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CLEARINGHOUSE RULE 01−118

Comments

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

1.   Statutory Authority

In the last sentence of s. Chir 4.03, the words "not prohibited by s. 446.01 (2), Stats.," should be inserted between "Any procedure" and "that causes . . . ." Section 446.01 (2) (a), Stats., places limits on the "practice of chiropractic" by excluding "the use of drugs as defined in s. 450.01 (10) or surgery . . . ." Therefore, "Any procedure" in the last sentence of s. Chir 4.03 needs to be qualified.

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

a.   Section Chir 4.02 (3) has language that limits paraphysiological space to "the range of motion of a skeletal articulation that exceeds voluntary movement but does not exceed anatomical integrity."   However, presumably, skeletal articulation that exceeds anatomical integrity must first enter paraphysiological space. Thus, if s. Chir 4.02 (3) is intended to limit the procedures that are included under the last sentence of s. Chir 4.03, it does not appear to do so. Because the last sentence of s. Chir 4.03 includes under "practice of chiropractic" any procedure that causes a joint structure of the spine or pelvis to *enter* paraphysiological space, it can also be interpreted as including any such procedure that *exceeds* anatomical integrity, since such procedures presumably must enter paraphysiological space before exceeding anatomical integrity.

b.   The words "joint structure of the spine or pelvis" are used in the last sentence of s. Chir 4.03. Are hip joints considered a joint structure of the pelvis and, if so, is this intended?