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**VIRTUAL/TELECONFERENCE  
CHIROPRACTIC EXAMINING BOARD  
N208, 4822 Madison Yards Way, Madison  
Contact: Valerie Payne (608) 266-2112  
August 5, 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 (1-3)**
- B. Approval of Minutes of June 24, 2021 (4-6)**
- 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
- F. Legislation and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration (7)**
  - 1) Adoption Order
    - a. Chir 10, Relating to Requirements for Certification of and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians **(8-11)**
  - 2) Guidance Document: Dry Needling
  - 3) Pending and Possible Rulemaking Projects **(12)**
    - a. Chir 3, Relating to Reciprocal Credentials for Service Members, Former Service Members, and their Spouses
    - b. Chir 4, Relating to Chiropractic Practice
    - c. Chir 5, Relating to Continuing Education
    - d. Chir 12, Relating to Nutritional Counseling Certification
- H. Credentialing Matters – Discussion and Consideration**
  - 1) Chiropractic Technician (CT) Expedited Processing **(13)**
- I. COVID-19 – Discussion and Consideration**

J. 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

K. 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.).**

L. 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

M. Consulting with Legal Counsel

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

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

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

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

**ADJOURNMENT**

**NEXT MEETING: OCTOBER 28, 2021**

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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  
JUNE 24, 2021**

**PRESENT:** Scott Bautch, James Damrow, Bryan Gerondale, Kathleen Hendrickson, Carl Kugler, Eugene Yellen-Shiring

**STAFF:** Valerie Payne, Executive Director; Jon Derenne, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Bryan Gerondale, Chairperson, called the meeting to order at 8:30 a.m. A quorum was confirmed with six (6) members present.

**ADOPTION OF AGENDA**

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

**APPROVAL OF MINUTES OF APRIL 1, 2021**

**MOTION:** James Damrow moved, seconded by Eugene Yellen-Shiring, to approve the Minutes of April 1, 2021 as published. Motion carried unanimously.

**INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION**

**Recognition of Scott Bautch, Chiropractor**

**MOTION:** James Damrow moved, seconded by Eugene Yellen-Shiring, to recognize and thank Scott Bautch for his years of service to the Chiropractic Examining Board and the State of Wisconsin. Motion carried unanimously.

**Recognition of Bryan Gerondale, Chiropractor**

**MOTION:** James Damrow moved, seconded by Scott Bautch, to recognize and thank Bryan Gerondale for his years of service to the Chiropractic Examining Board and the State of Wisconsin. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** James Damrow moved, seconded by Eugene Yellen-Shiring, 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; Bryan Gerondale-yes; Kathleen Hendrickson-yes; Carl Kugler-yes; and Eugene Yellen-Shiring-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:14 a.m.

## **DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS**

### **Proposed Stipulations, Final Decisions and Orders**

#### ***20 CHI 027 – Mark A. Murray, D.C.***

**MOTION:** Eugene Yellen-Shiring moved, seconded by James Damrow, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Mark A. Murray, D.C., DLSC Case Number 20 CHI 027. Motion carried unanimously.

### **Administrative Warnings**

#### ***20 CHI 033 – M.L.J.***

**MOTION:** Scott Bautch moved, seconded by Bryan Gerondale, to issue an Administrative Warning in the matter of M.L.J., DLSC Case Number 20 CHI 033. Motion carried unanimously.

### **Case Closings**

**MOTION:** Scott Bautch moved, seconded by Bryan Gerondale, to close the following DLSC Cases for the reasons outlined below:

1. 19 CHI 005 – M.L.J. – Insufficient Evidence
2. 19 CHI 022 – J.L.J. – No Violation
3. 20 CHI 018 – M.L.J. – Insufficient Evidence
4. 20 CHI 023 – Z.D.M., M.T.M., K.M.D. – Prosecutorial Discretion (P2)
5. 21 CHI 004 – J.B. – No Violation

Motion carried unanimously.

### **RECONVENE TO OPEN SESSION**

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

The Board reconvened into Open Session at 9:27 a.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 Eugene Yellen-Shiring, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

**ADJOURNMENT**

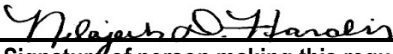
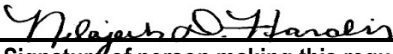
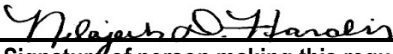
**MOTION:** Scott Bautch moved, seconded by Eugene Yellen-Shiring, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:29 a.m.

DRAFT

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Nilajah Hardin Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 07/23/21 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting																
<b>3) Name of Board, Committee, Council, Sections:</b> Chiropractic Examining Board																		
<b>4) Meeting Date:</b> 08/05/21	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Administrative Rule Matters – Discussion and Consideration 1. Adoption Order a. Chir 10, Relating to Requirements for Certification of and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians 2. Guidance Document: Dry Needling 3. Pending or Possible Rulemaking Project a. Chir 3, Relating to Reciprocal Credentials for Service Members, Former Service Members, and their Spouses b. Chir 4, Relating to Chiropractic Practice c. Chir 5, Relating to Continuing Education d. Chir 12, Relating to Nutritional Counseling Certification																
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A																
<b>10) Describe the issue and action that should be addressed:</b>  Attachments: <ul style="list-style-type: none"> <li>• Adoption Order (Chir 10)</li> <li>• Current Rule Projects Chart</li> </ul> (Board Rule projects can be Viewed Here if Needed: <a href="https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx">https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx</a> )																		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"><b>11)</b></td> <td style="width: 60%; text-align: center;"><b>Authorization</b></td> <td style="width: 30%;"></td> </tr> <tr> <td></td> <td style="text-align: center;"></td> <td style="text-align: center;">07/23/21</td> </tr> <tr> <td></td> <td style="text-align: center;">Signature of person making this request</td> <td style="text-align: center;">Date</td> </tr> <tr> <td></td> <td style="text-align: center;">Supervisor (if required)</td> <td style="text-align: center;">Date</td> </tr> <tr> <td></td> <td colspan="2" style="text-align: center;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date</td> </tr> </table>				<b>11)</b>	<b>Authorization</b>				07/23/21		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	
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<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the 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

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IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	CHIROPRACTIC EXAMINING
CHIROPRACTIC EXAMINING BOARD	:	BOARD
	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 20-084)

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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.

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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.

**Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: N/A**

**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 report:**

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 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, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone (608) 267-7139; email at DSPSAdminRules@wisconsin.gov.

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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.

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

Agency \_\_\_\_\_

Chairperson  
Chiropractic Examining Board

**Chiropractic Examining Board  
Rule Projects (updated 07/23/21)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
20-037	089-20	01/06/2023	Chir 3	Reciprocal Credentials for Service Members, Former Service Members, and their Spouses	Rule Effective on 07/01/21	N/A
20-085	022-20	10/20/2022	Chir 4	Chiropractic Practice	Final Rule Draft Submitted to the Governor's Office for Approval on 02/03/21	Submission to the Legislature for Standing Committee Review after Governor Approves
Not Assigned Yet	006-20	09/02/2022	Chir 5	Continuing Education	Posted for EIA Comment until 08/04/21	Submission to Clearinghouse for Review; Anticipated Public Hearing at 10/28/21 Meeting
20-084	078-19	02/19/2022	Chir 10	Requirements for Certification of and Delegation to CTs and CRTs	Adoption Order Presented at 08/05/21 Meeting	Submission for Publication; Anticipated Rule Effective Date 09/01/21
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

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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Valerie Payne, Executive Director on behalf of Dr. Bryan Gerondale, Chairperson		2) Date when request submitted: 7/28/2021 <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: 8/5/2021	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Before COVID-19, add: Credentialing Matters – Discussion and Consideration 1. Chiropractic Technician (CT) Expedited Processing	
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 <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Discuss expedited processing for CT applications			
11) Authorization			
<i>Valerie Payne</i>		7/28/2021	
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	
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