



STATE OF WISCONSIN
Department of Safety and Professional Services
1400 E Washington Ave.
Madison WI 53703

Mail to:
PO Box 8935
Madison WI 53708-8935

Email: dsps@wisconsin.gov
Web: <http://dsps.wi.gov>
Phone: 608-266-2112

Governor Scott Walker Secretary Dave Ross

Chiropractic Examining Board
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Tom Ryan - 608-261-2378
January 24, 2013

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board.

FULL BOARD MEETING
8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-4)

B. Approval of Minutes – October 4, 2012 (5-6)

C. Secretary Matters

D. Executive Director Matters

E. Election of Board Officers and Appointment of Liaisons (7-8)

- 1) **8:45 A.M. APPEARANCE – CREDENTIALING STAFF** – Consideration and Review of Credentialing Process and Defining the Role of the Credentialing Liaison(s) **(9-10)**
- 2) **8:45 A.M. APPEARANCE – DLSC STAFF** – Introduction of MED/Health Team **(11)**

F. Credentialing Matters

- 1) Peter Slane-Request for CPR/AED Waiver **(13-14)**

G. Preceptor Approvals (15-16)

	<u>Chiropractor</u>	<u>Lic. Granted</u>
<u>Palmer</u>	Bryan Gerondale	12/01/1982
	Connon Piencikowski	04/19/2006
	James Ropicky	07/16/1986
	Kurt Stein	02/22/2002
	Thomas Tessendorf	07/18/1985
	David Zumstein	03/20/1997
<u>Northwestern</u>	Steven Crotteau	12/23/2002
	Curt Draeger	11/17/1986
	Katherine Gress-Volpentesta	12/17/1998
	Shane Huber	10/20/2006
	Curtis Karl Krantz	12/12/1996

H. Division of Legal Services and Compliance Matters

I. Education and Examination Matters

- 1) **Practical Examination Issues**
 - a. **9:30 A.M. APPEARANCE – CREDENTIALING STAFF AND OFFICE OF EDUCATION AND EXAMS STAFF (17-43)**
- 2) **Practical Examination Costs**
 - a. **10:00 A.M. APPEARANCE – OFFICE OF EDUCATION AND EXAMS STAFF AND BUDGET OFFICE STAFF (45)**
- 3) Continuing Education Credit for Event Speakers (47)

J. Practice Question Matters

- 1) Board Review of Position Statements, Papers (49-61)

K. Legislation/Administrative Rule Matters

- 1) Executive Order #61 (63-69)
- 2) Chir 3.03 Endorsement Rule (71-73)

L. Liaison/Committee Reports

M. Informational Items

- 1) Steve Conway Questions Regarding Continuing Education (75-77)

N. Items Received After Printing of the Agenda:

- 1) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 2) Presentation of Proposed Decision(s)
- 3) Presentation of Interim Order(s)
- 4) Petitions for Re-Hearing
- 5) Petitions for Summary Suspension
- 6) Petitions for Extension of Time
- 7) Petitions for Assessments
- 8) Petitions to Vacate Orders
- 9) Petitions for Designation of Hearing Examiner
- 10) Requests for Disciplinary Proceeding Presentations
- 11) Motions
- 12) Appearances from Requests Received or Renewed
- 13) Speaking Engagement, Travel, and Public Relation Requests
- 14) Application Issues
- 15) Examination Issues
- 16) Continuing Education Issues

O. Public Comments

P. New Business

Q. Presentation of Proposed Stipulations, Final Decisions and Orders by the Division of Legal Services and Compliance Including Any Received After Printing of the Agenda

- 1) 10 CHI 052-Jeremy J. Fritz, D.C. (79-84)
- 2) 11 CHI 010-Richard I. Olson, D.C. (85-91)
- 3) 11 CHI 027-Dale R. Alt, D.C. (93-98)
- 4) 11 CHI 037-James Schiavo, D.C. (99-104)
- 5) 11 CHI 055-Daniel R. Eugster, D.C. (105-110)

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)

R. Deliberation of Proposed Stipulations, Final Decisions and Orders Including Any Received After Printing of the Agenda

- 1) 10 CHI 052-Jeremy J. Fritz, D.C. **(79-84)**
- 2) 11 CHI 010-Richard I. Olson, D.C. **(85-91)**
- 3) 11 CHI 027-Dale R. Alt, D.C. **(93-98)**
- 4) 11 CHI 037-James Schiavo, D.C. **(99-104)**
- 5) 11 CHI 055-Daniel R. Eugster, D.C. **(105-110)**

S. Division of Legal Services and Compliance

- 1) Case Status Report
- 2) Case Closings
 - a. 12 CHI 024 **(111-113)**

T. Deliberation on Monitoring Cases

- 1) Wanda Erdman, D.C. **(115-126)**

U. Application Matters

- 1) Additional Information – B.D. **(127-162)**
- 2) Chiropractic Technician Training Review-L.F. **(163-174)**
- 3) Endorsement- G.H. **(175-189)**
- 4) Endorsement- J.H. **(191-205)**
- 5) Endorsement- C.K. **(207-227)**
- 6) Expired Application Request-S.P. **(229-251)**
- 7) Expired Application Request-S.W. **(253-259)**

V. Continuing Education Matters

- 1) Request for CE Extension/Waiver-E.D. **(261-265)**
- 2) Review of online CE Credits-S.T. **(267-269)**

W. Deliberation of Items Received After Printing of the Agenda:

- 1) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 2) Presentation of Proposed Decision(s)
- 3) Presentation of Interim Order(s)
- 4) Petitions for Re-Hearing
- 5) Petitions for Summary Suspension
- 6) Petitions for Extension of Time
- 7) Petitions for Assessments
- 8) Petitions to Vacate Orders
- 9) Petitions for Designation of Hearing Examiner
- 10) Requests for Disciplinary Proceeding Presentations
- 11) Motions
- 12) Appearances from Requests Received or Renewed
- 13) Speaking Engagement, Travel, and Public Relation Requests
- 14) Application Issues
- 15) Examination Issues
- 16) Continuing Education Issues

X. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

Y. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

Z. Other Board Business

ADJOURNMENT

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
OCTOBER 4, 2012**

Present: Jim Koshick, Jodi Griffith, John Church, Wendy Henrichs

Excused: Kathleen Schneider

Staff: Tom Ryan, Executive Director; Yolanda McGowan, Legal Counsel; David Carlson, Bureau Assistant; and other Department staff

Wendy Henrichs, Board Chair, called the meeting to order at 8:33 a.m. A quorum of four members was confirmed.

ADOPTION OF AGENDA

MOTION: Jim Koshick moved, seconded by Jodi Griffith, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Jim Koshick moved, seconded by John Church, to approve the minutes of August 23, 2012 as published. Motion carried unanimously.

MOTION: Jodi Griffith moved, seconded by Jim Koshick, to approve all preceptors. Motion carried unanimously.

MOTION: Jim Koshick moved, seconded by John Church, to create a written response to Dr. Prei on the practice question regarding the INDIGO Biofeedback System, informing her that use of this device must conform to all rules and Statutes of the State of Wisconsin. Motion carried unanimously.

CLOSED SESSION

MOTION: Jim Koshick moved, seconded by Jodi Griffith, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Jim Koshick - yes; Jodi Griffith - yes; John Church - yes; Wendy Henrichs - yes. Open session recessed at 9:10 a.m.

RECONVENE TO OPEN SESSION

MOTION: Jim Koshick moved, seconded by John Church, to reconvene in open session at 12:07 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

ADMINISTRATIVE WARNING

MOTION: Jodi Griffith moved, seconded by John Church, to issue an Administrative Warning in case 11 CHI 023. Motion carried unanimously.

CASE CLOSING

MOTION: John Church moved, seconded by Jodi Griffith to close case 11 CHI 003 for insufficient evidence. Motion carried unanimously.

MONITORING

MOTION: Jim Koshick moved, seconded by John Church, to deny Wanda Erdman's request for an extension of time to pay costs and give her until November 12, 2012 to come into compliance with all terms of Order 0001150. Failure to comply by this date will result in suspension of her license without any further action of the Board. Motion carried unanimously.

MOTION: Jodi Griffith moved, seconded by Jim Koshick to approve the request of Jeffrey Mason for full licensure. Motion carried unanimously.

MOTION: John Church moved, seconded by Jim Koshick to deny the request of Brian Palevac for an extension of time to pay costs. Motion carried unanimously.

APPLICATION MATTERS

MOTION: John Koshick moved, seconded by Jodi Griffith to issue intent to deny J.F.'s request for certification of additional specialties and request the applicant submit proof of completion of Board approved trainings in physiological therapeutic overview and exercise rehabilitation. Motion carried unanimously.

MOTION: Jodi Griffith moved, seconded by John Church, to grant preceptorship in the matter of R.A. Motion carried unanimously.

MOTION: Jim Koshick moved, seconded by John Church to approve licensure by endorsement in the matter of B.K. upon successful completion of either the NBCE SPEC exam or the Wisconsin practical exam and completion of all other endorsement licensing requirements. Motion carried unanimously.

MOTION: Jim Koshick moved, seconded by Jodi Griffith, to issue intent to deny the request of B.D. for reinstatement of his Wisconsin license and request the applicant provide additional documentation of completion of his continuing education courses meeting the requirements of Wis. Adm. Code Chir 5 for the 2009-2010 biennium. Motion carried unanimously.

MOTION: Jim Koshick moved, seconded by Jodi Griffith, to issue an intent to deny the request of B.E. for reinstatement of his Wisconsin license and request the applicant provide additional documentation of completion of his continuing education courses meeting the requirements of Wis. Adm. Code Chir 5 for the 2009-2010 biennium. Motion carried unanimously.

ADJOURNMENT

MOTION: Jim Koshick moved, seconded by Jodi Griffith, to adjourn the meeting at 12:11 p.m. Motion carried unanimously.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:		2) Date When Request Submitted:	
		Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: January 24, 2013	5) Attachments: x Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Board Officers and Liaisons	
7) Place Item in: x Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Elect Officers for 2013 and appoint liaisons. Credentialing Staff will appear to discuss credentialing delegations and Division of Legal Services and Compliance staff will appear for a brief introduction of staff members.			
11) Authorization			
Signature of person making this request			Date
Supervisor (if required)			Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			Date

Officers- §§ 15.07(2), 15.08(2)

Approved by Board: [DATE]

Chair:

Vice-Chair:

Secretary:

Panels & Committees

Name of Panel / Committee	Description	Nomination Date - Member
Screening Panel	Reviews complaints received by the Department to determine whether a case should be opened for investigation. Panel members consist of two professional members and one public member, and an alternate.	2012 listed members: Kathleen Schneider, Jodi Griffith and James Koschick (Mania Moore – alternate)

Liaisons

Various matters arise in the Department that necessitate a quick decision by the board. In these cases, having a board member to serve as the liaison to the Department can expedite action and prevent unnecessary delays that would result from waiting until the next meeting. Board liaisons should give a report to the full board at the next meeting describing what actions were taken. Given that no individual board member may act on behalf of the board without specific authority to do so, each board must specifically delegate authority to each liaison by motion.

Liaison	Duties	Name of Board Member	Date of Motion Delegating Authority
Preceptor Liaison	<ul style="list-style-type: none"> Reviews Preceptors 	Jodi Griffith	
Practical Exam Liaison	Make decisions on routine questions involving the administration of examinations and approval of education programs.	James Kochick	
Exam Workgroup	Work with Department Staff to Administer and Improve the Practical Examination	Wendy Henrichs, Jodi Griffith and James Koshick	
Continuing Education Liaison	Work with the Education and Examinations Office Staff regarding CE.	John Church and Wendy Henrichs	
Credentialing Liaison	Work with Credentialing staff on the processing of applications. See attached.	Jodi Griffith	
Monitoring Liaison	Work with DSLC staff on routine monitoring matters.	James Koshick	
Discipline Reference Sheet Committee		James Koshick and Mania Moore	

General Delegation Motion:

_____ moved, seconded by _____, that in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

Credentialing Procedures (Chiropractic Examining Board)

Date of Motion:

Delegated Authority to Take Action

Action	Person with delegated authority to act on behalf of the board [Either Dept staff, cred liaison (<i>name</i>) or None (<i>goes to full board</i>)]	Notes or Comments
Grant a credential within the board's jurisdiction when all information required by law is submitted and there is discipline.	<p>Low Risk Discipline:</p> <p>Medium Risk Discipline:</p> <p>High Risk Discipline:</p>	<p>Criteria used to determine whether past discipline is low, medium or high risk:</p> <ul style="list-style-type: none"> • Minor misconduct vs. serious misconduct • First occurrence • Time elapsed since the misconduct • Requirements stemming from the misconduct completed • License fully restored • Any further discipline • Potential for harm or recurrence • Current license limitations
Grant a credential for CRT and CT upon conditions authorized by rule (pre-education approval)		
Grant a credential within the board's jurisdiction for reinstatement of license		
Issue an intent to deny on behalf of the board		
Issue a denial on behalf of the board for any basis authorized by law		
<p>When a full board takes action, Department staff will prepare the order reflecting the action taken. Who has the authority to sign these orders between meetings? (e.g. Executive Director with approval from a designated board member)</p>		

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Carolann Puster, Records Management Supervisor		2) Date When Request Submitted: 12-6-2012 <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: 1/24/2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Peter Slane - Request for CPR/AED Waiver	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: License holder has requested a waiver of the renewal requirement regarding current CPR/AED certification due to retirement and residence in Sydney, Australia.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			
Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



State of Wisconsin

DEPARTMENT OF SAFETY AND PROFESSIONAL
SERVICES

C O R R E S P O N D E N C E / M E M O R A N D U M

DATE: January 4, 2013
TO: CHIROPRACTIC EXAMINING BOARD
FROM: JUSTIN TOMER
SUBJECT: PRECEPTOR APPROVAL

The following requests for approval of preceptors have been submitted to the DRL 45 days in advance of the beginning of the school's next trimester:

	<u>Chiropractor</u>	<u>Lic. Granted</u>
<u>Palmer</u>	Bryan Gerondale	12/01/1982
	Connon Piencikowski	04/19/2006
	James Ropicky	07/16/1986
	Kurt Stein	02/22/2002
	Thomas Tessororf	07/18/1985
	David Zumstein	03/20/1997
<u>Northwestern</u>	Steven Crotteau	12/23/2002
	Curt Draeger	11/17/1986
	Katherine Gress-Volpentesta	12/17/1998
	Shane Huber	10/20/2006
	Curtis Karl Krantz	12/12/1996

All of the above have current licenses in good standing.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:		2) Date When Request Submitted:	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: January 24, 2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Practical Examination Issues	
7) Place item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: 1) Will the Board allow applicants to take the practical examination before they graduate or otherwise complete their file? (Requiring, say, the application form and fee to be filed) 2) Wis. Admin. Code CHIR 2.025 – If an applicant passes the practical examination without having completed their application, and the file then times out under 2.025, how long will the examination score remain valid? 3) Wis. Admin. Code CHIR 2.025 - If a non-practical, grandfathered applicant's file is timed out (not completed) by 2.025, will the Board put the deadline out further without requiring the applicant to re-take the exam?			
11) Authorization			
Signature of person making this request			Date
Supervisor (if required)			Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			Date

From: [REDACTED]
Sent: Tuesday, December 11, 2012 9:48 AM
To: Sen.Lazich
Subject: Wisconsin Board Regulations

Hello Senator Lazich,

My name is [REDACTED], resident of New Berlin, WI since I was born. I am writing to you because there has been an issue with licensing new doctors of chiropractic in the state of Wisconsin. I recently graduated from chiropractic college with over \$150,000 in student loans with the intent to practice in the state of WI only to discover that the state board is severely restricting the licensure of new chiropractors with their new state licensing exam (the only one of its kind in the US). The cost right now is \$1,600 with a pass rate of only 8%! We have passed 4 sets of national board exams (which are more standardized and have pass rates around 70%) and would be eligible to practice in nearly any other state within weeks, but must wait 6 months after graduation to take the Wisconsin exam (of which the price is rumored to increase to \$5,000!) with almost no chance of passing due to the incredible lack of standardization and lack of experience from examiners. I have information from many sources detailing the reasons this exam should be removed that I would love to pass on to you or one of your aids if you could look into this exam that is keeping people from setting up businesses in their home state. We are hoping you and your fellow representatives can help remove this exam from the licensure process to allow more than 1 new Doctor of Chiropractic into Wisconsin next year.

Right now this exam has significantly reduced the desire to return to Wisconsin for new graduates as they are finding more friendly states to practice and may force me and my fellow graduates, present and future, to find another home as well.

Thank you for your help!

[REDACTED]

Ryan, Thomas - DSPS

From: Tomer, Justin - DSPS
Sent: Monday, December 03, 2012 11:09 AM
To: Ryan, Thomas - DSPS
Subject: FW: 2013 Wisconsin Chiropractic Practical Examination

[REDACTED] original concerns were with the 2013 practical exam deadlines not matching up with his April 2013 graduation date. His email was what sparked the meeting to discuss admitting exam candidates prior to completing their file.

Justin Tomer

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

From: Tomer, Justin - DSPS
Sent: Tuesday, November 27, 2012 9:10 AM
To: Ryan, Thomas - DSPS
Subject: RE: 2013 Wisconsin Chiropractic Practical Examination

Sure thing! Here's the body of text sent to [REDACTED]

"Hello,

Unfortunately, as I am primarily responsible for new applications for licensure, I will not be able to address your questions on the Board or their scheduled meetings directly. However, I have forwarded these inquiries to the appropriate staff here in our agency, and you should hopefully receive a response soon.

As for your final question, Wisconsin does allow application for chiropractic licensure by endorsement. To qualify, you must hold an active chiropractic license in good standing in another state or jurisdiction, and you must have practiced chiropractic at least 24 hours a week for no fewer than three of the past five years.

However, endorsement candidates are not necessarily guaranteed licensure without further examination. Rather than automatically taking the state written and practical exams, endorsement candidates who complete their application file are instead individually reviewed by the Board. This review determines which additional exams (if any) are required on an applicant-by-applicant basis.

Please let me know if I can be of any further assistance."

Justin Tomer

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

From: Ryan, Thomas - DSPS
Sent: Tuesday, November 27, 2012 9:07 AM
To: Tomer, Justin - DSPS
Subject: RE: 2013 Wisconsin Chiropractic Practical Examination

Sounds good. I'm interested in your reply too, if you don't mind forwarding it. Thanks!

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

From: Tomer, Justin - DSPS
Sent: Tuesday, November 27, 2012 8:55 AM
To: Ryan, Thomas - DSPS
Subject: FW: 2013 Wisconsin Chiropractic Practical Examination

Hi Tom,

I'll address [REDACTED] question on applying via another state license, but would you be able to speak to his questions on contacting Board members and appearing at their meeting as a member of the public?

Thanks!

Justin Tomer

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

From: R [REDACTED]
Sent: Monday, November 26, 2012 10:51 AM
To: Tomer, Justin - DSPS
Subject: Re: 2013 Wisconsin Chiropractic Practical Examination

Thanks again Justin for all your help! It's not your fault with the major inconvenience, it's just frustrating why the board believes this is necessary. Could you please send the names and contact information of the people making these decisions? I really am curious with motives behind all this. And is the meeting on January 24th, 2013 open to the public?

One last question, if I were to practice in another state for a certain time, would I need to take the Practical Exam to be licensed in Wisconsin? Is there a specific length of time I could practice elsewhere and not be required to take the Practical Exam?

Thanks again for all your help Justin. You've been extremely helpful.

[REDACTED]

On Nov 21, 2012, at 11:05 AM, "Tomer, Justin - DSPS" [REDACTED] wrote:

- > Good morning,
- >
- > In order to be eligible to sit for the exam, you must have all other licensure requirements completed and verified to our department. This includes providing official transcripts (sent directly by your school or in a sealed envelope) showing completion and issuance of a D.C. degree, as well as an official NBCE score transcript with passing scores on all four Parts.
- >
- > If you are able to verify that you have completed these (and all other) application requirements, you will qualify to test as normal. Otherwise, if you have not technically received your D.C. degree, or if you have not yet passed Parts I through IV, you may not sit for the exam.
- >
- > In addition, there is a 30-calendar-day deadline placed on admission to these exams. To test on a particular exam date, your final requirement(s) must be at least in our offices (if not fully processed and in your file) at least one month prior to that date. In other words, if you wish to sit for a mid-April exam, you must have your file otherwise-complete by mid-March.
- >
- > I apologize for any resulting inconvenience or delay. If you have any other questions or concerns, please let us know.
- >
- > Justin Tomer

> Division of Professional Credential Processing Wisconsin Department of
> Safety and Professional Services [REDACTED]

> -----Original Message-----

> From: Knautz, Aaron - DSPTS
> Sent: Wednesday, November 21, 2012 10:46 AM
> [REDACTED]
> Cc: Tomer, Justin - DSPTS
> Subject: RE: 2013 Wisconsin Chiropractic Practical Examination

> For that question I'm going to have to refer to Justin in our Credentialing unit. I believe, since the board sets the requirements for licensure and what is acceptable to meet the rules for licensure, that he would have to check with the board for any allowances to be made.

> Aaron Knautz
> Department of Safety and Professional Services Licensing Exams
> Specialist

> -----Original Message-----

> From: [REDACTED]
> Sent: Wednesday, November 21, 2012 10:39 AM
> To: Knautz, Aaron - DSPTS
> Subject: Re: 2013 Wisconsin Chiropractic Practical Examination

> Thanks Aaron for getting back with me. I will be graduating Thursday, April 18, 2013. Even if I get my school to excuse me from walking, would I be permitted to take the exam on April 17-19, 2013? Thanks

> Sent from my iPhone

> On Nov 21, 2012, at 9:56 AM, "Knautz, Aaron - DSPTS" <[REDACTED]> wrote:

>> Hi [REDACTED]
>> The determination was recently made via discussion with the department and the board, that the exam dates for next year will not change. They are:

>> April 17-19, 2013
>> October 16-18, 2013

>> Aaron Knautz
>> Department of Safety and Professional Services Licensing Exams
>> Specialist

>> -----Original Message-----

>> From: DSPTS Examinations Office
>> Sent: Monday, November 19, 2012 11:29 AM

>> To: Knautz, Aaron - DSPS
>> Subject: FW: 2013 Wisconsin Chiropractic Practical Examination
>>
>>
>>

>> -----Original Message-----

>> [REDACTED]
>> Sent: Monday, November 19, 2012 11:05 AM
>> To: DSPS Examinations Office
>> Subject: 2013 Wisconsin Chiropractic Practical Examination
>>

>> I emailed last week and have been in touch Justin Tomer about the
>> possible dates of the Practical Exam for Chiropractors next year. I
>> will be looking to take the exam next year as I will be graduating
>> from Chiropractic school April 18, 2013. Please contact me in any
>> way, I want to know my options for dates to take the exam. Thanks
>>

>> [REDACTED]
>> [REDACTED]
>> [REDACTED]

Ryan, Thomas - DSPS

From: Tomer, Justin - DSPS
Sent: Monday, December 03, 2012 10:40 AM
To: Ryan, Thomas - DSPS
Subject: [REDACTED]

Correspondence regarding [REDACTED] and [REDACTED] just barely made the 1-year cut-off and was permitted to take the JP exam, but [REDACTED] did not complete her file within one year and is now required to take the practical exam per Chir 2.025.

Justin Tomer

From: Dr. Wendy Henrichs [mailto:[REDACTED]]
Sent: Tuesday, July 03, 2012 3:20 PM
To: Hall, Mojgan - DSPS
Cc: McGowan, Yolanda - DSPS; Tomer, Justin - DSPS; Dr. Wendy Henrichs
Subject: [REDACTED]

Mojgan,

Thank you for your voicemail and follow up email. My heartfelt regrets go to the [REDACTED], but there is nothing the board can do. Governor Walker postponed the requirement for the state exam until January 1, 2012. All of their application materials had to be received by DSPS for them to take the Jurisprudence exam prior to December 31, 2011. If that did not occur, which it appears did not, then the [REDACTED] will have to sit and pass the October offering of the state exam prior to licensure in Wisconsin. They can certainly attend any Chiropractic Examining Board meeting as a member of the public, but their request to be put on our agenda is denied. Please let me know if you need anything further. Thank you.

Regards,

Wendy M. Henrichs, B.Sc., D.C., D.I.C.C.P.

[REDACTED]

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

From: Hall, Mojgan - DSPS
To: [REDACTED]
Sent: Tuesday, July 03, 2012 2:10 PM
Subject: [REDACTED]

Good Afternoon Dr. Henrichs,

I left a voicemail on your cell phone concerning Mr. and [REDACTED]'s case.

They filed their applications in Nov. 2010, but failed to send all of the supporting documents within the 1 year deadline.

Thank you for the reply, but I would not have spent the time writing an appeal if the board will not review it until 2013. This is due to the retest is in a few weeks. The state exam situation is a debacle at this point. I would not recommend any chiropractors coming to the state until this is all worked out. Only 1/10 passed the exam which is terrible and should be a priority for the board at this point to fix it now, not in a few months.

Andrew

On Fri, Nov 30, 2012 at 6:10 AM, Wendy Henrichs < wrote:

Dear Dr.,

Thank you for your submission. The board will consider your appeal at its next meeting on January 24, 2013.

Have a safe and happy holiday season.

Regards,

Wendy M. Henrichs, BSc, DC, DICCP

Hi Dr. Henrichs please read the attached document for the appeal to the written exam.

Thanks,

Dr.

Page intentionally left blank

Tomer, Justin - DSPS

From: DSPS Credentialing CSC
Sent: Thursday, November 29, 2012 2:39 PM
To: Tomer, Justin - DSPS
Subject: FW: State Chiropractic Exam

Sent: Thursday, November 29, 2012 12:32 PM
To: DSPS
Subject: State Chiropractic Exam

Hello,

I am hoping this email finds its way to the Chiropractic Board of Examiners.

I recently graduated from Northwestern Health Sciences University in April of 2012. Throughout chiropractic school, I knew I wanted to practice in my home state of Wisconsin. After graduation, I signed up for the next available state exam, which I was discouraged to see was 6 months after my graduation date because I couldn't possibly submit all required documents for the April exam one month prior to the exam. Six months happens to also be the length of time for most student loan grace periods. I was frustrated knowing I would not be able to practice chiropractic in Wisconsin but was still expected to be able to come up with an income to pay off my student loans. The average student debt of my graduating class was around \$180,000. Waiting six months to take this exam is very unrealistic and unreasonable which I know has caused many of my classmates to open up clinics or join practices in Minnesota, Iowa, and surrounding states in the Midwest.

I was also very discouraged by the exam and licensing fee. After paying over \$3,000 for the four parts of the national board exams, increasing student loan debt, and limitations on practicing during the six months prior to the exam, I found the fee of \$1,585 unreasonably high.

Due to unfortunate circumstances, I was not able to take the most recent exam that was offered. I had sent in my application and all other paperwork in the summer. I was able to borrow the money from family to submit it one week prior to the deadline. I had reserved a hotel room in Madison, started preparing for the test, and took a few days off of work. A week prior to the exam date, I still hadn't heard back about the testing site, time, etc. After multiple attempts to contact the office, I received word I hadn't submitted everything by the deadline. Initially, it was stated my money was not submitted on time. After proving the date it was sent and date it was cashed, the story changed to my CPR certification was not submitted on time.

I don't understand how or why an email or phone call couldn't be made to notify me of the missing form after seeing an application, transcripts, check, etc. Even then, the CPR certification was re-submitted more than one week in advance, but I was notified that I could not take the test. At this point, I'm really struggling with the thought of waiting another six months to take the exam. I have been looking into and applying for positions out of the state of Wisconsin.

I have spoken with several classmates who have moved on to surrounding states because they did not want to wait several months and pay a steep fee for their Wisconsin license. I know several current students and recent graduates who have voiced similar opinions. I can't help but feel that Wisconsin has and will continue to miss out on talented new chiropractors due to the obstacles this exam has created.

My hope is that the creators and supporters of this exam will see how unfair and unreasonable this exam is and will take action to remove it all together.

Thank you for your time and consideration,

A large, solid black rectangular redaction covering the signature area of the letter.

Ryan, Thomas - DSPS

From: Tomer, Justin - DSPS
Sent: Monday, December 03, 2012 10:36 AM
To: Ryan, Thomas - DSPS
Subject: FW: Refund \$150.00

Here's an applicant who withdrew her application because Chir 2.025 would ultimately require her to take the practical exam.

Justin Tomer

From: [REDACTED]
Sent: Friday, January 20, 2012 11:50 AM
To: Tomer, Justin - DSPS
Subject: Refund \$150.00

Hello Justin,

Per your request I am sending you a letter stating that I would like to be refunded \$150.00 for my current WI Chiropractic License. I will not graduate until 2-22-2013. I submitted the application prior to 1/1/12 with my understanding I would get grandfathered in before the new WI state board exam was mandatory. I did not receive information until after I submitted my application, that I needed to graduate before 1/1/2013 to bypass the exam. At this point in my career, I am not ready to commit to getting licensed in WI knowing I have to take an extremely expensive state board exam. Please send me the refund of \$150.00 to [REDACTED]. Please feel free to contact me at [REDACTED] if you have any more questions.

Sincerely,

[REDACTED]

Ryan, Thomas - DSPS

From: Tomer, Justin - DSPS
Sent: Monday, December 03, 2012 10:38 AM
To: Ryan, Thomas - DSPS
Subject: FW: Chiropractic Licensing

[REDACTED] will similarly be required to reapply and take the practical in 2013 due to Chir 2.025 closing [REDACTED] application before [REDACTED] requirements are complete.

Justin Tomer

Sent: Wednesday, November 21, 2012 11:05 AM
To: Tomer, Justin - DSPS
Subject: RE: Chiropractic Licensing

Hello,
Thank you for clarifying and I will assume at this point I will need to reapply in January 2013 for a chiropractic license given I will need to complete national board testing in March and will not know results until May. I hope I am understanding this all correctly, I'm just so flustered with my test results and the situation I have myself in that I just can't think straight anymore. I thank you and appreciate your time so much Justin.

From: Justin.Tomer@wisconsin.gov
Date: Wed, 21 Nov 2012 10:40:25 -0600
Subject: RE: Chiropractic Licensing

Hello,

I apologize for any miscommunication; please allow me to clarify.

The easiest way to consider the timeline required by Chir 2.025 is to think of three major "milestone" dates in your application process: the date your application first arrived in our offices, the date your last paperwork requirement (in this case, your NBCE scores) arrives in our department, and the date you pass your final state exam(s) and receive your license.

You have one year from when you first apply to finish your file, qualify for your state exam(s), and reach the second "step" in the process. Once you reach this second step, you have one year from *that* date to actually take and pass any necessary exams and receive your license.

If you either A) take more than one year to submit your documentation, or B) take more than one year from when your documentation is complete to pass your exam(s), you must restart the application process, at which point your "grandfathered" status will no longer apply and the state practical exam becomes required.

Put into specific context for your current application status, if you want to retain your pre-January-2010 application date for the purpose of avoiding the state practical exam, the NBCE has to have an official score transcript in our office verifying that you have passed all four Parts by no later than December 13th, 2012. (You will likewise have one year from the date your scores arrive to pass any necessary state exams and receive your license.)

Should you be required to reapply, most of your current documentation will be able to be retained on file. However, a new application form will need to be filed, the appropriate state practical exam fee will need to be provided as an additional requirement, and you will need to pass both the state practical exam and the state jurisprudence exam before you may be licensed.

If I can be of any further assistance, please let me know.

Justin Tomer
Division of Professional Credential Processing
Wisconsin Department of Safety and Professional Services
[REDACTED]

Sent: Wednesday, November 21, 2012 10:10 AM
To: Tomer, Justin - DSPS
Subject: RE: Chiropractic Licensing

Good Morning to you!

Thank you for responding to my questions, one more question though to see if I understand. Because of the national boards testing only being in March and September, I will have to retake a test in March, therefore will not have my requirements in by this December 13th, so did I read your email correct that I still have another year after that to complete exams?

If not, I do have to pay the application fee, send in all required paperwork again? Is there anything you or I can do to keep this open a following six months if application does expire this December?

Thank you for your time,
[REDACTED]

From: [REDACTED]
Date: Wed, 21 Nov 2012 09:05:13 -0600
Subject: RE: Chiropractic Licensing

Good morning,

I am writing to follow up with your inquiry and confirm the response I have received from our Exams Office.

Unfortunately, it is unlikely that you will be permitted to sit for the December jurisprudence-only exam prior to completing your requirements. It is my understanding that additional jurisprudence-only exams will likely be scheduled during 2013, however.

So long as you are able to complete your requirements within one year of filing your application (which is marked as having arrived on December 13th, 2011), you will still qualify as having applied prior to January 2012.

(While WI admin code chapter Chir 2.025 requires you to complete your application within a year, it allows up to an additional full year after your file is completed to take any necessary exams and receive your license. See http://docs.legis.wi.gov/code/admin_code/chir/2/025 for reference.)

However, if your application is still incomplete as of December 14th, or if you complete your application but do not pass all necessary licensing exams within a year from that point, you will be explicitly required to begin the application process anew and pass the state practical exam.

Please let me know if any other questions or concerns arise.

Justin Tomer
Division of Professional Credential Processing
Wisconsin Department of Safety and Professional Services

[REDACTED]
Sent: Monday, November 19, 2012 2:37 PM

To: Tomer, Justin - DSPS

Subject: Chiropractic Licensing

Hello Justin,

I had left you a voicemail, but knew that an email would be easier to explain my situation. I have an application current for Chiropractic Licensing that I had applied for about a year or so ago. I was fortunate to be grandfathered into the previous rules for licensing. I was less fortunate to find out that after all my hard work I did not pass part III of national boards this September, which I still am overly confused and sad about the results. I would love to take the jurisprudence test coming up in December if at all possible. I do understand that you are to complete all the requirements before taking a Wisconsin test, I'm going to ask if there is any way around that or anything else I can do? My next question is do I lose my application status and grandfathering in a certain period of time if I have not taken the Wisconsin test yet? If there is anything you can do to help me or anything I can do I would GREATLY appreciate it.

Thank you for your time,
[REDACTED]

We are waiting for [REDACTED] official undergraduate transcripts. [REDACTED] sent her AEDCPR certification in May 2012. Her NBCE scores were late too.

[REDACTED] sent his NBCE scores in June 2012.

They would like to appear before the Board to present their case. Please let me know if you grant permission for them to appear or not.

Please feel free to call me.

Thanks,

Mojgan Hall

Executive Director | Division of Board Services | Department of Safety and Professional Services |

[REDACTED] | Website:

DRL:wi.gov |

From: [REDACTED]

Sent: Monday, June 25, 2012 12:23 AM

To: Tomer, Justin - DSPS

[REDACTED]

Subject: [REDACTED]

Hi Justin,

[REDACTED] I am in the process of purchasing a practice in Madison, WI and placing [REDACTED] in it. They will be the eventual outright owners and they will be the managing doctors from day one of our ownership of the practice. I want to thank you for being very responsive [REDACTED] with his numerous questions. This is a very unusual and sticky situation. [REDACTED] applied for their licenses before the deadline at the end of 2010 (as did I). None of us received any notification that we had a finite amount of time to take the jurisprudence exam in order to get our licenses in Wisconsin. Then, of course, with all the changes to the Wisconsin Board, things got very messy. Bottom line...we would just like for [REDACTED] and [REDACTED] to be able to take their jurisprudence tests and gain licensure in Wisconsin. I know that [REDACTED] has been communicating with you for over a month but I don't feel like we are any closer to our goal. I know this is not your fault, we appreciate everything that you have done. Is there a way that we can communicate directly with the legal counsel that you referred to in your most recent email? If so, we would like to do so. Is there any way for [REDACTED] and [REDACTED] to attend the next Board meeting and have this issue addressed in person? If so, we would like to do so. Are doctors allowed to attend the Board meetings? What are the rules on this?

Unfortunately we are running out of time. We are looking to close on the sale of this practice in [REDACTED] in the middle of July which is only a few weeks away. Justin, I thank you for dealing with this for the past month. I now ask you to please connect us with people that can move this closer to fruition. I have cc'd this email to my practice broker as well as my corporate attorney so that they are aware of the most recent developments. Thank you for your immediate attention to this request.

Kind Regards,

[REDACTED]

Ryan, Thomas - DSPS

Subject: FW: URGENT REQUIRING A RESPONSE TODAY ON CHIRO BOARD EXAM

the ultimate source of concern with [REDACTED] file was the time limit imposed by Chir 2.025.

Justin Tomer

From: [REDACTED]

Sent: Monday, October 22, 2012 10:30 AM

To: Ryan, Thomas - DSPS; Tomer, Justin - DSPS; McGowan, Yolanda - DSPS; Berndt, Michael - DSPS;
sen.petrovski@legis.wi.gov

Subject: URGENT REQUIRING A RESPONSE TODAY ON CHIRO BOARD EXAM

Hello Mr. Ryan:

I have cc'd in multiple personnel at the department to make sure that this request is properly evaluated. **Due to the timing of the examination on Thursday and the travel that [REDACTED] would need to handle from [REDACTED] a response is required today to allow him the time to travel.**

[REDACTED] has applied for licensure starting back in May of 2012 and as of Friday was denied the opportunity to take the examination based on the premise that 3 documents were not submitted by 9/25/12.

Two of the documents, the license verifications are not required and thus should not be used in any manner to deny him the opportunity to take this examination.

The only "document" that was 2 days late was the payment of \$1400.00 to take the examination.

[REDACTED] had every single necessary document at the department prior to the 9/25/12.

I have enclosed the email thread (see yellow highlights below) that demonstrates [REDACTED] attempts at communication with the department which includes his requests starting back on May 8th for clarification of the fee for the examination. Please note the time lines for response and the frustration of [REDACTED] at his attempts to find anyone at the department who could or even would respond to his questions.

On May 8 2012 [REDACTED] sends a request for information on the examination.

----- Forwarded message -----

From: [REDACTED] <[REDACTED]@[REDACTED].com>

Date: Tue, May 8, 2012 at 4:47 PM

Subject: Chiropractic Examining Board: Licensure requirement clarification question

To: DSPSBoards@wisconsin.gov

To Whom it May Concern,

I am writing seeking clarification regarding the practical exam requirements for licensure as a Chiropractor in Wisconsin. As I understand Chir 2.03 and CR 03-082, the Chiropractic Examining Board accepts Part IV of the National Board Exam in lieu of a state administered exam. However, Statute 446.02 (3)(a) indicates that the Board now requires Part IV of the National Board Exam as well as a practical exam administered by the Wisconsin Board itself.

My questions are as follows:

1. Am I correct in my understanding that I will need to take the Wisconsin Board's practical exam regardless of the fact that I have taken and passed the National Board Exam?
2. 446.02 (3)(a) states that the board "shall charge an examination fee for licensure". Is there an additional fee for the practical exam beyond that listed on the licensure application under the heading "State Law Exam"? If yes, what is that fee?
3. Am I correct in my understanding that neither the practical exam or jurisprudence exam will be given until October of this year?

Thank You,

Upon receiving NO RESPONSE.....On 9/14/12 [REDACTED] sent the following email

From: [REDACTED]
Sent: Friday, September 14, 2012 3:26 PM
To: DSPS
Subject: [REDACTED]

To Whom it May Concern,

Earlier this year I sent the forwarded email below as well as another similar query to the email address provided on the DSPS website and received no answers. Today I checked my application status and it says that I need to remit payment of a \$1435 fee for the practical exam. Why wasn't this information provided on the application sheet, the "Instructions to applicants for WI chiropractic licensure by examination" sheet, anywhere on the website, or when I directly requested it multiple times over the past 4 months?

Once [REDACTED] did receive a response from the Department and learned of the fee, he found a source for payment and sent it to the department.

Thus, the department had received all of the necessary documents to process his application by 9/25 with the only missing item being the fee payment which the department received on 9/27.

To deny this doctor the opportunity to take this test and to have to wait 6 months to "apply" again is blatantly unfair and improper.

I request that you please review the status of this application and grant [REDACTED] the ability to take the test on 10/25/12.

Because of the urgency of this request, he must be contacted today to arrange for his travel to Wisconsin.

Sincerely,

Below is the information we discussed. You have my expressed permission to discuss these matters with anyone whom you see fit, towards a resolution of the issue.

The following requirements were received by the Board prior to 9/25. Dates are included where I know them. Some of the information about the dates when items were received is no longer available on the Application Status website where it formerly was available. Attached is a pdf copy of said website archived 10/19/2012. As far as I can remember, the first seven items had all been received by the time I first checked the application status website on 9/14, the next two items were posted shortly after that.

- Application form (confirmation email from DSPS received 9/14)
- Application and Jurisprudence exam fee
- Soc. Sec. Number Form
- CPR certification
- Certification of Legal Status
- Undergraduate Transcript
- National Board Transcripts

- License Verification: Georgia
- Chiropractic College Transcript

Item that are in question:

- License Verification: Virginia (received by DSPS Oct 1st)
- License Verification: West Virginia (received by DSPS Sept 27th)
- Practical Examination Fee (received via fax by DSPS Sept 27th)

When I received the first email from Justin on 9/18 I verified via telephone that the license verification forms had been sent. I no longer have the dates on which they were sent, but I can call the board and get them again if necessary.

For reference or verification, my Wisconsin DSPS application # is [REDACTED]

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

From: [REDACTED]
To: [REDACTED]
Sent: Fri, Oct 19, 2012 4:09 pm
Subject: Re:Re: Wisconsin Board Exam question

[REDACTED]

Below is a copy of my correspondence so far with the DSPS, including an email that just came in...

Thank You

On Oct 19, 2012, at 4:17 PM, DJ [REDACTED] wrote

Hello,

I apologize for any confusion or miscommunication. In order to be admitted to an exam, all of your requirements must have arrived in our offices before the deadline. Our standard processing time (the phrase "grace period" would not have been used) of 7-10 business days between when a document first arrives and when it is added to your file does not count against this deadline.

However, the aforementioned requirements were not in our offices as of September 25th, let alone processed: your [redacted] and [redacted] verifications were stamped as having first arrived in our mail room on October 1st and September 27th, respectively.

Likewise, the fax from [redacted] remitting your exam fee was faxed to our department on September 27th at 2:20am.

As a courtesy, your documents were expedited as quickly as procedure and workflow allowed: all three of these requirements were processed and in your file within one business day of their arrival, rather than the standard 7-10. However, as of September 25th, these three requirements were either still in transit or not yet on their way to our agency. The deadline was not met, and you were not included on October's exam roster as a result.

Thank you for your patience and understanding. Please let me know if I can help with anything else.

Justin Tomer
Division of Professional Credentialing
Wisconsin Department of Safety and Professional Services
[redacted]

Justin,

When we spoke on the phone on either the 18th or 19th of September I told you that I had contacted both the [redacted] and [redacted] Boards and that they had verified that the license verification forms had been already been sent to the DSPS. When I asked about the deadline you stated that the DSPS understood that there could be delays caused by transit as well as processing on the receiving end, and had a policy of a 7-10 day grace period for that purpose. According to the data on the application status site all of my documents and payments were processed within that time period, and therefore I should be included in the upcoming exam. Can you please explain the discrepancy?

Thank You,
[redacted]

On Oct 19, 2012, at 3:05 PM, "Tomer, Justin - DSPS" [redacted] > wrote:

Good afternoon [redacted]

Please note that, on the page linked in your email, the deadline for next week's exams was posted as September 25th.

Unfortunately, a number of your application requirements (namely your [redacted] and [redacted] license verifications, and your practical exam fee) did not arrive in our office until after this deadline. As a result, you were unable to be included on the October roster.

Instead, you will automatically be admitted to the next available exam as soon as the 2013 exam calendar is established and finalized. (Details on an exam date will be updated on both your checklist and our chiropractic webpage as soon as this occurs.)

I deeply apologize for any resulting difficulty or delay. If I can be of any further assistance, please let me know.

Justin Tomer
Division of Professional Credentialing
Wisconsin Department of Safety and Professional Services
[redacted]

From: [REDACTED]
Sent: Friday, October 19, 2012 1:41 PM
To: Tomer, Justin - DSPS
Subject: [REDACTED]

Justin,

I'm sorry to bother you with this, but you are the only person that I have been able to get any response from on past issues.... When last we spoke you mentioned that the DLR Application Status page would be the most accurate source for information. That page currently states:

"You have been admitted to the next available practical, written, and jurisprudence exams. The next exam date has not yet been established. However, this application status will be updated again as soon as the next test date is scheduled, and an admissions ticket with details and directions to our department will be sent to you approximately ten days prior to the test date."

However, the WI Chiropractic Boards site (<http://dri.wi.gov/profdetail.asp?pdetailid=20&profid=6&locid=0>) states the exam will be held next Thursday and Friday at an unknown location. Elsewhere on the board site it states that information regarding testing will be sent to examinees 10 days in advance of the exam; I have received no such notification. Can you shed any light onto when and where the exam is, or forward this email to someone who can answer those questions? I live out-of-state and need to have lead time to make arrangements for travel and lodging.

Thank you,

[REDACTED]
[REDACTED]
[REDACTED]

Hello [REDACTED]

I deeply apologize for any inconvenience or delay in communication. While I am unaware of the status of your previous messages as forwarded below, I am more than happy to assist however I can as the licensing specialist directly responsible for all incoming chiropractic applications.

All new applications for Wisconsin licensure by exam that are received on or after January 1st, 2012 are now required to complete a Wisconsin state practical exam in addition to all other requirements. To sit for this exam, a \$1,435.00 exam fee is required. This fee was calculated, defined, and revised on our application forms as of June 2012.

However, if you have held chiropractic licensure in another state or jurisdiction where you have practiced at least 24 hours a week for no fewer than three of the past five years, you may potentially qualify for licensure by endorsement rather than by exam.

As an endorsement candidate, rather than automatically requiring the Wisconsin practical exam, your completed file is instead reviewed by the Chiropractic Examining Board. The Board individually determines whether or not each endorsement applicant is required to complete further examination (such as the state practical exam or the NBCE's SPEC) on a case-by-case basis.

If you wish to change your method of application from exam to endorsement, you may do so by completing an Application for Chiropractic Licensure by Endorsement form #2059 and attaching a written statement indicating that you wish to change your method of application.

However, please note that the processing fees for an endorsement application are greater than the processing fees for an exam application. Changing your method from exam to endorsement will also require the remission of an additional \$95.00 in credentialing fees.

Otherwise, if you do not meet the active practice requirement for endorsement or otherwise wish to continue applying by exam rather than by endorsement, you will need to remit the appropriate fees and complete all other unmet requirements indicated on your checklist before your Wisconsin license is issued.

You can find a schedule of all 2012 exam dates on our website at <http://drl.wi.gov/profdetail.asp?pdetailid=20&profid=6&locid=0>. Our 2013 exam schedule will be added to this webpage once our exam specialists establish these dates closer to the end of the calendar year. The deadlines on this schedule indicate the date by which all other application requirements must be met in order to gain admission to the corresponding test.

Thank you for your patience and understanding. If you have any other questions or concerns, please let me know.

Justin Tomer
Division of Professional Credentialing
Wisconsin Department of Safety and Professional Services

From: [REDACTED]
Sent: Friday, September 14, 2012 3:26 PM
To: DSPS
Subject: [REDACTED]

To Whom it May Concern,

Earlier this year I sent the forwarded email below as well as another similar query to the email address provided on the DSPS website and received no answers. Today I checked my application status and it says that I need to remit payment of a \$1435 fee for the practical exam. Why wasn't this information provided on the application sheet, the "Instructions to applicants for WI chiropractic licensure by examination" sheet, anywhere on the website, or when I directly requested it multiple times over the past 4 months?

----- Forwarded message -----
From: [REDACTED]
Date: Tue, May 8, 2012 at 4:47 PM
Subject: Chiropractic Examining Board: Licensure requirement clarification question
To: DSPSBoards@wisconsin.gov

To Whom it May Concern,

I am writing seeking clarification regarding the practical exam requirements for licensure as a Chiropractor in Wisconsin. As I understand Chir 2.03 and CR-03-082, the Chiropractic Examining Board accepts Part IV of the National Board Exam in lieu of a state administered exam. However, Statute 446.02 (3)(a)

indicates that the Board now requires Part IV of the National Board Exam as well as a practical exam administered by the Wisconsin Board itself.

My questions are as follows:

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2. 446.02 (3)(a) states that the board "shall charge an examination fee for licensure". Is there an additional fee for the practical exam beyond that listed on the licensure application under the heading "State Law Exam"? If yes, what is that fee?
3. Am I correct in my understanding that neither the practical exam or jurisprudence exam will be given until October of this year?

Thank You.

Chir 2.01 Scheduling of examination.

- (1) The board shall determine the subjects for examination of applicants for license as a chiropractor. The scope, content, form and character of the examination shall be the same for all applicants.
- (2) Examinations shall be held at least twice a year at a time and place designated by the board.
- (3) An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; CR 03-082; cr. (3) Register July 2004 No. 583, eff. 8-1-04.

Chir 2.02 Applications. An applicant for 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 board meeting and shall also submit:

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

- (1) The fee required under s. 440.05 (1), Stats.
- (3) An official certified transcript sent directly to the board from a college or university or post-secondary technical college accredited 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 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 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 (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.
- (5) Proof of successful completion of the initial licensure examinations of the national board of chiropractic examiners.
- (6) Applications for an initial license to practice chiropractic in this state received on or after July 1, 1998, shall include all of the following:
 - (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 (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.

(c) Evidence that the applicant has current proficiency in the use of an automated external defibrillator.

Note: The bachelor's degree and the doctor of chiropractic degree may be earned in either order or simultaneously, but the board may not grant a license to any applicant who does not have both degrees.

Ryan, Thomas - DSPS

From: Tomer, Justin - DSPS
Sent: Monday, December 03, 2012 10:45 AM
To: Ryan, Thomas - DSPS
Subject: [REDACTED]

[REDACTED] was the individual that strongly protested when the Board required him to take either our practical exam or the NBCE's SPEC exam following review of his endorsement application.

Justin Tomer

From: [REDACTED]
Sent: Tuesday, October 30, 2012 3:13 PM
Subject: [REDACTED]

My name is [REDACTED]. I am a licensed Chiropractor in the State of [REDACTED] trying to transfer my license to Wisconsin, but with no luck or help from the Department of Licensing.

I am still looking for help with my Wisconsin Chiropractic license. There has been gross misrepresentation, misleading statements, and inaccurate information on the Department of Safety and Professional Services DSPS website. These errors led me to believe I could move my family out to the Mid-West and get licensed following a state law exam given Oct 26th. Due to these inaccuracies and the DSPS lack of timely correspondence, I will not get licensed this year and the job I had waiting for me is now in jeopardy of being lost. My family has been forced to seek state funded assistance through the WIC program, food share program, and state healthcare coverage which could have and would have been avoided if it were not for these errors. Someone should be held accountable. Please do not hesitate to call or email me with suggestions on how to rectify this situation as quickly as possible.

I am pretty upset with the lack of professional respect from the DSPS. Again, I am reading the attached Chiro rules chap 3.03 and letter (g) says applicant should completed a state law exam, yet the board has not mentioned anything about me needing to take a state law exam. Justin Tomer called me to clarify that I don't need to take the state law exam according to the DSPS! What is up with that? It's in their own rules and yet they say I don't need it. Letter (f) says I should only need to take the SPEC exam from the NBCE if I didn't take and pass the initial NBCE exams, which I did take and passed in 2002 followed by 10 years of practice in good standing! Finally, letter (e) is totally vague as to what the board is looking for. According to the website's form #2630, the NBCE exam part IV is accepted by the board, but doesn't clarify if it's accepted as an equivalent of the state practical exam. Although Tom Ryan mentioned it was an error that he would bring up to the review board to fix. The NBCE exam part IV is accepted by every other state in the Union, yet Wisconsin is questioning it's own acceptance of this test on a case by case basis (according to letter (e)).

Below is the official Chiropractic Licensing rule Chapter 3 on Licensure by endorsement.

Chir 3.03

Chir 3.03 Licensure by endorsement.

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

(a) Does not have an arrest or conviction record subject to ss. 111.321, 111.322 and 111.335, Stats.

(b) Has graduated from a college of chiropractic accredited by 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 accredited agency.

(c)

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

2. 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 a minimum of 60 credits in post-secondary academic education at a

college or university accredited by 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. 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 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.

Note: Accrediting bodies nationally recognized by the secretary of the federal Department 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.

(d) Has been engaged in clinical chiropractic case management at least 24 hours per week in one or more jurisdictions in which the applicant has a current license for at least 3 of the 5 years immediately preceding application in Wisconsin.

(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 accepted by the board.

(f) Has successfully completed the special purpose examination in chiropractic, if the applicant has not taken the initial licensure examinations of the national board of chiropractic examiners.

(g) Has successfully completed a state law examination on the provisions of the Wisconsin statutes and administrative rules relating to chiropractic.

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

(i) Has current proficiency in the use of an automated external defibrillator.

(2) APPLICATION PROCEDURE. Each applicant shall file a completed application on forms provided by the board. The application shall include all of the following:

Please help,

Ryan, Thomas - DSPS

From: Tomer, Justin - DSPS
Sent: Monday, December 03, 2012 10:49 AM
To: Ryan, Thomas--DSPS
Subject: FW: Application status

[REDACTED] anticipates his application being closed by Chir 2.025 before his requirements are complete, and has preemptively asked about an exception or waiver.

Justin Tomer

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

From: DSPS Credentialing CSC
Sent: Tuesday, November 27, 2012 2:36 PM
To: Tomer, Justin - DSPS
Subject: FW: Application status

Please assist.

Thanks, Evan

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

From: [REDACTED]
Sent: Tuesday, November 27, 2012 1:58 PM
To: DSPS
Subject: Application status

Hello,

I have a few quick questions that I would like verified:

1. What are the dates for the next 2 Jurisprudence exams that I would be able to sit for?
(Graduation date 12/22/12)
2. I will be graduating in December from Logan College and I currently have a pending application [REDACTED]. My part IV national board score will not be released to me until December 26th. My application was started on 12/29/11 and I would like to know if I need to overnight scores to your office or if my application can be extended (not terminated) for longer than the year that is allowed in order to get my scores and complete the application?

I appreciate your help. Email or calling work well [REDACTED]

Thank you for your time,

[REDACTED]
[REDACTED] MS
[REDACTED]
[REDACTED]

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:		2) Date When Request Submitted:	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: January 24, 2012	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Practical Examination Workgroup	
7) Place Item in: x Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Consider adding current Board members to the examination development workgroup.			
11) Authorization			
Signature of person making this request			Date
Supervisor (if required)			Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			Date

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Wendy Henrichs		2) Date When Request Submitted: <div style="border: 1px solid black; padding: 2px;"> Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others </div>	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: January 24, 2013	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Continuing Education credit for event speakers	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The current CE rule permits credit for attendance at CE events. The question is whether a speaker at a CE event qualifies for credit for speaking.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:		2) Date When Request Submitted:	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: January 24, 2013	5) Attachments: x Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Board Review of Position Statements, Position Papers	
7) Place Item in: x Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: All Boards will be reviewing position statements, position papers and other website content to ensure they are not outdated and comply with statutes, rules and Executive Order 50, relating to guidelines for the promulgation of administrative rules. The following options are suggested for undertaking this assignment, with a report back to the Board at the next meeting: <ol style="list-style-type: none"> 1. Appoint a member of the Board to review the position statements, ALJ decision and position papers; 2. Divide the position statements, ALJ decision and position papers; 3. All Board members could review the the statements, ALJ decision and position papers individually. 			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	



STATE OF WISCONSIN

Department of Safety and Professional Services
1400 E Washington Ave.
Madison WI 53703

Mail to:
PO Box 8935
Madison WI 53708-8935

Email: dspd@wisconsin.gov
Web: <http://dspd.wi.gov>
Phone: 608-266-2112

Governor Scott Walker Secretary Dave Ross

Positions Statements Related to Chiropractors Issued by the Chiropractic Examining Board

MAY A CHIROPRACTOR USE A COLD LASER AS A TREATMENT MODALITY?

Cold laser therapy is included in the Physiological Therapeutics allowed by Wis. Admin. Code Chir 10.05. See Wis. Admin. Code s. Chir 4.05. Note, however, that Chiropractors may use cold lasers to treat patients only if those uses have been approved by the federal Food and Drug Administration.

ARE CHIROPRACTORS PERMITTED TO DO EXTREMITY MANIPULATION?

Pursuant to Wisconsin Administrative Code Chir 4.03, the practice of chiropractic includes the application of chiropractic science in the adjustment of the spinal column, skeletal articulations and adjacent tissue, which also includes the use of procedures and instruments preparatory and complementary to treatment of the spinal column, skeletal articulations and adjacent tissue. Accordingly, extremity manipulations may be done, either as preparatory or complementary to the treatment of the spinal column, or separately.

CAN A CHIROPRACTOR PERFORM "MANIPULATION UNDER ANESTHESIA"?

With Manipulation under anesthesia (MUA), a chiropractor performs a chiropractic adjustment while the patient is sedated. The Board has authorized the use of MUA by chiropractors with adequate training under certain circumstances.

In 1997, the Board set forth the following protocol for MUA:

1. A chiropractor should be appropriately trained by qualified chiropractic and medical instructors in a MUA certification course with a minimum of 15 supervised MUA treatments prior to receiving course certification. This course must be approved by the Commission on Accreditation of the Council on Chiropractic Education (CCE).
2. MUA is an extraordinary treatment involving additional risks to the patient inherent in anesthesia and additional costs associated with hospital/surgical center and anesthesiologist fees. Therefore, MUA should be recommended and administered only for patients with chronic and severe conditions demonstrated to be unresponsive to non-MUA chiropractic adjustment and management.
3. Prior to administering MUA, a chiropractor shall first:
 - a. Refer the patient to another independent chiropractor for a course on non-MUA chiropractic adjustment clinically appropriate to the patient's condition for which MUA is recommended.

- b. Fully inform the patient about the risks of the procedure, alternative modes of treatment, and obtain specific written informed consent of the patient for the MUA procedure.

The Chiropractic Examining Board revisited the issue and clarified its position in February 2003 as follows:

The anesthesia utilized in conjunction with MUA must be administered by either an anesthesiologist who is a licensed physician with a credential to practice medicine and utilize drugs, or a Certified Registered Nurse Anesthetist under the direct supervision in a hospital setting of a licensed physician with a credential to practice medicine and utilize drugs.

Manipulation under anesthesia does not constitute chiropractic treatment utilizing drugs and does not fall within the proscription against the prescribing, dispensing, delivery or administration of drugs.

ARE CHIROPRACTORS PERMITTED TO USE NEEDLE ELECTROMYOGRAPHY (NEMG)?

The Board has determined that the use of Needle Electromyography (NEMG) is within the scope of practice of a chiropractor as defined by Wis. Stat. § 446.01(2) and Wis. Admin. Code Chir 4.03, and has authorized the use of NEMG by chiropractors with adequate training under certain circumstances.

Specifically, NEMG may be utilized by Chiropractors for diagnostic purposes. NEMG equipment may be operated only by a chiropractor who has the education, training and expertise necessary to be eligible for, or has been admitted to, Diplomate status by the American Board of Chiropractic Neurology (DABCN or DACNB). The requisite education, training and expertise presume passage of the ABCN exam.

IS IT PERMISSIBLE FOR A CHIROPRACTOR TO DELEGATE ADJUNCTIVE SERVICES TO A NON-LICENSED PERSON?

Section 446.02(7) of the Wisconsin Statutes provides that a chiropractor may delegate the performance of adjunctive services to chiropractic technologists and x-ray services to chiropractic radiological technologists *only*, and then, provided that: 1) the services are performed under the direct, on-premises supervision of the chiropractor; and that 2) the person has adequate education, training, and experience to safely perform those services. "Adjunctive services" means services which are preparatory or complimentary to chiropractic adjustments of the spine or skeletal articulations, or both. It does not include making a chiropractic diagnosis or performing a chiropractic adjustment.

See also, s. Chir 10.02 of the Wisconsin Administrative Code, which provides that a chiropractor may delegate the performance of adjunctive services to an unlicensed person only if all of the following conditions are met:

- (1) The chiropractor maintains records by which the chiropractor has verified that the unlicensed person has successfully completed a didactic and clinical training program approved by the board and covering the performance of the delegated service. Successful completion of a training program is demonstrated by attaining proficiency in the delivery of that service to minimally competent chiropractic practice standards as measured by objective knowledge and skills testing.
- (2) The chiropractor exercises direct supervision of the unlicensed person performing the delegated service.

In addition, s. Chir 10.05 of the Wisconsin Administrative Code, provides that a chiropractor may delegate the performance of patient services through physiological therapeutics that include but are not limited to heat, cold, light, air, water, sound, electricity, massage, and physical exercise with and without assistive devices to an unlicensed person only if the delegation is consistent with s. Chir 10.02 and the unlicensed person has adequate training, education and experience to perform the delegated function to minimally acceptable chiropractic standards.

MAY A CHIROPRACTOR CERTIFIED FOR NUTRITIONAL COUNSELING PROMOTE THE SALE OF AND/OR SELL HCG PRODUCTS AS PART OF RECOMMENDED WEIGHT LOSS PROGRAM?

HCG, a hormone produced by the human placenta during pregnancy, is approved by the FDA as a prescription drug for the treatment of female infertility, and certain other medical conditions. However, HCG is *not* approved for use as a weight loss aid. In fact, the prescription drug label notes there “is no substantial evidence that it increases weight loss beyond that resulting from caloric restriction, that it causes a more attractive or ‘normal’ distribution of fat, or that it decreases the hunger and discomfort associated with calorie-restricted diets.” HCG is not approved for any over-the-counter sales. The FDA is advising consumers to steer clear of HCG weight-loss products, often marketed as “homeopathic,” but which may or may not qualify as such. The FDA has also warned companies selling HCG products for use as a weight loss aid are illegal as not approved by the FDA. Moreover, HCG is not listed in the Homeopathic Pharmacopoeia of the United States as one of the active ingredients that may legally be included in homeopathic drug products. See [FDA on HCG](#).



EXECUTIVE ORDER # 50

Relating to Guidelines for the Promulgation of Administrative Rules

WHEREAS, 2011 Wisconsin Act 21 reformed the administrative rulemaking process in Wisconsin in order to increase accountability, clarify agency regulatory authority, and evaluate the economic impact of all new and amended state administrative rules; and

WHEREAS, Wis. Stat. § 227.10(1) requires that each agency statement of policy and each interpretation of a statute adopted to govern its enforcement or administration of that statute shall be promulgated as a rule, and Wis. Stat. § 227.01(13) defines a rule as “a regulation, standard, statement of policy or general order of general application which has the effect of law and which is issued by an agency to implement, interpret or make specific legislation enforced or administered by the agency or to govern the organization or procedure of the agency;” and

WHEREAS, Wis. Stat. § 227.10(2m) requires an explicit grant of authority under statute or administrative rule before a state agency can implement or enforce any standard, requirement, or threshold, including as a term or condition of any license issued by the agency; and

WHEREAS, Wis. Stat. §§ 227.11(2)(a)1. to 3. defines agency authority to promulgate administrative rules, specifically providing the following:

- A statutory or nonstatutory provision containing a statement or declaration of legislative intent, purpose, findings, or policy does not confer rulemaking authority on the agency or augment the agency’s rulemaking authority beyond the rulemaking authority that is explicitly conferred on the agency by the legislature.
- A statutory provision describing the agency’s general powers or duties does not confer rulemaking authority on the agency or augment the agency’s rulemaking authority beyond the rulemaking authority that is explicitly conferred on the agency by the legislature.
- A statutory provision containing a specific standard, requirement, or threshold does not confer on the agency the authority to promulgate, enforce, or administer a rule that contains a standard, requirement, or threshold that is more restrictive than the standard, requirement, or threshold contained in the statutory provision; and

WHEREAS, Wis. Stat. §§ 227.135(2), 227.24(1)(e)1d. requires the Governor to approve a statement of scope before an agency may proceed with rulemaking, Wis. Stat. § 227.185 requires the Governor to approve a final draft rule before it is submitted to the Legislature for review, and Wis. Stat. § 227.24(1)(e)1g. requires the Governor to approve an emergency rule before it is filed with the Legislative Reference Bureau and published in the official state newspaper; and

WHEREAS, Wis. Stat. § 227.137 requires state agencies to complete an Economic Impact Analysis (EIA) for every proposed rule in coordination with local governmental units that may be affected and to solicit information and advice from and consult with businesses,

associations representing businesses, local governmental units and individuals that may be affected by the proposed rule; and

WHEREAS, Wis. Stat. § 227.10(2m) establishes that “[t]he Governor, by executive order, may prescribe guidelines to ensure that rules are promulgated in compliance with [Subchapter II of Chapter 227 of the Wisconsin Statutes].”

NOW THEREFORE, I, Scott Walker, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and the laws of Wisconsin, specifically Wis. Stat. § 227.10(2m), do hereby direct that state agencies shall comply with the requirements of Subchapter II of Chapter 227 and this Executive Order when promulgating administrative rules.

I. General Provisions

1. To assure timely and proficient review of administrative rules in accordance with this Executive Order and with Wis. Stat. § 227.10(2m), the Governor’s Office of Regulatory Compliance is hereby established.
2. Each agency that develops any document interpreting, clarifying, or explaining statutes and rules that regulate individuals or entities or local governmental units, shall submit a copy to the Governor’s Office of Regulatory Compliance via AdministrativeRules@Wisconsin.gov prior to its finalization by that agency.
3. Each agency shall submit to the Governor’s Office of Regulatory Compliance all materials required to be submitted under Subchapter II of Chapter 227. This includes all publicly available materials submitted to the Legislative Council Rules Clearinghouse, Legislative Reference Bureau, Department of Administration, Chief Clerks of the State Assembly and State Senate, legislative standing committees, and the Joint Committee for Review of Administrative Rules.
4. The electronic submission of materials to the State Budget Office, via SBOAdminRules@wisapps.wi.gov or as the State Budget Office otherwise prescribes, shall fulfill an agency’s duty, under Chapter 227 and Paragraph I.3. of this Executive Order, to submit materials to the Governor, the Governor’s Office of Regulatory Compliance, or the Department of Administration.
5. Each statement of scope submitted by an agency on or after June 8, 2011 is subject to review and approval by the Governor as required by Wis. Stat. §§ 227.135(2), 227.24(1)(c)1d. and Paragraph II.1. of this Executive Order. An EIA shall be prepared as required by Wis. Stat. § 227.137 and Paragraph IV.1. of this Executive Order if the draft rule is submitted to the Legislative Council Rules Clearinghouse under Wis. Stat. § 227.15 on or after June 8, 2011. An EIA is not required when an agency promulgates an emergency rule. A final draft rule or emergency rule is subject to review and approval by the Governor, as required by Wis. Stat. §§ 227.185, 227.24(1)(c)1g. and Paragraph V.1. of this Executive Order, if the statement of scope for the rule or emergency rule was submitted on or after June 8, 2011.
6. The language of Wis. Stat. § 990.001(11) concerning severability and Wis. Stat. § 990.01 concerning construction of words and phrases are intended to apply to this Executive Order.

II. Statements of Scope

1. A statement of scope shall be submitted to the Governor’s Office of Regulatory Compliance for approval by the head of the agency proposing a rule or emergency rule or by a deputy or executive assistant who has been authorized to do so by the agency head under Wis. Stat. §§ 15.04(2) or 15.05(3). Statements of scope shall be submitted electronically, as prescribed in Paragraph I.4. of this Executive Order, and contain the following information as required by Wis. Stat. § 227.135(1).
 - a. A detailed description of the objective of the rule.

- b. A detailed description of existing policies relevant to the rule and new policies proposed to be included in the rule and an analysis of policy alternatives. The description shall include an overview of the requirement or program that the rule will implement. If the proposed rule will amend an existing rule, the description shall also include an overview of the existing rule and the general changes. If the proposed rule will replace an emergency rule currently in effect, the agency shall summarize the status of any legislative action under Wis. Stat. § 227.24(2) or § 227.26(2) and identify any implementation issues that have arisen since the rule was promulgated.
 - c. A detailed description of the statutory authority for the rule. The agency shall reference each statute that authorizes the promulgation of the proposed rule and each statute or rule that will affect the proposed rule or be affected by it. The agency shall also explain in detail the agency's authority to promulgate the proposed rule under those statutes. An agency shall rely on an explicit grant of authority from the Legislature to promulgate a rule, if one exists. An agency shall not rely upon general statements of legislative purpose or legislative findings or agency general powers and duties clauses to confer authority to promulgate rules. Pursuant to Wis. Stat. § 227.11(2)(a), in the absence of an explicit grant of rulemaking authority, an agency may promulgate a rule if:
 - i. The agency considers it necessary to effectuate the purpose of the statute; and
 - ii. The agency has a general grant of rulemaking authority to administer or enforce the chapter, subchapter, or section of the Wisconsin statutes.
 - d. An estimate of the amount of time that state employees will spend to develop the rules and of other resources necessary to develop the rule.
 - e. A description of all of the entities that may be affected by the rule. This includes a description of any local governmental units, businesses, economic sectors, or public utility ratepayers who may reasonably be anticipated to be affected by the rule.
 - f. A summary and preliminary comparison, with state law, of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.
2. A statement of scope shall also include a statement of whether the agency anticipates that the proposed rule will have minimal or no economic impact, may have a moderate economic impact, or is likely to have a significant economic impact locally or statewide.
 3. A statement of scope for a proposed emergency rule shall also include an explanation of why the rule is necessary for the preservation of the public peace, health, safety, or welfare. If the rule is exempt from the required finding of emergency, the statement of scope shall cite the Wisconsin Act number and section authorizing the promulgation of an emergency rule or the statute section providing the exemption. The statement of scope shall also indicate whether the agency will promulgate a non-emergency rule and when it will begin the non-emergency rulemaking process.
 4. An agency that intends to simultaneously draft an emergency and a non-emergency rule that are identical in substance may submit one scope statement indicating this intent.
 5. Pursuant to Wis. Stat. § 227.135(2), no state employee may begin work on a proposed rule or emergency rule until the statement of scope has been approved by the Governor, published in the Administrative Register, and approved by the agency head or body with policy making powers for the agency.
 6. A statement of scope not submitted in accordance with Wis. Stat. § 227.135(1) and this Executive Order will be returned to the agency and the Governor's Office of

Regulatory Compliance's review will be suspended until a complete description and analysis is resubmitted.

7. The Governor's Office of Regulatory Compliance may request an agency to withdraw a statement of scope and resubmit separate statements of scope if, in the Governor's discretion, the original statement of scope encompasses more than one rule change.
8. Following a review of the statement of scope, the Governor's Office of Regulatory Compliance shall notify the agency in writing whether the statement of scope is approved or disapproved. A disapproval by the Governor may be accompanied by suggested modifications in the event an agency chooses to submit a revised statement of scope.
9. An agency must file a statement of scope approved by the Governor for publication by the Legislative Reference Bureau within thirty calendar days of approval if the agency intends to proceed with rulemaking, or the Governor's Office of Regulatory Compliance will deem the statement of scope to be withdrawn.
10. If at any time during the rulemaking process prior to final approval by the Governor, the scope of a proposed rule is changed in any meaningful or measurable way, including changing the scope so as to include any activity, business, material or product that is not specifically included in the original statement of scope under Wis. Stat. § 227.135(4), a revised statement of scope shall be submitted to the Governor's Office of Regulatory Compliance for approval. A meaningful or measurable change includes a change to the following:
 - a. The objectives of the proposed rule;
 - b. The basis and purpose of the proposed rule;
 - c. The policies to be included in the proposed rule;
 - d. The entities affected by the proposed rule; or
 - e. The overall breadth or scope of the regulation in the proposed rule.
11. If at any time following the Governor's approval of a statement of scope, prior to the submission of a final draft rule to the Legislature for review, the Governor's Office of Regulatory Compliance requests a revised statement of scope from the agency because the rule has been changed in a meaningful or measurable way under Wis. Stat. § 227.135(4), the agency shall submit the revised statement of scope to the Governor's Office of Regulatory Compliance electronically as prescribed in Paragraph I.4. of this Executive Order within fourteen calendar days of receiving the request.

III. Additional Agency Actions in the Rule-Making Process

1. If an agency intends to establish an advisory committee under Wis. Stat. § 227.13, it shall provide a list of members to the Governor's Office of Regulatory Compliance via AdministrativeRules@Wisconsin.gov prior to establishing the advisory committee.
2. The agency's draft rule analysis required under Wis. Stat. § 227.14(2) shall be submitted to the Governor's Office of Regulatory Compliance electronically, as prescribed in Paragraph I.4. of this Executive Order, upon completion and prior to finalization and submittal to the Legislative Council under Wis. Stat. § 227.15(1). In accordance with Wis. Stat. § 227.14(2m), the agency shall include a statement within the analysis describing how the requirements for ensuring the accuracy, integrity, objectivity and consistency of data were used in preparing the proposed rule and related analysis.

IV. Economic Impact Analysis

1. For each proposed rule that is not an emergency rule, an Economic Impact Analysis (EIA) shall be submitted to the Legislative Council, the Governor, the Department of Administration, and the Legislature by the head of the agency proposing a rule as required by § 227.137(4). An EIA shall be submitted electronically to the

Governor's Office of Regulatory Compliance as prescribed in Paragraph I.4. of this Executive Order and this submission shall also fulfill the requirement under § 227.137(4) to submit the EIA to the Governor and the Department of Administration.

2. Prior to initiating an EIA of a proposed rule, the agency shall review the statement of scope to determine whether it was changed in any meaningful or measurable way, under Wis. Stat. § 227.135(4) and Paragraph II.10. of this Executive Order, while the rule was being developed. If a meaningful or measurable change has been made, the agency shall revise and resubmit the statement of scope for approval as required by Wis. Stat. § 227.135(4) and Paragraph II.10. of this Executive Order.
3. In preparing an EIA, under Wis. Stat. § 227.137(3), the agency shall solicit information and advice from businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule by making information about the rule available and requesting comments.
 - a. Information including the proposed rule language shall be made available by posting on the agency website and the Wisconsin administrative rules website, submitting the information to the Governor's Office of Regulatory Compliance, as prescribed in Paragraph I.4. of this Executive Order, and by e-mailing individuals who have requested to receive information and other persons identified by the agency as potentially interested parties.
 - b. The agency shall accept comments for a period of at least fourteen calendar days if the statement of scope indicates that the draft rule will have no or minimal economic impact locally or statewide, at least thirty calendar days if the statement of scope indicates a moderate economic impact locally or statewide and at least sixty calendar days if the statement of scope indicates that the draft rule may or is likely to have a significant economic impact locally or statewide or on a sector of the economy. If the agency determines that the anticipated economic impact will be greater than indicated in the statement of scope, it shall adjust the comment period accordingly and a revised statement of scope is not required. If an agency determines that the anticipated economic impact will be less than indicated in the statement of scope, it may adjust the comment period accordingly and a revised statement of scope is not required.
 - c. The agency shall review the comments received and the statement of scope description of all of the persons that may be affected by the proposed rule. The agency shall update the list of businesses, business sectors, associations representing businesses, local governmental units, and individuals included in the statement of scope and submit the list to the Governor's Office of Regulatory Compliance via AdministrativeRules@Wisconsin.gov.
4. After soliciting information and advice from businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule, the agency shall prepare the EIA in coordination with the local governmental units that respond to the agency's solicitation of comments and request to coordinate with the agency, as required by Wis. Stat. § 227.137(3). The agency shall contact those local governmental units to discuss such comments and incorporate them into the EIA to the extent feasible. The agency may at the same time consult with the local governmental units about whether the proposed rule would adversely affect in any material way the economy, a sector of the economy, productivity, jobs or the overall economic competitiveness of the state as required by Wis. Stat. § 227.137(3)(e) and Paragraph IV.3. of this Executive Order.
5. After soliciting information and advice from businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule, the agency shall make a determination in the EIA as required by Wis. Stat. § 227.137(3)(c), in consultation with those businesses, business sectors, associations representing businesses, local governmental units, and individuals as to whether the proposed rule would adversely affect in a material way

the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of this state in the following manner:

- a. The agency shall compile a list of affected persons and economic concerns identified in the comments solicited by the agency.
 - b. The agency shall contact those affected persons to discuss economic concerns and give consideration to those concerns in its EIA determination.
 - c. The agency shall document in the EIA the affected persons who were consulted and whether the agency's determination is disputed by any of the affected persons.
6. For purposes of developing an EIA for a proposed rule that is anticipated to have a significant economic impact locally or statewide, or on a sector of the economy, agencies are encouraged to establish an advisory committee of affected persons following its solicitation of comments in order to coordinate with local governmental units and consult with other affected persons. An agency that previously established an advisory committee under Wis. Stat. § 227.13 to advise it during rulemaking, including the development of the EIA, shall add to the committee affected persons, identified following the agency's solicitation of comments, who wish to serve on the committee.
7. The final EIA shall contain the following information as required by Wis. Stat. § 227.137 on the economic impact of the proposed rule on specific businesses, business sectors, public utility ratepayers, local governmental units, and the state's economy as a whole:
- a. An analysis and quantification of the policy problem that the proposed rule is intending to address, including comparisons with approaches used by the federal government and by Illinois, Iowa, Michigan, and Minnesota to address the policy problem and, if the approach chosen by the agency to address that policy problem is different from those approaches, a statement as to why the agency chose a different approach.
 - b. An analysis and detailed quantification of the economic impact of the proposed rule, including the implementation and compliance costs that are reasonably expected to be incurred by the businesses, local government units, and individuals that may be affected by the proposed rule. A summary of comments related to the implementation and compliance costs received by businesses, local governmental units, and individuals shall be included in the final analysis.
 - c. An analysis of the actual and quantifiable benefits of the proposed rule, including an assessment of how effective the proposed rule will be in addressing the policy problem that the rule is intended to address.
 - d. An analysis of the alternatives to the proposed rule including the alternative of not promulgating the proposed rule.
 - e. A determination made in consultation with the businesses, local governmental units, and individuals that may be affected by the proposed rule as to whether the proposed rule would adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of this state. Included in the final analysis shall be a summary of comments related to whether the proposed rule would adversely affect, in a material way, the economic competitiveness of this state received by businesses, local governmental units, and individuals.
 - f. If the agency finds that a proposed rule will not have an economic effect on public utilities or their ratepayers, it shall state this conclusion in the EIA. If the agency finds that a proposed rule will have an economic impact on public utilities or their ratepayers or both, it shall request the information necessary from the Public Service Commission to provide an estimate of the increased costs or resulting savings for public utilities and their ratepayers.

- g. Pursuant to Wis. Stat. § 227.137(3)(f), if an EIA relates to a rule of the Department of Safety and Professional Services establishing standards for dwelling construction, the EIA shall address whether the rule would increase the cost of constructing or remodeling the dwelling by more than \$1,000.
8. If the agency finds that a proposed rule will not have an economic impact after a review of comments submitted in response to the agency's solicitation, it may complete the EIA without additional coordination with local governmental units or consultation with other affected parties. The agency shall detail in the EIA the information supporting the conclusion that the proposed rule will not have an economic impact.
9. If at any time after the final EIA is submitted under Wis. Stat. § 227.137(4) and before the final draft rule is submitted to the Governor's Office of Regulatory Compliance for an approval, the economic impact of the proposed rule is significantly changed, a revised EIA shall be submitted to the Legislative Council, the Legislature, the Department of Administration, and the Governor, as required by under Wis. Stat. § 227.137(4).
- a. A significant change includes an increase or a decrease of at least 10 percent or \$50,000, whichever is greater, in the estimated compliance costs reasonably expected to be incurred by a majority of the businesses, business sector, local governmental units, or individuals that may be affected by the proposed rule or a significant change in the persons affected by the proposed rule.
- b. If in addition to a significant change in the economic impact of the proposed rule, there is also a meaningful or measurable change in the scope of the rule, the agency shall prepare a revised statement of scope and submit it to the Governor's Office of Regulatory Compliance for approval as required by Wis. Stat. § 227.135(4) and Paragraph II.10. of this Executive Order. If a revised statement of scope is approved by the Governor, published in the Administrative Register and approved by the agency head or body with policy making powers for the agency, the agency shall prepare the revised EIA in accordance with Wis. Stat. § 227.137 and Paragraph IV.9. of this Executive Order.
- c. If a revised statement of scope is not required because the scope of the proposed rule has not changed in a meaningful or measurable way, the agency may proceed with the development of the revised EIA using the list of businesses, business sectors, local governmental units, and individuals affected by the proposed rule developed following the agency solicitation of information and advice under Wis. Stat. § 227.137(3) and Paragraph IV.3. of this Executive Order. The agency shall comply with the remaining requirements of Wis. Stat. § 227.137 and this Executive Order.
10. If at any time after the final EIA is submitted under Wis. Stat. § 227.137(4), the Governor's Office of Regulatory Compliance requests a revised EIA because the economic impact of the proposed rule has significantly changed under Wis. Stat. § 227.137(4) and Paragraph IV.9. of this Executive Order, the agency shall submit the revised EIA electronically as prescribed in Paragraph I.4. of this Executive Order within ninety calendar days of receiving the request.
11. If the final EIA submitted under Wis. Stat. § 227.137(4) indicates that a total of \$20,000,000 or more in implementation and compliance costs are reasonably expected to be incurred or passed along to businesses, local governmental units and individuals as a result of the proposed rule, the Department of Administration shall review the rule and issue a report under Wis. Stat. § 227.137(6). Any cost savings identified in the analysis of actual and quantifiable benefits as required by Wis. Stat. § 227.137(3)(c) shall not reduce the total estimated implementation and compliance costs for purposes of determining whether the Department of Administration shall issue a report under Wis. Stat. § 227.137(6).
12. If the Department of Administration is required to complete a report under Wis. Stat. § 227.137(6), an agency shall not submit a proposed rule to the legislature for review under § 227.19(2) until the report has been received.

13. If an agency makes modifications to a proposed rule following the agency public hearing, the agency shall review the rule to determine whether the scope has been changed in any meaningful or measurable way under Wis. Stat. § 227.135(4) and Paragraph II.10. of this Executive Order and whether the economic impact of the proposed rule is significantly changed under Wis. Stat. § 227.137(4) and Paragraph IV.9. of this Executive Order.
 - a. The agency shall notify the Governor's Office of Regulatory Compliance via AdministrativeRules@Wisconsin.gov if it will submit a revised statement of scope to the Governor's Office of Regulatory Compliance for approval or a revised EIA to the Governor's Office of Regulatory Compliance, the Department of Administration, the Legislative Council Rules Clearinghouse and the Legislature, or both a revised statement of scope and a revised EIA. A revised statement of scope shall be submitted to the Governor's Office of Regulatory Compliance electronically as prescribed in Paragraph I.4. of this Executive Order within seven calendar days of the notification.
 - b. If neither a revised statement of scope nor a revised EIA is required, the agency shall submit the final draft rule to the Governor's Office of Regulatory Compliance for approval within thirty calendar days of the close of the public comment period following the public hearing if it intends to proceed with rulemaking, unless the agency has a policy making board that is required to approve the final rule language before it is submitted to the Governor's Office of Regulatory Compliance.

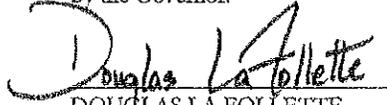
V. Final Draft Rule

1. A final draft rule shall be submitted electronically as prescribed in Paragraph I.4. of this Executive Order to the Governor's Office of Regulatory Compliance for approval by the head of the agency proposing a permanent or emergency rule or by a deputy or executive assistant who has been authorized to do so by the agency head under Wis. Stat. §§15.04(2) or 15.05(3).
2. For each non-emergency rule, the final draft rule submitted to the Governor's Office of Regulatory Compliance shall contain the following information:
 - a. The documents required under Wis. Stat. § 227.15(1), with any necessary updates;
 - b. A statement describing how the rule complies with any applicable requirement under Wis. Stat. § 227.116;
 - c. The final EIA required under Wis. Stat. § 227.137(2);
 - d. The report of the Department of Administration if required under Wis. Stat. § 227.137(6);
 - e. Any energy impact report completed under Wis. Stat. § 227.117(2), and a statement describing the agency's consideration of the energy impact report in accordance with Wis. Stat. § 227.117(3);
 - f. The report of the Small Business Regulatory Review Board required under Wis. Stat. § 227.14(2g);
 - g. Any regulatory flexibility analysis completed under Wis. Stat. § 227.114;
 - h. A list of persons who appeared or registered for or against the rule at the hearing;
 - i. A summary of public comments to the proposed rule and the agency's response to those comments;
 - j. An explanation of any modifications made in the proposed rule as a result of public comments or testimony received at the public hearing; and
 - k. The Legislative Council Rule Clearinghouse report completed under Wis. Stat. § 227.15 and the agency's response to the report as required by Wis. Stat. § 227.19(3)(d).
3. For each emergency rule, the final draft rule submitted to the Governor's Office of Regulatory Compliance shall contain the following information:
 - a. A fiscal estimate in the format required by Wis. Stat. § 227.14(4); and

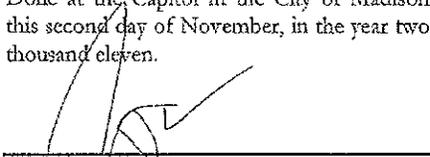
- b. A plain language analysis of the rule in the format required under Wis. Stat. § 227.14(2).
4. Following a review of the final draft rule, the Governor's Office of Regulatory Compliance shall notify the agency in writing whether the rule is approved or disapproved. A disapproval may be accompanied by suggested modifications. The agency may submit a revised rule for approval under the statement of scope that was previously approved by the Governor.



By the Governor:


DOUGLAS LA FOLLETTE
Secretary of State

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this second day of November, in the year two thousand eleven.


SCOTT WALKER
Governor

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Office of the Governor		2) Date When Request Submitted: _____	
		Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others	
3) Name of Board, Committee, Council, Sections: Chiropractic Credentialing Board			
4) Meeting Date: January 24, 2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Executive Order #61	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? _____	9) Name of Case Advisor(s), if required: _____	
10) Describe the issue and action that should be addressed: To comply with Executive Order #61, the Board is being asked to review its rules to identify rules that unnecessarily burden small businesses to conduct their affairs and expand. The following options are suggested for undertaking this assignment, with a report back to the Board at its next meeting: <ol style="list-style-type: none"> 1. Appoint a member of the Board to review the rules; 2. Divide the rules among Board members for review; 3. All Board members could review the rules individually. If the Board decides at the next meeting that there is a need to write rules, the next step would be to draft a scope statement.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	



OFFICE OF THE GOVERNOR

EXECUTIVE ORDER # 61

Relating to Job Creation and Small Business Expansion

WHEREAS, creating jobs and growing our state's economy is dependent on a vibrant small business sector; and

WHEREAS, small businesses have generated 64% of net new jobs over the past fifteen years and employ over half of all private sector employees; and

WHEREAS, according to recent U.S. Census data, 86% of Wisconsin business employ fewer than 20 workers, and 74% have ten workers or less; and

WHEREAS, small businesses spend 80% more per worker than large employers to comply with government regulations and, according to a recent National Federation of Independent Business survey of Wisconsin employers, 91% said it was impossible to know about, comply with, and understand all of government's regulations; and

WHEREAS, according to the U.S. Small Business Administration, complying with government regulations costs small businesses \$10,585 per worker, which discourages investment and hiring by small businesses; and

WHEREAS, government regulations are regularly cited as one of the top three concerns for small business growth, according to NFIB's Small Business Optimism Index; and

WHEREAS, 2011 Wisconsin Act 46 strengthened Wisconsin's Small Business Regulatory Review Board (Board) empowering small business owners and giving them the ability to judge the economic impact of government regulation; and

WHEREAS, 2011 Wisconsin Act 46 requires state agencies to submit any rule with an economic impact to the Board for review and allows the Board to suggest changes to the agency that will improve compliance and reduce the rule's burden on small businesses; and

WHEREAS, pursuant to Wis. Stat. § 227.30, the Board has the authority to review rules and guidelines of any agency to determine whether any of those rules or guidelines place an unnecessary burden on the ability of small businesses to conduct their affairs; and

WHEREAS, state agencies and the Board should not only be reviewing new rules but collaborating to reform existing rules that hinder job creation and small business expansion and that this effort would help further the state's goal of creating 250,000 jobs by 2015.

NOW THEREFORE, I, SCOTT WALKER, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and laws of this State, specifically Wis. Stat. § 227.10(2m), do hereby:

1. Require all state agencies to review 2011 Wisconsin Act 46 to ensure they are in compliance, ready to assist small business owners, and properly submitting any proposed rules with an economic impact to the Board;
2. Require all state agencies to cooperate with the Board to identify existing rules hindering job creation and small business growth;

3. Require all state agencies to work with the Board to recommend changes to these rules that will both reduce their burden on job creators while continuing to comply with the intent of the statutes that created them;
4. Require all state agencies to work with the Board to identify strategies that will increase compliance with existing rules;
5. Request that the Board engage small business owners and their representative organizations to gather input on any rules hindering job growth;
6. Request that the Board provide a report and analysis of these rules, in a manner similar to Wis. Stat. § 227.30(1), to the Governor's Office of Regulatory Compliance and the agency with the authority to amend the rules, which details the rules they have identified for modification.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done in the City of Eau Claire this twenty-second day of February, in the year two thousand twelve.


SCOTT WALKER
Governor

By the Governor:


DOUGLAS LA FOLLETTE
Secretary of State

notice, under ch. 985, of the hearing in the official state newspaper and give any other notice which the committee directs. The hearing shall be conducted in accordance with s. 227.18 and shall be held not more than 60 days after receipt of notice of the requirement.

History: 1985 a. 182 ss. 1, 3, 50; 1987 a. 186; 2005 a. 249.

Rule suspension under sub. (2) (d) does not violate the separation of powers doctrine. *Martinez v. DILHR*, 165 Wis. 2d 687, 478 N.W.2d 582 (1992).

A collective bargaining agreement between the regents and the teaching assistants association is not subject to review by the committee. 59 Atty. Gen. 200.

In giving notice of public hearings held under sub. (2), the committee should concurrently employ the various forms of notice available that best fit the particular circumstances. 62 Atty. Gen. 299.

If an administrative rule is properly adopted and is within the power of the legislature to delegate there is no material difference between it and a law. No law, including a valid rule can be revoked by a joint resolution of the legislature as such a resolution deprives the executive its power to veto an act of the legislature. 63 Atty. Gen. 159.

Legislative committee review of administrative rules in Wisconsin. Bunn and Gallagher. 1977 WLR 935.

227.27 Construction of administrative rules.

- (1) In construing rules, ss. 990.001, 990.01, 990.03 (1), (2) and (4), 990.04 and 990.06 apply in the same manner in which they apply to statutes, except that ss. 990.001 and 990.01 do not apply if the construction would produce a result that is inconsistent with the manifest intent of the agency.
- (2) The code shall be prima facie evidence in all courts and proceedings as provided by s. 889.01, but this does not preclude reference to or, in case of a discrepancy, control over a rule filed with the legislative reference bureau or the secretary of state, and the certified copy of a rule shall also and in the same degree be prima facie evidence in all courts and proceedings.

History: 1983 a. 544; 1985 a. 182 ss. 22, 55 (2), (3); Stats. 1985 s. 227.27; 2005 a. 249; 2007 a. 20.

227.30 Review of administrative rules or guidelines.

- (1) The small business regulatory review board may review the rules and guidelines of any agency to determine whether any of those rules or guidelines place an unnecessary burden on the ability of small businesses, as defined in s. 227.114 (1), to conduct their affairs. If the board determines that a rule or guideline places an unnecessary burden on the ability of a small business to conduct its affairs, the board shall submit a report and recommendations regarding the rule or guideline to the joint committee for review of administrative rules and to the agency.
- (2) When reviewing the report, the joint committee for review of administrative rules shall consider all of the following:
 - (a) The continued need for the rule or guideline.
 - (b) The nature of the complaints and comments received from the public regarding the rule or guideline.
 - (c) The complexity of the rule or guideline.

- (d) The extent to which the rule or guideline overlaps, duplicates, or conflicts with federal regulations, other state rules, or local ordinances.
 - (e) The length of time since the rule or guideline has been evaluated.
 - (f) The degree to which technology, economic conditions, or other factors have changed in the subject area affected by the rule or guideline since the rule or guideline was promulgated.
- (3) The joint committee for review of administrative rules may refer the report regarding the rule or guideline to the presiding officer of each house of the legislature for referral to a committee under s. 227.19 (2) or may review the rule or guideline as provided under s. 227.26.

History: 2003 a. 145; 2005 a. 249.

SUBCHAPTER III

ADMINISTRATIVE ACTIONS AND JUDICIAL REVIEW

Cross-reference: See also ch. NR 2, Wis. adm. code.

227.40 Declaratory judgment proceedings.

- (1) Except as provided in sub. (2), the exclusive means of judicial review of the validity of a rule shall be an action for declaratory judgment as to the validity of the rule brought in the circuit court for the county where the party asserting the invalidity of the rule resides or has its principal place of business or, if that party is a nonresident or does not have its principal place of business in this state, in the circuit court for the county where the dispute arose. The officer or other agency whose rule is involved shall be the party defendant. The summons in the action shall be served as provided in s. 801.11 (3) and by delivering a copy to that officer or, if the agency is composed of more than one person, to the secretary or clerk of the agency or to any member of the agency. The court shall render a declaratory judgment in the action only when it appears from the complaint and the supporting evidence that the rule or its threatened application interferes with or impairs, or threatens to interfere with or impair, the legal rights and privileges of the plaintiff. A declaratory judgment may be rendered whether or not the plaintiff has first requested the agency to pass upon the validity of the rule in question.
- (2) The validity of a rule may be determined in any of the following judicial proceedings when material therein:
- (a) Any civil proceeding by the state or any officer or agency thereof to enforce a statute or to recover thereunder, provided such proceeding is not based upon a matter as to which the opposing party is accorded an administrative review or a judicial review by other provisions of the statutes and such opposing party has failed to exercise such right to review so accorded;
 - (b) Criminal prosecutions;
 - (c) Proceedings or prosecutions for violations of county or municipal ordinances;
 - (d) Habeas corpus proceedings relating to criminal prosecution;

**227.10 Statements of policy and interpretations of law;
discrimination prohibited.**

- (1)** Each agency shall promulgate as a rule each statement of general policy and each interpretation of a statute which it specifically adopts to govern its enforcement or administration of that statute. A statement of policy or an interpretation of a statute made in the decision of a contested case, in a private letter ruling under s. 73.035 or in an agency decision upon or disposition of a particular matter as applied to a specific set of facts does not render it a rule or constitute specific adoption of a rule and is not required to be promulgated as a rule.
- (2)** No agency may promulgate a rule which conflicts with state law.
- (2m)** No agency may implement or enforce any standard, requirement, or threshold, including as a term or condition of any license issued by the agency, unless that standard, requirement, or threshold is explicitly required or explicitly permitted by statute or by a rule that has been promulgated in accordance with this subchapter. The governor, by executive order, may prescribe guidelines to ensure that rules are promulgated in compliance with this subchapter.

227.114 Rule making; considerations for small business.

227.114(2)

- (1) In this section, "small business" means a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs 25 or fewer full-time employees or which has gross annual sales of less than \$5,000,000.
- (2) When an agency proposes or revises a rule that may have an effect on small businesses, the agency shall consider each of the following methods for reducing the impact of the rule on small businesses:
 - (a) The establishment of less stringent compliance or reporting requirements for small businesses.
 - (b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.
 - (c) The consolidation or simplification of compliance or reporting requirements for small businesses.
 - (d) The establishment of performance standards for small businesses to replace design or operational standards required in the rule.
 - (e) The exemption of small businesses from any or all requirements of the rule.

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Chapter Chir 3

LICENSE RENEWAL

Chir 3.02	License renewal.
Chir 3.03	Licensure by endorsement.
Chir 3.035	Temporary chiropractic permits.
Chir 3.04	Display of license.
Chir 3.05	Change of name and address.

Chir 3.06	Professional title.
Chir 3.07	Professional liability insurance.
Chir 3.08	Limited liability entities.
Chir 3.09	Cardiopulmonary resuscitation certification.

Note: Chapter Chir 3 as it existed on December 31, 1984 was repealed and a new chapter Chir 3 was created effective January 1, 1985.

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

(a) An application for renewal on a form prescribed by the department.

(b) The fee required under s. 440.08 (2) (a), Stats.

(c) 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.

(e) Evidence that the applicant has current proficiency in the use of an automated external defibrillator.

(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 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.

(b) *Reinstatement following disciplinary action.* An applicant for reinstatement of license following disciplinary action shall meet requirements in sub. (1) and may be required to successfully complete an examination as the board prescribes.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; am. (1) (intro), (a), (b), (2) and (3) (a), Register, January, 1993, No. 445, eff. 2-1-93; am. (1) (b), Register, September, 1999, No. 525, eff. 10-1-99; correction in (2) made under s. 13.93 (2m) (b) 7., Stats; cr. (1) (d), Register, June, 2001, No. 546, eff. 7-1-01; CR 03-082: am. (1) (intro.), (c), (d), (2) and (3) (a) Register July 2004 No. 583, eff. 8-1-04; CR 08-093: cr. (1) (e) Register October 2009 No. 646, eff. 11-1-09.

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

(a) Does not have an arrest or conviction record subject to ss. 111.321, 111.322 and 111.335, Stats.

(b) Has graduated from a college of chiropractic accredited by the Council on Chiropractic Education (CCE) or by an agency approved by the United States Office of Education or its succes-

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

2. 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 a minimum of 60 credits in post-secondary academic education at a college or university accredited by 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. 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 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.

Note: Accrediting bodies nationally recognized by the secretary of the federal Department 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.

(d) Has been engaged in clinical chiropractic case management at least 24 hours per week in one or more jurisdictions in which the applicant has a current license for at least 3 of the 5 years immediately preceding application in Wisconsin.

(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 accepted by the board.

(f) Has successfully completed the special purpose examination in chiropractic, if the applicant has not taken the initial licensure examinations of the national board of chiropractic examiners.

(g) Has successfully completed a state law examination on the provisions of the Wisconsin statutes and administrative rules relating to chiropractic.

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

(i) Has current proficiency in the use of an automated external defibrillator.

(2) APPLICATION PROCEDURE. Each applicant shall file a completed application on forms provided by the board. The application shall include all of the following:

(a) The signature of the applicant.

(b) The fee required under s. 440.05 (1), Stats.

(d) A certified transcript from a chiropractic college accredited by the 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 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.

(h) Proof of successful completion of the state law examination.

(i) Verification of licensure status in all states in which the applicant is or has been licensed to practice chiropractic.

(j) Information requested by the board relating to any convictions or pending charges for criminal offenses.

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

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; r. and recr., Register, September, 1995, No. 477, eff. 10-1-95; am. (1) (e), (f), (2) (intro.), (b), (c) to (h), r. (2) (c), cr. (2) (k), Register, September, 1999, No. 525, eff. 10-1-99; CR 03-082: am. (1) (intro.), (b), (c), (e), (h) and (2) (d) to (g), r. (2) (k) Register July 2004 No. 583, eff. 8-1-04; CR 08-093: cr. (1) (i) Register October 2009 No. 646, eff. 11-1-09.

Chir 3.035 Temporary chiropractic permits. (1) The board may grant a temporary permit to practice chiropractic to any chiropractor who files an application prescribed by the board, pays the fee required under s. 440.05 (6), Stats., and meets all of the following conditions:

(a) The applicant has a chiropractic license in good standing in another jurisdiction and has no disciplinary action pending in connection with any chiropractic license the applicant holds.

(b) The applicant will be practicing chiropractic only as a chiropractor for participants in an athletic or performing arts event, or as an instructor in a specific chiropractic education seminar approved for continuing education by the board.

(c) The applicant has current proficiency in the use of an automated external defibrillator.

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

(2) The board may issue a temporary permit to practice chiropractic to an individual who is licensed to practice chiropractic in another state or country. The applicant 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 requests to 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.

(3) A chiropractor holding a temporary permit to practice chiropractic may not use the temporary permit to provide relief services or practice coverage for the practice of any chiropractor licensed in this state. All temporary permits issued by the board shall bear the legend "limited to sporting or performing arts events and approved educational purposes."

(4) A temporary permit may be denied or revoked for any of the following reasons:

(a) Violation of any provision of ch. 446, Stats., or ch. Chir 6.

(b) Failure to pay the fees required under s. 440.05 (6), Stats.

(c) Provision of fraudulent or misrepresented information on the application for a temporary permit.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; am. (1) (intro.), (b) and (3), Register, September, 1999, No. 525, eff. 10-1-99; CR 03-082: am. (2) Register July 2004 No. 583, eff. 8-1-04; CR 08-093: cr. (1) (c) Register October 2009 No. 646, eff. 11-1-09.

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

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; CR 03-082: am. Register July 2004 No. 583, eff. 8-1-04.

Chir 3.05 Change of name and address. Every licensee shall report his or her address to the department and shall notify the board of a change of name or address within 30 days of the change.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; am. Register, October, 1988, No. 394, eff. 11-1-88.

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.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; am. Register, June, 1993, No. 450, eff. 7-1-93; CR 03-082: am. Register July 2004 No. 583, eff. 8-1-04.

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 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.

History: Cr. Register, May, 1994, No. 461, eff. 6-1-94; CR 03-082: am. Register July 2004 No. 583, eff. 8-1-04.

Chir 3.08 Limited liability entities. (1) A chiropractor may practice with or in a business that is organized as a limited liability organization under the laws of this state, including a limited liability partnership, a service corporation, and limited liability company.

(2) A chiropractor may not practice with or in a business organized so that a person other than a chiropractor has the right to direct or control the professional judgment of the chiropractor. This restriction does not prohibit a chiropractor from working with or in a business organized so that someone other than the patient pays the chiropractor's fee or salary, provided the fee or salary arrangements do not modify the chiropractor's obligation to his or her patient.

(3) Nothing in this section shall relieve a chiropractor from personal liability for any acts, errors or omissions of the chiropractor arising out of the performance of professional services.

(4) Nothing in this section shall relieve a chiropractor from the requirement that every practicing chiropractor shall have in effect professional liability insurance in the amounts required by the board in s. Chir 3.07.

History: Cr. Register, February, 2000, No. 530, eff. 3-1-00.

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.

History: Cr. Register, June, 2001, No. 546, eff. 7-1-01; CR 03-082: am. Register July 2004 No. 583, eff. 8-1-04.

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Steve Conway		2) Date When Request Submitted:	
		Items will be considered late if submitted after 4:30 p.m. and less than: • 10 work days before the meeting for Medical Board • 14 work days before the meeting for all others	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: January 24, 2013	5) Attachments: x Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Informational Item • Steve Conway Questions Regarding Continuing Education	
7) Place Item in: x Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The Board Chair agreed to place add this item to the agenda for informational purposes. If any Board members would like additional discussion about any of the questions, they should note that to the Chair at the meeting or before the next meeting agenda deadline so that it can be addressed. Mr. Conway is welcome to address the Board during the Public Comment period.			
11) Authorization			
Signature of person making this request			Date
Supervisor (if required)			Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			Date

The issues are:

1. Open and public discussion on the rationale for the refusal to act on and approve the following CE courses Life College CE application for the weekend of Nov 2-4, 2012 and April 2013, NWHSU concussion programs in Eau Claire, Milwaukee and Wausau. University of Bridgeport Great Lakes conference, NWHSU footlevelers anniversary program.
2. Open and public discussion on the new interpretation of Chiro Rule 5 by Dr. Church
3. Rationale and open discussion for the 180 reversal and subsequent approval of CT courses directly after the last BOE closed session meeting by Dr. Church. These specific programs had already been cancelled due to the fact that the programs were schedule to be given 2 months prior.
4. Open and public discussion and clarification on the disciplinary statements accredited to Dr. Henrichs at the WCA convention related to laser therapy and CE.

CE Denial issue

Life College properly applied for CE in August of 2012. The program was to have taken place the weekend of Nov 2-4, 2012. The presenters were all internationally known and respected in their fields of knowledge. The courses were all clinically related. A request to have the full Board review the application at their August 2012 meeting was denied by Dr. Henrichs. **Life college did not delegate any services to any entities**, yet, the CE application was not acted on or approved by Dr. Church in a timely manner creating a defacto denial and cancellation of the program. We are requesting an open and public discussion for the rationale for the actions and decision by Dr. Church to deny this legitimate program.

A second Life College application for April 2013 has actually been acted on and unfortunately been denied by Dr. Church. We are requesting an open and public discussion for the rationale for that decision as well.

NWHSU Concussion programs were properly applied for. The speakers were the top MD's and DCs in Wisconsin related to concussions. The programs were 100% clinical. The programs were denied for CE. NWHSU footlevelers program was properly applied for. Speakers are top level national presenters in their field. The course material was 100% clinical. The program was denied for CE.

Univ of Bridgeport Great Lakes Conference were properly applied for. The speakers were the top nutritional presenters internationally and the programs were 100% clinical. The program was denied for CE.

NWHSU CT courses:

CT programs that had proper applications by NWHSU were defacto denied by Dr. Church and the courses had to be cancelled.

Directly after the last closed session of the BOE where all requests for open and public discussions related to the rationale for the defacto denials were refused to be placed on the agenda and there were no agenda items for closed session noted on this topic, Dr. Church suddenly approves the courses.

The dramatic and sudden approval of cancelled courses, 2 months after the courses were schedule to be held and over a 1/2 year after the applications had been given is questionable and deserves a public explanation.

We also want to know if the Board discussed the NWHSU courses denials in Closed session without proper notice.

Chiro 5 Interpretation

The information provided below was sent directly to a chiropractic college by Chiropractic Board member Dr. John Church.

Because of the ongoing department inquiry into the entire chiropractic CE approval process and this new extreme interpretation of Chiro Rule 5 by Dr. Church that will affect all sponsors of chiropractic continuing

education, it is extremely important for the department and Chiropractic Board to immediately clarify if Dr. Church has the individual authority to make this policy interpretation and if this new interpretation is indeed the new policy and interpretation of the entire Chiropractic Board of examiners. I am requesting that this issue be taken as an agenda item at the upcoming Jan 24th 2013 Chiropractic Board meeting. The full board (each individual member of the board) needs to be on record either in support or removal of this individual interpretation of Chiro rule 5 by Dr. Church.

>>> "Church Chiropractic" <churchchiro@sbcglobal.net> 10/2/2012 11:56 AM >>>

Dear Sponsor,

When the approved sponsor entity delegates nearly all aspects and activities for a CE program to another person or entity, in effect this has created a relationship, whatever the verbiage.

Wisconsin's continuing education statutes and rules are to ensure that approved sponsor organizations are completely responsible for the continuing education of Wisconsin chiropractors. Sponsors under Wisconsin law have the capabilities of performing all aspects and activities of continuing education programs such as: validating the speaker credentials, reviewing and validating the course content, arrangement for facilities, arrangement or compensating for speakers and travel, payment of program expenses, registration and collection of fees (if any), as well as submitting the application. The approval for delegating activities beyond the monitoring of attendance will not be routinely given by the board.

Respectfully,
John E. Church, D.C.

Laser CE issue

A similar discussion by the Board and Department has been requested and is required based on the recent alleged communication by Dr. Henrichs at the WCA seminar in Wisconsin Dells related to laser therapy. I have included below the request that I previously sent to you. That request was refused to be placed on the last agenda due to a 24 hour rule.

Statements by Dr. Henrichs issue:

I was informed that Dr. Henrichs allegedly gave the following message to the attendees at the recent WCA convention in regards to laser therapy. "It is the board's policy that a chiropractor must have 6 CE hours from a board approved course. If a doctor does not follow that policy, they are subject to discipline by the state."

Can you please address this issue as quickly as possible.

The main questions are as follows:

1. Is laser and light therapy within the scope of chiropractic practice in Wisconsin?
2. Is there a statute or rule that requires DCs obtain 6 hours of CE prior to the use of a laser or light instrument?
3. Can the Board actually require specific CE for lasers without going through the rule making process?
4. Can a DC actually be subject to discipline for using a laser or light therapy instrument within the scope of their practice if there is no rule or statute that prohibits it?
5. Did Dr. Henrichs actually make this statement and does Dr. Henrichs have the individual authority to send out such statements to the profession in regards to conditions that chiropractors would be "subject to discipline by the state."?

I look forward to your response and placement of these issues on the agenda

Steven Conway DC, Esq.

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