

Report From Agency

STATE OF WISCONSIN  
CHIROPRACTIC EXAMINING BOARD

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**IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE**  
**PROCEEDINGS BEFORE THE : CR 20-085**  
**CHIROPRACTIC EXAMINING :**   
**BOARD :**

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**I. THE PROPOSED RULE:**

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

**II. REFERENCE TO APPLICABLE FORMS:**

N/A

**III. FISCAL ESTIMATE AND EIA:**

The Fiscal Estimate and EIA is attached.

**IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**

The Chiropractic Examining Board evaluated dry needling treatment as it relates to the scope of the practice of chiropractic, and determined no updates to ch. Chir 4 are needed based on the results of their evaluation.

As specified in the objective of the proposed rule described in scope statement SS 022-20, the definition of “examination” under s. Chir 4.02 (1m) has been revised to clarify that lab analysis includes drawing blood and blood analysis.

**V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD’S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:**

The Chiropractic Examining Board held a public hearing on January 28, 2021.

Dr. Steven Conway, representing the Chiropractic Society of Wisconsin, and Mr. John Murray, representing the Wisconsin Chiropractic Association, provided comments in support of the proposed rule. Dr. Conway’s testimony emphasized that drawing blood and blood analysis have been a long-standing and widely recognized component of chiropractic practice, and until recently were specified in ch. Chir 4 as being part of a patient examination.

The following individuals provided comments in opposition of the proposed rule:

- Mr. Matthew O’Neill of Fox, O’Neill, Shannon, S.C., representing the Midwest College of Oriental Medicine
- Mr. William Dunbar, PhD, President of the Midwest College of Oriental Medicine

- Dr. Louis Jin, representing the Wisconsin Society of Acupuncturists
- Dr. Sean Tsang, L.Ac.
- Dr. Robert Fox, Doctor of Acupuncture and Chinese Medicine

The comments as a whole oppose the ability of a chiropractor to break the skin with any needle, including for the purpose of drawing blood, and express strong opposition to a chiropractor's use of acupuncture or dry needling.

The Board did not modify the proposed rule in response to the comments received. Drawing blood as part of a patient examination is a long-standing procedure widely recognized as being within the scope of chiropractic. The proposed rule does not expand the scope of patient examination, it provides clarity that drawing blood and blood analysis are an existing component of an examination and are within the scope of chiropractic practice.

With regard to the comments concerning acupuncture and dry needling, the proposed rule does not make any changes related to the practice of acupuncture or dry needling.

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

The Legislative Council had no recommendations concerning the proposed rule.

**VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:**

N/A