

## **Additional proposed changes to the proposed rule Chiro Chapter 5 for the WI CEB January 2021**

**Please note that the redlining of words does not show up in the text below. So both redlined and non-redlined text is included.**

Chir 5.01 Continuing education requirements for credential renewal.

(h) Continuing education credit hours may be counted for teaching or presenting a course or program whose subject matter contributes to the advancement, extension, and enhancement of the clinical skills of a chiropractor and fosters the enhancement of general or specialized practice and values. One hour of continuing education credit may be claimed for every 50 minutes of instruction or presentation, except continuing education credit hours may not be counted for subsequent presentations of the same course or program.

DELETE:

and values.

WOULD NOW READ:

**(h) Continuing education credit hours may be counted for teaching or presenting a course or program whose subject matter contributes to the advancement, extension, and enhancement of the clinical skills of a chiropractor and fosters the enhancement of general or specialized practice. One hour of continuing education credit may be claimed for every 50 minutes of instruction or presentation, except continuing education credit hours may not be counted for subsequent presentations of the same course or program.**

RATIONALE:

“values” is vague and undefined.

Chir 5.02 Approval of continuing education programs.

(b) Chiropractors. The For a continuing education program required under s. Chir 5.01 (1) (a), the program subject matter relates contributes to improving the clinical skills of a chiropractor and is generally taught at the undergraduate or postgraduate level of a chiropractic college meeting the requirements of s. Chir 2.02 (6) (b) the advancement, extension, and enhancement of the clinical skills of a chiropractor and fosters the enhancement of general or specialized practice and values. The board will not approve credit for continuing education regarding a technique or practice which the board has determined to be unsafe or ineffective.

DELETE:

and values.

WOULD NOW READ:

**(b) Chiropractors. The For a continuing education program required under s. Chir 5.01 (1) (a), the program subject matter relates contributes to improving the clinical skills of a chiropractor and is generally taught at the undergraduate or postgraduate level of a chiropractic college meeting the requirements of s. Chir 2.02 (6) (b) the advancement, extension, and enhancement of the clinical skills of a chiropractor and fosters the enhancement of general or specialized practice. The board will not approve credit for continuing education regarding a technique or practice which the board has determined to be unsafe or ineffective.**

RATIONALE:

“values” is vague and undefined.

5.02 (1) (c):

(c) The program sponsor agrees to provide a responsible person to monitor and verify the attendance of each registered chiropractor, chiropractic radiologic radiological technician, or chiropractic technician, as applicable, at participating in the program, and the program sponsor agrees to keep the records of attendance for 3 years from the date of the program and to furnish each participant with evidence of having attended the program. This paragraph does not apply to an online continuing education program. This paragraph does not apply to an online continuing education program.

DELETE:

This paragraph does not apply to an online continuing education program.

ADD: (At the end of the paragraph)

Credit hours earned by the participant will be determined by subtracting the time they depart and check out from the time they arrive and check in.

WOULD NOW READ:

(c) The program sponsor agrees to provide a responsible person to monitor and verify the attendance of each registered chiropractor, chiropractic radiologic radiological technician, or chiropractic technician, as applicable, at participating in the program, and the program sponsor agrees to keep the records of attendance for 3 years from the date of the program and to furnish each participant with evidence of having attended the program. **Credit hours earned by the participant will be determined by subtracting the time they depart and check out from the time they arrive and check in.**

RATIONALE:

Attendance of online programs still needs monitoring and an appropriate person still needs to track when a person joins or leaves. This language clarifies that verification of attendance includes not just that the participant was present at some point of the program, but must include when they arrived and when they left. There have been several reports of participants leaving part way through the program but time of departure was never documented and credit for the entire program was improperly given.

Chir 5.02 (1) cm: Approval of continuing education programs.

(cm) For an online continuing education program, the program meets all of the following requirements:

1. The program requires two-way real-time interactive communication between the participant and the instructor.

DELETE:

1. The program requires two-way real-time interactive communication between the participant and the instructor.

ADD:

1. The program must be synchronous in nature, with the instructor leading a live, two-way, real-time, interactive video conferencing, teleconferencing, or live-streamed lecture viewed at the same time but in different physical locations between the participant and the instructor.

WOULD NOW READ:

(cm) For an online continuing education program, the program meets all of the following requirements:

**1. The program must be synchronous in nature, with the instructor leading a live, two-way, real-time, interactive video conferencing, teleconferencing, or live-streamed lecture viewed at the same time but in different physical locations between the participant and the instructor.**

RATIONALE:

Makes it clear, using currently accepted language, that there must be a live lecture by the instructor with the participants watching and interacting at exactly the same time. Live means live, real time instructing. It is not satisfactory that an individual be available to reply to questions via text or email off of a pre-recorded lecture.

Chir 5.04 Application for approval of a continuing education program.

(4) The board shall grant approval of an application if one of the following applies:

(a) The board determines the program and program sponsor meet the requirements under this chapter.

(b) The board determines the application meets the requirements under sub. (2) and all of the following apply:

1. The program is sponsored as required under s. Chir 5.02 (1) (a)

2. The program sponsor had a minimum of 20 continuing education programs approved for the previous 2-year registration period.

3. A review of a random selection of 20 percent of the program sponsor's continuing education programs approved for the previous 2-year registration period found that all of the selected programs meet all of the requirements under s. Chir 5.02 (1) and awarded continuing education credit as provided under s. Chir 5.02 (2) and (5).

MODIFY SUBPOINT 3:

To add the phrase "by the Board"

To change from 20% to 10%.

To add the word "materially"

WOULD NOW READ:

3. A review **by the Board** of a random selection of **10** percent of the program sponsor's continuing education programs approved for the previous 2-year registration period found that all of the selected programs **materially** meet all of the requirements under s. Chir 5.02 (1) and awarded continuing education credit as provided under s. Chir 5.02 (2) and (5).

ADD:

5.04 (3) (a):

(a) If the full Board, based on the random review of 10 percent of class programs, determines that any of the programs materially violated the requirements, the sponsor will be required to submit every program individually to the examining board for approval for the subsequent six month period. If there is a second violation, the sponsor will be required to submit every program individually to the examining board for approval for the subsequent two year biennium.

WOULD NOW READ:

Chir 5.04 Application for approval of a continuing education program.

(c) The board shall grant approval of an application if one of the following applies:

(a) The board determines the program and program sponsor meet the requirements under this chapter.

(b) The board determines the application meets the requirements under sub. (2) and all of the following apply:

1. The program is sponsored as required under s. Chir 5.02 (1) (a)

2. The program sponsor had a minimum of 20 continuing education programs approved for the previous 2-year registration period.

3. A review **by the Board** of a random selection of **10** percent of the program sponsor's continuing education programs approved for the previous 2-year registration period found that all of the selected programs **materially** meet all of the requirements under s. Chir 5.02 (1) and awarded continuing education credit as provided under s. Chir 5.02 (2) and (5).

**(a) If the full Board, based on the random review of 10 percent of programs, determines that any of the programs materially violated the requirements, the sponsor will be required to submit every program individually to the examining board for approval for the subsequent six month period. If there is a second violation, the sponsor will be required to submit every program individually to the examining board for approval for the subsequent two year biennium.**

RATIONALE:

10% of courses is more than sufficient to determine if the sponsor is in compliance and prevents Board members from having an excessive number of programs to review. Clarifies that the Board members conduct the actual review and that the full Board makes the final decision regarding violations.

Provides clarification of the penalty for non-compliance/violation of subpoint 3.

Clarifies that the review is targeting relevant and significant violations of the requirements.

Definitions of **Materially** in a web search found:

## relevant and significant

adj. 1) relevant and significant in a lawsuit, as in "**material** evidence" as distinguished from totally irrelevant or of such minor importance that the **court** will either ignore it, rule it immaterial if objected to, or not allow lengthy testimony upon such a matter.

## Material:

Important; affecting the merits of a case; causing a particular course of action; significant; substantial.

**Additionally, I would like to move that that the CEB instruct DSPS staff to create a checklist of required items for approval of a program that Board members would follow when evaluating CE applications either initial or by review at the end of the biennium.**