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**CHIROPRACTIC EXAMINING BOARD**  
**Teleconference/Phone Meeting**  
**Room 121A, 1400 East Washington Avenue, Madison**  
**Contact: Tom Ryan (608) 266-2112**  
**November 6, 2014**

*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 record of the actions of the Board.*

**AGENDA**

**8:30 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A) Adoption of Agenda (1-3)**
- B) Approval of Minutes of August 7, 2014 (4-6)**
- C) Remarks From Department Secretary Dave Ross (7)**
  - 1) **APPEARANCE** – Department Secretary Dave Ross
- D) Administrative Updates**
  - 1) Staff Updates
- E) Executive Order 61 - Report**
- F) Education and Examination Matters**
  - 1) Chiropractic Society of Wisconsin Request for Approval of Instructor of CT Certification Course of Study **(8-14)**
  - 2) Chiropractic Society of Wisconsin Request for Approval of CT Certification Course of Study **(15-24)**
- G) Legislative/Administrative Rule Matters:**
  - 1) Review of Preliminary Draft of 165-CHIR 2 and 3 – Practical Exam for Chiropractors **(25-31)**
  - 2) Review of Preliminary Draft of 165-CHIR 4 – Course of Study for Chiropractic Radiological Technicians and Chiropractic Technicians **(32-37)**
  - 3) Review of Preliminary Draft of 165-CHIR 11 – Duty to Inform Patient of Treatment Options **(38-42)**
- H) Speaking Engagement(s), Travel, or Public Relation Request(s)**

- I) Items Added After Preparation of Agenda:
- 1) Introductions, Announcements and Recognition
  - 2) Administrative Updates
  - 3) Education and Examination Matters
  - 4) Credentialing Matters
  - 5) Practice Matters
  - 6) Legislation/Administrative Rule Matters
  - 7) Preceptor Approvals
  - 8) Liaison Report(s)
  - 9) Informational Item(s)
  - 10) Disciplinary Matters
  - 11) Presentations of Petition(s) for Summary Suspension
  - 12) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
  - 13) Presentation of Proposed Decisions
  - 14) Presentation of Interim Order(s)
  - 15) Petitions for Re-Hearing
  - 16) Petitions for Assessments
  - 17) Petitions to Vacate Order(s)
  - 18) Petitions for Designation of Hearing Examiner
  - 19) Requests for Disciplinary Proceeding Presentations
  - 20) Motions
  - 21) Petitions
  - 22) Appearances from Requests Received or Renewed
  - 23) Speaking Engagement(s), Travel, or Public Relation Request(s)

J) Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).**

**K) Continuing Education Extension Request Due to Hardship (43-47)**

**L) Monitoring (48-49)**

- 1) Gary Hutchinson, D.C. – Requesting Full Licensure **(50-61)**

**M) Presentation and Deliberation on Proposed Stipulations, Final Decisions and Orders by the Division of Legal Services and Compliance**

- 1) Heather M. Davidson, D.C. – 12 CHI 016 **(62-67)**
- 2) Jason W. Davidson, D.C. – 12 CHI 016 **(68-73)**
- 3) Troy Bruesewitz, D.C. – 13 CHI 035 **(74-79)**

**N) Presentation and Deliberation on Administrative Warnings**

- 1) 14 CHI 015 (S.M.W.) **(80-81)**

**O) Case Status Report (82)**

**P) Deliberation of Items Added After Preparation of the Agenda**

- 1) Education and Examination Matters

- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Complaints
- 12) Case Closings
- 13) Case Status Report
- 14) Petition(s) for Extension of Time
- 15) Proposed Interim Orders
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

Q) Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

R) Open Session Items Noticed Above not Completed in the Initial Open Session

S) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

T) Ratification of Licenses and Certificates

**ADJOURNMENT**

**CHIROPRACTIC EXAMINING BOARD  
MEETING MINUTES  
August 7, 2014**

**PRESENT:** Kelly Brown; John Church, D.C.; Jodi Griffith, D.C.; Jeffrey Mackey, D.C. (*arrived at 8:43 a.m.*); and Patricia Schumacher, D.C.

**STAFF:** Tom Ryan, Executive Director; Gretchen Mrozinski, Legal Counsel; Jelena Gagula, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Patricia Schumacher, Chair, called the meeting to order at 8:35 A.M. A quorum of four (4) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Jodi Griffith moved, seconded by John Church, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Kelly Brown moved, seconded by Jodi Griffith, to approve the minutes of May 15, 2014 as published. Motion carried unanimously.

**EXECUTIVE ORDER 61**

**MOTION:** Jodi Griffith moved, seconded by John Church, to authorize Kelly Brown as Board Liaison for EO 61 Review and to report back to the Board at the next meeting. Motion carried unanimously.

*Jeffrey Mackey arrived at 8:43 a.m.*

**EDUCATION AND EXAMINATION MATTERS**

**MOTION:** Jodi Griffith moved, seconded by John Church, to conduct a random audit of five percent of Doctor of Chiropractic licensees for the 2013-2014 biennium. Motion carried. *Jeffrey Mackey opposed.*

**LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS**

**MOTION:** Jeffrey Mackey moved, seconded by Kelly Brown, to table the revisions of 165-CHIR 2 and 3 relating to the Practical Exam for Chiropractors for posting for economic impact comments and submission to the Clearinghouse, and to appoint Jodi Griffith and Patricia Schumacher to work with the department on the Board's behalf. Motion carried unanimously.

**MOTION:** John Church moved, seconded by Jodi Griffith, to approve the Scope Statement on Chir 4 relating to Course of Study for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

## CLOSED SESSION

**MOTION:** John Church moved, seconded by Jeffrey Mackey, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Kelly Brown - yes; John Church - yes; Jodi Griffith - yes; Jeffrey Mackey - yes; Patricia Schumacher - yes. Motion carried unanimously.

The Board convened into Closed Session at 9:57 A.M.

## RECONVENE TO OPEN SESSION

**MOTION:** John Church moved, seconded by Jeffrey Mackey, to reconvene in Open Session at 10:42 A.M. Motion carried unanimously.

## PROPOSED DECISION AND ORDER OF THE ADMINISTRATIVE LAW JUDGE

### 12 CHI 018 (SPS-14-0015) SCOTT A. SCHUETZ, D.C.

**MOTION:** John Church moved, seconded by Kelly Brown, to adopt the Proposed Decision and Order in the disciplinary proceedings against Scott A. Schuetz, D.C. – DLSC Case No. 12 CHI 018 (DHA Case No. SPS-14-0015). Motion carried unanimously.

## APPLICATION MATTERS

**MOTION:** Kelly Brown moved, seconded by Jodi Griffith, to **grant** the request of Heidi L. Schlappi for licensure via Chir 3.02(3), to acknowledge that Dr. Schlappi has complied with all CE requirements under this section and is not required to take additional Wisconsin CE, or any other exam including the Jurisprudence Exam, for licensure. All other requirements for licensure per Chir 3.02, if remaining, must be met. Motion carried unanimously.

## MONITORING MATTERS

**MOTION:** Jodi Griffith moved, seconded by John Church, to **deny** the request of James J. Fink for a full unrestricted license. **Reason for Denial:** Insufficient time under the order. Motion carried unanimously.

**MOTION:** John Church moved, seconded by Jeffrey Mackey, to **grant** the request of James A. Wilke for a full unrestricted license. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION,  
IF VOTING IS APPROPRIATE**

**MOTION:** Jodi Griffith moved, seconded by Kelly Brown, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

**RATIFICATION OF LICENSES AND CERTIFICATES**

**MOTION:** Jeffrey Mackey moved, seconded by Jodi Griffith, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** John Church moved, seconded by Jeffrey Mackey, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:45 A.M.

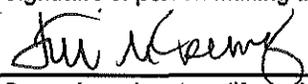
**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  Daniel Agne, Bureau Assistant On behalf of Tom Ryan, Executive Director		2) Date When Request Submitted:  6/10/14  Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting for paperless boards	
3) Name of Board, Committee, Council, Sections:			
4) Meeting Date:	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  Remarks from Department Secretary Dave Ross <b>APPEARANCE</b> – Department Secretary Dave Ross	
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 checked="" type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  Sec. Ross would like to give brief remarks and Q&A at upcoming Board meetings:  7/16 Medical Examining Board 7/30 Veterinary Examining Board 8/5 Radiography Examining Board <del>8/7 Chiropractic Examining Board</del> 11/6/14 Chiropractic Examining Board 8/13 Real Estate Appraisers Board 8/21 Nursing Home Administrators Examining Board 9/11 Physical Therapy Examining Board			
11) Authorization			
<b>Daniel Agne</b> <hr/> Signature of person making this request <span style="float: right;">Date</span>  <hr/> Supervisor (if required) <span style="float: right;">Date</span>  <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) <span style="float: right;">Date</span>			
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**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b> Ryan Zeinert Licensing Education Specialist		<b>2) Date When Request Submitted:</b> 10/27/14 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Section:</b> Chiropractic Examining Board			
<b>4) Meeting Date:</b> 11/6/14	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Chiropractic Society of Wisconsin Request for Approval of Instructor of CT Certification Course of Study	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes (Fill Out Board Appearance Request) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  Determine instructor approval status regarding requested Chiropractic Society of Wisconsin CT Certification Courses of Study.			
<b>11) Authorization:</b>			
Ryan Zeinert		10/27/14	
Signature of person making this request		Date	
		10/27/14	
Supervisor signature (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
<b>Directions for including supporting documents:</b> <ol style="list-style-type: none"> <li>1. This form should be attached to any documents submitted to the agenda.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			

## **Zeinert, Ryan - DSPS**

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**From:** Eliza McLean <elizamclean@msn.com>  
**Sent:** Thursday, October 23, 2014 5:38 PM  
**To:** Zeinert, Ryan - DSPS; Ryan, Thomas - DSPS; tom.ryan@wisconsin.gov  
**Cc:** Dr. Steve Conway  
**Subject:** Chiropractic Staff Cert Course/Instructor Approval Request  
**Attachments:** 2014\_CSW\_Patient History.docx; Heigl\_Resume.docx

Dear Wisconsin Chiropractic Examining Board,

On behalf of the Chiropractic Society of Wisconsin, I request your review and approval of the course Patient History for basic staff certification. The attached document has the course curriculum, schedule and instructor resumes. Two instructors are included in the submission so that either Dr. Carl Heigl or myself can teach the course.

We are also requesting that Dr. Heigl be approved to instruct the other courses that were submitted by the Chiropractic Society of Wisconsin and approved by your board on May 15, 2014:

- CSW Physiologic Therapeutic Overview
- CSW Cryotherapy/Thermotherapy
- CSW Light Therapy
- CSW Electric Stimulation Modalities
- CSW Mechanized Traction
- CSW Ultrasound
- CSW Vital Signs

We request that this submission be reviewed at your next meeting on Thursday, November 6, 2014.

Thank you for your kind review.

Sincerely,

Elizabeth McLean, D.C., CCSP  
West Bend WI

Chiropractic Society of Wisconsin  
2 E. Mifflin Street  
Madison WI 53703

DR. CARL H. HEIGL, MBA, DC, DACBSP, DABAAHP

4810 NORTHWESTERN AVENUE  
RACINE, WISCONSIN 53406  
(262) 681.CARE (2273)

Preferred forms of contact:  
(262) 215.7246 (cell)  
Email: drheigl@milwpc.com

**ACADEMIC PREPARATIONS:**

September 2013	Internationally Certified: Chiropractic Sports Physician (ICCSP) Federation Internationale de Chiropractic Sportive
January 2000	Board Certified Diplomate: American Board of Anti Aging Health Providers (DABAAHP)
January 1995	Board Certified Diplomate: American Chiropractic Board of Sports Physicians (DACBSP)
October 1991	Board Certified: Chiropractic Sports Physician (CCSP)
June 1988	Doctor of Chiropractic (DC) Palmer College of Chiropractic
1983-1984	Pre-Chiropractic Studies University of Wisconsin - Parkside
May 1980	Masters of Business Administration / MBA (emphasis: Finance) University of Wisconsin - Whitewater
1975	Started Masters Degree program: Education Administration University of Wisconsin: Oshkosh
May 1974	Bachelors of Arts / BA (emphasis: Political Science, Secondary Education) University of Wisconsin – Parkside

**ADDITIONAL ADVANCED CERTIFICATIONS:**

May 2013	Post Doctoral Certification National Registry of Certified Medical Examiners / NRCME Training Program New York Chiropractic College
May 2010	National Alliance of Medical Auditing Specialists (NAMAS) Medical Chart Audit Training Course Madison, Wisconsin
April 2010	Post Doctoral Certification DOT Physicals / Blood and Alcohol Testing Palmer University / College of Chiropractic
September 2008	Post Doctoral Certification Impairment Rating and Disability Evaluation: Sixth Edition Dr. R. E. Cohen National Health University
August 2007	Nutrition Counseling Certification State of Wisconsin Board of Chiropractic Examiners:
May 2006	Post Doctoral Certification Koren Specific Technique – KST Dr. Tedd Koren
October 2003	Post Doctoral Certification The Spine Research Institute of San Diego, Dr. Arthur Croft Los Angeles College of Chiropractic

April 1999	Completed Post Doctoral course work for Diplomate American Board of Chiropractic Neurology (DABCN) and / or Diplomate International Academy of Chiropractic Neurology (DIACN) National College of Chiropractic
September 1996	Post Doctoral Certification Brain Stem Specialist, in the Science of Chiropractic Dr. Michael Kale Life College of Chiropractic
November 1992	Post Doctoral Certification Impairment Rating for Disability Evaluation. Dr. Stanley Kaplan Parker College of Chiropractic
January 1992	Post Doctoral Certification Applied Spinal Disability and Spinal Impairment Evaluation. Dr. John Mazion Parker College of Chiropractic

**PROFESSIONAL EXPERIENCE:**

HEIGL CHIROPRACTIC AND WELLNESS CENTER: RACINE, WISCONSIN  
(1988 - Present)

Doctor of Chiropractic

- \* Diplomate American Board of Sports Physicians (DACBSP)
- \* Diplomate American Board of Anti Aging Health Providers (DABAAHP)
- \* Internationally Certified Chiropractic Sports Physician (ICCSF)
- \* Board eligible: Diplomate American Board of Chiropractic Neurology (DABCN) and / or Diplomate International Academy of Chiropractic Neurology (DIACN)
- \* Licensed to practice in Wisconsin, Iowa, United States Virgin Islands and New Mexico.

SHEBOYGAN PUBLIC SCHOOLS: SHEBOYGAN, WISCONSIN  
(1974 - 1978)

Professional Educator

- \* Designed, developed and implemented curriculum for 8th Grade students in the arena of American History, more specifically to cover the time frame of the Inca / Aztec Empires through to the end of the Civil War. Additionally, collaborated with fellow Team members in the development of specialized classes; examples being units on Death and Dying and You and the Law.
- \* Constructed individualized learning units for students with exceptional learning and / or behavior needs in the area of American History as to accelerate / enhance their individual learning processes / skills and to help them meet with success.

**ADJUNCT FACULTY:**

BRYANT STRATTON COLLEGE: MILWAUKEE, WISCONSIN  
2013 – Present

Adjunct Faculty

- \* Faculty for the following courses:  
Anatomy & Physiology (AP) 1 & 2, Medical Terminology, Introduction to Healthcare, Research Methods

HERZING UNIVERSITY: BROOKFIELD, WISCONSIN  
2013 – Present

Adjunct Faculty

- \* Faculty for the following courses:  
Anatomy & Physiology (AP) 1 & 2, additional courses - to be determined

UNIVERSITY OF PHOENIX: MILWAUKEE, WISCONSIN  
2012 – Present

On-Campus Facilitator / Instructor available for the Milwaukee, Fox Valley, Madison Campuses

- \* Instructor / Facilitator for the following courses:

Health Care Financial Accounting, Human Nutrition, Elements of Health & Wellness, Health Care Delivery in the US and Health Care Vocabulary

- \* Advanced Workshop Trainings completed to date:

Faculty Development / Assessment, Course Design and Curriculum Development, Developing Critical Thinking, APA Formatting 6<sup>th</sup> Edition, Valuing Differences, Evaluating Student Performance, Understanding the First Year Sequence Student, Copyright, Starting Doctoral Studies, Evaluating Student Writing, Coaching for Student Success, Difficult Students, Dynamic Discussion in the Classroom

MARIAN COLLEGE: FOND DU LAC, WISCONSIN  
(1991 - 1999)

Business Finance Instructor and Business Ethics Instructor

BBA Extension Program

Racine and Milwaukee Extension Campus Centers

GATEWAY TECHNICAL COLLEGE: KENOSHA, WISCONSIN  
(1983-1985)  
Business and Personal Finance Instructor  
Racine and Kenosha Campus Centers

**PUBLICATIONS / ARTICLES:**

Heigl DC, Chiropractic and the Adult Swimmer  
Swim, May/June 1995, page 14

Heigl DC, Working with the Freestyle Swimmer - Your Opportunity to Excel  
Dynamic Chiropractic, May 6, 1994, vol 12 #10, page 17

Heigl DC, Wakefield DC, On Being The Medical Director: The 1993 National Taekwondo Championship; CSM, Feb. 1995, vol. 9 #1, page 1- 5

**CHIROPRACTIC SOCIETY OF WISCONSIN (CSW) REQUEST FOR APPROVAL OF  
CHIROPRACTIC TECHNICIAN (CT) CERTIFICATION COURSES**

**CSW CT: PHYSIOLOGIC THERAPEUTICS OVERVIEW**

**MOTION:** Jeffrey Mackey moved, seconded by Kelly Brown, to grant the Request for Approval, as written, of the Chiropractic Society of Wisconsin for the certification in Physiologic Therapeutics Overview. Motion carried unanimously.

*John Church abstained from voting in the above matter.*

**CSW CT: ELECTRIC STIMULATING CURRENTS**

**MOTION:** Jeffrey Mackey moved, seconded by Kelly Brown, to grant the Request for Approval, as written, of the Chiropractic Society of Wisconsin for the certification in Electric Stimulating Currents. Motion carried unanimously.

*John Church abstained from voting in the above matter.*

**CSW CT: ULTRASOUND**

**MOTION:** Jeffrey Mackey moved, seconded by Kelly Brown, to grant the Request for Approval, as written, of the Chiropractic Society of Wisconsin for the certification in Ultrasound. Motion carried unanimously.

*John Church abstained from voting in the above matter.*

**CSW CT: CRYOTHERAPY/THERMOTHERAPY**

**MOTION:** Jeffrey Mackey moved, seconded by Kelly Brown, to grant the Request for Approval, as written, of the Chiropractic Society of Wisconsin for the certification in Cryotherapy/Thermotherapy. Motion carried unanimously.

*John Church abstained from voting in the above matter.*

**CSW CT: LIGHT THERAPY**

**MOTION:** Kelly Brown moved, seconded by Jeffrey Mackey, to grant the Request for Approval, as written, of the Chiropractic Society of Wisconsin for the certification in Light Therapy. Motion carried unanimously.

*John Church abstained from voting in the above matter.*

**CSW CT: TRACTION THERAPY**

**MOTION:** Kelly Brown moved, seconded by Jeffrey Mackey, to grant the Request for Approval, as written, of the Chiropractic Society of Wisconsin for the certification in Traction Therapy. Motion carried unanimously.

*John Church abstained from voting in the above matter.*

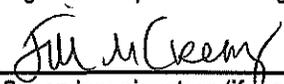
**CSW CT: VITAL SIGNS**

**MOTION:** Kelly Brown moved, seconded by Jeffrey Mackey, to grant the Request for Approval, as written, of the Chiropractic Society of Wisconsin for the certification in Vital Signs. Motion carried unanimously.

*John Church abstained from voting in the above matter.*

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

**AGENDA REQUEST FORM**

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<b>3) Name of Board, Committee, Council, Section:</b> Chiropractic Examining Board			
<b>4) Meeting Date:</b> 11/6/14	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Chiropractic Society of Wisconsin Request for Approval of CT Certification Course of Study	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes (Fill Out Board Appearance Request) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  Determine approval status of attached application.			
<b>11) Authorization:</b>			
Ryan Zeinert		10/27/14	
Signature of person making this request		Date	
		10/27/14	
Supervisor signature (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
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**From:** Eliza McLean <elizamclean@msn.com>  
**Sent:** Thursday, October 23, 2014 5:38 PM  
**To:** Zeinert, Ryan - DSPS; Ryan, Thomas - DSPS; tom.ryan@wisconsin.gov  
**Cc:** Dr. Steve Conway  
**Subject:** Chiropractic Staff Cert Course/Instructor Approval Request  
**Attachments:** 2014\_CSW\_Patient History.docx; Heigl\_Resume.docx

Dear Wisconsin Chiropractic Examining Board,

On behalf of the Chiropractic Society of Wisconsin, I request your review and approval of the course Patient History for basic staff certification. The attached document has the course curriculum, schedule and instructor resumes. Two instructors are included in the submission so that either Dr. Carl Heigl or myself can teach the course.

We are also requesting that Dr. Heigl be approved to instruct the other courses that were submitted by the Chiropractic Society of Wisconsin and approved by your board on May 15, 2014:

- CSW Physiologic Therapeutic Overview
- CSW Cryotherapy/Thermotherapy
- CSW Light Therapy
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- CSW Mechanized Traction
- CSW Ultrasound
- CSW Vital Signs

We request that this submission be reviewed at your next meeting on Thursday, November 6, 2014.

Thank you for your kind review.

Sincerely,

Elizabeth McLean, D.C., CCSP  
West Bend WI

Chiropractic Society of Wisconsin  
2 E. Mifflin Street  
Madison WI 53703

# Wisconsin Department of Safety and Professional Services

Mail To: P.O. Box 8366  
Madison, WI 53703-8366

FAX #: (608) 266-2602  
Phone #: (608) 266-2112

1400 E. Washington Avenue  
Madison, WI 53703

E-Mail: [web@dps.wi.gov](mailto:web@dps.wi.gov)  
Website: <http://dps.wi.gov>

## REQUEST FOR APPROVAL OF A CHIROPRACTIC RADIOLOGICAL TECHNICIAN or CHIROPRACTIC TECHNICIAN PRE-CERTIFICATION COURSE OF STUDY

Completion of this form is required for all providers applying for approval of a Chiropractic Technician or Chiropractic Radiological Technician pre-certification course of study. You must submit a proposal of the course of study with this form which will be used by the Chiropractic Examining Board to determine whether to approve the course of study.

Chiropractic Technician/Chiropractic Radiological Technician pre-certification course of study information:

School/Provider Name: Chiropractic Society of Wisconsin

Street Address: 2 E. Mifflin Street

City, State, Zip Code: Madison WI 53703

School/Provider Administrator: Dr. Steve Conway, Director/ Elizabeth McLean, D.C. CT/CRT Educational Director

Contact Telephone: 608-252-9338

Contact Email Address: chirolaw@aol.com, elizamclean@msn.com

\*Please attach the written course of study proposal including course outline, description/rationale, measured outcomes, instructor qualifications, etc.

You will be contacted if additional information is required. If the course of study is approved by the Chiropractic Examining Board, the school/provider is required to inform the department in advance of any changes to the course of study or instructor qualifications to determine if the change will require review for re-approval.

NOTE: You may make no plans for admission of students or release publicity until you have received notice in writing from the department that the chiropractic radiological technician or chiropractic technician course of study has been approved.

Elizabeth McLean, D.C., CCS P  
Signature of CT or CRT Educational Program Administrator

10/24/14  
Date

# CSW CT Certification

## Patient History

### Course Outcome Summary

*Sponsored by Chiropractic Society of Wisconsin*

*Ongoing Approval Request*

### **Information**

**Project Type**

Seminar

### **Target Population**

Chiropractic Staff who are interested in Wisconsin Certification as a Chiropractic Technician in the category of Patient History.

### **Description**

Provides instruction in the WI staff certification category of Patient History.

### **Prerequisites**

None

### **Supplies**

1. Please bring pen/pencil and paper for note taking. Required
2. Bring bag lunch and snacks. Cafeteria and vending machine food are limited.

**Instructor:** *Elizabeth M. McLean, D.C., CCSP or Dr. Carl Heigl*

# ***Competencies and Performance Standards***

## **1. Perform Preliminary Patient History**

### ***Performance Standards***

*Your performance will be successful when:*

- Learner identifies WI Chiropractic Chapter 10 guidelines for the delegation of unlicensed staff.
- Learner identifies the components of a preliminary patient history.
- Learner examines questions that draw more health history information in a patient history interview.
- Learner understands the importance of obtaining accurate patient health history information.
- Learner examines the importance of maintaining patient confidentiality.
- Learner identifies their role in maintaining confidentiality of all health records.

## **2. Examine Patient Visit Documentation**

- *Learner differentiates between SOAP and P.A.R.T documentation formats.*
- Learner identifies the subjective component of patient visit documentation.
- Learner identifies the objective component of patient visit documentation
- Learner identifies the assessment component of patient visit documentation
- Learner identifies the plan component of patient visit documentation.
- Learner describes P.A.R.T. Documentation format
- Learner differentiates between qualitative vs. quantitative data.

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## CSW Chiropractic Technician Patient history

HOURS: 4.0 hours of class time  
INSTRUCTOR: Elizabeth M McLean, D.C. or Dr. Heigl, D.C., MB, DACBSP, DABAAHP

### Chiropractic Technician: Vital Signs

Registration, Sign-in, Proof of ID required.

#### Hour 1

- Preparation for the patient history
- Greeting the patient and establishing rapport
- Gathering identifying data
- Listening to obtain information – techniques of interviewing
- Confidentiality and the chiropractic health setting.
- Identification of the chief complaint(s)
- Present illness narrative
- Identify the goals of the health history interview.

#### Hour 2

- Components of a preliminary history
- Developing the patient health goal list
- Using open ended questions to obtain information
- Seven Attributes of a symptom
- Expanding and clarifying the patient story

20 Minute Break

#### Hour 3

- Patient Visit SOAP format components
- Differentiate between Subjective and Objective Information
- Components of Assessment documentation
- Components of Plan documentation
- 

#### Hour 4

- Identify the components of P.A.R.T. documentation
- Approaches to obtain more quantifiable subjective data
- The importance of documentation
- Adapting your patient encounter to specific situations

Multiple Choice Exam – post class session

651 Cardinal Circle  
Burlington WI 53105  
Phone: 262-339-1079  
ElizaMcLean@msn.com

## Elizabeth McLean, D.C., CCSP

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### Professional Experience

- 1996 - Present      Chiropractic Specialist Program - Director  
Anatomy and Physiology Instructor  
Moraine Park Technical College  
Wisconsin Technical College System - Certification  
Chiropractic Technician Program - Instructor  
West Bend WI  
*Instruction and supervision of student interns in 30-40 chiropractic offices per year in therapies, x-ray, rehabilitation, front office, and billing tasks. Wellness Certificate Instructor, Course Designer*
- 1994 - 2003      Chiropractor – Owner  
McLean Chiropractic Center, Shorewood WI  
*Comprehensive chiropractic care to include therapeutic modalities and rehabilitation. Interest in family care, sport, and dance performance.*
- 1986 - 1989      Social Studies Instructor  
Basketball, Track & Field Coach  
Mukwonago High School  
Mukwonago WI

### Education/Certifications

- 2014      Nutrition Certificate  
Northwestern Health Science University
- 2001      Certified Chiropractic Sports Practitioner  
American Chiropractic Board of Sports Physicians  
Estherville IA
- 1994      Doctor of Chiropractic  
Palmer College of Chiropractic  
Davenport IA
- 1988-1990      Science Pre-requisite Coursework  
University of Wisconsin – Milwaukee
- 1985      Teacher Certification Completed (7-12)  
Social Studies  
University of Wisconsin – Madison
- 1983      Bachelor of Science: Sociology and Social Work  
Women's Basketball Team Member  
University of Wisconsin - Madison

### Additional Activities

**Staff Educational Coordinator, Chiropractic Society of WI**  
CE with a focus on rehabilitation, boundary training, therapies and nutrition.

DR. CARL H. HEIGL, MBA, DC, DACBSP, DABAAHP

4810 NORTHWESTERN AVENUE  
RACINE, WISCONSIN 53406  
(262) 681.CARE (2273)

Preferred forms of contact:  
(262) 215.7246 (cell)  
Email: drheigl@milwpc.com

**ACADEMIC PREPARATIONS:**

September 2013	Internationally Certified: Chiropractic Sports Physician (ICCSF) Federation Internationale de Chiropractic Sportive
January 2000	Board Certified Diplomate: American Board of Anti Aging Health Providers (DABAAHP)
January 1995	Board Certified Diplomate: American Chiropractic Board of Sports Physicians (DACBSP)
October 1991	Board Certified: Chiropractic Sports Physician (CCSP)
June 1988	Doctor of Chiropractic (DC) Palmer College of Chiropractic
1983-1984	Pre-Chiropractic Studies University of Wisconsin - Parkside
May 1980	Masters of Business Administration / MBA (emphasis: Finance) University of Wisconsin - Whitewater
1975	Started Masters Degree program: Education Administration University of Wisconsin: Oshkosh
May 1974	Bachelors of Arts / BA (emphasis: Political Science, Secondary Education) University of Wisconsin - Parkside

**ADDITIONAL ADVANCED CERTIFICATIONS:**

May 2013	Post Doctoral Certification National Registry of Certified Medical Examiners / NRCME Training Program New York Chiropractic College
May 2010	National Alliance of Medical Auditing Specialists (NAMAS) Medical Chart Audit Training Course Madison, Wisconsin
April 2010	Post Doctoral Certification DOT Physicals / Blood and Alcohol Testing Palmer University / College of Chiropractic
September 2008	Post Doctoral Certification Impairment Rating and Disability Evaluation: Sixth Edition Dr. R. E. Cohen National Health University
August 2007	Nutrition Counseling Certification State of Wisconsin Board of Chiropractic Examiners:
May 2006	Post Doctoral Certification Koren Specific Technique - KST Dr. Tedd Koren
October 2003	Post Doctoral Certification The Spine Research Institute of San Diego, Dr. Arthur Croft Los Angeles College of Chiropractic

April 1999	Completed Post Doctoral course work for Diplomate American Board of Chiropractic Neurology (DABCN) and / or Diplomate International Academy of Chiropractic Neurology (DIACN) National College of Chiropractic
September 1996	Post Doctoral Certification Brain Stem Specialist, in the Science of Chiropractic Dr. Michael Kale Life College of Chiropractic
November 1992	Post Doctoral Certification Impairment Rating for Disability Evaluation. Dr. Stanley Kaplan Parker College of Chiropractic
January 1992	Post Doctoral Certification Applied Spinal Disability and Spinal Impairment Evaluation. Dr. John Mazion Parker College of Chiropractic

**PROFESSIONAL EXPERIENCE:**

HEIGL CHIROPRACTIC AND WELLNESS CENTER: RACINE, WISCONSIN  
(1988 - Present)

Doctor of Chiropractic

- \* Diplomate American Board of Sports Physicians (DACBSP)
- \* Diplomate American Board of Anti Aging Health Providers (DABAAHP)
- \* Internationally Certified Chiropractic Sports Physician (ICCSF)
- \* Board eligible: Diplomate American Board of Chiropractic Neurology (DABCN) and / or Diplomate International Academy of Chiropractic Neurology (DIACN)
- \* Licensed to practice in Wisconsin, Iowa, United States Virgin Islands and New Mexico.

SHEBOYGAN PUBLIC SCHOOLS: SHEBOYGAN, WISCONSIN  
(1974 - 1978)

Professional Educator

- \* Designed, developed and implemented curriculum for 8th Grade students in the arena of American History, more specifically to cover the time frame of the Inca / Aztec Empires through to the end of the Civil War. Additionally, collaborated with fellow Team members in the development of specialized classes; examples being units on Death and Dying and You and the Law.
- \* Constructed individualized learning units for students with exceptional learning and / or behavior needs in the area of American History as to accelerate / enhance their individual learning processes / skills and to help them meet with success.

**ADJUNCT FACULTY:**

BRYANT STRATTON COLLEGE: MILWAUKEE, WISCONSIN  
2013 – Present

Adjunct Faculty

- \* Faculty for the following courses:  
Anatomy & Physiology (AP) 1 & 2, Medical Terminology, Introduction to Healthcare, Research Methods

HERZING UNIVERSITY: BROOKFIELD, WISCONSIN  
2013 – Present

Adjunct Faculty

- \* Faculty for the following courses:  
Anatomy & Physiology (AP) 1 & 2, additional courses - to be determined

UNIVERSITY OF PHOENIX: MILWAUKEE, WISCONSIN  
2012 – Present

On-Campus Facilitator / Instructor available for the Milwaukee, Fox Valley, Madison Campuses

- \* Instructor / Facilitator for the following courses:

Health Care Financial Accounting, Human Nutrition, Elements of Health & Wellness, Health Care Delivery in the US and Health Care Vocabulary

- \* Advanced Workshop Trainings completed to date:

Faculty Development / Assessment, Course Design and Curriculum Development, Developing Critical Thinking, APA Formatting 6<sup>th</sup> Edition, Valuing Differences, Evaluating Student Performance, Understanding the First Year Sequence Student, Copyright, Starting Doctoral Studies, Evaluating Student Writing, Coaching for Student Success, Difficult Students, Dynamic Discussion in the Classroom

MARIAN COLLEGE: FOND DU LAC, WISCONSIN  
(1991 - 1999)

Business Finance Instructor and Business Ethics Instructor  
BBA Extension Program  
Racine and Milwaukee Extension Campus Centers

GATEWAY TECHNICAL COLLEGE: KENOSHA, WISCONSIN  
(1983-1985)  
Business and Personal Finance Instructor  
Racine and Kenosha Campus Centers

**PUBLICATIONS / ARTICLES:**

Heigl DC, Chiropractic and the Adult Swimmer  
Swim, May/June 1995, page 14

Heigl DC, Working with the Freestyle Swimmer - Your Opportunity to Excel  
Dynamic Chiropractic, May 6, 1994, vol 12 #10, page 17

Heigl DC, Wakefield DC, On Being The Medical Director: The 1993 National Taekwondo Championship; CSM, Feb. 1995, vol. 9 #1, page 1- 5



STATE OF WISCONSIN  
CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	CHIROPRACTIC EXAMINING
CHIROPRACTIC EXAMINING	:	BOARD
BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Chiropractic Examining Board to repeal Chir 2.03 (2), 2.07 (3) and 2.11 (2) and (3), to amend Chir 2.025, 2.03 (1), 2.07 (1), 3.03 (1) (e), to repeal and recreate Chir 3.03 (1) (f), and to create Chir 2.12 relating to practical exams for chiropractors.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Section 446.02 (3) (b), Stats.

**Statutory authority:**

Sections 15.08 (5) (b), 227.11 (2) (a), Stats., and 2013 Wisconsin Act 20

**Explanation of agency authority:**

The Chiropractic Examining Board, is generally empowered by s. 15.08 (5) (b), and 227.11 (2) (a), Stats., to promulgate rules that provide guidance within the profession and that interpret the provision of any statute it enforces or administers. This proposed rule was prompted by the passage of 2013 Wisconsin Act 20 which repealed the practical examination requirement for chiropractors. This change required the Chiropractic Examining Board to promulgate rules which interpret s. 446.02 (3) (b), Stats., and will provide guidance within the profession regarding examination requirements for chiropractors.

**Related statute or rule:**

None.

**Plain language analysis:**

The proposed rule seeks to amend provisions of Wis. Admin. Code s. Chir 2 and 3 to reflect a change in exam requirements due to the passage of 2013 Wisconsin Act 20. Prior to the Act, chiropractors seeking licensure in Wisconsin had to take and pass a practical examination administered by the Chiropractic Examining Board in accordance with s. 446.02 (3) (a), Stats. 2013 Wisconsin Act 20 eliminated the practical exam requirement for chiropractors by repealing s. 446.02 (3) (a), Stats. Act 20 replaced the practical exam with the requirement to successfully complete Parts I, II, III and IV administered by the National Board of Chiropractic Examiners. (NBCE) The passing score was set by the legislature at 438 for Part III and at least 475 for Part IV. Having eliminated the practical exam, Act 20 carved out a grandfather clause consisting of a class of applicants that had taken the practical exam between January 1, 2012 and June 30, 2013, the effective date of the Act. The grandfather provision stipulated applicants that had taken the practical exam under s. 446.02 (3) (a), Stats., were not required to successfully complete the practical exam. However, applicants must have achieved a passing score of 375 or higher on Part III and 375 or higher on Part IV of the NBCE Exam and must have successfully completed the exam testing the applicant's knowledge of Wisconsin laws related to the practice of chiropractic. The proposed rules will amend selected provisions of Chir 2 and 3 to bring the current Wisconsin Administrative Code in alignment with the statutory requirements.

SECTION 1. removes the practical examination requirement from the time for completing application provision.

SECTION 2. strikes the parenthetical phrase "but not limited to"

SECTION 3. repeals the practical examination requirement.

SECTION 4. amends the passing grade provision to reflect that the passing grade is set by the legislature.

SECTION 5. repeals the practical examination requirement from the passing grade provision and the reexamination provision.

SECTION 6. creates a new provision exempting applicants who have taken the practical exam between January 1, 2012 and June 30, 2013 from passing the practical exam.

SECTION 7. sets forth the practical exam equivalents for endorsement candidates.

SECTION 8. sets forth the special purpose examination equivalents for endorsement candidates.

SECTION 9. amends the provisions regarding verifying completion of a practical or special purpose exam and their equivalents.

**Summary of, and comparison with, existing or proposed federal regulation:**

None.

**Comparison with rules in adjacent states:**

**Illinois:** Illinois requires applicants to pass Parts I, II, and III of the National Board of Chiropractic Examination with a score of at least 375 on all 3 parts of the test. 68 ILL. ADMIN. CODE 1285.60 b).

**Iowa:** Licensure in Iowa requires passing Parts I, II, III, and IV of the National Board of Chiropractic Examination. 645 IAC 41.2.

**Michigan:** Michigan requires applicants to pass Parts I, II, III, and IV of the National Board of Chiropractic Examination and has adopted the NBCE's recommended passing score. MICH. ADMIN. CODE R. 338.12003 and 338.12005.

**Minnesota:** The prerequisites for licensure in Minnesota include passing the National Board of Chiropractic Examination Parts I and II, the Written Clinical Competency Examination, and the Physiotherapy Examination. Applicants must also pass the NBCE Part IV and an exam on jurisprudence/ethics. Minn. R. 2500.0720.

**Summary of factual data and analytical methodologies:**

No factual data or analytical methodologies were used in the preparation of the proposed rule due to the changes being necessitated by 2011 Wisconsin Act 20.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

**Fiscal Estimate and Economic Impact Analysis:**

The Department is currently soliciting information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

**Effect on small business:**

**Agency contact person:**

Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4438; email at [Shancethea.L Leatherwood@wisconsin.gov](mailto:Shancethea.L Leatherwood@wisconsin.gov).

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to [Shancethea.L Leatherwood@wisconsin.gov](mailto:Shancethea.L Leatherwood@wisconsin.gov). **Comments must be received on or before to be included in the record of rule-making proceedings.**

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TEXT OF RULE

SECTION 1. Chir 2.025 is amended to read:

**Chir 2.025 Time for completing applications and taking examination.** An application is incomplete until all materials described in s. Chir 2.02 are filed with the board. All application materials described in s. Chir 2.02 shall be filed with the board within one year from the date the first item is filed. If an application is incomplete for more than one year, or if an applicant fails to take an examination within one year from the date the application is complete, the applicant shall begin the application process anew ~~in order to take the practical examination demonstrating clinical competence for a license as a chiropractor.~~

SECTION 2. Chir 2.03 (1) is amended to read:

Chir 2.03 (1) **STATE LAW EXAMINATION.** An applicant shall pass an examination on state laws including ~~but not limited to~~ ch. 446, Stats. and chs. Chir 1 to ~~11~~ 12.

SECTION 3. Chir 2.03 (2) is repealed.

SECTION 4. Chir 2.07(1) is amended to read:

Chir 2.07 (1) **NATIONAL EXAMINATION.** To pass the examination of the national board of chiropractic examiners, each applicant for licensure by exam shall receive a grade determined by the board legislature to represent minimum competence to practice. ~~The board may adopt the passing grade recommended by the national board of chiropractic examiners.~~

SECTION 5. Chir 2.07 (3) and 2.11 (2) and (3) are repealed.

SECTION 6. Chir 2.12 is created to read:

**Chir 2.12 Practical examination demonstrating clinical competence.** An applicant who applied for licensure as a chiropractor between January 1, 2012 and June 30, 2013, and who took the practical exam shall not be required to have successfully completed the practical exam and shall be considered to have satisfied all examination requirements to obtain a license to practice as a chiropractor in this state if the person has completed all of the following:

(a) Achieved a score of 375 or higher on Part III of the examination administered by the National Board of Chiropractic Examiners.

(b) Achieved a score of 375 or higher on Part IV of the examination administered by the National Board of Chiropractic Examiners.

(c) Successfully completed the exam on Wisconsin laws related to the practice of chiropractic.

SECTION 7. Chir 3.03 (1) (e) is amended to read:

Chir 3.03 (1) (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~~ is accepted acceptable by the board. The board will find acceptable any one of the following as an equivalent to a practical examination: Part IV of the examination administered by the National Board of Chiropractic Examiners, the state practical exam from the endorsement candidate's jurisdiction or the special purpose examination in chiropractic.

SECTION 8. Chir 3.03 (1) (f) is repealed and recreated to read:

Chir 3.03 (1) (f) Has successfully completed the special purpose examination in chiropractic, if the applicant has not completed one of the following:

1. Passed Parts I, II, and III of the examination administered by the National Board of Chiropractic Examiners and a state practical exam from the endorsement candidate's jurisdiction.

2. Passed Parts I, II, III and IV of the examination administered by the National Board of Chiropractic Examiners.

SECTION 9. Chir 3.03 (2) (f) and (g) are amended to read:

Chir 3.03 (2) (f) Verification of successful completion of a practical examination, or its equivalent, demonstrating clinical competence which, ~~in the board's judgment, is substantially equivalent to the practical examination demonstrating clinical competence~~ is 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.

Chir 3.03 (2) (g) Proof of successful completion of the special purpose examination in chiropractic ~~or the initial licensure~~ the state practical exam from the endorsement candidate's jurisdiction, or Parts I, II, III, and IV of the examination of the National Board of Chiropractic Examiners. The proof of completion shall be forwarded directly to the board from the institution that administered the examination.

SECTION 10. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

-----  
(END OF TEXT OF RULE)  
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Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson  
Chiropractic Examining Board

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  <b>Shawn Leatherwood, Administrative Rules Coordinator</b>		<b>2) Date When Request Submitted:</b>  <b>October 24, 2014</b> <small>Items will be considered late if submitted after 12:00 p.m. and less than:              ▪ 8 work days before the meeting</small>	
<b>3) Name of Board, Committee, Council, Sections:</b> <b>Chiropractic Examining Board</b>			
<b>4) Meeting Date:</b>  <b>November 6, 2014</b>	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  <b>Review of Preliminary draft of 165- Chir 4 Course of study for chiropractic radiological technicians and chiropractic technicians</b>	
<b>7) Place item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled? If yes, who is appearing?</b> <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>  N/A	
<b>10) Describe the issue and action that should be addressed:</b>  <p>The Board will review and approve the preliminary draft of 165-Chir 4 Course of study for chiropractic radiological technicians and chiropractic technicians for posting of EIA Comments and submission to the Clearinghouse.</p>			
<b>11) Signature of person making this request</b>  <b>Shawn Leatherwood</b>		<b>Authorization</b>  <b>October 24, 2014</b>	
<b>Supervisor (if required)</b>		<b>Date</b>	
<b>Bureau Director signature (indicates approval to add post agenda deadline item to agenda)</b>		<b>Date</b>	
<b>Directions for including supporting documents:</b> 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 Board Services Bureau 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  
CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	CHIROPRACTIC EXAMINING
CHIROPRACTIC EXAMINING BOARD	:	BOARD
	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Chiropractic Examining Board to amend Chir 4.04 (3) and 10.03; to create Chir 4.025 and 10.06, relating to course of study for chiropractic radiological technicians and chiropractic technicians.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Sections 446.025 (2) (a) 3. and 446.026 (2) (a) 3., Stats.

**Statutory authority:**

Sections 15.08 (5) (b) and 227.11 (2) (a), Stats.

**Explanation of agency authority:**

The Chiropractic Examining Board (Board) is empowered by the legislature pursuant to s. 15.08 (5) (b), Stats., to promulgate rules that provide guidance within the profession. The Board is also empowered by s. 227.11 (2) (a), Stats., to promulgate rules it enforces or administers. The Board administers ss. 446.025 (2) (a) 3. and 446.026 (2) (a) 3., Stats., Both statutes require chiropractic radiological technicians and chiropractic technicians to complete a course of study approved by the Board. The proposed rule will give guidance to applicants seeking certification as a chiropractic radiological technician and chiropractic technician as to what constitutes a Board approved course of study.

**Related statute or rule:**

Sections 462.02 (2) (c) and 446.02 (7) (d) 1. and 2., Stats.

**Plain language analysis:**

Currently, applicants for chiropractic radiological technician and chiropractic technician certification are required by ss. 446.025 (2) (a) 3. and 446.026 (2) (a) 3. Stats., to submit evidence of satisfactory completion of a course of study approved by the Chiropractic Examining Board. Neither statutes nor administrative rules identify what constitutes a course of study acceptable to the Board. This proposed rule will set forth the Board's requirements for a course a study.

SECTION 1. creates a provision setting forth the categories of a board approved course of study.

SECTION 2. amends the provision regarding x-rays to include chiropractic radiological technicians.

SECTION 3. amends the provision regarding the delegation of x-ray services to chiropractic radiological technicians.

SECTION 4. creates a provision allowing the delegation of adjunctive services to chiropractic technicians.

**Summary of, and comparison with, existing or proposed federal regulation:**

The Consumer-Patient Radiation Health and Safety Act of 1981, 42 USCS 10001, et seq. establishes federal guidelines for standards of accreditation of educational programs for certain occupations that administer radiologic procedures. The standards are in place to protect the public from excessive exposure to radiation by health care professionals who use radiation in the treatment of disease or other medical conditions. The regulations are directed towards radiologic technologists, dental hygienist, nuclear medicine technologists and radiation therapy technologists.

42 USCS §10003 (5) defines, "persons who administer radiologic procedures means any person, other than a practitioner, who intentionally administers radiation to other persons for medical purposes, and includes medical radiologic technologists (including dental hygienists and assistants), radiation therapy technologists, and nuclear medicine technologists." 42 CFR 75.2 defines radiation therapy technologists as, "a person other than a licensed practitioner who utilizes ionizing radiation-generating equipment for therapeutic purposes on human subjects." Although chiropractic radiological technicians are not specifically addressed, they could be captured under the broad definition of radiation therapy technologists. The federal statute and regulations are comparable to the proposed rule in that they both set for a course of study for persons who administer radiologic procedures.

**Comparison with rules in adjacent states:**

**Illinois:** Illinois does not have a license classification for chiropractic radiological technologists or chiropractic technologists.

**Iowa:** Iowa does not have a license classification for chiropractic radiological technologists or chiropractic technologists.

**Michigan:** Michigan does not have a license classification for chiropractic radiological technologists or chiropractic technologists.

**Minnesota:** Michigan does not have a license classification for chiropractic radiological technologists or chiropractic technologists.

**Summary of factual data and analytical methodologies:**

Discussions were held to determine what should be required as a course of study. Neighboring states' statutes and rules were reviewed as well.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

**Fiscal Estimate and Economic Impact Analysis:**

The department is currently soliciting information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

**Agency contact person:**

Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.Leatherwood@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Shancethea. Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Shancethea.Leatherwood@wisconsin.gov. **Comments must be received on or before to be included** in the record of rule-making proceedings.

---

TEXT OF RULE

SECTION 1. Chir 4.025 is created to read:

**Chir 4.025 Course of study.** A person applying for chiropractic radiological technician or chiropractic technician certification shall demonstrate competency to provide chiropractic services by successfully completing a course of study comprising of at least 48 hours in the following categories approved by the Chiropractic Examining Board:

(1) Chiropractic radiological technicians:

- (a) Introduction to x-ray examination
- (b) Physics of x-ray examination
- (c) Anatomy
- (d) Patient position
- (e) Safety measures
- (d) Machine operation
- (e) Exposure techniques and accessories
- (f) Processing and dark room techniques
- (g) Film critique and quality assurance
- (h) Professionalism
- (i) Recordkeeping
- (k) Emergency procedures summary

(2) Chiropractic technicians:

- (a) Exercise/rehabilitation
- (b) Patient history
- (c) Physical examination (height, weight, and blood pressure)
- (d) Physiologic Therapeutics Overview
- (e) Thermotherapy/cryotherapy
- (f) Mechanical therapy
- (g) Electrotherapy
- (h) Therapeutic ultrasound therapy
- (i) Light therapy

SECTION 2. Chir 4.04 (3) is amended to read:

Chir 4.04 (3) A chiropractor may employ a ~~technician~~ chiropractic radiological technician to operate x-ray equipment only upon submitting proof satisfactory to the board that the ~~technician~~ chiropractic radiological technician has successfully completed a course of ~~instruction~~ study approved by the board. ~~Any technician~~ A chiropractic radiological technician employed may work only under the direct, on-premises supervision and ~~direction~~ of a ~~licensee~~ licensed chiropractor.

SECTION 3. Chir 10.03 is amended to read:

**Chir 10.03 X-ray services.** A chiropractor may delegate x-ray examination procedures to ~~an unlicensed person~~ a chiropractic radiological technician only if the delegation is consistent with s. ~~Chir 10.02~~ Chir 4.04 (3) and the ~~unlicensed person~~ chiropractic radiological technician has successfully completed a course of ~~instruction~~ study comprising at least 48 hours and including the following components: introduction to x-ray examination; physics of x-ray examination; anatomy; patient positioning; safety measures; machine operation; exposure techniques and accessories; processing and dark room techniques; film critique and quality assurance; professionalism; recordkeeping; emergency procedures, summary; and successful completion of an examination on the content of the course of instruction. ~~The chiropractor shall comply with s. Chir 4.04 before delegating the performance of x-ray services to an unlicensed person.~~ The Chiropractor shall maintain direct, on premises supervision of the chiropractic radiological technician.

SECTION 4. Chir 10.06 is created to read:

**Chir 10.06 Delegation of adjunctive services to chiropractic technologists.** A chiropractor may delegate the performance of adjunctive services to a chiropractic technician only upon submitting proof satisfactory to the board that the chiropractic technician has successfully completed a course of study approved by the board. A chiropractic technician may work only under the direct, on-premises supervision of a licensed chiropractor.

SECTION 5. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson  
Chiropractic Examining Board

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  <b>Shawn Leatherwood, Administrative Rules Coordinator</b>		<b>2) Date When Request Submitted:</b>  <b>October 22, 2014</b> <small>Items will be considered late if submitted after 12:00 p.m. and less than:              ■ 8 work days before the meeting</small>	
<b>3) Name of Board, Committee, Council, Sections:</b> <b>Chiropractic Examining Board</b>			
<b>4) Meeting Date:</b>  <b>November 6, 2014</b>	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  <b>Review of Preliminary draft of 165- Chir 11 Duty to inform patients of treatment options</b>	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled? If yes, who is appearing?</b> <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>  N/A	
<b>10) Describe the issue and action that should be addressed:</b>  <p>The Board will review and approve the preliminary draft of 165-Chir 11 Duty to Inform Patients of treatment options for posting of EIA Comments and submission to the Clearinghouse.</p>			
<b>11)</b> <b>Shawn Leatherwood</b>		<b>Authorization</b>  <b>October 22, 2014</b>	
<b>Signature of person making this request</b>		<b>Date</b>	
<b>Supervisor (if required)</b>		<b>Date</b>	
<b>Bureau Director signature (indicates approval to add post agenda deadline item to agenda)    Date</b>			
<b>Directions for including supporting documents:</b> <b>1. This form should be attached to any documents submitted to the agenda.</b> <b>2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director.</b> <b>3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</b>			

STATE OF WISCONSIN  
CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	CHIROPRACTIC EXAMINING
CHIROPRACTIC EXAMINING	:	BOARD
BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Chiropractic Examining Board to create Chir 13 relating to the duty to inform patients of treatment options.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Section 446.08, Stats.

**Statutory authority:**

Sections 15.08 (5) (b), 227.11 (2) (a), 446.02 (11), Stats., and 2013 Wisconsin Act 345

**Explanation of agency authority:**

Pursuant to ss. 15.08 (5) (b) and 227.11 (2) (a), Stats., the Chiropractic Examining Board is generally empowered by the legislature to promulgate rules that will provide guidance within the profession and that interpret the statutes it enforces or administers. Section 446.02 (11), Stats., gives express authority to the Chiropractic Examining Board to promulgate rules implementing s. 446.08, Stats., concerning informed consent. The legislature granted this express rule-making provision with the passage of 2013 Wisconsin Act 345. The proposed rule seeks to carry out this legislative mandate by incorporating the new standard regarding informed consent into the current Chiropractic rules.

**Related statute or rule:**

None.

**Plain language analysis:**

On April 23, 2014, the Legislature enacted 2013 Wisconsin Act 345 which granted express rule-making authority to the Chiropractic Examining Board to promulgate rules concerning chiropractors and informed consent. This proposed rule codifies what was previously a common law duty under *Hannemann v. Boyson*, 2005 WI 94. Under the common law standard, chiropractors were to advise their patients of all alternate viable medical modes of treatment. Chiropractors were held to the reasonable person standard which required chiropractors to inform their patients of information necessary for a reasonable person to make an intelligent decision with regard to treatment. 2013 Wisconsin Act 345 changed the standard for chiropractors from the reasonable person standard to the reasonable chiropractor standard which requires disclosure only of the information that a reasonable chiropractor would know and disclose under the circumstances. The proposed rule creates a new chapter codifying the new standards into the current Chiropractic rules.

**Summary of, and comparison with, existing or proposed federal regulation:**

None.

**Comparison with rules in adjacent states:**

**Illinois:** Illinois does not have comparable statutory requirement for chiropractors to obtain informed consent from their patients.

**Iowa:** Iowa does not have comparable statutory requirement for chiropractors to obtain informed consent from their patients

**Michigan:** Michigan does not have comparable statutory requirement for chiropractors to obtain informed consent from their patients

**Minnesota:** Minnesota does not have comparable statutory requirement for chiropractors to obtain informed consent from their patients

**Summary of factual data and analytical methodologies:**

No factual data or analytical methodologies were used in drafting the proposed rule due to the proposed rule being prompted by the passage of 2013 Wisconsin Act 345.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

**Fiscal Estimate and Economic Impact Analysis:**

The Department is currently soliciting information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

**Effect on small business:**

**Agency contact person:**

Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at [Shancethea.L Leatherwood@wisconsin.gov](mailto:Shancethea.L Leatherwood@wisconsin.gov).

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to [Shancethea.L Leatherwood@wisconsin.gov](mailto:Shancethea.L Leatherwood@wisconsin.gov). **Comments must be received on or before \* to be included in the record of rule-making proceedings.**

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TEXT OF RULE

SECTION 1. Chapter Chir 13 is created to read:

CHAPTER CHIR 13  
INFORMED CONSENT

**Chir 13.01 Authority and purpose.** (1) **AUTHORITY.** The rules in this chapter are adopted pursuant to the authority delegated by ss. 15.08 (5) (b), 227.11 (2) (a), and 446.08, Stats.

(2) **PURPOSE.** The purpose of the rules is to define the obligation of a chiropractor to communicate alternate modes of treatment to a patient.

**Chir 13.02 Informed Consent.** Any chiropractor who treats a patient shall inform the patient about the availability of reasonable alternate modes of treatment and about the benefits and risks of these treatments. The reasonable chiropractor standard is the standard for informing a patient. The reasonable chiropractor standard requires disclosure only of information that a reasonable chiropractor would know and disclose under the circumstances.

**Chir 13.03 Exceptions to communication of alternate modes of treatment.** (1) The chiropractor's duty to inform patients of alternate modes of treatment does not require disclosure of any of the following:

(a) Detailed technical information that in all probability a patient would not understand.

(b) Risks apparent or known to the patient.

(c) Extremely remote possibilities that might falsely or detrimentally alarm the patient.

(d) Information in emergencies where failure to provide treatment would be more harmful to the patient than treatment.

(e) Information in cases where the patient is incapable of consenting.

(f) Information about alternate modes of treatment for any condition the chiropractor has not included in their diagnosis at the time the chiropractor informs the patient.

**Chir 13.04 Recordkeeping.** A chiropractor's patient record shall include documentation that he or she has communicated alternate modes of treatment to their patient and has obtained informed consent from their patient in keeping with Chir 11.02 (5).

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

-----  
(END OF TEXT OF RULE)  
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Dated \_\_\_\_\_

Agency \_\_\_\_\_

Board Chairperson  
Chiropractic Examining Board