



**VIRTUAL/TELECONFERENCE
CHIROPRACTIC EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
March 31, 2022**

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 February 3, 2022 (5-12)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Damrow, James M. – 7/1/2023
 - b. Erlandson, Kris N. – 7/1/2025
 - c. Heffernan, Amy L. – 7/1/2025
 - d. Hendrickson, Kathleen A. – 7/1/2024
 - e. Meschefske, Daniel – 7/1/2025
 - f. Yellen-Shiring, Eugene – 7/1/2023
- F. Legislation and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration**
 - 1) Adoption Order: Chir 4, Relating to Chiropractic Practice (13-16)
 - 2) Pending and Possible Rulemaking Projects (17)
- H. Board Chair Meeting and Options to Address Department Resources – Discussion and Consideration**
- I. Speaking Engagements, Travel, Public Relation Requests, and Reports**
 - 1) FCLB 95th Annual Educational Congress on May 4, 2022-May 7, 2022 and NBCE Annual Meeting on May 6, 2022 – Denver, CO

J. COVID-19 – Discussion and Consideration

K. 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

L. 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.).

M. Credentialing Matters

- 1) Application Reviews
 - a. Alecia Arn – Chiropractic Applicant **(18-42)**

N. Education and Examination Matters

- 1) Continuing Education (CE) Waiver Request – T.Z. **(43-47)**

O. Deliberation on Division of Legal Services and Compliance Matters

- 1) **Case Closing(s)**
 - a. 21 CHI 018 – D.R. **(48-51)**
 - b. 21 CHI 020 – S.G.F. **(52-58)**

- P. 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

Q. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- R. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- S. Open Session Items Noticed Above Not Completed in the Initial Open Session
- T. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

NEXT MEETING: JUNE 30, 2022

**VIRTUAL/TELECONFERENCE
CHIROPRACTIC EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
March 31, 2022**

**CHIROPRACTIC EXAMINING BOARD
2021 WISCONSIN PUBLIC RECORDS LAW FACILITATED TRAINING
9:00 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING**

A quorum of the Chiropractic Examining Board may be present; however, no board business will be conducted.

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
FEBRUARY 3, 2022**

PRESENT: James Damrow, Kris Erlandson, Amy Heffernan, Kathleen Hendrickson, Daniel Meschefske, Eugene Yellen-Shiring

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Peter Schramm, Licensing Examination Specialist; Katlin Schwartz, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv.; and other Department Staff

CALL TO ORDER

Kris Erlandson, Chairperson, called the meeting to order at 8:31 a.m. A quorum was confirmed with six (6) members present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Under item “J. Discussion and Consideration of Items Added After Preparation of the Agenda”
ADD:
 - Speaking Engagements, Travel, or Public Relation Requests, and Reports
 - Consideration of Attendance: FCLB 95th Annual Educational Congress on May 4, 2022-May 7, 2022 and NBCE Annual Meeting on May 6, 2022 – Denver, CO

MOTION: James Damrow moved, seconded by Amy Heffernan, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 28, 2021 AND NOVEMBER 18, 2021

MOTION: James Damrow moved, seconded by Kris Erlandson, to approve the Minutes of October 28, 2021 and November 18, 2021 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Amy Heffernan nominated Kris Erlandson for the Office of Chairperson. Kris Erlandson accepted the nomination.

NOMINATION: Eugene Yellen-Shiring nominated James Damrow for the Office of Chairperson. James Damrow accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Roll Call Vote: James Damrow: James Damrow; Kris Erlandson: Kris Erlandson; Amy Heffernan: Kris Erlandson; Kathleen Hendrickson: Kris Erlandson; Daniel Meschefske: Kris Erlandson; and Eugene Yellen-Shiring: James Damrow.

Kris Erlandson was elected as Chairperson by majority roll call vote.

Vice Chairperson

NOMINATION: Eugene Yellen-Shiring nominated James Damrow for the Office of Vice Chairperson. James Damrow accepted the nomination.

NOMINATION: Kris Erlandson nominated Amy Heffernan for the Office of Vice Chairperson. Amy Heffernan accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Roll Call Vote: James Damrow: James Damrow; Kris Erlandson: Amy Heffernan; Amy Heffernan: Amy Heffernan; Kathleen Hendrickson: Amy Heffernan; Daniel Meschefske: Amy Heffernan; and Eugene Yellen-Shiring: James Damrow.

Amy Heffernan was elected as Vice Chairperson by majority roll call vote.

Secretary

NOMINATION: Kris Erlandson nominated Kathleen Hendrickson for the Office of Secretary. Kathleen Hendrickson declined the nomination.

NOMINATION: Eugene Yellen-Shiring nominated James Damrow for the Office of Secretary. James Damrow declined the nomination.

NOMINATION: Kris Erlandson nominated Daniel Meschefske for the Office of Secretary. Daniel Meschefske accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Daniel Meschefske was elected as Secretary by unanimous voice vote.

ELECTION OF OFFICERS	
Chairperson	Kris Erlandson
Vice Chairperson	Amy Heffernan
Secretary	Daniel Meschefske

Appointments of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	James Damrow <i>Alternate: Amy Heffernan</i>
Education and Examination Liaison(s)	James Damrow, Amy Heffernan, Kris Erlandson <i>(Rotate CE Approvals to D.C. Members)</i>
Monitoring Liaison	James Damrow <i>Alternate: Daniel Meschefske</i>
Professional Assistance Procedure (PAP) Liaison	Kathleen Hendrickson <i>Alternate: Daniel Meschefske</i>
Legislative Liaison	Kris Erlandson <i>Alternate: James Damrow</i>
Travel Authorization Liaison	James Damrow <i>Alternate: Daniel Meschefske</i>
Preceptor Liaison	Eugene Yellen Shiring <i>Alternate: Amy Heffernan</i>
SCREENING PANEL APPOINTMENTS	
Screening Panel	Eugene Yellen-Shiring, Kris Erlandson, Daniel Meschefske <i>Alternate: Amy Heffernan</i>

Delegation of Authorities

Document Signature Delegations

MOTION: Amy Heffernan moved, seconded by Kathleen Hendrickson, 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: Amy Heffernan moved, seconded by Eugene Yellen-Shiring, 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: Amy Heffernan moved, seconded by Kathleen Hendrickson, 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 Loss of Quorum

MOTION: Kris Erlandson moved, seconded by Daniel Meschefske, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Eugene Yellen-Shiring moved, seconded by Daniel Meschefske, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the February 3, 2022 agenda materials on pages 20-21. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Kris Erlandson moved, seconded by Kathleen Hendrickson, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Amy Heffernan moved, seconded by Eugene Yellen-Shiring, 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. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Amy Heffernan moved, seconded by Kathleen Hendrickson, 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. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Kris Erlandson moved, seconded by Daniel Meschefske, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Kris Erlandson moved, seconded by Amy Heffernan, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of chiropractic. Motion carried unanimously.

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

MOTION: Amy Heffernan moved, seconded by Daniel Meschefske, 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. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: James Damrow moved, seconded by Amy Heffernan, 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. Motion carried unanimously.

Pre-Screening Delegation to Open Cases

MOTION: Eugene Yellen-Shiring moved, seconded by Amy Heffernan, to delegate pre-screening decision making authority to the Department 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:** Eugene Yellen-Shiring moved, seconded by Amy Heffernan, to delegate pre-screening decision making authority to the Department screening attorney for closing cases as outlined below:
1. Complaints that even if allegations are true, do not amount to a violation of law or rules.
- Motion carried unanimously.

Voluntary Surrenders

- MOTION:** Eugene Yellen-Shiring moved, seconded by Kris Erlandson, 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.

Education and Examination Liaison(s) Delegation

- MOTION:** Kris Erlandson moved, seconded by Kathleen Hendrickson, to delegate authority to the Education and Examination 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:** Kris Erlandson moved, seconded by Daniel Meschefske, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Travel Authorization Liaison Delegation

- MOTION:** Amy Heffernan moved, seconded by Kris Erlandson, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

Preceptor Liaison(s) Delegation

- MOTION:** Kris Erlandson moved, seconded by Amy Heffernan, to delegate authority to the Preceptor Liaison(s) to handle all matters regarding preceptors, including approval of preceptors. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Scope Statement: Chir 3 and 5, Relating to Professional Boundaries Continuing Education Requirement

MOTION: Eugene Yellen-Shiring moved, seconded by James Damrow, to approve the Scope Statement revising Chir 3 and 5, relating to professional boundaries education requirements, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

CLOSED SESSION

MOTION: Amy Heffernan moved, seconded by Daniel Meschefske, 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.). Kris Erlandson, Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: James Damrow-yes; Kris Erlandson-yes; Amy Heffernan-yes; Kathleen Hendrickson-yes; Daniel Meschefske-yes; and Eugene Yellen-Shiring-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:46 a.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warnings

MOTION: Kris Erlandson moved, seconded by Amy Heffernan, to issue an Administrative Warning the following DLSC Cases:

1. 20 CHI 035 – C.A.K.
2. 21 CHI 005 – T.A.D.

Motion carried unanimously.

Case Closings

20 CHI 004 – J.L.T.

MOTION: Amy Heffernan moved, seconded by Daniel Meschefske, to close DLSC Case Number 20 CHI 004, against J.L.T., for Insufficient Evidence. Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

21 CHI 010 – Curt J. Draeger, D.C.

MOTION: Amy Heffernan moved, seconded by James Damrow, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Curt J. Draeger, D.C., DLSC Case Number 21 CHI 010. Motion carried unanimously.

(Daniel Meschefske recused himself and left the room for deliberation and voting in the matter concerning Curt J. Draeger, D.C., DLSC Case Number 21 CHI 010.)

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 12:04 p.m.

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

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

ADJOURNMENT

MOTION: Eugene Yellen-Shiring moved, seconded by Kris Erlandson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:06 p.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator		2) Date when request submitted: 03/18/22 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: 03/31/22	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. Adoption Order: Chir 4, Relating to Chiropractic Practice 2. Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <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: Attachments: <ul style="list-style-type: none"> • Chir 4 Adoption Order • Rule Project Chart (Board Rule projects can be Viewed Here if Needed: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx)			
11) Authorization			
 Signature of person making this request		03/18/22 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	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	CHIROPRACTIC EXAMINING
CHIROPRACTIC EXAMINING	:	BOARD
BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 20-085)

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:

Nilajah Hardin, 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 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)

Dated _____

Agency _____

Chairperson
Chiropractic Examining Board

**Chiropractic Examining Board
Rule Projects (updated 03/18/22)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
Not Assigned Yet	019-22	09/14/2024	Chir 3 and 5	Professional Boundaries Education Requirements	Scope Submitted for Publication	Scope for Implementation after 03/24/22
20-085	022-20	10/20/2022	Chir 4	Chiropractic Practice	Adoption Order Presented at 03/31/22 Meeting	Submission for Publication; Anticipated Rule Effective Date of 06/01/22
21-065	006-20	09/02/2022	Chir 5	Continuing Education	Legislative Review	Adoption Order Anticipated for Board Review at 06/30/22 Meeting
19-100	061-17	N/A	Chir 12	Nutritional Counseling Certification	Legislative Review: JCRAR Objected to Rule and Introduced Legislation (2021 AB 11 and 2021 SB 32)	Whether Rule would Become Effective Depends on if New Legislation based on JCRAR Objection Passes