in the national exam, they said, Well,
 9 yeah, you can do that, but they can't defend
 10 somebody's challenge that that would be a
 11 reasonable bar for minimal competency. That
 12 they work very hard to figure out what that
 13 bar is, and they think it's 375 and therefore
 14 you as a state would kind of be out there on
 15 your own defending your higher score level.
 16 If that's what you adopted.

17 So I don't know. Overall I would say
 18 my thought would be 375 would be the choice
 19 that you would want to make and that the
 20 Part would be a reasonable tool to establish
 21 minimal competency. So now I said it all, and
 22 I said I wouldn't.

23 MALE SPEAKER: Does anybody else
 24 feel -- I mean, I personally, I look at some
 25 of those young (inaudible) from high school.

1 They go through the Wisconsin exam. I would
 2 not turn them loose on the public. There is a
 3 certain percentage. There's five or five
 4 percent or there's a few of them that I would
 5 say, no way. But now that's my opinion.
 6 (Inaudible).

7 MALE SPEAKER: Is that five percent
 8 indicative of how many people will fail?
 9 (Inaudible) Probably more. Probably feel
 10 more than that. I have a problem with passing
 11 Part. People working on state passing
 12 Part without passing all the parts of Part.
 13 That's my biggest concern in the Part IV exam.
 14 The other part has nothing to do with the
 15 exam. It has to do with bringing people into
 16 the state that belong (inaudible) we can
 17 address that with the five-year rule and have
 18 it be in practice in five years (inaudible)
 19 and say (inaudible) average amount of
 20 (inaudible). That's my biggest concern. I
 21 like the idea of doing it. I like the idea of
 22 (inaudible) state exam. I do agree with Dale
 23 in that it's nice to see them. We could still
 24 do that. We could still --

25 FEMALE SPEAKER: Well, you do for

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1 the juris prudence, don't you?
 2 MALE SPEAKER: Well, we don't.
 3 FEMALE SPEAKER: Oh.
 4 MALE SPEAKER: See 'cause, we could
 5 still do something where we need to
 6 (inaudible) people coming in (inaudible) over
 7 the board over the rules and whatever.
 8 SUSAN: Psychology (inaudible).
 9 MALE SPEAKER: But it still doesn't
 10 allow us to test.
 11 MALE SPEAKER: You know procedure
 12 wise, (inaudible) my biggest concern was while
 13 watching the x-ray portion, this one per
 14 person -- so one person could step up to the
 15 viewbox and look at the film first. Everyone
 16 else looks down at the sheet. Is it this?
 17 No. Is it this? No. So more or less they
 18 gave them the answers. Then they knew what to
 19 look for. I would prefer that the doctor go
 20 up, look at a film and say, There is something
 21 wrong with this. He doesn't know what it is,
 22 he can say, There is something wrong here that
 23 we're going to have to look at it further.
 24 SUSAN: But they are taking a test,
 25 and if they were to take a test as to

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1 MALE SPEAKER: Yeah.
 2 MALE SPEAKER: Patients don't come
 3 with a list of multiple choice.
 4 MALE SPEAKER: That was my concern.
 5 I was surprised that (inaudible) on the exam
 6 because (inaudible).
 7 MALE SPEAKER: Yeah. But you know
 8 they did that before. Yeah. They did that
 9 before coming and evaluating us, and to see if
 10 we were doing the job. They were there all
 11 day, both days.
 12 SUSAN: I would have to say one
 13 other thing that I didn't mention was that in
 14 the state exam where you use an examinee as
 15 the patient, that puts the examinee who is the
 16 patient first at such a severe disadvantage, I
 17 think that it's -- I would object if I were
 18 trying to take that test. I would just --
 19 just having to disrobe, be a patient and then
 20 turn around and do the opposite half of that
 21 whole scenario would be just absolutely
 22 distressing.
 23 MALE SPEAKER: It's the way it's
 24 done in school. That's how they learn to do
 25 it.

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1 (inaudible).
 2 MALE SPEAKER: But it's -- but it
 3 gives you a heads-up (inaudible) look for.
 4 SUSAN: Yeah. Well, I agree with
 5 you.
 6 MALE SPEAKER: So I --
 7 SUSAN: (Inaudible).
 8 MALE SPEAKER: I would prefer to
 9 have them look at a film and say, well, just
 10 what exactly is wrong with this?
 11 SUSAN: If I had two minutes or
 12 whatever it is to answer that question, my
 13 gosh I'd be reading the answers first the
 14 questions that (inaudible).
 15 MALE SPEAKER: On multiple choice
 16 examinations, which that is, good questions
 17 are written in what they call distractors and
 18 long answers which are very plausible and
 19 this test is (inaudible). They would have
 20 critical decisions and evaluations that need
 21 to be made to discern which of the four
 22 answers is true and correct.
 23 MALE SPEAKER: It's probably
 24 something that that person would miss
 25 altogether (inaudible).

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1 SUSAN: Well. I mean school is a
 2 different thing. You've already --
 3 MALE SPEAKER: I mean with tests.
 4 With tests.
 5 SUSAN: Here you are, \$1,000
 6 invested in your career, and it's a one-shot
 7 deal and (inaudible) in another three months
 8 --
 9 MALE SPEAKER: No, it's not a
 10 one-shot deal.
 11 SUSAN: Well, you're losing --
 12 you're potentially losing three months'
 13 income.
 14 MALE SPEAKER: I grant that. One
 15 other thing we haven't discussed here is the
 16 fact that if you have issue without results,
 17 you can make an appeal with the national board
 18 if you don't.
 19 MALE SPEAKER: (Inaudible) the
 20 other end of the spectrum. Here you have the
 21 opportunity to say, I think I passed, but
 22 these are the -- this is the criteria. I'm
 23 just kind of stating my -- making my case and
 24 there you're, you're history.
 25 SUSAN: (Inaudible) But then that

3 (Pages 9 to 12)

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1 review is quite arbitrary too. You know?

2 MALE SPEAKER: Everyone has spoken,
3 Shar, except for you and Jim.

4 SHAR: Well, I wasn't there. Susan
5 just confirmed my feelings. They're even
6 stronger to (inaudible) with Part.

7 MALE SPEAKER: There are parts to
8 Part IV that, like the history taking that we
9 don't do that I kind of like to have 14 or 15
10 questions that refers to history taking. I
11 like that aspect of it. Very smooth. Very
12 click. Everything went according to first
13 examiners were trained. And it was a long day
14 ahead of us. It was very interesting to be a
15 part of it. I still don't like the idea of,
16 like Jim said, about the age requirement. But
17 that's the only way they can do it. You just
18 throw the stuff in the computer and then you
19 would put it on paper. The other thing I
20 don't like again is the averaging. You could
21 fail completely one part of it and still get
22 your license.

23 SHAR: And we -- and they won't
24 tell us if a person failed a part, right?

25 MALE SPEAKER: No, they won't.

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1 SHAR: Yeah.

2 MALE SPEAKER: -- Is you stated a
3 few times that you have feelings. You feel
4 this way. You feel that way. I don't feel
5 any way. I want to know the facts. Do they
6 know what they're doing, or don't they? If
7 they don't, I want to know.

8 SHAR: But it all goes back to your
9 perception of minimum competency.

10 MALE SPEAKER: Right.

11 SHAR: That's the bottom line here.

12 MALE SPEAKER: Right.

13 SHAR: As -- and I have a hard time
14 understanding minimum competency. If it's
15 good enough for how many states in the
16 United States that are setting and going with
17 Part in the minimum competency standards that
18 they've set versus the minimum competency
19 standards that this board set for Wisconsin.
20 I have a hard time with that.

21 SUSAN: I would like to enhance
22 that whole thing and that is that in the
23 explanation I got of how they set up the test,
24 there is a representative from every corner of
25 the universe practically with regard to

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1 MALE SPEAKER: Maybe they will now,
2 but I think I asked them that six months ago.

3 SHAR: The bottom line to the whole
4 thing is not any test is going to be perfect.
5 I mean, you know, I guess what I'm hearing
6 here is, is, you know, you've got to look at
7 each exam and feel what is the best. And not
8 any of them are going to be done perfect
9 because what's perfect in your eyes or
10 perfect in my eyes is going to be different so
11 I think, you know, we have to realize that
12 there's too going to be shortcomings on either
13 test. And I still feel that Part IV is for
14 every reason that Susan just confirmed my
15 feelings from talking to students about
16 Part IV and their perception of Part versus
17 their perception of the Wisconsin. If you
18 talk to students that have taken the test,
19 even if they scored high and they talk about
20 the professionalism and the way it's done and
21 mechanics and all that stuff, the students
22 will say that Part IV was just run better.
23 You know. And -- and -- and --

24 MALE SPEAKER: The concern I have
25 with the your commentary, Shar --

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1 discussion of test questions and filtering the
2 test questions that throws out ones that --
3 that are not -- not the best in one respect or
4 another. And if we're concerned about that,
5 all we have to do is get our representative
6 engaged in the mechanics of making up that
7 test, and I think that the standardization
8 that they use in making up that test goes way
9 beyond what we do here in the state in
10 selecting questions and including them on the
11 test. We don't lose our ability to affect
12 what's on the test if we actively participate.

13 MALE SPEAKER: You know, like I
14 say, I can't help but suggest that we're
15 lowering the bar. Because it truly doesn't
16 test their clinical capacity. Test their
17 capacity to remember stuff. (Inaudible).

18 MALE SPEAKER: Would you entertain
19 a motion at this point?

20 MALE SPEAKER: Kim, would like to
21 comment.

22 SHAR: Please. Please. If I may,
23 this mostly FYI stuff and you've heard it
24 before, but number one is minimum competency
25 if I could drop that out. We have to remember

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1 that. And what does minimum competency mean?
 2 If -- is your minimum competency the same as
 3 my minimum competency? Do you know minimum
 4 competency in a way that's generally
 5 (inaudible). That's the tough part. I know
 6 as a psychologist that my bar minimum
 7 competency may not be the next college's
 8 (inaudible). It may be lower. It may be
 9 higher. As in some cases, it's going to be
 10 very unpar. It's very, very difficult. That
 11 portion of it is very difficult. What does
 12 minimum competency mean? You know what it
 13 means via definition, but when it comes to
 14 actually having different people say is this
 15 minimum competency, it's very difficult
 16 because it becomes a little bit subjective.
 17 So that's number one. Number two, and this is
 18 really informational so that you have this
 19 also to think about. Wisconsin now -- there
 20 are two states -- Wisconsin now and you march
 21 to whatever beat you want, I just want you to
 22 be well informed -- is the only state that now
 23 requires their own exam. Oklahoma also
 24 requires an exam, but they have a rule change
 25 that kind of supersedes their old exam and

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1 they're going to revisit that.
 2 So what happens now is Wisconsin is
 3 requiring a state exam, and at some point it
 4 becomes -- it appears to look like it may be
 5 some form of inn-keeping because five years
 6 from now, ten years from now, anyone new who's
 7 graduated, doesn't have the option to come
 8 into the state by taking another state exam.
 9 They have to take their state exam. So that
 10 is something that I just want you all to be
 11 very aware of. And before you make any
 12 decisions, really think this all through
 13 because that is very important. Like I said,
 14 you are welcome to march to your beat but
 15 please know when that happens, how is that
 16 viewed. Because if I graduate now, and if I
 17 don't want to take the Oklahoma exam, I'm dead
 18 in the water. I have no options but to have
 19 to take this exam. So knowing all of these
 20 factors, I just think that now you are able to
 21 think about this and make a decision whether
 22 we make it today or think about it or
 23 whatever.
 24 I did like what Susan had to say and
 25 that fact is that we could have a

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1 that is if you have the credential in another
 2 state for five years, and you are in good
 3 standing and you can come in and you don't
 4 take any exam. Now what happens when the
 5 state is the --
 6 MALE SPEAKER: What's that?
 7 SHAR: Oklahoma. They had a long
 8 cast. I talked to the administer there. That
 9 if you hold your -- this is Oklahoma -- if you
 10 hold a credential, a license in good standing
 11 in some other state for five years, in good
 12 standing, you are then able to go to Oklahoma
 13 without taking their state exam.
 14 MALE SPEAKER: Well, that's just
 15 endorsement, is it not?
 16 SHAR: Well, it's pure endorsement.
 17 But up until now, you would have to take their
 18 exam or have had a similar exam to theirs just
 19 like Wisconsin. You see, so this supersedes
 20 their lot kind of is. And so now what they're
 21 going to have to do, they're going to have to
 22 revisit what we do because we're saying you
 23 need this exam. But now we've written this
 24 rule that has passed saying you can come in
 25 via more of a pure endorsement and so now

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1 representative from this state on their
 2 committee for review of questions. And just
 3 so you know we feel that this needs to be --
 4 you have a voice. You have a voice in this.
 5 I don't think national (inaudible) and
 6 whatever so if you are able -- if they're
 7 having people from different corners of the
 8 world so to speak, doing that, that's an
 9 option you may want to (inaudible) as well.
 10 MALE SPEAKER: Well, it's a lot
 11 different voice than -- I think we -- they
 12 added new questions to the pool every year,
 13 three new questions. They take three out.
 14 SHAR: Okay.
 15 MALE SPEAKER: You are involved, if
 16 I remember, with procedure in helping develop
 17 the two or three questions each year that they
 18 add to the pool and helping to pick the ones
 19 that are already in there. But that -- you
 20 have a small voice because there's 14, 15
 21 people on the panel, but you still have a
 22 voice. And the state's relatively too
 23 (inaudible) voice (inaudible) voice
 24 (inaudible). It would be a far cry from what
 25 we're doing now. Yeah. As far as having a

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1 voice.
 2 MALE SPEAKER: Now that we know
 3 that none of our positions have apparently
 4 changed, (inaudible) had a suggestion for a
 5 motion?
 6 MALE SPEAKER: Yes. I would like
 7 to move that we continue our policy as it is
 8 now by not accepting Part for licensure in
 9 Wisconsin and retaining our current testing
 10 regimen with the idea that we will revisit the
 11 subject again in a year.
 12 FEMALE SPEAKER: Retaining our --
 13 your current what?
 14 MALE SPEAKER: Testing regimen.
 15 MALE SPEAKER: You know.
 16 MALE SPEAKER: Okay. So we have
 17 that motion on the floor. (Inaudible).
 18 MALE SPEAKER: I would like to
 19 suggest -- or question. Are we bound to wait
 20 a year to revisit this by this motion?
 21 FEMALE SPEAKER: If you put in a
 22 motion, you put it in a motion.
 23 FEMALE SPEAKER: Yes. Unless you
 24 state it that you are going to leave it open
 25 to be revisited at any time. Then you are not

Page 22

1 bound by any time.
 2 SHAR: I didn't get the year part.
 3 What I have is --
 4 SUSAN: (Inaudible) so that -- does
 5 that answer your question? Okay. So it would
 6 be --
 7 MALE SPEAKER: I would like to see
 8 you amend that to take out the --
 9 SHAR: I guess I didn't put the
 10 year in. What is it? I put continue --
 11 MALE SPEAKER: Okay. Actually,
 12 we're -- it hadn't been seconded, so I don't
 13 -- do you want to second it, and then discuss
 14 it or --
 15 SHAR: What is the motion again?
 16 MALE SPEAKER: Why don't we change
 17 the motion if you are willing to do so.
 18 MALE SPEAKER: I don't know that I
 19 am.
 20 SHAR: Okay. Well, let me see if
 21 I've got it correctly.
 22 MALE SPEAKER: Okay.
 23 SHAR: I've got continue our policy
 24 as it is now by not accepting Part IV for
 25 licensure in Wisconsin and retaining our

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1 current testing regimen.
 2 MALE SPEAKER: Right.
 3 SHAR: Is that what you wanted?
 4 MALE SPEAKER: Yes. With the
 5 understanding that we will revisit the
 6 question in a year. Or how about within the
 7 year.
 8 MALE SPEAKER: I would not say that
 9 language. That doesn't preclude you from
 10 looking at it ahead of time. It just says
 11 (inaudible).
 12 MALE SPEAKER: Okay, okay, okay.
 13 SHAR: You will revisit the
 14 question within the next year?
 15 MALE SPEAKER: No. In a year.
 16 SHAR: In a year, okay.
 17 FEMALE SPEAKER: (Inaudible).
 18 SUSAN: Yeah, it does. It means a
 19 year from now.
 20 FEMALE SPEAKER: Well, then, wait a
 21 minute. So now that's the motion, we need to
 22 second it, and then you can open it up for
 23 discussion (inaudible).
 24 MALE SPEAKER: Okay. Do we have a
 25 second?

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1 FEMALE SPEAKER: You guys I'm
 2 trying to think --
 3 MALE SPEAKER: Do we have another
 4 motion?
 5 SHAR: So this is not a motion.
 6 FEMALE SPEAKER: So it dies
 7 (inaudible).
 8 MALE SPEAKER: It does.
 9 SHAR: I move to accept Part as --
 10 and a juris prudence exam as the standard for
 11 licensure.
 12 FEMALE SPEAKER: And I will second
 13 that.
 14 SHAR: As a --
 15 FEMALE SPEAKER: It's seconded.
 16 Who seconded it?
 17 FEMALE SPEAKER: I did.
 18 SHAR: Okay. Now, can I see that I
 19 got this correct? Move that we accept Part as
 20 a standard for licensure. Was there something
 21 more?
 22 SHAR: With the address for these
 23 exams as well. I don't know that you need to
 24 say discontinue the (inaudible).
 25 MALE SPEAKER: (Inaudible).

6 (Pages 21 to 24)

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1 FEMALE SPEAKER: (Inaudible).
 2 MALE SPEAKER: No change in the
 3 (Inaudible).
 4 SHAR: Let me read this.
 5 FEMALE SPEAKER: (Inaudible).
 6 Juris prudence -- that juris prudence
 7 (inaudible).
 8 MALE SPEAKER: You can say for the
 9 clinical portion of the requirement.
 10 FEMALE SPEAKER: (Inaudible).
 11 SHAR: Can I read this again? Make
 12 sure I got it right. You're moving that we
 13 accept Part as a standard for licensure with
 14 the juris prudence exam for the clinical
 15 portion of the requirement? Or do you not --
 16 FEMALE SPEAKER: No. Everybody
 17 else is adding to this.
 18 SHAR: With --
 19 FEMALE SPEAKER: It's Part along
 20 with the juris prudence exam I think was the
 21 original.
 22 SHAR: Right. The juris prudence
 23 as well and then period.
 24 FEMALE SPEAKER: Okay. Now, John,
 25 is that adequate to --

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1 that. You would be --
 2 MALE SPEAKER: Well, the motion has
 3 been accepted as the standard (inaudible).
 4 MALE SPEAKER: But it's written,
 5 it's a standard for licensure. Which is it,
 6 Bruce?
 7 SHAR: Moves that we accept Part as
 8 a standard for licensure --
 9 FEMALE SPEAKER: The.
 10 MALE SPEAKER: I think it would be
 11 "the" (inaudible).
 12 SHAR: As "the" standard for
 13 licensure to include a juris prudence exam as
 14 well. Do you want as well on there?
 15 FEMALE SPEAKER: Well, including
 16 the juris prudence exam.
 17 FEMALE SPEAKER: The juris prudence
 18 exam. It doesn't hurt. It's a motion. It
 19 doesn't -- I mean it's --
 20 SHAR: Including --
 21 FEMALE SPEAKER: -- regardless but
 22 you can have it in your motion.
 23 SHAR: -- the juris prudence exam.
 24 MALE SPEAKER: The ruling you have
 25 -- let's see if we can make it simpler -- the

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1 SHAR: What did I just do?
 2 FEMALE SPEAKER: -- cover what I
 3 mean? Do we have to say in lieu of --
 4 MALE SPEAKER: Now that you've
 5 asked a question I want to make a motion.
 6 SHAR: All right. And I just hit a
 7 funny button here. Let me just get back to
 8 where I am. These buttons -- all right. Let
 9 me read this. You are moving that we accept
 10 Part as a standard for licensure with the
 11 juris prudence exam as well.
 12 FEMALE SPEAKER: To include the
 13 juris prudence exam. How does that sound,
 14 better?
 15 SHAR: Yeah. I was thinking that
 16 was sounding awkward. To include --
 17 MALE SPEAKER: Is the word to be
 18 standard? I mean --
 19 SHAR: Include the juris --
 20 FEMALE SPEAKER: We need to say
 21 other things like for instance with a pass
 22 rate of 375 or how does that have to go?
 23 FEMALE SPEAKER: (Inaudible)
 24 standard.
 25 FEMALE SPEAKER: Unless you change

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1 ruling you have differentiates between the
 2 state law examination and the practical
 3 examination demonstrates (inaudible) for. You
 4 could just say, as the practical exam. You
 5 can leave that the law exam (inaudible).
 6 FEMALE SPEAKER: Do you understand
 7 what I mean? Do I know what I mean?
 8 FEMALE SPEAKER: We have a second.
 9 SHAR: Now wait a minute. What is
 10 the practical exam?
 11 MALE SPEAKER: Sorry about that.
 12 SHAR: Is that fitting into the
 13 wording?
 14 MALE SPEAKER: The wording in both
 15 the statute (inaudible) is practical exam.
 16 MALE SPEAKER: Rather than juris
 17 prudence?
 18 MALE SPEAKER: No. Which is
 19 different from the juris prudence, so all
 20 we're talking about is the practical exam.
 21 SHAR: So --
 22 MALE SPEAKER: (Inaudible) Part IV
 23 as the practical exam.
 24 SHAR: It's a Part, as the standard
 25 for licensure, period. Forget any other

7 (Pages 25 to 28)

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1 exams?

2 MALE SPEAKER: At this point I'm
3 going to remove my selfish (inaudible). I'm
4 going to turn it over to Dr. Slate because
5 this would (inaudible) impact the ability of
6 Allied Health would bring few associates in
7 the state and I refuse to quote on such.

8 MALE SPEAKER: I'm not
9 understanding (inaudible).

10 FEMALE SPEAKER: We had a first and
11 second and so now we can have it. I think we
12 can have a discussion.

13 MALE SPEAKER: Okay. Discussion?

14 MALE SPEAKER: I have a question.
15 John. Is there any possibility that the State
16 of Wisconsin could be sued by advocates
17 because we are the only state that doesn't
18 require or accept (inaudible)?

19 MALE SPEAKER: I --

20 FEMALE SPEAKER: I don't think --

21 MALE SPEAKER: -- can't imagine.

22 MALE SPEAKER: You can be sued for
23 anything at anytime.

24 MALE SPEAKER: Right. But besides
25 from that statement, your statement that you

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1 FEMALE SPEAKER: Yeah.

2 MALE SPEAKER: Each state does not
3 require a practical exam?

4 FEMALE SPEAKER: Wisconsin, Florida
5 and Oklahoma had another process at that
6 point. The remaining eight states to my --
7 according to my research don't require
8 practical examination. They require state
9 juris prudence exam and graduation from an
10 accredited university.

11 FEMALE SPEAKER: Just even the
12 lower standard?

13 FEMALE SPEAKER: Yeah. So I just
14 want to put that out there so I'm not
15 (inaudible).

16 FEMALE SPEAKER: If I may also
17 bring this to the table, and I don't know if
18 we can do this or not --

19 MALE SPEAKER: Probably not.

20 FEMALE SPEAKER: -- the concern
21 appears to be on the state exam. When I
22 (inaudible) this from over the years is that
23 the two areas that seem to have a real problem
24 are x-ray and a physical diagnosis. What?

25 FEMALE SPEAKER: This last -- I

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1 just made, it's in our statute that you can
2 require a practical exam.

3 MALE SPEAKER: So just because
4 there's somebody else allowing it doesn't
5 necessarily mean (inaudible).

6 FEMALE SPEAKER: No. Jim, I don't
7 --

8 FEMALE SPEAKER: (Inaudible).

9 FEMALE SPEAKER: -- and if anybody
10 sued you, I don't think they would get very
11 far. I -- but I can tell you -- you would --
12 you will over time have many, many legislative
13 calls saying what's going on because they
14 start doing that.

15 FEMALE SPEAKER: Well, find
16 information on that. There are eight states
17 that do not require a practical exam or
18 license.

19 FEMALE SPEAKER: And they don't
20 even -- and there are some that don't even
21 require Part. I think they stop at Part III.

22 FEMALE SPEAKER: There are 39
23 states as of November that Part IV is the
24 standard.

25 FEMALE SPEAKER: That's good.

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1 have (inaudible) this exam which was also
2 (inaudible) at that closed session but you may
3 not want -- let me just say at this point that
4 you can't make that statement.

5 FEMALE SPEAKER: Okay. Okay. I
6 was just going to say over the years, it
7 appeared that's where the greatest --

8 FEMALE SPEAKER: (Inaudible).

9 FEMALE SPEAKER: All right. Well,
10 where I was going to go with that -- thank
11 you. Where I was going to go with that, and I
12 don't know if this is something that we can do
13 or not but I'd like to put it on the table. I
14 do know that California requires on top of
15 their Part, I believe they do require Part.
16 On top of that that you must take and pass an
17 x-ray exam. So that isn't -- I don't know if
18 that is something that we can do, but I do
19 know that for a fact.

20 MALE SPEAKER: They also require
21 extra hours and preceptorship.

22 MALE SPEAKER: Yes. Anymore
23 discussions?

24 FEMALE SPEAKER: Just in response
25 to Jim 's question. I guess my concern over

8 (Pages 29 to 32)

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1 the time I have spent on the board is that we
 2 seem to have an exceedingly high failure rate
 3 on our state exam. And it seems to be erratic
 4 at times. And we've never been able to
 5 determine the reason for that, although we've
 6 speculated on a lot of things. And if we were
 7 to be legally challenged on an issue, I don't
 8 think it would be a practical exam versus
 9 accepting Part. It would be on someone
 10 analyzing the statistics over the long haul
 11 and finding us to have some anomalies that are
 12 unexplainable, and I don't think defensible.
 13 MALE SPEAKER: Anymore discussion?
 14 John?
 15 MALE SPEAKER: With response to
 16 Dr. Greenwald, just so you all know where the
 17 statutory basis for this is, let me read the
 18 two sentences that are actually in the law as
 19 by the legislature about the exam. It says
 20 examination shall be in subject due to
 21 (inaudible) et cetera. Examination shall
 22 include a practical examination of the
 23 applicant as prescribed by examining board in
 24 lieu of its own (inaudible) examination, the
 25 examining board may accept in full or in part

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1 the certificate of the National Board of
 2 Chiropractors (inaudible) examining that
 3 (inaudible) it was contemplated there was a
 4 possibility (inaudible) either way.
 5 MALE SPEAKER: Anymore discussion?
 6 Could you read the motion one more time,
 7 please.
 8 SHAR: We are moving that we accept
 9 Part as the standard for licensure, period.
 10 MALE SPEAKER: All those in favor
 11 say, aye.
 12 (Ayes heard).
 13 MALE SPEAKER: All those opposed?
 14 (Ayes heard).
 15 SHAR: Okay. I have one abstained.
 16 One no and --
 17 FEMALE SPEAKER: No. Two nos.
 18 SHAR: Two nos? Who was the other
 19 no?
 20 FEMALE SPEAKER: Jim Greenwald.
 21 SHAR: I don't have to list who
 22 said no, do I?
 23 MALE SPEAKER: No, not at this
 24 point.
 25 FEMALE SPEAKER: How can you do

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1 that? Can I -- how do you do that? How can
 2 you state that? How would you like that
 3 stated?
 4 FEMALE SPEAKER: Just say your
 5 request is that --
 6 MALE SPEAKER: Well, you can
 7 request the roll call vote.
 8 SHAR: And actually --
 9 FEMALE SPEAKER: No you --
 10 FEMALE SPEAKER: I would like to
 11 request a roll call vote however I do that.
 12 FEMALE SPEAKER: And then you can
 13 put their names on.
 14 SHAR: Okay. Let's go -- roll
 15 call. Dale?
 16 FEMALE SPEAKER: Abstained.
 17 SHAR: Okay. I'm just going to go
 18 around the table. Jim Rosemeyer?
 19 MR. ROSEMEYER: Yes.
 20 FEMALE SPEAKER: Jim Greenwald.
 21 SHAR: Jim Greenwald.
 22 MR. GREENWALD: Nay.
 23 SHAR: Okay.
 24 FEMALE SPEAKER: Susan Feith?
 25 MS. FEITH: Yes.

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1 SHAR: Feith is yes.
 2 FEMALE SPEAKER: Shar Glocke.
 3 MS. GLOCKE: Yes.
 4 SHAR: Shar is yes.
 5 FEMALE SPEAKER: Broucke Sleight.
 6 SHAR: Broucke Sleight.
 7 MR. SLEIGHT: Obviously yes.
 8 FEMALE SPEAKER: No. You said no.
 9 MR. SLEIGHT: I said yes.
 10 FEMALE SPEAKER: Oh, you said yes?
 11 Okay.
 12 SHAR: Oh, I guess I --
 13 MALE SPEAKER: I misheard that too.
 14 FEMALE SPEAKER: I thought he did
 15 too. All right. So --
 16 SHAR: So now we have one
 17 abstained.
 18 FEMALE SPEAKER: One no.
 19 SHAR: One no.
 20 FEMALE SPEAKER: And four yeses.
 21 SHAR: Did I do, all right.
 22 MR. JONES: So now we have one
 23 abstained.
 24 FEMALE SPEAKER: One no.
 25 SHAR: One no.

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1 FEMALE SPEAKER: And four yeses.
 2 MALE SPEAKER: (Inaudible).
 3 FEMALE SPEAKER: Pardon?
 4 FEMALE SPEAKER: Four is the
 5 (inaudible). I'm going to pass on right now.
 6 MALE SPEAKER: I would like to --
 7 FEMALE SPEAKER: My God.
 8 MALE SPEAKER: -- move for
 9 reconsideration of the previous question.
 10 SHAR: Which is that? The first
 11 motion?
 12 FEMALE SPEAKER: (Inaudible)
 13 misunderstand it?
 14 MALE SPEAKER: No.
 15 FEMALE SPEAKER: Okay.
 16 MALE SPEAKER: I would like to move
 17 for reconsideration.
 18 FEMALE SPEAKER: What does that
 19 mean?
 20 MALE SPEAKER: That means I would
 21 like to have the whole thing brought up again.
 22 FEMALE SPEAKER: Okay.
 23 MALE SPEAKER: All I need is a
 24 second for that.
 25 SHAR: To move for reconsideration

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1 -- that's --
 2 MALE SPEAKER: That means nothing
 3 happens.
 4 MALE SPEAKER: It's moot. Now do
 5 you know what --
 6 FEMALE SPEAKER: No. Wait.
 7 MALE SPEAKER: No. It means we --
 8 it's back on the table again.
 9 MALE SPEAKER: It means that we
 10 have a Part right now unless we renege out.
 11 FEMALE SPEAKER: Right.
 12 MALE SPEAKER: That's right.
 13 Right. And we can do that because I voted for
 14 the motion.
 15 FEMALE SPEAKER: See because I
 16 originally heard you. I thought you said no.
 17 MALE SPEAKER: Yeah. That's right.
 18 That's Robert's Rule, correct?
 19 FEMALE SPEAKER: Right. That is
 20 Robert's Rules.
 21 MALE SPEAKER: Okay. Okay.
 22 MALE SPEAKER: So now as -- has
 23 Dr. Strama taken the gavel back?
 24 MALE SPEAKER: Are we going to talk
 25 about this some more?

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1 of this same issue?
 2 MALE SPEAKER: Yes.
 3 MALE SPEAKER: I'll second it.
 4 MALE SPEAKER: I would have if you
 5 didn't (inaudible).
 6 SHAR: All right.
 7 MALE SPEAKER: All of those in
 8 favor of reconsideration?
 9 (Ayes heard)
 10 MALE SPEAKER: Opposed?
 11 (Nays heard)
 12 MALE SPEAKER: It carries.
 13 MALE SPEAKER: Three, two.
 14 SHAR: Three yes and two no?
 15 MALE SPEAKER: Correct.
 16 MALE SPEAKER: You know --
 17 SHAR: Do I need to list who the
 18 two are?
 19 MALE SPEAKER: You can if you want.
 20 FEMALE SPEAKER: (Inaudible) start
 21 drinking here.
 22 FEMALE SPEAKER: So, am I.
 23 SHAR: Shar and Susan. So what
 24 does that mean?
 25 FEMALE SPEAKER: Yeah. That's what

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1 MALE SPEAKER: Yeah. Well, I think
 2 we need to. I was going to make a motion.
 3 MALE SPEAKER: I'm not coming back
 4 until this is over.
 5 MALE SPEAKER: Okay. I guess I
 6 would like to hear an explanation as to why
 7 you're not going to take part in this and take
 8 a stand like you usually do.
 9 ~~SHAR~~ MR. ROSEMEYER: Absolutely. Okay.
 10 I have a standard. I'm not changing my
 11 standard ever. Okay? Because I've been
 12 subject to interpretation previously about
 13 issues, this will be really nice for Allied,
 14 right? We just bring doctors in, say
 15 (inaudible). You know it's a pain in the butt
 16 for us to do these people through this
 17 Wisconsin exam, right? But I feel it's
 18 necessary, because I think it's a standard
 19 that we should be (inaudible) from.
 20 So I don't want to be misinterpreted by
 21 voting on it. So I won't vote. You guys do
 22 whatever you want to do. The problem will
 23 disappear when I disappear. You know? There
 24 are emotions that are attached to this issue.
 25 They should have nothing to do with this

10 (Pages 37 to 40)

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1 voting process, but I see it having great
 2 effect. I don't want to be associated with
 3 that. I have an objective view without
 4 emotion. I have a standard I'm not changing.
 5 That's why.
 6 DR. STRAMA: Okay.
 7 SHAR: Do you want that in the
 8 minutes or no?
 9 MR. ROSEMEYER: I don't care.
 10 SHAR: We'll just -- let's see.
 11 Discussion.
 12 FEMALE SPEAKER: Just --
 13 (inaudible). It doesn't have to be.
 14 SHAR: Vague.
 15 DR. STRAMA: I have said in the
 16 past, and I still believe that at some point I
 17 might feel comfortable with Part IV. And
 18 obviously I am really still not. But I just
 19 -- I don't know, what more can I say? What I
 20 just did was posturing. I admit that. So
 21 that we can talk about it some more. I'm not
 22 averse to revisiting again in a shorter period
 23 of time if you want to do that. I really am
 24 just not ready to vote for it yet. I don't
 25 know if that changes anybody's mind, or --

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1 SHAR: Are you abstaining then?
 2 DR. STRAMA: No. I'm not going to
 3 abstain.
 4 SUSAN: You know, Dale, I know I
 5 tend to get emotional about it, and I know
 6 that --
 7 FEMALE SPEAKER: (Inaudible).
 8 SUSAN: -- but it doesn't mean that
 9 I don't believe in what -- I guess when I look
 10 at minimal competency, it all goes back to
 11 that. And I just truly feel in my heart that
 12 if Part and in all the other states had a
 13 minimal competency, I really worry about
 14 Wisconsin. I worry about us being labeled as
 15 a fence-out state. I worry about --
 16 DR. STRAMA: Okay. What does it
 17 matter if we are?
 18 MR. ROSEMEYER: (Inaudible).
 19 SUSAN: Well --
 20 MR. ROSEMEYER: That's why I have a
 21 standard, and I don't give a damn what you may
 22 think about me.
 23 SUSAN: Right.
 24 SUSAN: This is who I --
 25 (End of tape)

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1 (Tape 2, side 1)
 2 FEMALE SPEAKER: I think we all
 3 know where we are.
 4 MALE SPEAKER: (Inaudible).
 5 DR. STRAMA: I want to know why you
 6 caved, Rosemeyer.
 7 FEMALE SPEAKER: What -- where are
 8 we with this anyway?
 9 DR. STRAMA: (Inaudible).
 10 SHAR: It's passed.
 11 FEMALE SPEAKER: I don't either.
 12 MALE SPEAKER: So, Clerk, you are
 13 still running the show until this issue is
 14 over.
 15 MALE SPEAKER: Okay.
 16 MALE SPEAKER: But, you know, I
 17 hope you understand. I'm trying not -- on the
 18 other emotional end of the thing, Shar, goll
 19 darn, you know, I look at that case with
 20 Redelman. And I see it coming back to us
 21 because if you can't read an x-ray and do the
 22 job, you don't need to be out there.
 23 SHAR FOR REAL: Yeah. But you know
 24 what? And we could look at the people that
 25 have passed, I mean, that have failed like

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1 three or four times in our test and then they
 2 finally pass. Does that mean that they truly
 3 met that minimal competency or did they get
 4 lucky that time and pass it and now they're
 5 out there, they're practicing, and we have no
 6 clue really if they got lucky or they actually
 7 got smart to the exam or whatever. I mean --
 8 DR. STRAMA: And we can't answer
 9 that question --
 10 SHAR: No. We can't.
 11 DR. STRAMA: -- anymore than we
 12 could --
 13 SHAR: Right.
 14 DR. STRAMA: -- if they took
 15 Part --
 16 SHAR: Exactly.
 17 DR. STRAMA: -- two or three times.
 18 SHAR: (Inaudible), did you abstain
 19 from the second one to reconsider?
 20 DR. STRAMA: And the minimal
 21 competency thing, I mean --
 22 MALE SPEAKER: Yeah. I'm not
 23 involved in it. I'm --
 24 FEMALE SPEAKER: He abstained from
 25 the whole thing. He's not involved at all.

11 (Pages 41 to 44)

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1 SHAR: So he abstained --
 2 MALE SPEAKER: I'm involved --
 3 SHAR: So then did that even pass?
 4 DR. STRAMA: Yes.
 5 FEMALE SPEAKER: Yes, it did.
 6 CLERK: Three yes. Two no. One
 7 abstain?
 8 FEMALE SPEAKER: Yes. What happens
 9 to this reconsidered (inaudible) --
 10 DR. STRAMA: The reconsideration is
 11 that we will vote on that again. We will vote
 12 on the --
 13 MALE SPEAKER: Reconsideration
 14 might actually take a two-thirds majority.
 15 (Inaudible) a simple majority.
 16 DR. STRAMA: That is a two-thirds
 17 majority, isn't it now? No, it's not. It's
 18 50 percent.
 19 CLERK: You have three yes.
 20 MALE SPEAKER: I don't know. I
 21 mean, if you guys are going to play it by
 22 Robert's Rule, you're going to want to take
 23 that out.
 24 FEMALE SPEAKER: Yes. That it is.
 25 You know --

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1 hears.
 2 MALE SPEAKER: He abstained.
 3 FEMALE SPEAKER: He abstained.
 4 MALE SPEAKER: (Inaudible).
 5 MALE SPEAKER: I understand.
 6 MALE SPEAKER: (Inaudible) if
 7 necessary to reconsider this. I'm opposed to
 8 this.
 9 MALE SPEAKER: Okay. Then it's a
 10 moot point. So we're still reconsidering it
 11 then.
 12 MALE SPEAKER: Yep.
 13 MALE SPEAKER: Once the vote is
 14 taken, you have to --
 15 FEMALE SPEAKER: No.
 16 FEMALE SPEAKER: (Inaudible).
 17 CLERK: I'm confused.
 18 MALE SPEAKER: Yeah. You're
 19 correct.
 20 MALE SPEAKER: That's correct.
 21 FEMALE SPEAKER: Yeah. You'd have
 22 to revote on it. You have to revote on it if
 23 you need two-thirds. And I do think that
 24 two-thirds is correct.
 25 FEMALE SPEAKER: I do think that

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1 MALE SPEAKER: I'm not -- I don't
 2 know for sure.
 3 CLERK: It's not like the quorum.
 4 MALE SPEAKER: It may be a
 5 two-thirds. It may not be a simple majority.
 6 MALE SPEAKER: Then I may have to
 7 change my mind.
 8 CLERK: It's -- what I'm wondering,
 9 it's not like the quorum where you have to
 10 have just one more than half. You've got half
 11 right now.
 12 FEMALE SPEAKER: Yeah. I think, I
 13 think that --
 14 MALE SPEAKER: I don't know for
 15 sure but --
 16 CLERK: What about Robert's Rules?
 17 FEMALE SPEAKER: Well, where do we
 18 find that out?
 19 CLERK: We've got to have
 20 standards.
 21 FEMALE SPEAKER: (Inaudible).
 22 MALE SPEAKER: Well, what is your
 23 vote, Dr. Strama, on the reconsideration
 24 question?
 25 CLERK: He's going to wait until he

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1 that is -- I might be off, but I think it's
 2 correct.
 3 MALE SPEAKER: It's been a while
 4 (inaudible).
 5 MALE SPEAKER: I would motion.
 6 FEMALE SPEAKER: Well, we still got
 7 this one.
 8 CLERK: We still need two --
 9 FEMALE SPEAKER: Right?
 10 MALE SPEAKER: I just want to let
 11 you know what I think would work. I would
 12 like to make a motion that we take this issue
 13 until I no longer sit here. And then you guys
 14 can do what you want with it.
 15 FEMALE SPEAKER: I don't think you
 16 can do that.
 17 MALE SPEAKER: You are going to
 18 have two (inaudible).
 19 FEMALE SPEAKER: You -- you --
 20 you're going to -- I think you have to
 21 complete this now.
 22 CLERK: (Inaudible).
 23 FEMALE SPEAKER: You can't leave it
 24 in midstream. So you are going to have to --
 25 you are going to have to make some sort of a

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1 decision today whichever way you're going.
 2 You don't have the option just to say, Okay,
 3 let's table it until later.
 4 MALE SPEAKER: Well, I disagree
 5 with that. We can table it anytime we want.
 6 FEMALE SPEAKER: But you have a
 7 vote on the table, so you need to come --
 8 MALE SPEAKER: We have a discussion
 9 on the table right now.
 10 FEMALE SPEAKER: Right. You, you
 11 already had a vote.
 12 CLERK: Yeah.
 13 FEMALE SPEAKER: So now you turned
 14 it to a discussion, so you need to -- I don't
 15 think you can leave it.
 16 MALE SPEAKER: Okay. Right now
 17 we're questioning whether or not the vote on
 18 reconsideration was proper based on Robert's
 19 Rule of Order, okay?
 20 FEMALE SPEAKER: Because you think
 21 you need two-thirds vote to reconsider?
 22 MALE SPEAKER: I don't know.
 23 FEMALE SPEAKER: Okay.
 24 MALE SPEAKER: I don't know.
 25 CLERK: (Inaudible) was improper.

1 FEMALE SPEAKER: (Inaudible).
 2 MALE SPEAKER: (Inaudible).
 3 CLERK: (Inaudible) resolution was
 4 improper.
 5 MALE SPEAKER: Reconsideration as
 6 far as knowing the majority rule.
 7 MALE SPEAKER: Okay.
 8 CLERK: But is three a majority?
 9 MALE SPEAKER: Yes.
 10 MALE SPEAKER: Yes.
 11 FEMALE SPEAKER: Yes. It sure is.
 12 FEMALE SPEAKER: Yeah.
 13 MALE SPEAKER: Three out of five?
 14 MALE SPEAKER: Three out of five
 15 voting.
 16 FEMALE SPEAKER: That's a majority.
 17 FEMALE SPEAKER: Three out of five.
 18 Not three out of the board members.
 19 MALE SPEAKER: Right.
 20 MALE SPEAKER: A simple majority --
 21 MALE SPEAKER: Okay. So the
 22 discussion is still on the table.
 23 MALE SPEAKER: I'm out.
 24 CLERK: So you still abstain?
 25 MALE SPEAKER: I still abstained.

1 MALE SPEAKER: Don't say you can't
 2 postpone the vote to reconsider indefinitely.
 3 You can postpone it definitely. Postpone it
 4 to the next meeting.
 5 FEMALE SPEAKER: The motion wasn't
 6 to move to reconsider, and that's what we did.
 7 MALE SPEAKER: Yeah.
 8 MALE SPEAKER: (Inaudible).
 9 FEMALE SPEAKER: (Inaudible) why
 10 you would want to reconsider.
 11 MALE SPEAKER: Sure.
 12 FEMALE SPEAKER: In serious terms.
 13 MALE SPEAKER: In serious terms.
 14 FEMALE SPEAKER: 'Cause that's not
 15 carried yet. Right? It was just motion made
 16 and seconded.
 17 FEMALE SPEAKER: I have got a pass.
 18 MALE SPEAKER: You know what I'm
 19 going to do? And I hate to do this, but I
 20 think let's just call on people when they
 21 raise their hand 'cause this is going to get
 22 out of hand. Now who asked a question here?
 23 MALE SPEAKER: I, you know, I am --
 24 I am more confused as we go.
 25 FEMALE SPEAKER: Yeah.

1 MALE SPEAKER: We voted to
 2 reconsider this, so we're having a discussion.
 3 We've already voted to reconsider, so we're
 4 having discussion.
 5 MALE SPEAKER: Correct.
 6 MALE SPEAKER: What's the next step
 7 after we have the discussion?
 8 MALE SPEAKER: To revote on the
 9 issue.
 10 FEMALE SPEAKER: I have a technical
 11 question. As you sit in this chair, can you
 12 also move?
 13 MALE SPEAKER: I don't know why I
 14 can't.
 15 MALE SPEAKER: (Inaudible).
 16 FEMALE SPEAKER: I think the
 17 chairman doesn't move or --
 18 FEMALE SPEAKER: No.
 19 FEMALE SPEAKER: -- or vote --
 20 FEMALE SPEAKER: No.
 21 FEMALE SPEAKER: -- unless --
 22 FEMALE SPEAKER: No.
 23 FEMALE SPEAKER: -- there's a tie.
 24 FEMALE SPEAKER: Unless there's a
 25 tie.

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1 FEMALE SPEAKER: Yeah.
 2 FEMALE SPEAKER: Can chair move?
 3 FEMALE SPEAKER: That's the way it
 4 is at most meetings.
 5 FEMALE SPEAKER: I checked with
 6 technical counsel, and you are not bound by
 7 Robert's Rule. And if you were going to do
 8 that, then it would have to be someone who has
 9 voted against it to bring it forward to the
 10 table.
 11 MALE SPEAKER: No. But someone who
 12 votes for it.
 13 MALE SPEAKER: Somebody who votes
 14 (inaudible).
 15 FEMALE SPEAKER: Okay. 'Cause he
 16 had said against it.
 17 FEMALE SPEAKER: Bottom line is
 18 this. You are not bound as long as you -- you
 19 use them or as long as you have the majority,
 20 you can go with it.
 21 CLERK: Yes. We have a question if
 22 a motion can be made by the chair.
 23 FEMALE SPEAKER: (Inaudible) not
 24 bound by Robert's Rules.
 25 MALE SPEAKER: Well, if we're not

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1 bound by Robert's rules.
 2 MALE SPEAKER: (Inaudible).
 3 MALE SPEAKER: (Inaudible).
 4 FEMALE SPEAKER: Yeah. No board --
 5 they have a tendency to use them but no board
 6 is bound by Robert's Rules.
 7 MALE SPEAKER: We're not bound by
 8 Robert's Rules. It relates to adopt different
 9 rules. So we know what rules to adopt.
 10 That's fine.
 11 FEMALE SPEAKER: Yeah. I was going
 12 to say --
 13 FEMALE SPEAKER: That's right.
 14 FEMALE SPEAKER: -- then we can
 15 play by anything we want.
 16 FEMALE SPEAKER: Yeah. Well,
 17 there's (inaudible) rules to (inaudible).
 18 MALE SPEAKER: I think they
 19 probably should be Robert's Rules unless
 20 (inaudible).
 21 CLERK: These are going
 22 (inaudible).
 23 MALE SPEAKER: That was my
 24 (inaudible).
 25 MALE SPEAKER: And I know it is

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1 common to say that the chair may not make a
 2 motion. I'm trying to find (inaudible).
 3 MALE SPEAKER: Okay. Rather than
 4 my being obstreperous, which that whole
 5 procedure looked like, and I apologize for
 6 that. Why not compromise and let's look at it
 7 again in three months or six months or
 8 something like that. Again I'm willing to
 9 look at it again.
 10 FEMALE SPEAKER: (Inaudible).
 11 MALE SPEAKER: Pardon me?
 12 FEMALE SPEAKER: Right now we're
 13 standing with Part IV as the adoptive
 14 procedure.
 15 MALE SPEAKER: I understand that,
 16 and I'm suggesting that we reverse it.
 17 CLERK: We've already got that one
 18 too.
 19 FEMALE SPEAKER: No.
 20 FEMALE SPEAKER: (Inaudible).
 21 CLERK SPEAKER: It was. I've got
 22 three yeses.
 23 MALE SPEAKER: That was on all
 24 (inaudible).
 25 CLERK: Would like to move for

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1 reconsideration.
 2 FEMALE SPEAKER: Yeah. But I'll
 3 move to reconsider.
 4 MALE SPEAKER: (Inaudible).
 5 FEMALE SPEAKER: There does have to
 6 be another vote.
 7 MALE SPEAKER: (Inaudible).
 8 FEMALE SPEAKER: There has to be
 9 another vote.
 10 MALE SPEAKER: (Inaudible)
 11 essentially to reopen the debate is simply
 12 what the motion to reconsider is.
 13 CLERK: Is it -- that's the second
 14 motion.
 15 FEMALE SPEAKER: Then you have to
 16 (inaudible).
 17 CLERK: We have to make another
 18 motion?
 19 FEMALE SPEAKER: (Inaudible).
 20 MALE SPEAKER: To reverse the
 21 first, we now have to have another one.
 22 FEMALE SPEAKER: Well, go ahead.
 23 CLERK: Someone make it. I don't
 24 know.
 25 FEMALE SPEAKER: It was brought to

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1 the table when Broucke requested that one, he
 2 requested it be re-brought back and that's
 3 happened. Before you can go any further,
 4 you've now had discussion and the next step
 5 would be you have to revote.
 6 CLERK: Now we have to revote.
 7 MALE SPEAKER: (Inaudible) a
 8 motion.
 9 MALE SPEAKER: To reverse your
 10 decision.
 11 FEMALE SPEAKER: No.
 12 MALE SPEAKER: Right. You vote on
 13 the very same --
 14 FEMALE SPEAKER: Right.
 15 MALE SPEAKER: -- very same
 16 question.
 17 FEMALE SPEAKER: To reverse the
 18 decision.
 19 CLERK: On the first motion?
 20 MALE SPEAKER: Yes.
 21 FEMALE SPEAKER: Okay. But are we
 22 still discussing?
 23 MALE SPEAKER: Yes.
 24 FEMALE SPEAKER: Okay.
 25 MALE SPEAKER: I would not want to

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1 same way that Dr. Strama does. The same way
 2 at that Dr. Greenwald does. The same way that
 3 Dr. Webber does. I'm not comfortable with the
 4 whole thing versus what we do. Now I
 5 understand your problems with our test, but
 6 I'm comfortable with it.
 7 MALE SPEAKER: I think the problem
 8 is (inaudible) that fact that Part IV
 9 challenge (inaudible). Because we have
 10 incidences where someone has really made a
 11 real good challenge (inaudible). And with the
 12 right information, textbook, page, et cetera,
 13 et cetera, et cetera. Just because I did this
 14 according to the text book, don't you think
 15 it's acceptable. And (inaudible) in the past
 16 and Part IV there is no (inaudible)
 17 whatsoever.
 18 MALE SPEAKER: I'm going to say one
 19 more thing. I personally -- now this is my
 20 own personal opinion -- I hate to lose
 21 control. I hate to lose control of the
 22 process of giving licensure in the state of
 23 Wisconsin. I don't know that -- after being
 24 on the board for so long, I see the candidates
 25 come in. I've had the opportunity to even to

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1 cut off any discussion on this.
 2 FEMALE SPEAKER: I hate to think
 3 that we would be at odds, because I think we
 4 all want the same thing to happen, and that is
 5 for competent people to become chiropractors
 6 in the state of Wisconsin. And I frankly am
 7 having trouble seriously and specifically
 8 understanding each person's objections. And
 9 I'm somewhat surprised by the votes. I'm just
 10 -- if we could once again visit folk's
 11 reasoning in voting the way they did, it would
 12 be helpful to me.
 13 MALE SPEAKER: Well, I don't know
 14 that we need to do that for anyone other than
 15 perhaps myself, but anyone's welcome to say
 16 what they want again after I explain. I voted
 17 yes because it looked to me as if the motion
 18 were going to pass. I didn't want it to pass.
 19 I wanted to be able to reconsider it.
 20 FEMALE SPEAKER: Well, no. I
 21 understand your strategy.
 22 MALE SPEAKER: Okay. Okay.
 23 FEMALE SPEAKER: I don't understand
 24 your reasoning for adamantly opposing Part IV.
 25 MALE SPEAKER: Well, I feel the

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1 sit in and examine some of these people. And
 2 sometimes I had to shake my head 'cause they
 3 got Part IV. And they are -- they had a
 4 license to practice (inaudible) elsewhere.
 5 And they come in here and show me what they
 6 can do and basically it is an adjusting. Show
 7 me what they're doing. And they are going to
 8 go out in the field and practice chiropractic
 9 with the abilities that I've seen here. I
 10 really, I really have a problem.
 11 MALE SPEAKER: Yes.
 12 FEMALE SPEAKER: I've only been on
 13 the board for what five years or something
 14 like that, but I've been on the screening
 15 panel the whole time and frankly I'm -- every
 16 person that we see in the screening panel for
 17 whatever (inaudible) it is, has been licensed
 18 to their -- the procedure that -- that's been
 19 in effect in that state all of this time. Now
 20 I frankly am totally appalled with some of the
 21 things that are brought to that screening
 22 panel, and ultimately get processed and
 23 complaints and (inaudible). And I don't see
 24 that the test that's given in the state of
 25 Wisconsin precludes any of that nor would it

15 (Pages 57 to 60)

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1 have precluded the situation that we found
 2 ourselves (inaudible). The guy was licensed
 3 by our state test. And for that reason, I
 4 can't accept the argument.
 5 MALE SPEAKER: The subsequent
 6 discussion is very good and I'm actually glad
 7 you're having it. It's a procedural point
 8 which is -- you and I are discussing.
 9 Actually Dr. Slate's first move was when --
 10 FEMALE SPEAKER: (Inaudible) when
 11 we had the first vote and we can replay the
 12 tape, it was no.
 13 MALE SPEAKER: That it was changed
 14 for another reason that I don't understand.
 15 So if you could reconsider. And the, I guess
 16 the question is whether the first vote or the
 17 second vote.
 18 MALE SPEAKER: Okay. Well, yeah,
 19 the question was the vote was taken by roll
 20 call. That was the vote that counted. Am I
 21 wrong?
 22 MALE SPEAKER: Well, following a
 23 voice vote, I don't know that it changes.
 24 CLERK: My roll call is just a --
 25 FEMALE SPEAKER: The reason why she

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1 a voice vote will be made and (inaudible) will
 2 -- cannot be heard.
 3 MALE SPEAKER: Correct.
 4 CLERK: Well, that's what we --
 5 MALE SPEAKER: At least for a roll
 6 call vote.
 7 MALE SPEAKER: Yeah. Okay. So,
 8 well, I'm going to call the question then.
 9 CLERK: Okay. Are we going to do
 10 another motion?
 11 MALE SPEAKER: No. The motion --
 12 MALE SPEAKER: (Inaudible).
 13 MALE SPEAKER: -- doesn't stand.
 14 MALE SPEAKER: (Inaudible) for
 15 motion for reconsideration -- (inaudible) for
 16 reconsideration has two parts. The first was
 17 whether to reconsider which has been approved.
 18 The second part of that same motion is to vote
 19 again on the motion.
 20 MALE SPEAKER: Okay.
 21 FEMALE SPEAKER: So it still made
 22 (inaudible) the second --
 23 CLERK: The second part.
 24 FEMALE SPEAKER: How do you do
 25 that?

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1 had said that is because she wanted names
 2 down. Who said what. 'cause Grace got
 3 confused.
 4 FEMALE SPEAKER: I wanted it for
 5 the record.
 6 CLERK: Well, that's what I was
 7 wondering. Yeah.
 8 FEMALE SPEAKER: Because original
 9 vote was what was holding, and then she wanted
 10 it -- that same vote repeated so that she'd
 11 have this person said this, this person said
 12 this, this person.
 13 FEMALE SPEAKER: Because Shar
 14 wanted to make sure the names and the votes
 15 were on there.
 16 MALE SPEAKER: Actually, it's the
 17 roll call vote that counts because that's what
 18 was called for. A lot of times it's called
 19 because it (inaudible) people may not vote or
 20 may not, you know, you can't hear and may want
 21 to know. But for political reasons you may
 22 want to --
 23 FEMALE SPEAKER: But even after a
 24 vote has been made, and it's been roll called?
 25 MALE SPEAKER: Yeah. They vote --

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1 CLERK: The second --
 2 FEMALE SPEAKER: Wait. This is so
 3 --
 4 CLERK: All right.
 5 FEMALE SPEAKER: -- important let's
 6 make sure she gets this down.
 7 CLERK: The second -- yes. The
 8 second part of first motion? Or the second
 9 part of the second motion?
 10 MALE SPEAKER: No, no, no, no, no.
 11 MALE SPEAKER: (Inaudible) motion
 12 to reconsider.
 13 CLERK: The motion to reconsider.
 14 MALE SPEAKER: Is to vote again on
 15 the original motion to adopt Part IV. I'm not
 16 sure (inaudible), Shar. I'll figure out.
 17 I'll try to figure out.
 18 FEMALE SPEAKER: Have you got that?
 19 CLERK: I've got the --
 20 FEMALE SPEAKER: 'Cause this is all
 21 important.
 22 CLERK: -- the second part of the
 23 motion is to reconsider. To reconsider is to
 24 vote again on the original motion to adopt
 25 Part.

16 (Pages 61 to 64)

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1 MALE SPEAKER: And we can say as
 2 made by (inaudible).
 3 MALE SPEAKER: Yeah.
 4 CLERK: As made by --
 5 FEMALE SPEAKER: (Inaudible).
 6 CLERK: -- (inaudible).
 7 MALE SPEAKER: Yes. Correct. And
 8 all --
 9 CLERK: I will run this by John
 10 before it sees the light of day.
 11 FEMALE SPEAKER: Please.
 12 MALE SPEAKER: Okay.
 13 FEMALE SPEAKER: Please.
 14 MALE SPEAKER: And we'll do this by
 15 roll call.
 16 FEMALE SPEAKER: Okay. That's a
 17 good idea.
 18 CLERK: Okay. All right.
 19 MALE SPEAKER: So there's no
 20 mistake. This is a motion. This is to adopt
 21 --
 22 FEMALE SPEAKER: Part IV.
 23 CLERK: Should I state it that way?
 24 MALE SPEAKER: I think you better.
 25 FEMALE SPEAKER: (Inaudible).

1 MALE SPEAKER: (Inaudible).
 2 MALE SPEAKER: (Inaudible) the
 3 exact same words if you do but --
 4 FEMALE SPEAKER: It has to say
 5 whether you say yes or no.
 6 FEMALE SPEAKER: You're going to
 7 have to have names again so.
 8 CLERK: Okay. To restate. Okay.
 9 I'm going to take it slow. Dale.
 10 MALE SPEAKER: (Inaudible).
 11 CLERK: All right.
 12 MALE SPEAKER: (Inaudible) to adopt
 13 Part IV as the practical exam.
 14 CLERK: Let me just put that
 15 because I have the second part of the motion.
 16 To adopt Part --
 17 FEMALE SPEAKER: As the practical
 18 exam.
 19 CLERK: Exam for licensure in
 20 Wisconsin.
 21 FEMALE SPEAKER: Period..
 22 CLERK: So forget -- are we saying
 23 -- but we're still saying this is the second
 24 part of that motion.
 25 MALE SPEAKER: Correct.

1 FEMALE SPEAKER: Yeah. (Inaudible)
 2 the last part you have --
 3 CLERK: All right.
 4 FEMALE SPEAKER: -- is what we're
 5 voting on.
 6 CLERK: All right. Okay. Dale.
 7 MALE SPEAKER: (Inaudible).
 8 CLERK: Okay. Jim Rose --
 9 MR. ROSEMEYER: Yes.
 10 FEMALE SPEAKER: Rosemeyer.
 11 CLERK: -- meyer. Yes. Greenwald.
 12 MR. GREENWALD: No.
 13 FEMALE SPEAKER: Feith.
 14 MS. FEITH: Yes.
 15 FEMALE SPEAKER: Glocke.
 16 MS. GLOCKE: Yes.
 17 FEMALE SPEAKER: Slate.
 18 MR. SLATE: Uh-uh.
 19 CLERK: Wait a minute. Glocke, I'm
 20 going to get -- Glocke, yes. And Slate.
 21 MR. SLATE: No.
 22 FEMALE SPEAKER: No.
 23 CLERK: So we have --
 24 MALE SPEAKER: It's a done deal.
 25 CLERK: Three yeses.

1 FEMALE SPEAKER: Three yeses. One
 2 extension and one -- and two nos.
 3 MALE SPEAKER: Two nos.
 4 MALE SPEAKER: So the --
 5 FEMALE SPEAKER: It passes.
 6 MALE SPEAKER: It passes and as of
 7 when? Immediately?
 8 FEMALE SPEAKER: Well, --
 9 MALE SPEAKER: I guess.
 10 FEMALE SPEAKER: That's -- is it
 11 immediately? I guess immediately.
 12 MALE SPEAKER: Well, then we'll
 13 have to cancel the February exam.
 14 FEMALE SPEAKER: Well --
 15 MALE SPEAKER: Correct.
 16 FEMALE SPEAKER: Is that what you
 17 want to do?
 18 FEMALE SPEAKER: We are accepting
 19 our applications now. The deadline is January
 20 13th. We still (inaudible) the state juris
 21 prudence portion of the exam (inaudible).
 22 MALE SPEAKER: Unless we were to
 23 say effective June first or something.
 24 (Inaudible) part of the motion.
 25 MALE SPEAKER: It is effective now.

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1 CLERK: So we have three yeses.
 2 Two nos. One abstention.
 3 FEMALE SPEAKER: Right.
 4 CLERK: Got ya.
 5 FEMALE SPEAKER: You got the right
 6 people in there?
 7 CLERK: Yep.
 8 FEMALE SPEAKER: Dale Strama.
 9 FEMALE SPEAKER: Abstained.
 10 CLERK: Yep.
 11 FEMALE SPEAKER: Two -- two nos.
 12 That's Greenwald --
 13 CLERK: Slate and --
 14 FEMALE SPEAKER: -- and Slate.
 15 CLERK: Greenwald.
 16 FEMALE SPEAKER: And the other
 17 three all yeses.
 18 CLERK: Yep. Got ya.
 19 FEMALE SPEAKER: Yes.
 20 CLERK: So this is effective --
 21 FEMALE SPEAKER: Immediately.
 22 FEMALE SPEAKER: Immediately.
 23 CLERK: And what's the impact of
 24 this?
 25 MALE SPEAKER: Everybody that can

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1 MALE SPEAKER: And I'm going to
 2 pass the gavel back to you, your Chairship.
 3 MALE SPEAKER: (Inaudible).
 4 MALE SPEAKER: Entertaining manner.
 5 (Inaudible discussions off the record)
 6 FEMALE SPEAKER: That's a question.
 7 CLERK: What's this?
 8 FEMALE SPEAKER: What happens --
 9 the question is this -- that John said --
 10 between these two that I heard. What happens
 11 to those persons who have failed the exam and
 12 were going to retake it? How -- what happens
 13 now?
 14 FEMALE SPEAKER: Well, (inaudible)
 15 I don't know. According to this motion, the
 16 way I understand it, is if they passed Part IV
 17 and passed the written portion and there's no
 18 one out there who has not passed the written
 19 portion. Everyone who's -- would have been
 20 failure and a potential retake has passed the
 21 written portion of the exam. So it's moot if
 22 they have passed Part.
 23 FEMALE SPEAKER: And the written.
 24 MALE SPEAKER: Well --
 25 FEMALE SPEAKER: Or if they had

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1 pass Part gets a license in the state whether
 2 or not they are qualified to practice or not.
 3 FEMALE SPEAKER: And to pass
 4 Part they have to pass the state juris
 5 prudence exam, which we haven't discussed yet.
 6 It was my assumption at this point in time
 7 (inaudible) administering that exam because
 8 they're most of --
 9 MALE SPEAKER: (Inaudible).
 10 FEMALE SPEAKER: Well, that's
 11 another discussion. But for the time being --
 12 MALE SPEAKER: (Inaudible).
 13 MALE SPEAKER: (Inaudible).
 14 FEMALE SPEAKER: (Inaudible).
 15 FEMALE SPEAKER: (Inaudible) no
 16 certification from them.
 17 FEMALE SPEAKER: You would get any
 18 of that.
 19 FEMALE SPEAKER: Well, there are
 20 some other impacts, correct? For instance you
 21 have fee impacts.
 22 FEMALE SPEAKER: Yes. You have big
 23 fee impacts.
 24 FEMALE SPEAKER: But you also have
 25 an expense impact --

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1 passed Part IV in the future. That's now your
 2 standard. (Inaudible) Part IV.
 3 FEMALE SPEAKER: I mean if they
 4 haven't, then they have to go take Part IV
 5 again?
 6 FEMALE SPEAKER: Correct. And
 7 there may be some people that have failed or
 8 have not taken it, and they will be put in
 9 place, correct? That they had to pass Part?
 10 FEMALE SPEAKER: Uh-huh.
 11 FEMALE SPEAKER: So if they were
 12 coming out of Illinois or something and did
 13 not have Part --
 14 MALE SPEAKER: (Inaudible).
 15 FEMALE SPEAKER: -- they would
 16 still take it.
 17 FEMALE SPEAKER: They are going to
 18 have to take Part IV.
 19 MALE SPEAKER: For anybody that's
 20 failed or passed or has taken it four times
 21 and has failed the exam and not (inaudible)
 22 pass Part.
 23 FEMALE SPEAKER: If they pass
 24 Part IV?
 25 MALE SPEAKER: If they pass

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1 Part IV. It doesn't matter if they ever
 2 failed our exam in the past, so --
 3 FEMALE SPEAKER: If they passed
 4 Part.
 5 MALE SPEAKER: Right.
 6 MALE SPEAKER: Well, help me
 7 understand this because transition things can
 8 be a problem.
 9 FEMALE SPEAKER: Yeah.
 10 MALE SPEAKER: Would there be
 11 someone who has passed -- who has failed a
 12 part of the Wisconsin practical exam who would
 13 want to retake that part?
 14 FEMALE SPEAKER: Why would they
 15 want to retake it?
 16 FEMALE SPEAKER: (Inaudible).
 17 FEMALE SPEAKER: (Inaudible).
 18 MALE SPEAKER: If they haven't
 19 passed Part. I mean, maybe there's just one
 20 part of the Wisconsin exam (inaudible).
 21 FEMALE SPEAKER: It doesn't exist
 22 anymore. As of today --
 23 MALE SPEAKER: (Inaudible).
 24 FEMALE SPEAKER: Well, I don't know
 25 -- I don't know if there's anyone out there

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1 like that. I don't know.
 2 FEMALE SPEAKER: I guess we would
 3 have to hold a special -- it would depend on
 4 -- you see, if they don't have to take the
 5 whole exam, you know, the majority of people
 6 only fail one portion so then you would have
 7 to decide would you have a special
 8 administration. If there was a -- I'm going
 9 to tell you right now --
 10 MALE SPEAKER: (Inaudible).
 11 FEMALE SPEAKER: -- there's less
 12 than 15 people out there as I -- from the
 13 records Julie has shared with me -- who failed
 14 our exam and have not yet retaken it in the
 15 last two years. Now I don't know what
 16 percentage of those people have already passed
 17 Part IV. My gut level feeling is most of them
 18 have. So there's probably a handful of
 19 people, less than five, if anyone, who might
 20 still want to take one of the portions of our
 21 exam again. But --
 22 MALE SPEAKER: That was my
 23 question.
 24 FEMALE SPEAKER: As opposed to
 25 spending, what was it? \$950 to take Part IV

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1 or whatever it is, if they haven't done that
 2 yet and go through the whole exam. All they
 3 have to do is come in and retake x-ray.
 4 That's it. Or retake adjusting. So that --
 5 that's the only problem.
 6 If there's anyone like that, I
 7 guess you make a contingency plan of what you
 8 would want to do with those people.
 9 MALE SPEAKER: My suggestion would
 10 be if that's the case and we're going to give
 11 the juris prudence exam right now tentatively
 12 on the 13th of February, take those people
 13 then. And we would need very small number --
 14 maybe the board members could even just do it.
 15 MALE SPEAKER: Do you suppose there
 16 is a possibility of notifying these people
 17 that this is their last chance to retake their
 18 Wisconsin license?
 19 FEMALE SPEAKER: Sure. Sure.
 20 FEMALE SPEAKER: Do you know all of
 21 those --
 22 FEMALE SPEAKER: (Inaudible) can
 23 generate a record that if you have not taken
 24 Part IV (inaudible).
 25 MALE SPEAKER: (Inaudible).

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1 MALE SPEAKER: John, I'd like to
 2 look too then now at how this will impact
 3 people as far as we had once talked about if
 4 somebody now is able to come into the state
 5 for Part -- we should be able to include them
 6 for making income from reviewing claims for
 7 insurance companies and things like that.
 8 That impacts the state for a certain number of
 9 years. And do I need to put that on the
 10 record right now?
 11 MALE SPEAKER: No.
 12 MALE SPEAKER: No.
 13 FEMALE SPEAKER: It would still
 14 (Inaudible).
 15 MALE SPEAKER: We talked about
 16 this.
 17 FEMALE SPEAKER: You would still
 18 have to comply.
 19 MALE SPEAKER: We talked about this
 20 --
 21 MALE SPEAKER: No. There is no --
 22 there's no such stipulation. I mean it's not
 23 -- we wanted that. We, meaning the
 24 profession, wanted that at one point, and it
 25 didn't make it through the legislature.

19 (Pages 73 to 76)

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1 FEMALE SPEAKER: Could we try it
 2 (inaudible).
 3 MALE SPEAKER: (Inaudible).
 4 MALE SPEAKER: Who would not
 5 (inaudible).
 6 FEMALE SPEAKER: Julie, will you
 7 explain that to me?
 8 MALE SPEAKER: Who would not
 9 (inaudible), the insurance company?
 10 MALE SPEAKER: Yeah. Very much so.
 11 MALE SPEAKER: They love this.
 12 MALE SPEAKER: Yeah.
 13 MALE SPEAKER: That would be good
 14 for them.
 15 MALE SPEAKER: Yeah.
 16 MALE SPEAKER: You should get paid
 17 less when we're done.
 18 MALE SPEAKER: We make a lot now.
 19 MALE SPEAKER: Can we put on the
 20 agenda for next time, John?
 21 MALE SPEAKER: As the dust settles,
 22 there may be other things we need to consider
 23 too so.
 24 FEMALE SPEAKER: Well, there should
 25 be a discussion on fees too, shouldn't there?

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1 FEMALE SPEAKER: Fees. Okay.
 2 Discussion of fees you want now?
 3 CLERK: Related to the test, the
 4 exams, right?
 5 FEMALE SPEAKER: No. Discussion
 6 fees?
 7 FEMALE SPEAKER: Fees related to
 8 licensure.
 9 FEMALE SPEAKER: The fee was set
 10 (inaudible) the wash (inaudible). And the
 11 second thing is the higher --
 12 FEMALE SPEAKER: Utilization view?
 13 Is that what you recall?
 14 MALE SPEAKER: Yeah. I think so.
 15 Both the requirements for utilization view --
 16 FEMALE SPEAKER: Or at this point
 17 in time.
 18 MALE SPEAKER: (Inaudible).
 19 FEMALE SPEAKER: I have got. I
 20 have got (inaudible).
 21 MALE SPEAKER: (Inaudible)
 22 specifically that's referring (inaudible).
 23 MALE SPEAKER: Or five years in
 24 Wisconsin practice for (inaudible).
 25 MALE SPEAKER: Something like that.

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1 Yeah. Five years of Wisconsin practice,
 2 fifty-percent income from the practice or
 3 something like that.
 4 FEMALE SPEAKER: (Inaudible) it
 5 says that there's a breakdown in the structure
 6 for the written test. Your right, because we
 7 have some people that come in and just take
 8 the written test.
 9 FEMALE SPEAKER: So he's got that
 10 fee structure ready.
 11 MALE SPEAKER: I think it is. I'll
 12 double-check on that.
 13 FEMALE SPEAKER: We'll just put it
 14 on here (inaudible).
 15 MALE SPEAKER: I will check it
 16 right now to be sure. I'm not completely
 17 sure.
 18 FEMALE SPEAKER: Okay. We'll put
 19 --
 20 FEMALE SPEAKER: I think you're
 21 right. (Inaudible).
 22 CLERK: I would like to discuss not
 23 only what it cost, but what we feel is -- can
 24 we get some comparative information about fees
 25 from other states where Part IV has already

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1 been accepted?
 2 FEMALE SPEAKER: I think, Susan,
 3 the way this works there is a formula.
 4 FEMALE SPEAKER: Is there? Okay.
 5 FEMALE SPEAKER: And it's not in
 6 the department's hands. We are told what that
 7 formula is and we just work from there.
 8 FEMALE SPEAKER: I see.
 9 FEMALE SPEAKER: And so I don't
 10 think it's been proved to spend all the energy
 11 doing the other because I don't think we can
 12 do much about it. And then now we have a
 13 whole new regime (inaudible) also that formula
 14 may change, but I don't know. But there is a
 15 formula in place to -- so that it stays the
 16 same percentage for each (inaudible).
 17 FEMALE SPEAKER: And I have to
 18 think it would be comparable to other similar
 19 professions.
 20 FEMALE SPEAKER: That's how it's
 21 generally done.
 22 FEMALE SPEAKER: (Inaudible).
 23 FEMALE SPEAKER: Physicians for
 24 example would not only administer their exams,
 25 we would assume that would be the same.

20 (Pages 77 to 80)

TRANSCRIPT OF TAPED PROCEEDINGS 12/19/02

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1 FEMALE SPEAKER: Yeah.
 2 FEMALE SPEAKER: Okay. So for next
 3 time, I have discussion or review unless he
 4 comes back with something. Fees related to
 5 licensure. Requirements for DCs to do
 6 utilization fees.
 7 FEMALE SPEAKER: Do we set the
 8 amount of time necessary for five years that's
 9 necessary for a person to be a presenter in
 10 the state?
 11 MALE SPEAKER: Yep. That's in a
 12 rule.
 13 FEMALE SPEAKER: So if that's in a
 14 rule --
 15 MALE SPEAKER: And actually that's
 16 one reason why I want you to review this
 17 letter that I'm writing right to the state
 18 because it will literally says that they five
 19 years of Wisconsin licensure.
 20 FEMALE SPEAKER: But if that's in
 21 the rule, then why wouldn't it also be in rule
 22 that you need five years to --
 23 FEMALE SPEAKER: The utilization
 24 review?
 25 MALE SPEAKER: (Inaudible).

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1 MALE SPEAKER: Completely different
 2 issues.
 3 FEMALE SPEAKER: It is a different
 4 issue.
 5 MALE SPEAKER: Yeah.
 6 FEMALE SPEAKER: But it may warrant
 7 one more time putting it on the table. Once
 8 more you could have a whole new set of eyes
 9 looking at it and it's something that you feel
 10 is important, it's worth giving it a shot.
 11 MALE SPEAKER: From the outside in,
 12 you can be assured that WCA probably will not
 13 be in favor of what you are going to propose
 14 (inaudible). So good luck. (Inaudible).
 15 MALE SPEAKER: Okay. Unless we can
 16 think of other things, other than sort of
 17 (inaudible) issues.
 18 MALE SPEAKER: (Inaudible).
 19 FEMALE SPEAKER: I don't know.
 20 MALE SPEAKER: That issue
 21 (inaudible).
 22 MALE SPEAKER: (Inaudible).
 23 FEMALE SPEAKER: There is one other
 24 question, one other point, and I've got
 25 retroactive to our December 5th exam which got

Page 83

1 in our court session. Those people who took
 2 that exam and failed, are they -- they're
 3 covered by this, too? (Inaudible).
 4 FEMALE SPEAKER: That was my
 5 question. What happens to all these people in
 6 the past who have failed? (Inaudible).
 7 FEMALE SPEAKER: Wait a minute.
 8 Wait a minute. But John you said that right
 9 now that Part will stand, that they wouldn't
 10 have to retake the examination.
 11 MALE SPEAKER: If they have passed
 12 Part IV.
 13 FEMALE SPEAKER: If they have
 14 passed Part IV.
 15 FEMALE SPEAKER: And the juris
 16 prudence exam.
 17 FEMALE SPEAKER: And the juris
 18 prudence exam.
 19 FEMALE SPEAKER: (Inaudible).
 20 FEMALE SPEAKER: With a big note
 21 below, happy holidays to you. Because it
 22 really --
 23 MALE SPEAKER: (Inaudible) also
 24 affects (inaudible).
 25 FEMALE SPEAKER: (Inaudible).

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1 CLERK: Everybody is getting those.
 2 FEMALE SPEAKER: (Inaudible)
 3 practical exam is broken down.
 4 FEMALE SPEAKER: It is.
 5 FEMALE SPEAKER: Dissected from the
 6 written exam.
 7 CLERK: Yeah.
 8 FEMALE SPEAKER: So we don't need
 9 them for discussion then, huh?
 10 CLERK: (Inaudible).
 11 MALE SPEAKER: We would also like
 12 to endorse some candidates. Someone who has
 13 taken Part in another state will now have an
 14 equivalent to Wisconsin. So having a license
 15 at another state based on Part IV would not be
 16 a reason to deny them. Would the board agree?
 17 (Inaudible).
 18 MALE SPEAKER: (Inaudible).
 19 FEMALE SPEAKER: But they still
 20 have to take the juris prudence exam.
 21 FEMALE SPEAKER: Right.
 22 MALE SPEAKER: (Inaudible).
 23 FEMALE SPEAKER: Well, you still
 24 have to in five years (inaudible).
 25 MALE SPEAKER: (Inaudible).

TRANSCRIPT OF TAPED PROCEEDINGS 12/19/02

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1 MALE SPEAKER: No. They wouldn't.
 2 FEMALE SPEAKER: No. They wouldn't.
 3 FEMALE SPEAKER: Yes. They would.
 4 MALE SPEAKER: (Inaudible).
 5 MALE SPEAKER: Why?
 6 FEMALE SPEAKER: It's one of the
 7 criteria.
 8 FEMALE SPEAKER: Because they're
 9 coming in and not even going to school.
 10 MALE SPEAKER: They could probably
 11 just apply for licensure then.
 12 FEMALE SPEAKER: It would be
 13 easier. That's right.
 14 MALE SPEAKER: Yeah. That's
 15 something that will have to be cleaned up.
 16 FEMALE SPEAKER: You're right. It
 17 will have to be cleaned up because that now
 18 changes that.
 19 CLERK: So that would have to be a
 20 discussion.
 21 FEMALE SPEAKER: Yeah.
 22 CLERK: Okay.
 23 MALE SPEAKER: So I don't have to
 24 ask about (inaudible) today.
 25 MALE SPEAKER: But you may as well.

Page 87

CERTIFICATE

1
 2
 3
 4
 5
 6
 7 I, EMILY AURIT, a Notary Public in and for the
 8 State of Wisconsin, do hereby certify that the foregoing
 9 was transcribed by me from tape, that it was taken in
 10 shorthand by me, a competent court reporter and
 11 disinterested person, approved by all parties in
 12 interest and thereafter converted to typewriting using
 13 computer-aided transcription; that said transcript is a
 14 true record of the tape to the best of my ability.
 15

16 Dated March 17, 2002.

17
 18 Notary Public, State of Wisconsin
 19
 20
 21
 22
 23
 24
 25

Page 86

1
 2 MALE SPEAKER: That's Part IV.
 3 MALE SPEAKER: Okay. (Inaudible)
 4 'cause I just -- I called (inaudible) those
 5 same words here (inaudible). They didn't get
 6 back to me. But we don't need to worry about
 7 that, right?
 8 MALE SPEAKER: No. We don't have
 9 to worry about anything. They're all from
 10 Madison. Anybody have any different feelings
 11 or should we go to the next issue?
 12 FEMALE SPEAKER: It's just a big
 13 issue.
 14 MALE SPEAKER: Let's not talk about
 15 different feelings Mr. (Inaudible).
 16 MALE SPEAKER: Well, it's a feeling
 17 thing. It's a feeling issue.
 18 FEMALE SPEAKER: Okay.
 19 MALE SPEAKER: So I feel violated,
 20 but let's go to the next issue.
 21
 22
 23
 24
 25

Halbur, Jennifer

From: Mnuk, Katie
Sent: Thursday, May 20, 2004 4:46 PM
To: Halbur, Jennifer
Subject: FW: Follow-up questions regarding proposed Chiro rule CR 03-082

FYI --

-----Original Message-----

From: Showers, Barbara
Sent: Thursday, May 20, 2004 4:02 PM
To: Rothstein, Jacquelynn-DRL; Mnuk, Katie
Cc: Nania, Kimberly
Subject: RE: Follow-up questions regarding proposed Chiro rule CR 03-082

Dear Ms. Mnuk:

- The Wisconsin Chiropractic Practical Exam had an average failure rate of 40%.
- The practical exam for dentists, CRDTS, is a regional exam used by several states in the area, with an average failure rate over the last three years of 14%.
- The licensing exam for medical doctors, USMLE Step 3, is a written exam with a failure rate of 10%. There is no current practical exam, but one is expected to be implemented in 2005.
- The NBCE Part IV practical exam for chiropractors at the recommended cut of 375 has a failure rate of 12%.

Barbara Showers, PhD
Director Education and Examinations

-----Original Message-----

From: Rothstein, Jacquelynn-DRL
Sent: Thursday, May 20, 2004 11:47 AM
To: Mnuk, Katie
Cc: Showers, Barbara; Nania, Kimberly
Subject: RE: Follow-up questions regarding proposed Chiro rule CR 03-082

Dear Ms. Mnuk:

I will pass along your questions to Barb Showers, our exam "guru." She has more knowledge about these pass/fail rates than I do and should therefore be able to answer them.

Very truly yours,

Jacquelynn B. Rothstein
Legal Counsel

-----Original Message-----

From: Mnuk, Katie
Sent: Thursday, May 20, 2004 10:48 AM
To: Rothstein, Jacquelynn-DRL
Cc: Halbur, Jennifer
Subject: Follow-up questions regarding proposed Chiro rule CR 03-082

Jacquelynn,

On Sen. Brown's behalf I attended Sen. Roessler's May 6, 2004 meeting with R&L representatives and members of the Chiropractic Board regarding CR 03-082, relating to the practice of chiropractic in Wisconsin. As you know, the Department has now re-submitted this rule to the Legislature's Health Committees with modifications.

Sen. Brown is a member of the Health Committee and he has been talking with chiropractors from his district regarding the revised rule. They have asked some questions I'm hoping you can answer for me.

First, what is the failure rate for chiropractors taking the current Wisconsin exam (i.e., the exam prior to any changes proposed by this rule or made under emergency rule). And, what is the failure rate for comparable exams administered to physicians and dentists?

Thank you in advance for your assistance with this request.

Sincerely,
Katie Mnuk
Chief of Staff
Ofc. of Senator Ron Brown

Halbur, Jennifer

From: Mnuk, Katie
Sent: Thursday, May 27, 2004 8:51 AM
To: Halbur, Jennifer
Subject: RE: one more thing --

No, I haven't talked to the Board at all about it, Ron just mentioned it yesterday and I wanted to run it by you first. Ron thinks EMTs may have a similar requirement for their licensing exams.

-----Original Message-----

From: Halbur, Jennifer
Sent: Thursday, May 27, 2004 8:46 AM
To: Mnuk, Katie
Subject: RE: one more thing --

Have you talked to Jim Rosemeyer (Chair of the Board) about this at all? I am just curious if they would still have a concern about liability. I will definitely raise this as a possible option with Carol. I know that she'll want to here the position of the Board on this one as well. So, let me know if you have talked to Jim, if not, I will give him a call.

Thanks!
Jennifer

-----Original Message-----

From: Mnuk, Katie
Sent: Wednesday, May 26, 2004 5:35 PM
To: Halbur, Jennifer
Subject: one more thing --

Ron asked me to pass this on to you for consideration. The Chiros make the argument that at 375 score, someone could fail one whole section of the exam but still get their license. What if we kept the score at 375 but also require applicants to pass all 4 parts of the exam?

:)

Katie

Barbara Shows

4 parts

1-3 in school

4th parts out of school.

can't take part ~~1-3~~⁴ unless pass 1-3

can't get licensed until pass all 4



ok way, phys. diagnosis, adjustments: state exam: needed to pass all 4 parts

Natl*: score is not split out.

In each part they integrate a physical exp.

Natl
Board refuses to do it.

Impossible

Very unlikely
enough ppl to
fail a section
You'll see that
partly in other
sections

to pass
4 parts

5/27/04
 Provided by
 Russ
 Leonard.

RESULTS OF WISCONSIN CHIROPRACTOR PRACTICAL EXAMINATION

EXAM DATE	PASS COUNT: TOTAL NUMBER OF EXAMINEES	PERCENTAGE PASS
12/2/99	31/55	56.4
7/27/00	26/45	57.8
2/24/00	27/38	71.1
6/30/00	35/65	53.8
12/6/01	24/40	60.0
6/28/01	21/37	56.8
3/22/01	34/45	75.6
6/6/02	14/34	41.2
9/5/02	17/20	85.0
12/5/02	12/24	50.0
	AVE=24/40	AVE=60.77%

X Ray -

No attendance req.

Pay fee / private vendor ...

Fail part in still pass

- old w/ ex 3pts
- X ray
 - adj.
 - practitioner

3pts

④ Fail 1
 Fail other
 any ⁷⁰⁰ integrated
 2520

375 = 13%
 over 1100

ACB
 multiple choice
 Went into 3 separate
 Scores
 All.

5/27/04

- Mtg w/ Russ L. + Tom Moore

- Possibility that a person could fail 1 part of the part IV exam and still pass the exam.

* Brd would ~~be~~ argue that this can't be proven. The part IV exam sections are more integrated than the state of WI exam. If a person did poorly on one section, they would likely do poorly on the others as well.

- 2 states have a UTS score!
North Carolina + West Virginia.
No lawsuits.

- UTS score is equivalent to the failure rate of the WI Exam.

* CR decided she is fine w/ the modification that has been made - removal of C.E. language. She is not going to pursue a vote of the Committee for further modifications.

6/11/04

6/11

Halbur, Jennifer

To: Nania, Kimberly
Subject: CR 03-082

Kim,

The Chiropractic Examining Board sent a modified copy of Clearinghouse rule 03-082 to the Senate Committee on Health, Children, Families, Aging and Long Term Care on May 18, 2004. The Committee had 10 working days to review the rule as modified. No committee action was taken during the 10 working day review period and therefore the rule was reported out of the Committee on May 28, 2004.

A copy of the Record of Committee Proceedings is attached for your review.

Thank you,

Jennifer Halbur
Office of Senator Carol Roessler



5-28-04 cr 03 082
chiro rule.d...

Halbur, Jennifer

From: Nania, Kimberly
Sent: Tuesday, June 01, 2004 10:40 AM
To: Halbur, Jennifer
Subject: RE: CR 03-082

Thanks, hope you have a great week!

-----Original Message-----

From: Halbur, Jennifer [mailto:Jennifer.Halbur@legis.state.wi.us]
Sent: Tuesday, June 01, 2004 10:25 AM
To: Nania, Kimberly
Subject: CR 03-082

Kim,

The Chiropractic Examining Board sent a modified copy of Clearinghouse rule 03-082 to the Senate Committee on Health, Children, Families, Aging and Long Term Care on May 18, 2004. The Committee had 10 working days to review the rule as modified. No committee action was taken during the 10 working day review period and therefore the rule was reported out of the Committee on May 28, 2004.

A copy of the Record of Committee Proceedings is attached for your review.

Thank you,

Jennifer Halbur
Office of Senator Carol Roessler

<<5-28-04 cr 03 082 chiro rule.doc>>

Halbur, Jennifer

To: temoore@chartermi.net
Subject: Chiro letter

Tom,

Carol would like to maintain the language in the rule that states, "The board will not approve credit from continuing education regarding a technique or practice which the board has determined to be unsafe or ineffective."

Please let me know if you see any problems with maintaining this language.

I will be out of the office on Friday, March 19th but will be back in on Monday. I would like to get this letter out on Monday, in the morning.

Thanks,

Jennifer



3-16-04 2nd chiro
rule letter ...

Halbur, Jennifer

To: Seaquist, Sara
Subject: CR meeting

CR would like a meeting with Barb Showers from DRL. She would also like Senators Brown and Schultz to be invited along with Laura Rose and the members of the Chiropractor examining Brd. You may also want to touch base with Chris Klein at DRL to find out which staff lawyer they would like to attend. Sec. Strong Hill mentioned that they would send Barb and a Department Lawyer.

Barb's number is: 6-7703

Member, Chiropractic Examining Board Conway, Steven R. (715) 257-1864 chirolaw@aol.com <<mailto:chirolaw@aol.com>>

Member, Chiropractic Examining Board Feith, Susan (715) 424-3004 mwf@charter.net <<mailto:mwf@charter.net>>

Member, Chiropractic Examining Board Glocke, Char D. cglocke@taraweb.com <<mailto:cglocke@taraweb.com>>

Member, Chiropractic Examining Board Henrichs, Wendy M. (715) 362-4852 hcchiro@newnorth.net
<<mailto:hcchiro@newnorth.net>>

Member, Chiropractic Examining Board Rosemeyer, James A. jimrosemeyer@centurytel.net <<mailto:jimrosemeyer@centurytel.net>>

Member, Chiropractic Examining Board Weber, James W. (715) 234-3417

Thanks!!

Jennifer

***Following this meeting, a different day, CR wants to have a meeting with the Board members, Barb Showers and the WI Chiropractic Association (probably Tom Moore and Russ Leonard). I will let you know after the first meeting who else she may want to attend.

STANDARDS

for educational and psychological testing

American Educational Research Association
American Psychological Association
National Council on Measurement in Education

employment. However, lack of these skills may not present a threat to the public and would appropriately be excluded from consideration for a licensing examination. The fact that successful practitioners possess certain knowledge or skills is relevant but not persuasive. Such information needs to be coupled with an analysis of the purpose of a licensing program and the reasons that the knowledge or skill is required in an occupation or profession.

Standard 14.15

Estimates of the reliability of test-based credentialing decisions should be provided.

Comment: The standards for decision reliability described in chapter 2 are applicable to tests used for licensure and certification. Other types of reliability estimates and associated standard errors of measurement may also be useful, but the reliability of the decision of whether or not to certify is of primary importance.

Standard 14.16

Rules and procedures used to combine scores on multiple assessments to determine the overall outcome of a credentialing test should be reported to test takers, preferably before the test is administered.

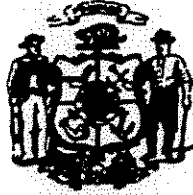
Comment: In some cases, candidates may be required to score above a specified minimum on each of several tests. In other cases, the pass-fail decision may be based solely on a total composite score. While candidates may be told that tests will be combined into a composite, the specific weights given to various components may not be known in advance (e.g., to achieve equal effective weights, nominal weights will depend on the variance of the components).

Standard 14.17

The level of performance required for passing a credentialing test should depend on the knowledge and skills necessary for acceptable performance in the occupation or profession and should not be adjusted to regulate the number or proportion of persons passing the test.

Comment: The number or proportion of persons granted credentials should be adjusted, if necessary, on some basis other than modifications to either the passing score or the passing level. The cut score should be determined by a careful analysis and judgment of acceptable performance. When there are alternate forms of the test, the cut score should be carefully equated so that it has the same meaning for all forms.

Facsimile Cover Sheet
Fax 608-266-0423



Carol Roessler

STATE SENATOR • 18TH SENATE DISTRICT

Number of pages attached, including cover page: _____

If pages are not all received or are illegible,
please call 1-888-736-8720

Please deliver this fax to:

Gina York

Fax number of addressee: 267-3816

Message:

Please let me know if you need anything else. Also, there are notes + green highlighter on my copy. Let me know if some sentences didn't come through or if a cleaner copy is necessary. Thanks!

Jennifer