



**VIRTUAL/TELECONFERENCE
CHIROPRACTIC EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Valerie Payne (608) 266-2112
January 28, 2021**

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 of the Board.

AGENDA

8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes of October 29, 2020 (5-8)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition**
 - 1) Recognition of James Fortier, Public Member
- E. 8:30 A.M. Public Hearing: CR 20-084 – Chir 10, Course of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians (9-17)**
 - 1) Review and Respond to Public Comments and Clearinghouse Report
- F. 8:30 A.M. Public Hearing: CR 20-085 – Chir 4, Chiropractic Practice (18-28)**
 - 1) Review and Respond to Public Comments and Clearinghouse Report
- G. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Board Updates
 - 2) Annual Policy Review **(19)**
 - 3) Election of Officers, Appointment of Liaisons and Appointments, Delegation of Authorities **(20-38)**
 - 4) Board Members – Term Expiration Dates
 - a. Bautch, Scott – 7/1/2021
 - b. Damrow, James – 7/1/2023
 - c. Gerondale, Bryan – 7/1/2021
 - d. Hendrickson, Kathleen – 7/1/2024
 - e. Kugler, Carl – 7/1/2021
 - f. Yellen-Shiring, Eugene – 7/1/2023
- H. Legislation and Policy Matters – Discussion and Consideration

I. Administrative Rule Matters – Discussion and Consideration (39)

- 1) Proposals for Chir 5, Relating to Continuing Education (40-49)
- 2) Preliminary Rule Draft – Chir 5 – Continuing Education (50-55)
- 3) Draft Report Required Under S. 227.29 (56-57)
- 4) Pending and Possible Rulemaking Projects

J. Education and Examination Matters – Discussion and Consideration

- 1) Extension of CPR Requirement for Renewal

K. CBD Oil – Discussion and Consideration

L. Public Agenda Request – Discussion and Consideration

- 1) Nutritional Certification

M. COVID-19 – Discussion and Consideration

N. Discussion and Consideration of Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Legislative and Policy Matters
- 10) Administrative Rule Matters
- 11) Preceptor Approvals
- 12) Liaison Reports
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

O. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), 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.).

P. Deliberation on DLSC Matters

1) Stipulations, Final Decisions and Orders

a. 17 CHI 027 – Chad A. Schleiger, D.C. **(58-64)**

2) Case Closings

a. 18 CHI 013, 18 CHI 023, 18 CHI 024 – T.C.S. **(65-70)**

Q. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 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

R. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

T. Open Session Items Noticed Above Not Completed in the Initial Open Session

U. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

NEXT MEETING: APRIL 1, 2021

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
OCTOBER 29, 2020**

PRESENT: Scott Bautch, James Damrow, James Fortier, Bryan Gerondale, Carl Kugler, Eugene Yellen-Shiring

STAFF: Valerie Payne, Executive Director; Yolanda McGowan, Legal Counsel; Dale Kleven, Administrative Rules Coordinator; Daniel Betekhtin, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Advanced; and other Department Staff

CALL TO ORDER

Bryan Gerondale, Chairperson, called the meeting to order at 8:32 a.m. A quorum was confirmed with six (6) members present.

ADOPTION OF AGENDA

MOTION: James Fortier moved, seconded by James Damrow, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 13, 2020

MOTION: James Damrow moved, seconded by Carl Kugler, to approve the Minutes of August 13, 2020 as published. Motion carried unanimously.

**PUBLIC HEARING ON CLEARINGHOUSE RULE (CR) 20-037, CHIR 3, RELATING TO
RECIPROCAL CREDENTIALS FOR SERVICE MEMBERS, FORMER SERVICE MEMBERS,
AND THEIR SPOUSES**

MOTION: Scott Bautch moved, seconded by James Fortier, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 20-037, relating to reciprocal credentials for service members, former service members, and their spouses, for submission to the Governor's Office and Legislature. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Preliminary Rule Draft: Chir 4, Relating to Chiropractic Practice

MOTION: James Damrow moved, seconded by Carl Kugler, to approve the preliminary rule draft of Chir 4, relating to chiropractic practice, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Preliminary Rule Draft: Chir 10, Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians

MOTION: James Damrow moved, seconded by Eugene Yellen-Shiring, to approve the preliminary rule draft of Chir 10, relating to courses of study for and delegation to chiropractic technicians and chiropractic radiological technicians, for posting for economic impact comments and submission to the Clearinghouse. Motion carried.

Administrative Rules Reporting Requirement Under 2017 Wisconsin Act 108

Proposals for 2021 Report

MOTION: Carl Kugler moved, seconded by Scott Bautch, to designate James Damrow to serve as liaison to DSPS staff for drafting the 2021 Act 108 report, relating to administrative rules, and to authorize the Chairperson, or highest-ranking officer, or longest serving member of the board, in order of succession, to approve the report for submission to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

Requests for Approval of Courses of Study

*Moraine Park Technical College – Chiropractic Technician
and Chiropractic Radiological Technician*

MOTION: Scott Bautch moved, seconded by James Damrow, to approve Moraine Park Technical College’s request to deliver their Chiropractic Technician and Chiropractic Radiological Technician courses of study as presented. Motion carried unanimously.

Chiropractic Society of Wisconsin – Additional Course Delivery Request

MOTION: Scott Bautch moved, seconded by James Damrow, to approve the Chiropractic Society of Wisconsin’s request for alternate delivery of the Physical Exercise for Chiropractic Technicians and the Exercise/Rehabilitation for Chiropractic Technicians courses of study as presented. Motion carried unanimously.

Extension of CPR Requirement for Renewal

MOTION: James Fortier moved, seconded by Scott Bautch, to waive the CPR requirement for license renewal for licensees for the 2020 renewal, pursuant to Chir 3.02(1)(d). Motion carried unanimously.

DRY NEEDLING

MOTION: Scott Bautch moved, seconded by James Damrow, to affirm its interpretation that “dry needling” is an adjunctive service that falls within the scope of practice for chiropractors. Motion carried unanimously.

MOTION: Eugene Yellen-Shiring moved, seconded by James Damrow, to direct staff to prepare a guidance document draft for the board’s review and consideration on the topic of dry needling. Motion carried.

CLOSED SESSION

MOTION: Scott Bautch moved, seconded by James Damrow, 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), 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.). Bryan Gerondale, Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Scott Bautch-yes; James Damrow-yes; James Fortier-yes; Bryan Gerondale-yes; Carl Kugler-yes; and Eugene Yellen-Shiring-yes. Motion carried unanimously.

The Board convened into Closed Session at 1:27 p.m.

DELIBERATION OF ITEMS ADDED AFTER PREPARATION OF THE AGENDA

Administrative Warnings

19 CHI 009 – M.L.J.

MOTION: Scott Bautch moved, seconded by Carl Kugler, to issue an Administrative Warning in the matter of M.L.J., DLSC Case Number 19 CHI 009. Motion carried unanimously.

19 CHI 017 – J.T.F.

MOTION: James Fortier moved, seconded by Scott Bautch, to issue an Administrative Warning in the matter of J.T.F., DLSC Case Number 19 CHI 017. Motion carried unanimously.

Case Closings

MOTION: Scott Bautch moved, seconded by Carl Kugler, to close the following DLSC Cases for the reasons outlined below:

1. 17 CHI 019 – M.L.J. – Insufficient Evidence
2. 18 CHI 008 – M.L.J. – Insufficient Evidence
3. 19 CHI 027 – S.V. – No Violation
4. 20 CHI 021 – A.M.H. – Prosecutorial Discretion (P2)

Motion carried unanimously.

18 CHI 006 and 18 CHI 007 – M.L.J.

MOTION: Scott Bautch moved, seconded by Carl Kugler, to close DLSC Case Numbers 18 CHI 006 and 18 CHI 007, against M.L.J., for Insufficient Evidence. Motion carried.

RECONVENE TO OPEN SESSION

MOTION: James Damrow moved, seconded by James Fortier, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 1:56 p.m.

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

MOTION: James Damrow moved, seconded by Scott Bautch, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

**DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION
OF LICENSES AND CERTIFICATES**

MOTION: Scott Bautch moved, seconded by James Fortier, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Bryan Gerondale moved, seconded by James Fortier, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:58 p.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 1/15/21 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: 1/28/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 8:30 A.M. Public Hearing: CR 20-084 – Chir 10, Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians 1. Review and Respond to Public Comments and Clearinghouse Report	
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:			
11) <i>Dale Kleven</i> Signature of person making this request		Authorization <i>January 15, 2021</i> 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
CHIROPRACTIC EXAMINING BOARD

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

PROPOSED ORDER

An order of the Chiropractic Examining Board to amend Chir 10.02 (3) (g) 6., relating to courses of study for and delegation to chiropractic technicians and chiropractic radiological technicians.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 446.02 (7) (d), 446.025 (2) (a) 3., and 446.026 (2) (a) 3., Stats.

Statutory authority:

Sections 15.08 (5) (b) and 446.02 (7) (c), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 446.02 (7) (c), Stats., provides “[a] chiropractor who delegates the performance of a service that is adjunctive to the practice of chiropractic to a person who is not licensed under this chapter shall verify, according to standards and procedures established by the examining board by rule, that the person has adequate education, training and experience to perform the delegated service safely, and is responsible for that person’s performance of the delegated service.”

Related statute or rule:

Sections Chir 10.023 and 10.03 provide the requirements for delegation of adjunctive and x-ray services to a health care professional, as defined under s. 446.01 (1v), Stats.

Plain language analysis:

The Chiropractic Examining Board conducted a review of the provisions under ch. Chir 10 related to the required course of study for certification as a chiropractic technician, the required course of study for certification as a chiropractic radiological technician, and the requirements for delegation of adjunctive and x-ray services to these technicians. As a result of this review, the length of the didactic and clinical training program required for delegation of mechanical therapy and decompression adjunctive services to a chiropractic technician is being reduced from 4 hours to 3 hours.

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 hygienists, 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 technologist 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 s. Chir 10.025, which establishes the requirements for a chiropractic radiological technician course of study, in that they both set forth a course of study for persons who administer radiologic procedures.

Comparison with rules in adjacent states:

Illinois: Illinois defines a chiropractic radiographer as a person other than a licensed practitioner who performs medical radiation procedures and applies x-radiation to the human body for diagnostic evaluation of skeletal anatomy, while under the general supervision of a licensed chiropractor [32 Ill. Adm. Code 401.20]. Persons seeking accreditation as a chiropractic radiographer must take the exam administered by the American Chiropractic Registry of Radiologic Technologists (ACRRT) [32 Ill. Adm. Code 401.70 b) 4)].

Illinois does not have a license classification for chiropractic technicians.

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

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

Minnesota: Minnesota issues a registration for chiropractic radiologic technologist after the applicant has passed the radiography examination of the American Chiropractic Registry of Radiologic Technologists (ACRRT) [Minn. R. 4732.0585].

Minnesota does not have a license classification for chiropractic technicians.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of ch. Chir 10 related to the required course of study for certification as a chiropractic technician, the required course of study for certification as a chiropractic radiological technician, and the requirements for delegation of adjunctive and x-ray services to these technicians, and obtaining input and feedback from the Chiropractic Examining Board and instructors of courses of study for chiropractic technicians and chiropractic radiological technicians.

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

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8306; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 8:30 a.m. on January 28, 2021, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chir 10.02 (3) (g) 6. is amended to read:

Chir 10.02 (3) (g) 6. Instruction in the performance of mechanical therapy and decompression shall comprise 4 3 hours and may not include instruction in manual traction or manipulation.

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)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date December 9, 2020
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chir 10	
4. Subject Courses of study for and delegation to chiropractic technicians and chiropractic radiological technicians	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The Chiropractic Examining Board conducted a review of the provisions under ch. Chir 10 related to the required course of study for certification as a chiropractic technician, the required course of study for certification as a chiropractic radiological technician, and the requirements for delegation of adjunctive and x-ray services to these technicians. As a result of this review, the length of the didactic and clinical training program required for delegation of mechanical therapy and decompression adjunctive services to a chiropractic technician is being reduced from 4 hours to 3 hours.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of this EIA.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is a mechanical therapy and decompression training program that is consistent with current academic practices. If the rule is not implemented, the length of the program will not reflect current academic practices.	
16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is a mechanical therapy and decompression training program that is consistent with current academic practices.	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

17. Compare With Approaches Being Used by Federal Government
None

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: Illinois defines a chiropractic radiographer as a person other than a licensed practitioner who performs medical radiation procedures and applies x-radiation to the human body for diagnostic evaluation of skeletal anatomy, while under the general supervision of a licensed chiropractor [32 Ill. Adm. Code 401.20]. Persons seeking accreditation as a chiropractic radiographer must take the exam administered by the American Chiropractic Registry of Radiologic Technologists (ACRRT) [32 Ill. Adm. Code 401.70 b) 4)]. Illinois does not have a license classification for chiropractic technicians.

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

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

Minnesota: Minnesota issues a registration for chiropractic radiologic technologist after the applicant has passed the radiography examination of the American Chiropractic Registry of Radiologic Technologists (ACRRT) [Minn. R. 4732.0585]. Minnesota does not have a license classification for chiropractic technicians.

19. Contact Name	20. Contact Phone Number
Dale Kleven	(608) 261-4472

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit S. Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **20-084**

AN ORDER to amend Chir 10.02 (3) (g) 6., relating to courses of study for and delegation to chiropractic technicians and chiropractic radiological technicians.

Submitted by **CHIROPRACTIC EXAMINING BOARD**

12-09-2020 RECEIVED BY LEGISLATIVE COUNCIL.

12-22-2020 REPORT SENT TO AGENCY.

MSK:AB

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 1/15/21 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: 1/28/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 8:30 A.M. Public Hearing: CR 20-085 – Chir 4, Chiropractic Practice 1. Review and Respond to Public Comments and Clearinghouse Report	
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:			
11) <i>Dale Kleven</i> Signature of person making this request		Authorization <i>January 15, 2021</i> 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
CHIROPRACTIC EXAMINING BOARD

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

PROPOSED ORDER

An order of the Chiropractic Examining Board to amend Chir 4.02 (1m) (c), relating to chiropractic practice.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

None.

Statutory authority:

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

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides an examining board, such as the Chiropractic Examining Board, “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains . . .”

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency’s rule-making authority, stating an agency “may promulgate rules interpreting provisions of any statute enforced or administered by the agency . . .”

Related statute or rule:

None.

Plain language analysis:

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

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

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

None.

Comparison with rules in adjacent states:

Illinois: Rules of the Illinois Department of Financial and Professional Regulation regulate the practice of chiropractic in Illinois. The rules do not address dry needling as it relates to the scope of practice of chiropractic.

Iowa: Rules of the Iowa Board of Chiropractic regulate the practice of chiropractic in Iowa. The rules do not address dry needling as it relates to the scope of practice of chiropractic.

Michigan: The practice of chiropractic in Michigan does not include the performance of any procedure that cuts or punctures the skin (Section 333.16401, Public Health Code). Acupuncture is defined as the insertion and manipulation of needles through the surface of the human body, and by definition includes dry needling (Section 333.16501, Public Health Code).

Minnesota: Rules of the Minnesota Board of Chiropractic Examiners regulate the practice of chiropractic in Minnesota. The rules do not address dry needling as it relates to the scope of practice of chiropractic.

Summary of factual data and analytical methodologies:

The Chiropractic Examining Board evaluated dry needling treatment as it relates to the scope of the practice of chiropractic. This included a review of how adjacent states address dry needling treatment as part of the scope of the practice of chiropractic and how the Wisconsin Physical Therapy Examining Board addresses dry needling treatment as part of the scope of the practice of physical therapy. The Board determined no updates to ch. Chir 4 are needed based on the results of their evaluation.

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

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8306; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 8:30 a.m. on January 28, 2021, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chir 4.02 (1m) (c) is amended to read:

Chir 4.02 (1m) (c) Lab analysis, including drawing blood and blood analysis.

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)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date December 9, 2020
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chir 4	
4. Subject Chiropractic practice	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The Chiropractic Examining Board evaluated dry needling treatment as it relates to the scope of the practice of chiropractic, and determined no updates to ch. Chir 4 are needed based on the results of their evaluation. As specified in the objective of the proposed rule described in scope statement SS 022-20, the definition of "examination" under s. Chir 4.02 (1m) has been revised to clarify that lab analysis includes drawing blood and blood analysis.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. Comments were received from William Dunbar, PhD, President of the Midwest College of Oriental Medicine (MCOM), and Megan Bielinski, Vice President of the Wisconsin Society of Acupuncturists (WISCA). The comments indicate that the only reason a chiropractor would break a patient's skin would be to perform acupuncture or its equivalent, and as such the proposed rule would have an adverse economic impact on acupuncturists practicing in Wisconsin, students and graduates of MCOM, and the WISCA. As drawing blood for analysis as part of a patient examination does not constitute acupuncture, the proposed rule does not have the potential economic impact described in the comments.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of this EIA.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit to implementing the rule is clarification of the definition of "examination" under s. Chir 4.02 (1m). If the rule is not implemented, this definition will remain unclear.

16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is clarification of the definition of "examination" under s. Chir 4.02 (1m).

17. Compare With Approaches Being Used by Federal Government

None

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: Rules of the Illinois Department of Financial and Professional Regulation regulate the practice of chiropractic in Illinois. The rules do not address dry needling as it relates to the scope of practice of chiropractic.

Iowa: Rules of the Iowa Board of Chiropractic regulate the practice of chiropractic in Iowa. The rules do not address dry needling as it relates to the scope of practice of chiropractic.

Michigan: The practice of chiropractic in Michigan does not include the performance of any procedure that cuts or punctures the skin (Section 333.16401, Public Health Code). Acupuncture is defined as the insertion and manipulation of needles through the surface of the human body, and by definition includes dry needling (Section 333.16501, Public Health Code).

Minnesota: Rules of the Minnesota Board of Chiropractic Examiners regulate the practice of chiropractic in Minnesota. The rules do not address dry needling as it relates to the scope of practice of chiropractic.

19. Contact Name	20. Contact Phone Number
Dale Kleven	(608) 261-4472

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **20-085**

AN ORDER to amend Chir 4.02 (1m) (c), relating to chiropractic practice.

Submitted by **CHIROPRACTIC EXAMINING BOARD**

12-09-2020 RECEIVED BY LEGISLATIVE COUNCIL.

01-05-2021 REPORT SENT TO AGENCY.

SG:BL

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

Proposed changes to the proposed rule 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 5.02 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 the words:

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.

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 sub point 3:

To change from 20% to 10%.
To add the phrase “by the Board”

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 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 sub point 4:

4. If the full Board, based on the random review of 10 percent of class programs, determines that any of the programs violated any of the requirements, the sponsor will be required to submit every course 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 course 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.

(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 **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 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).

4. If the full Board, based on the random review of 10 percent of class programs, determines that any of the programs violated any of the requirements, the sponsor will be required to submit every course 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 course individually to the examining board for approval for the subsequent two year biennium.

Rationale:

Clarifies that the Board members conduct the actual review and that the full Board makes the final decision regarding violations.

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 courses to review.

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


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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv.		2) Date When Request Submitted: 12/29/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: All Boards			
4) Meeting Date:	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. Attendance/Quorum: Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. 2. Walking Quorum: Please refrain from discussing Board/Section/Council business with other members outside of legally noticed meetings so to avoid walking quorum issues pursuant to Open Meetings Law. 3. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline which is 8 business days prior to a meeting. 4. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. 5. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the indicated start time. <ul style="list-style-type: none"> • If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate. 6. Inclement Weather Policy: In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executed remotely. 			
11) Authorization			
<i>Kimberly Wood</i>		12/29/2020	
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: <ol style="list-style-type: none"> 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 & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Daniel Betekhtin, Bureau Assistant		2) Date When Request Submitted: 12/21/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>					
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board							
4) Meeting Date: 1/28/2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters 1) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities					
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A					
10) Describe the issue and action that should be addressed: 1) The Cemetery Board should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities and any proposals for modification of delegations. <ul style="list-style-type: none"> a. Credentialing Delegations (Questions: Sarah Norberg) b. Monitoring Delegations (Questions: Amy Mayo) c. Pre-Screening Delegations (Questions: Gretchen Mrozinski) 							
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;">  </div> <div style="width: 35%; text-align: right;"> 12/21/2020 </div> </div> <hr/> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%; border: none;">Signature of person making this request</td> <td style="width: 30%; border: none; text-align: right;">Date</td> </tr> <tr> <td style="border: none;">Supervisor (if required)</td> <td style="border: none; text-align: right;">Date</td> </tr> </table> <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date				Signature of person making this request	Date	Supervisor (if required)	Date
Signature of person making this request	Date						
Supervisor (if required)	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.							

Chiropractic Examining Board 2020 Officers, Liaisons, and Authorities

ELECTION RESULTS	
Chairperson	Bryan Gerondale
Vice Chairperson	James Damrow
Secretary	Scott Bautch
LIAISON APPOINTMENTS	
Credentialing Liaison	Scott Bautch <i>Alternate: James Damrow</i>
Exams, Education and Continuing Education Liaison	Scott Bautch, James Damrow, Bryan Gerondale <i>(Rotate CE Approvals to D.C. Members)</i>
Monitoring Liaison	James Damrow <i>Alternate: Carl Kugler</i>
Professional Assistance Procedure (PAP) Liaison	<i>Alternate: Carl Kugler</i>
Legislative Liaison	Bryan Gerondale <i>Alternate: James Damrow</i>
Travel Liaison	James Damrow <i>Alternate: Carl Kugler</i>
Rules Liaison	Scott Bautch <i>Alternate: Bryan Gerondale</i>
Preceptor Liaison	Scott Bautch <i>Alternate: James Damrow</i>
SCREENING PANEL APPOINTMENTS	
Screening Panel	Bryan Gerondale, Carl Kugler <i>Alternate: Scott Bautch</i>

Delegation Motions

Document Signature Delegations

MOTION: Bryan Gerondale moved, seconded by Scott Bautch, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Carl Kugler moved, seconded by James Damrow, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Scott Bautch moved, seconded by Bryan Gerondale, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to of Loss of Quorum

MOTION: Scott Bautch moved, seconded by James Damrow, to delegate the review of disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum. Motion carried unanimously.

Monitoring Delegations

MOTION: Bryan Gerondale moved, seconded by Scott Bautch, to adopt the "Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor" as presented in the January 30, 2020 agenda materials. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison (Denial Decisions)

MOTION: Scott Bautch moved, seconded by Carl Kugler, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPS and the Board and to act on behalf of the Board in

regard to credentialing applications or questions presented to them except that potential denial decisions shall be referred to the full Board for final determination. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Bryan Gerondale moved, seconded by Scott Bautch, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: James Damrow moved, seconded by Bryan Gerondale, that the Department's Attorney Supervisors, DLSC Administrator, or their designee are authorized to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Pre-Screening Delegation

MOTION: Scott Bautch moved, seconded by James Damrow, to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
2. Reciprocal discipline cases.
3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).

Motion carried unanimously.

Pre-screening Delegation to Close Cases

- MOTION:** Scott Bautch moved, seconded by James Damrow, to delegate pre-screening decision making authority to the DSPS screening attorney for closing cases as outlined below:
1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
 2. Complaints that even if allegations are true, do not amount to a violation of law or rules.
- Motion carried unanimously.

Voluntary Surrenders

- MOTION:** Bryan Gerondale moved, seconded by James Damrow, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Examination, Education and Continuing Education Delegation(s)

- MOTION:** Scott Bautch moved, seconded by Carl Kugler, to delegate authority to the Examination, Education and Continuing Education Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

- MOTION:** Scott Bautch moved, seconded by James Damrow, to authorize DSPS staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

- MOTION:** Bryan Gerondale moved, seconded by Carl Kugler to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Scott Bautch moved, seconded by James Fortier, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Delegation

MOTION: James Damrow moved, seconded by Carl Kugler, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

PROPOSED 2021 CREDENTIALING DELEGATION MOTIONS

Delegation of Authority to Credentialing Liaison

MOTION: to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications, except that potential denial decisions shall be referred to the full Board for final determination.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review.

Delegation of Authority for Predetermination Reviews

MOTION: to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

Delegation of Authority for Conviction Reviews

MOTION: to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of chiropractic.

Or, alternatively,

MOTION: to delegate authority to Department Paralegals to review and approve applications with [optional: up to X] municipal/ordinance violations which are not substantially related to the practice of chiropractic.

MOTION: to delegate authority to Department Attorneys to review and approve applications with [optional: up to X] municipal/ordinance violations and misdemeanors [optional: each more than X years old and] which are not substantially related to the practice of chiropractic.

Delegation to DSPS When Applicant's History Has Been Previously Reviewed

MOTION: to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous chiropractic credential and there is no new conviction record.

Delegated Authority for Application Denial Reviews

MOTION: to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential.

Roles and Authorities Delegated for Monitoring

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

~~Current~~ Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/~~disciplinary~~/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/~~disciplinary~~/remedial education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.
- ~~7.8.~~ Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain ~~the signature of~~ written authorization from the Liaison to sign on their behalf.
- ~~8.9.~~ Grant or deny a request to appear before the Board/Section in closed session.
- ~~9.10.~~ Board Monitoring The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
- ~~10.11.~~ (*Except Pharmacy and Medical*) Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

~~11.12.~~ *(Except Pharmacy)* Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.

- a. ~~Initial Year 1:~~ 49 screens (including 1 hair test, if required by original order)
- b. ~~1st Reduction Year 2:~~ 36 screens (plus 1 hair test, if required by original order)
- c. ~~2nd Reduction Year 3:~~ 28 screens plus 1 hair test
- ~~d. Year 4: 28 screens plus 1 hair test~~
- ~~e. Year 5: 14 screens plus 1 hair test~~
- d. 3rd Reduction: 14 screens plus 1 hair test

~~12.13.~~ *(Dentistry only)* Ability to approve or deny all requests from a respondent.

~~13.14.~~ *(Except Nursing)* ~~Board Monitoring~~ The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

~~Current~~ Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if education ~~CE~~ is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered education ~~CE~~ and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.

Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 1/15/21 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: 1/28/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Proposals for Chir 5, Relating to Continuing Education 2. Preliminary Rule Draft – Chir 5 – Continuing Education 3. Draft Report Required Under s. 227.29 4. Pending or Possible Rulemaking Projects	
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:			
11) <i>Dale Kleven</i> Signature of person making this request		Authorization <i>January 15, 2021</i> 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
CHIROPRACTIC EXAMINING BOARD

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

PROPOSED ORDER

An order of the Chiropractic Examining Board to **repeal** Chir 5.02 (1) (b) (title) and (bm) (title), (3), (4), and (6) (Note) and 5.03; to **renumber and amend** Chir 5.02 (1) (a); to **amend** Chir 5.01 (1) (a), (1g) (a), (1r) (a), (2) (b), and (3) and 5.02 (1) (intro.), (b), (bm), (c), (f), and (h) and (2) (a); and to **create** Chir 5.01 (1) (g) and (h), (1g) (c), (1r) (c), (4), and (5), 5.02 (1) (a) 1. to 4. and (cm), and 5.04, relating to continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 440.035 (2) and 446.028, Stats.

Statutory authority:

Sections 15.08 (5) (b), 446.025 (3) (b), and 446.026 (3) (b), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that examining boards, such as the Chiropractic Examining Board, “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains . . .”

Section 446.025 (3) (b), Stats., provides “[a] chiropractic radiological technician shall, at the time that he or she applies for renewal of a certificate . . .submit evidence satisfactory to the examining board that he or she has completed at least 12 continuing educational credit hours in programs established by rules promulgated by the examining board.”

Section 446.026 (3) (b), Stats., provides “[a] chiropractic technician shall, at the time that he or she applies for renewal of a certificate . . .submit evidence satisfactory to the examining board that he or she has completed at least 6 continuing educational credit hours in programs established by rules promulgated by the examining board.”

Related statute or rule:

Chapter Chir 3 provides the requirements for license renewal, which include the completion of continuing education.

Plain language analysis:

The Chiropractic Examining Board conducted a comprehensive review of ch. Chir 5, including 1) the requirements for approval of continuing education programs, 2) circumstances under which online continuing education may be permitted, and 3) the

current process of reviewing and approving continuing education programs and how that process may be expedited. As a result of this review, the following updates have been made:

- Chiropractors, chiropractic technicians, and chiropractic radiological technicians will be able to acquire a portion of their required continuing education credit hours through participation in online continuing education programs approved by the Board.
- Continuing education hours may be counted for teaching an approved continuing education program. An instructor is eligible for continuing education hours to the same extent as a participant in the program, except continuing education hours may not be counted for subsequent presentations of the same content.
- A provision under s. Chir 5.01 (3) concerning the Board's ability to request verification of attendance at a continuing education program has been revised to reflect s. 440.035 (2), Stats., as created by 2017 Wisconsin Act 59, which specifies that, except as otherwise permitted in chs. 440 to 480, Stats., an examining board may require a credential holder to submit proof of completion of continuing education programs or courses only if a complaint is made against the credential holder.
- The American Chiropractic Association (ACA) has been removed from s. Chir 5.02 (1) (a) as an allowable continuing education program sponsor, as the ACA is not one of the allowable program sponsors enumerated in s. 446.028, Stats.
- An additional requirement has been added in order for a college of chiropractic, medicine, or osteopathy to be considered an approved continuing education program sponsor under s. Chir 5.02 (1) (a). Specifically, the college must have accreditation that is in good standing from an accrediting agency whose recognition by the United States Department of Education is current.
- The requirement under s. Chir 5.02 (1) (b) that program subject matter be generally taught at the undergraduate or postgraduate level of a chiropractic college and relate to improving the clinical skills of a chiropractor is revised. The revised requirement is that program 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.
- Requirements that specifically pertain to online continuing education programs have been created under s. Chir 5.02 (1) (cm). Specifically, an online continuing education program must require two-way real-time interactive communication between the participant and the instructor, and include a written assessment instrument and means to furnish each participant with evidence of having attended the program.
- Provisions from ss. Chir 5.02 and 5.03 concerning an application for approval of a continuing education program have been removed and consolidated into a new s. Chir 5.04. Section Chir 5.04 as created reduces the lead time required for submission of an application from 75 days to 60 days. It also provides an expedited approval process for program sponsors who successfully complete a compliance review of a random sample of continuing education programs that were approved for the previous 2-year registration period.
- Other provisions throughout ch. Chir 5 have been revised to correct references to the registration period end date, provide clarity, and conform to current drafting standards.

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

None.

Summary of public comments and feedback on the statement of scope and the Board’s responses:

The Board held a public comment period and conducted a public hearing on April 2, 2020. The Board received testimony concerning the statement of scope from the following individuals:

- Dr. Steven Conway, representing the Chiropractic Society of Wisconsin – Dr. Conway expressed support for the objective of conducting a comprehensive review and update of the current process of reviewing and approving continuing education programs, and opposition to online continuing education for chiropractors.
- Dr. Paul Powers, representing ChiroCredit.com – Dr. Powers expressed strong support for online continuing education for chiropractors.

After consideration of the testimony provided, the Board approved the scope statement for implementation without modification.

Comparison with rules in adjacent states:

Illinois: Rules of the Illinois Department of Financial and Professional Regulation regulate continuing medical education (CME) for chiropractic physicians practicing in Illinois [68 Ill. Adm. Code 1285.110]. The rules address CME hours requirements, acceptable CME programs and activities, requirements for CME sponsors and formal CME programs, certification of compliance with CME requirements, CME earned in other jurisdictions, and the waiver of CME requirements.

The Illinois Emergency Management Agency accredits chiropractic radiographers, who are defined as persons other than a licensed practitioner who perform medical radiation procedures and apply x-radiation to the human body for diagnostic evaluation of skeletal anatomy, while under the general supervision of a licensed chiropractor [32 Ill. Adm. Code 401.20]. The rules of the Agency address continuing education requirements for renewal of accreditation as a chiropractic radiographer [32 Ill. Adm. Code 401.140 b)].

Illinois does not have an equivalent license classification for chiropractic technicians.

Iowa: Rules of the Iowa Board of Chiropractic regulate continuing education (CE) for chiropractors practicing in Iowa [645 IAC 44]. The rules address required CE hours, standards for CE activities, and exemptions from CE requirements.

Iowa does not have an equivalent license classification for chiropractic radiological technicians or chiropractic technicians.

Michigan: Rules of the Michigan Department of Licensing and Regulatory Affairs regulate continuing education (CE) for chiropractors practicing in Michigan [Mich Admin Code, R 338.12037 to R 338.12042]. The rules address required CE hours, acceptable CE programs and activities, and approval of CE programs.

Michigan does not have an equivalent license classification for chiropractic radiological technicians or chiropractic technicians.

Minnesota: Rules of the Minnesota Board of Chiropractic Examiners regulate continuing education (CE) for chiropractors practicing in Minnesota [Minnesota Rules, parts 2500.1200 to 2500.2000]. The rules address required CE hours, CE program approval and approval criteria, approval of CE sponsors, and the waiver or deferment of CE requirements.

The Minnesota Department of Health registers chiropractic radiologic technologists [Minn. R. 4732.0570 to 4732.0585]. There are no continuing education requirements for maintaining registration.

Minnesota does not have an equivalent license classification for chiropractic technicians.

Summary of factual data and analytical methodologies:

The rules were developed by reviewing the provisions of ch. Chir 5 to ensure the rules are consistent with current practices and applicable Wisconsin statutes, and that the Board's review and approval of continuing education programs is completed as efficiently as possible.

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

The proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8306; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. Chir 5.01 (1) (a) is amended to read:

Chir 5.01 (1) (a) Every chiropractor shall complete at least 40 continuing education credit hours in approved continuing education programs during each 2-year license registration period ending on December ~~14~~ 15 of each even-numbered year, except as specified in s. Chir 3.02 (1) (c). Completion of course work and teaching or presenting courses or programs may be counted toward the requirement under this paragraph as provided under pars. (d), (f), and (h).

(d) Course work completed in pursuit of the educational requirements of ch. Chir 12 may be counted on an hour-for-hour basis as continuing education credit hours.

(e) Of the 40 continuing education credit hours in par. (a), a chiropractor holding a nutritional counseling certificate issued under ch. Chir 12 shall complete at least 4

continuing education credit hours in approved continuing education programs relating to nutrition.

(f) One credit of course work completed to become proficient in the use of an automated external defibrillator as required in ss. Chir 2.02 (6) (c), 3.02 (1) (e), and 3.03 (1) (i), may be counted as a one continuing education credit hour.

SECTION 2. Chir 5.01 (1) (g) and (h) are created to read:

Chir 5.01 (1) (g) No more than 8 of the 40 continuing education credit hours required under par. (a) may be acquired through participation in online continuing education programs approved under s. Chir 5.02.

(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.

SECTION 3. Chir 5.01 (1g) (a) is amended to read:

Chir 5.01 (1g) (a) Every chiropractic radiological technician shall complete at least 12 continuing education credit hours in approved continuing education programs during each 2-year certificate registration period ending on December ~~14~~ 15 of each even-numbered year. A chiropractic radiological technician who receives an initial certificate during a licensing biennium is not required to satisfy the continuing education requirement from the date of that certificate to the end of that licensing biennium.

SECTION 4. Chir 5.01 (1g) (c) is created to read:

Chir 5.01 (1g) (c) No more than 2 of the 12 continuing education credit hours required under par. (a) may be acquired through participation in online continuing education programs approved under s. Chir 5.02.

SECTION 5. Chir 5.01 (1r) (a) is amended to read:

Chir 5.01 (1r) (a) Every chiropractic technician shall complete at least 6 continuing education credit hours in approved continuing education programs during each 2-year certificate registration period ending on December ~~14~~ 15 of each even-numbered year. A chiropractic technician who receives an initial certificate during a licensing biennium is not required to satisfy the continuing education requirement from the date of that certificate to the end of that licensing biennium.

SECTION 6. Chir 5.01 (1r) (c) is created to read:

Chir 5.01 (1r) (c) No more than 2 of the 6 continuing education credit hours required under par. (a) may be acquired through participation in online continuing education programs approved under s. Chir 5.02.

SECTION 7. Chir 5.01 (2) (b) and (3) are amended to read:

Chir 5.01 (2) (b) If the chiropractor, chiropractic radiological technician, or chiropractic technician has failed to meet the credential renewal requirement during the period, continuing education hours acquired on or after December ~~14~~ 15 of any even-numbered year will apply to the preceding period only if the chiropractor, chiropractic radiological technician, or chiropractic technician has failed to meet the credential renewal requirement during that period, and will not apply to any other period or purpose.

(3) To obtain credit for completion of continuing education programs, a chiropractor, chiropractic radiological technician, or chiropractic technician shall certify on ~~his or her~~ the application for credential renewal that ~~he or she has completed~~ all continuing education credits have been completed as required ~~in~~ under this section ~~for the previous 2-year credential registration period. A chiropractor, chiropractic radiological technician, or chiropractic technician shall retain for a minimum period of 4 years, and shall make available to the board or its agent upon request, certificates of attendance issued by the program sponsor for all continuing education programs for which he or she claims credit for purposes of renewal of his or her credential. Chiropractors, chiropractic radiological technicians, or chiropractic technicians attending a program for credit shall be present in the room where a program is being presented in order to claim credit. A chiropractor, chiropractic radiological technician, or chiropractic technician may claim credit hours for continuing education for which he or she was in actual attendance in the room, except for authorized break periods or to attend to personal hygiene needs.~~

SECTION 8. Chir 5.01 (4) and (5) are created to read:

Chir 5.01 (4) A chiropractor, chiropractic radiological technician, or chiropractic technician shall retain a certificate or other evidence of attendance issued by the program sponsor for a minimum of 4 years from the date of completion of a continuing education program.

(5) The board shall require any chiropractor, chiropractic radiological technician, or chiropractic technician who is under investigation by the board for alleged misconduct to submit evidence of compliance with the continuing education requirements under this section.

SECTION 9. Chir 5.02 (1) (intro.) is amended to read:

Chir 5.02 (1) (intro.) The board may approve a continuing education program ~~which that~~ that meets all of the following ~~minimum~~ requirements:

SECTION 10. Chir 5.02 (1) (a) is renumbered Chir 5.02 (1) (a) (intro.) and amended to read:

Chir 5.02 (1) (a) (intro.) The program is sponsored by ~~the Wisconsin chiropractic association, the American chiropractic association, the international chiropractors association, a college of chiropractic approved by the board, or a college of medicine or osteopathy accredited by an agency recognized by the United States department of education.~~ one of the following:

SECTION 11. Chir 5.02 (1) (a) 1. to 4. are created to read:

Chir 5.02 (1) (a) 1. The Wisconsin Chiropractic Association.

2. The International Chiropractors Association.

3. A college of chiropractic with accreditation that is in good standing from the Council on Chiropractic Education or another accrediting agency whose recognition by the United States department of education is current.

4. A college of medicine or osteopathy with accreditation that is in good standing from an accrediting agency whose recognition by the United States department of education is current.

SECTION 12. Chir 5.02 (1) (b) (title) is repealed.

SECTION 13. Chir 5.02 (1) (b) is amended to read:

Chir 5.02 (1) (b) ~~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.

SECTION 14. Chir 5.02 (1) (bm) (title) is repealed.

SECTION 15. Chir 5.02 (1) (bm) and (c) are amended to read:

Chir 5.02 (1) (bm) ~~The~~ For a continuing education program required under s. Chir 5.01 (1g) (a) or (1r) (a), the program subject matter relates to improving the clinical skills of a chiropractic radiological technician or chiropractic technician, as applicable.

(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.~~

SECTION 16. Chir 5.02 (1) (cm) is created to read:

Chir 5.02 (1) (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.
2. The program includes a written assessment instrument that is designed to ensure the chiropractor, chiropractic radiological technician, or chiropractic technician, as applicable, actively participated in the presentation of material and derived a measurable benefit from participation.
3. The program includes means to furnish each participant with evidence of having attended the program.

SECTION 17. Chir 5.02 (1) (f) and (h) and (2) (a) are amended to read:

Chir 5.02 (1) (f) ~~When~~ If a course instructor of the program is on the undergraduate or postgraduate faculty of a chiropractic college, the program sponsor has provided written verification that the course instructor has been appointed in accordance with the accreditation standards of the ~~council on chiropractic education~~ Council on Chiropractic Education, and that the chiropractic college exercises sufficient supervision over a faculty member's course content.

(h) ~~The~~ A course instructor is qualified to present of the program has qualifications appropriate for presenting the course.

(2) (a) ~~Continuing education programs may include subject material other than that which relates 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) that does not meet the requirements under sub. (1) (b). However, only the parts of the program which relate to improving the clinical skills of a chiropractor and are generally taught at the undergraduate or postgraduate level of a chiropractic college that include subject material that meets the requirements under sub. (1) (b) are eligible for credit.~~

SECTION 18. Chir 5.02 (3), (4), and (6) (Note) are repealed.

SECTION 19. Chir 5.03 is repealed.

SECTION 20. Chir 5.04 is created to read:

Chir 5.04 Application for approval of a continuing education program.

(1) An application for approval of a continuing education program shall be on a form provided by the board and include all of the following:

(a) The name and address of the program sponsor and a description of how the program sponsor qualifies under s. Chir 5.02.

(b) A description of the time and place of the program.

(c) Evidence of the program sponsor's verification showing to the satisfaction of the board that the subject matter meets the requirements under s. Chir 5.02 (1) (b) or (bm), as applicable.

(d) A detailed course outline or syllabus describing the subject matter of the program, and the amount of time devoted to each section of the outline or syllabus.

(e) The names and a description of the qualifications of all instructors including, if applicable, whether an instructor of the program who is an undergraduate or postgraduate faculty member of a sponsoring college was appointed in accordance with accreditation standards of the Council on Chiropractic Education or by an agency approved by the United States department of education.

(f) If the program sponsor intends to assign or delegate any of its responsibilities to another person or entity, all of the following:

1. A specific description of the assignment or delegation.

2. The name and address of the person or entity who is assigned or delegated to perform the responsibility, and a description of the qualifications of that person or entity to perform the responsibility.

3. A description of the method by which the program sponsor intends to assure that the delegated or assigned responsibility is performed.

Note: Application forms are available on the department's website at dsps.wi.gov, or by request from the Department of Safety and Professional Services, P. O. Box 8935, Madison, Wisconsin 53708, or call (608) 266-2112.

(2) An application shall be complete as required under sub. (1) and filed with the board no later than 60 days prior to the program date or, for an online continuing education program, the date on which the program will first be eligible for continuing education credit. An application is not considered complete until such time as all information required to be submitted with the application is received by the board.

(3) The board may require an applicant to submit information in addition to that described in sub. (1) that is necessary to determine if the applicant meets the requirements of this chapter.

(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 board 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 (6) and awarded continuing education credit as provided under s. Chir 5.02 (2) and (5).

(5) The board shall deny approval of an application for any of the following reasons:

(a) The program or program sponsor does not meet requirements established in this chapter.

(b) The emphasis of the program is on the business, management, or insurance aspects of a chiropractic practice rather than on improving the clinical skills of the chiropractor, chiropractic radiological technician, or chiropractic technician, as applicable.

(c) The board determines the program sponsor has not provided adequate assurance that responsibilities delegated or assigned to others will be satisfactorily performed.

(d) The program sponsor, an instructor, or a person delegated or assigned a responsibility has a financial, personal or professional interest which conflicts directly with the performance of responsibilities in this chapter.

(e) Failure on the part of a program sponsor, an instructor, or a person delegated or assigned a responsibility to carry out a program as represented to and approved by the board or as provided in this chapter.

(f) The program subject matter relates to practice that is prohibited under s. Chir 4.05.

SECTION 21. 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)

Note: Changes to the version of this document reviewed by the Board at its October 29, 2020 meeting have been highlighted for the Board's reference

Chapter Chir 5 CONTINUING EDUCATION

Chir 5.01 Continuing education requirements for credential renewal.

(1)

- (a) Every chiropractor shall complete at least 40 continuing education credit hours in approved continuing education programs during each 2-year license registration period ending on December ~~14~~ 15 of each even-numbered year, except as specified in s. Chir 3.02 (1) (c). Completion of course work and teaching or presenting courses or programs may be counted toward the requirement under this paragraph as provided under pars. (d), (f), and (h).
- (b) Continuing education requirements for license renewal apply to the first full 2-year period in which a chiropractor is licensed.
- (c) The board may grant a waiver, partial waiver, or postponement of the continuing education requirements in cases of hardship.
- (d) Course work completed in pursuit of the educational requirements of ch. Chir 12 may be counted on an hour-for-hour basis as continuing education credit hours.
- (e) Of the 40 continuing education credit hours in par. (a), a chiropractor holding a nutritional counseling certificate issued under ch. Chir 12 shall complete at least 4 continuing education credit hours in approved continuing education programs relating to nutrition.
- (f) One credit of course work completed to become proficient in the use of an automated external defibrillator as required in ss. Chir 2.02 (6) (c), 3.02 (1) (e), and 3.03 (1) (i), may be counted as a one continuing education credit hour.
- (g) ~~Beginning with the license registration period ending on December 15, 2024, up to~~ No more than 8 of the 40 continuing education credit hours required under par. (a) may be acquired through participation in online continuing education programs approved under s. Chir 5.02.
- (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.

(1g)

- (a) Every chiropractic radiological technician shall complete at least 12 continuing education credit hours in approved continuing education programs during each 2-year certificate registration period ending on December ~~14~~ 15 of each even-numbered year. A chiropractic radiological technician who receives an initial certificate during a licensing biennium is not required to satisfy the continuing education requirement from the date of that certificate to the end of that licensing biennium.
- (b) The board may grant a waiver, partial waiver, or postponement of the continuing education requirements in cases of hardship.
- (c) ~~Beginning with the certificate registration period ending on December 15, 2024, up to~~ No more than 2 of the 12 continuing education credit hours required under par. (a) may be acquired through participation in online continuing education programs approved under s. Chir 5.02.

(1r)

- (a) Every chiropractic technician shall complete at least 6 continuing education credit hours in approved continuing education programs during each 2-year certificate registration period ending on December ~~14~~ 15 of each even-numbered year. A chiropractic technician who receives an initial certificate during a licensing biennium is not required to satisfy the continuing education requirement from the date of that certificate to the end of that licensing biennium.

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- (b) The board may grant a waiver, partial waiver, or postponement of the continuing education requirements in cases of hardship.
- (c) **Beginning with the certificate registration period ending on December 15, 2024, up to No more than 2 of the 6 continuing education credit hours required under par. (a) may be acquired through participation in online continuing education programs approved under s. Chir 5.02.**
- (2) Continuing education credit hours may apply only to the 2-year license period in which the credit hours are acquired, unless either of the following applies:
 - (a) The continuing education credit hours required of a particular chiropractor, chiropractic radiological technician, or chiropractic technician as a consequence of a disciplinary proceeding, informal settlement conference, or resolution of an investigation into the conduct or competence of the chiropractor, chiropractic radiological technician, or chiropractic technician may not be counted towards the fulfillment of generally applicable continuing education requirements.
 - (b) If the chiropractor, chiropractic radiological technician, or chiropractic technician has failed to meet the credential renewal requirement during the period, continuing education hours acquired on or after December 14 15 of any even-numbered year will apply to the preceding period only if the chiropractor, chiropractic radiological technician, or chiropractic technician has failed to meet the credential renewal requirement during that period, and will not apply to any other period or purpose.
 - (3) To obtain credit for completion of continuing education programs, a chiropractor, chiropractic radiological technician, or chiropractic technician shall certify on ~~his or her~~ the application for credential renewal that ~~he or she has completed~~ have been completed as required ~~in under~~ in this section ~~for the previous 2-year credential registration period. A chiropractor, chiropractic radiological technician, or chiropractic technician shall retain for a minimum period of 4 years, and shall make available to the board or its agent upon request, certificates of attendance issued by the program sponsor for all continuing education programs for which he or she claims credit for purposes of renewal of his or her credential. Chiropractors, chiropractic radiological technicians, or chiropractic technicians attending a program for credit shall be present in the room where a program is being presented in order to claim credit. A chiropractor, chiropractic radiological technician, or chiropractic technician may claim credit hours for continuing education for which he or she was in actual attendance in the room, except for authorized break periods or to attend to personal hygiene needs.~~
 - (4) A chiropractor, chiropractic radiological technician, or chiropractic technician shall retain a certificate or other evidence of attendance issued by the program sponsor for a minimum of 4 years from the date of completion of a continuing education program.
 - (5) The board shall require any chiropractor, chiropractic radiological technician, or chiropractic technician who is under investigation by the board for alleged misconduct to submit evidence of compliance with the continuing education requirements under this section.
 - (6) **Except as provided under subs. (1) (g), (1g) (c), and (1r) (c), credit may only be claimed for completing a program in which an instructor employs an in person, classroom-type presentation and the chiropractor, chiropractic radiological technician, or chiropractic technician is in attendance in the same room as the instructor. A home study or other distance learning program may be approved for credit only in cases of extreme hardship, as determined by the board.**

Chir 5.02 Approval of continuing education programs.

- (1) The board may approve a continuing education program ~~which that~~ which meets all of the following ~~minimum~~ requirements:
 - (a) The program is sponsored by ~~the Wisconsin chiropractic association, the American chiropractic association, the international chiropractors association, a college of chiropractic approved by the board, or a college of medicine or osteopathy accredited by an agency recognized by the United States department of education.~~ one of the following:

Note: Changes to the version of this document reviewed by the Board at its October 29, 2020 meeting have been highlighted for the Board's reference

1. The Wisconsin Chiropractic Association.
 2. The International Chiropractors Association.
 3. A college of chiropractic with accreditation that is in good standing from the Council on Chiropractic Education or another accrediting agency whose recognition by the United States department of education is current.
 4. A college of medicine or osteopathy with accreditation that is in good standing from an accrediting agency whose recognition by the United States department of education is current.
- (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.~~
- (bm) ~~Chiropractic radiological technician and chiropractic technician. The~~ For a continuing education program required under s. Chir 5.01 (1g) (a) or (1r) (a), the program subject matter relates to improving the clinical skills of a chiropractic radiological technician or chiropractic technician, as applicable.
- (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.
- (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.
 2. The program includes a written assessment instrument that is designed to ensure the chiropractor, chiropractic radiological technician, or chiropractic technician, as applicable, actively participated in the presentation of material and derived a measurable benefit from participation.
 3. The program includes means to furnish each participant with evidence of having attended the program.
- (d) A program sponsor shall not assign or delegate its responsibilities to monitor or record attendance, provide evidence of attendance, validate course content, or provide information on instructors or other aspects of the program unless the assignment or delegation is specifically identified in the application for approval and approved by the board.
- (e) The program sponsor has reviewed and validated the program's course content to ensure its compliance with pars. (b) and (bm).
- (f) ~~When~~ If a course instructor of the program is on the undergraduate or postgraduate faculty of a chiropractic college, the program sponsor has provided written verification that the course instructor has been appointed in accordance with the accreditation standards of the ~~council on chiropractic education~~ Council on Chiropractic Education, and that the chiropractic college exercises sufficient supervision over a faculty member's course content.
- (g) The program offers significant professional educational benefit for participants, as determined by the board.
- (h) ~~The~~ A course instructor ~~is qualified to present of the program has qualifications appropriate for presenting~~ the course.
- (1m) The board shall approve a continuing education program that is approved under s. 46.03 (38), Stats., to provide instruction in the use of an automated external defibrillator. Subsections (1) to (4) and (6) do not apply to programs approved under this section.

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- (2) (a)** Continuing education programs may include subject material ~~other than that which relates 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) that does not meet the requirements under sub. (1) (b).~~ However, only the parts of the program ~~which relate to improving the clinical skills of a chiropractor and are generally taught at the undergraduate or postgraduate level of a chiropractic college that include subject material that meets the requirements under sub. (1) (b)~~ are eligible for credit.
- (am)** Continuing education programs may include subject material other than that which relates to improving the clinical skills of a chiropractic radiological technician or chiropractic technician. However, only the parts of the program which relate to improving the clinical skills of a chiropractic radiological technician or chiropractic technician, as applicable, are eligible for credit.
- (b)** Any presentation, program content, materials or displays for the advertising, promotion, sale or marketing of equipment, devices, instruments or other material of any kind or purpose shall be kept separate from the program content and presentation for which approval is applied and granted.
- (c)** Programs shall be approved for one hour of continuing education for every 50 minutes of instruction.

~~**(3)** Home study programs may be approved for credit only in cases of extreme hardship, as determined by the board.~~

~~**(4) (a)** An application for approval of a continuing education program shall:~~

~~1. Be on a form provided by the board.~~

~~**Note:** Application forms are available on request from the Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.~~

~~2. Identify the name and address of the program sponsor and describe how the program sponsor qualifies under this section.~~

~~3. Describe the time and place of the program.~~

~~4. Be complete as prescribed in this subsection and filed with the board no later than 75 days prior to the program date. An application is not considered complete until such time as all information required to be submitted with the application, and any supplementary information requested by the board, is received by the board.~~

~~5. Include evidence of the program sponsor's verification showing to the satisfaction of the board that the subject matter is generally taught at the undergraduate or postgraduate level of a chiropractic college meeting the requirements of s. Chir 2.02 (6) (b) and relates to improving the clinical skills of a chiropractor. A detailed course outline or syllabus describing the subject matter of the program, and the amount of time devoted to each section of the outline or syllabus shall be attached to the application.~~

~~5m. Include evidence of the program sponsor's verification showing to the satisfaction of the board that the subject matter relates to improving the clinical skills of a chiropractic radiological technician or a chiropractic technician, as applicable. A detailed course outline or syllabus describing the subject matter of the program, and the amount of time devoted to each section of the outline or syllabus shall be attached to the application.~~

~~6. Describe the names and qualifications of all instructors, and if applicable, whether an instructor of the program who is an undergraduate or postgraduate faculty member of a sponsoring college was appointed in accordance with accreditation standards of the Council on Chiropractic Education (CCE) or by an agency approved by the United States Office of Education or its successor.~~

~~7. Identify whether the program sponsor intends to assign or delegate any of its responsibilities to another person or entity, and if so, include each of the following:~~

~~a. A specific description of the assignment or delegation.~~

~~b. The person or entity who is assigned or delegated to perform the responsibility, including name, address and qualification to perform the responsibility.~~

~~c. The method by which the program sponsor intends to assure that the delegated or assigned responsibility is performed.~~

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~~(b) If necessary in order to determine whether an applicant meets the requirements of this chapter, the board may require that the applicant submit information in addition to that described in this section.~~

(5) Continuing education credit may not be awarded for meals or break periods.

(6) The sponsor of an approved program shall ensure that the program is carried out and presented as represented to and approved by the board, and that all responsibilities of the program sponsor, an instructor, and any person or entity delegated or assigned a responsibility relating to a program approved by the board are fulfilled.

Note: Continuing education approval request forms are available upon request from the Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

Chir 5.03—Application denials. The board may deny approval of an application for any of the following reasons:

~~(1) The program or program sponsor does not meet requirements established in this chapter.~~

~~(2) The emphasis of the program is on the business, management, or insurance aspects of a chiropractic practice rather than on improving the clinical skills of the chiropractor, chiropractic radiological technician, or chiropractic technician, as applicable.~~

~~(3) The board determines that the program sponsor has not provided adequate assurance that responsibilities delegated or assigned to others will be satisfactorily performed.~~

~~(4) The program sponsor, an instructor, or a person delegated or assigned a responsibility has a financial, personal or professional interest which conflicts directly with the performance of responsibilities in this chapter.~~

~~(5) Failure on the part of a program sponsor, an instructor, or a person delegated or assigned a responsibility to carry out a program as represented to and approved by the board or as provided in this chapter.~~

Chir 5.04 Application for approval of a continuing education program. (1) An application for approval of a continuing education program shall be on a form provided by the board and include all of the following:

(a) The name and address of the program sponsor and a description of how the program sponsor qualifies under s. Chir 5.02.

(b) A description of the time and place of the program.

(c) Evidence of the program sponsor's verification showing to the satisfaction of the board that the subject matter meets the requirements under s. Chir 5.02 (1) (b) or (bm), as applicable.

(d) A detailed course outline or syllabus describing the subject matter of the program, and the amount of time devoted to each section of the outline or syllabus.

(e) The names and a description of the qualifications of all instructors including, if applicable, whether an instructor of the program who is an undergraduate or postgraduate faculty member of a sponsoring college was appointed in accordance with accreditation standards of the Council on Chiropractic Education or by an agency approved by the United States department of education.

(f) If the program sponsor intends to assign or delegate any of its responsibilities to another person or entity, all of the following:

1. A specific description of the assignment or delegation.

2. The name and address of the person or entity who is assigned or delegated to perform the responsibility, and a description of the qualifications of that person or entity to perform the responsibility.

3. A description of the method by which the program sponsor intends to assure that the delegated or assigned responsibility is performed.

Note: Application forms are available on the department's website at dps.wi.gov, or by request from the Department of Safety and Professional Services, P. O. Box 8935, Madison, Wisconsin 53708, or call (608) 266-2112.

Note: Changes to the version of this document reviewed by the Board at its October 29, 2020 meeting have been highlighted for the Board's reference

- (2)** An application shall be complete as required under sub. (1) and filed with the board no later than 60 days prior to the program date or, for an online continuing education program, the date on which the program will first be eligible for continuing education credit. An application is not considered complete until such time as all information required to be submitted with the application is received by the board.
- (3)** The board may require an applicant to submit information in addition to that described in sub. (1) that is necessary to determine if the applicant meets the requirements of this chapter.
- (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 board 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 (6) and awarded continuing education credit as provided under s. Chir 5.02 (2) and (5).
- (5)** The board shall deny approval of an application for any of the following reasons:
 - (a)** The program or program sponsor does not meet requirements established in this chapter.
 - (b)** The emphasis of the program is on the business, management, or insurance aspects of a chiropractic practice rather than on improving the clinical skills of the chiropractor, chiropractic radiological technician, or chiropractic technician, as applicable.
 - (c)** The board determines the program sponsor has not provided adequate assurance that responsibilities delegated or assigned to others will be satisfactorily performed.
 - (d)** The program sponsor, an instructor, or a person delegated or assigned a responsibility has a financial, personal or professional interest which conflicts directly with the performance of responsibilities in this chapter.
 - (e)** Failure on the part of a program sponsor, an instructor, or a person delegated or assigned a responsibility to carry out a program as represented to and approved by the board or as provided in this chapter.
 - (f)** The program subject matter relates to practice that is prohibited under s. Chir 4.05.

Bryan R. Gerondale
Chairperson

WISCONSIN CHIROPRACTIC EXAMINING BOARD

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March ??, 2021

Senator Stephen Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Madison, WI 53702

Representative Joan Ballweg, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 210 North, State Capitol
Madison, WI 53702

RE: Report Submitted in Compliance with s. 227.29 (1), Stats.

Dear Senator Nass and Representative Ballweg:

This report has been prepared and submitted in compliance with s. 227.29 (1), Stats.

I. Unauthorized rules, as defined in s. 227.26 (4) (a):

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are unauthorized.

II. Rules for which the authority to promulgate has been restricted:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules have restricted authority.

Status of rules listed in the Board's report submitted in March of 2019:

Rule	Description of the legislation that restricted the authority	Status of action taken to address
Chir 5.01 (3)	The Board's authority to request verification of compliance with continuing education requirements has been restricted by 2017 Act 59, s. 1929.	The Board is conducting a comprehensive review and update of ch. Chir 5. As part of this update, s. Chir 5.01 (3) will be revised to reflect 2017 Act 59.

III. Rules that are obsolete or that have been rendered unnecessary:

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are obsolete or have been rendered unnecessary.

Status of rules listed in the Board’s report submitted in March of 2019:

Rule	Description of why the rule is obsolete or has been rendered unnecessary.	Status of action taken to address
Chir 2.01 Chir 2.12	These provisions relate to a practical examination that is no longer required for licensure.	Both of these provisions have been repealed. Final rules (CR 18-015) were effective September 1, 2019.

IV. Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction.

V. Rules that are economically burdensome:

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are economically burdensome.

Thank you.

Sincerely,

Bryan Gerondale
Chairperson
Chiropractic Examining Board