



**VIRTUAL/TELECONFERENCE
CHIROPRACTIC EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Will Johnson (608) 266-2112
August 3, 2023**

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 June 29, 2023 (5-7)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition**
 - 1) Introduction: Barbara Bradley, Chiropractor Representative (Succeeds: Eugene Yellen-Shiring)
 - 2) Recognition: Eugene Yellen-Shiring, Chiropractor Representative (Replaced: 7/1/2023)
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Bradley, Barbara C. – 7/1/2027
 - b. Damrow, James M. – 7/1/2027
 - c. Erlandson, Kris N. – 7/1/2025
 - d. Heffernan, Amy L. – 7/1/2025
 - e. Hendrickson, Kathleen A. – 7/1/2024
 - f. Meschefske, Daniel – 7/1/2025
- F. 8:30 A.M. Preliminary Public Hearing – Scope statement Chir 10, Relating to Delegation (8-12)**
 - 1) Review Public Hearing Comments
- G. 8:30 A.M. Preliminary Public Hearing – Scope statement Chir 12, Relating to Nutritional Counseling Certification (13-17)**
 - 1) Review Public Hearing Comments

- H. Legislation and Policy Matters – Discussion and Consideration
- I. **Administrative Rule Matters – Discussion and Consideration (18)**
 - 1) Pending and Possible Rulemaking Projects (19)
- J. **Speaking Engagements, Travel, or Public Relation Requests, and Reports – Discussion and Consideration**
 - 1) Consideration of Attendance: FCLB District II Meeting – September 22 & 23, 2023 – Fort Walton Beach, Florida
- 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) Public Health Emergencies
 - 12) Preceptor Approvals
 - 13) Liaison Reports
 - 14) Board Liaison Training and Appointment of Mentors
 - 15) Informational Items
 - 16) Division of Legal Services and Compliance (DLSC) Matters
 - 17) Presentations of Petitions for Summary Suspension
 - 18) Petitions for Designation of Hearing Examiner
 - 19) Presentation of Stipulations, Final Decisions and Orders
 - 20) Presentation of Proposed Final Decisions and Orders
 - 21) Presentation of Interim Orders
 - 22) Petitions for Re-Hearing
 - 23) Petitions for Assessments
 - 24) Petitions to Vacate Orders
 - 25) Requests for Disciplinary Proceeding Presentations
 - 26) Motions
 - 27) Petitions
 - 28) Appearances from Requests Received or Renewed
 - 29) 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. Deliberation on Division of Legal Services and Compliance Matters

N. 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

O. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

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

ADJOURNMENT

NEXT MEETING: NOVEMBER 2, 2023

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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department

website at <https://dps.wi.gov>. 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 hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or the Meeting Staff at 608-267-7213.

**HYBRID (IN-PERSON/VIRTUAL)
CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
JUNE 29, 2023**

PRESENT: James Damrow, Kris Erlandson (*excused at 9:11 a.m.*) (*arrived at 9:15 a.m.*), Amy Heffernan, Kathleen Hendrickson, Eugene Yellen-Shiring

EXCUSED: Daniel Meschefske

STAFF: Will Johnson, Executive Director; Jameson Whitney, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Dialah Azam, Bureau Assistant; and other Department Staff

CALL TO ORDER

Amy Heffernan, Chairperson, called the meeting to order at 8:32 a.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

MOTION: Kris Erlandson moved, seconded by Eugene Yellen-Shiring, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF MARCH 30, 2023

MOTION: James Damrow moved, seconded by Kris Erlandson, to approve the Minutes of March 30, 2023 as published. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

MOTION: Amy Heffernan moved, seconded by James Damrow, to recognize and thank Eugene Yellen-Shiring for their years of dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

(Kris Erlandson excused at 9:11 a.m.)

(Kris Erlandson arrived at 9:15 a.m.)

ADMINISTRATIVE RULE MATTERS

Adoption Order for CR 19-100: Chir 12, relating to nutritional counseling certification

MOTION: Eugene Yellen-Shiring moved, seconded by James Damrow, to approve the Adoption Order for Clearinghouse Rule 19-100: Chir 12, relating to nutritional counseling certification. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

Approval of CT Course of Study – CSW

MOTION: Amy Heffernan moved, seconded by Kris Erlandson, to approve the CT course of study sponsored by the Chiropractic Society of Wisconsin. Motion carried unanimously.

Approval of Nutritional Counselling Program – CSW

MOTION: Kris Erlandson moved, seconded by Amy Heffernan, to approve the nutritional counselling program sponsored by the Chiropractic Society of Wisconsin. Motion carried unanimously.

CLOSED SESSION

MOTION: Kris Erlandson moved, seconded by Amy Heffernan, 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.). Amy Heffernan, 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; and Eugene Yellen-Shiring-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:52 a.m.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Administrative Warnings

22 CHI 010 – R.G.R.

MOTION: James Damrow moved, seconded by Amy Heffernan, to issue an Administrative Warning in the matter of R.G.R., DLSC Case Number 22 CHI 010. Motion carried unanimously.

Case Closings

22 CHI 005 – C.D.

MOTION: Amy Heffernan moved, seconded by Kris Erlandson, to close DLSC Case Number 22 CHI 005, against C.D., for Insufficient Evidence. Motion carried unanimously.

Monitoring

Andrew Neville – Requesting a reduction of drug and alcohol screens and a reduction of treatment to an “as needed basis”

MOTION: James Damrow moved, seconded by Kris Erlandson, to grant the request of Andrew Neville for a reduction of drug and alcohol screens to no less than fourteen (14) per year and a reduction of treatment to an “as needed basis” as determined by his treatment provider. Motion carried unanimously.

(Amy Heffernan recused herself and left the meeting connection for deliberation and voting in the matter concerning Andrew Neville.)

RECONVENE TO OPEN SESSION

MOTION: Kris Erlandson moved, seconded by Kathleen Hendrickson, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:19 a.m.

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

MOTION: James Damrow moved, seconded by Eugene Yellen-Shiring, 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 Kris Erlandson, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

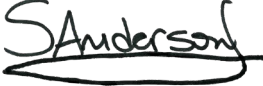
ADJOURNMENT

MOTION: James Damrow moved, seconded by Kris Erlandson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:24 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson – Administrative Rules Coordinator		2) Date when request submitted: July 25, 2023	
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: August 3, 2023	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. Preliminary Public Hearing – Scope Statement Chir 10, relating to delegation. 1. Review Public Hearing Comments	
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: The Board will hold a Preliminary Public Hearing on this scope as directed by the Joint Committee for Review of Administrative Rules (JCRAR) pursuant to s. 227.136 (1), Stats.			
11) Authorization			
		07/25/2023	
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: 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.			

From: [Sen.Nass](#)
To: [Hereth, Daniel - DSPS; DSPS; DSPS Admin Rules](#)
Cc: [Tierney, Michael - DSPS; Sen.Nass - LEGIS; Rep.Neylon - LEGIS; Grosz, Scott A - LEGIS; Kauffman, Jill - LEGIS; Duchek, Mike - LEGIS](#)
Subject: JCRAR Directive to Hold Preliminary Hearing on Scope Statement SS 034-23 & SS 035-23
Date: Thursday, June 8, 2023 3:23:06 PM

June 8, 2023

Amy Heffernan, Chairperson
Chiropractic Examining Board
Department of Safety & Professional Services
P.O. Box 8366
Madison, WI 53708-8366

**RE: SS 034-23 – Nutritional Counseling Certification
SS 035-23 – Courses of Study and Delegation to Chiropractic Technicians**

Dear Chairperson Heffernan:

As co-chairperson of the Joint Committee for Review of Administrative Rules (JCRAR) and pursuant to s. 227.136 (1), Stats., I write to direct the Chiropractic Examining Board to hold a preliminary public hearing and comment period on Scope Statements SS 034-23 and SS 035-23, which were published in the Wisconsin Administrative Register on May 30, 2023.

Additionally, pursuant to s. 227.135 (2), Stats., please note that a scope statement may not be approved by the Secretary, the Department of Safety & Professional Services (DSPS), or any of the agencies under DSPS until after the preliminary public hearing and comment period is held by the agency, and accordingly, no activity may be conducted in connection with the drafting of a proposed rule until after such hearing and approval have occurred.

Please confirm receipt of this letter directing a preliminary hearing and comment period on the above scope statements.

Sincerely,

Steve Nass

Senator Steve Nass
Co-Chair, JCRAR

Cc: Dan Hereth, Secretary-designee, DSPS

Notice of Preliminary Hearing on Statement of Scope

The Chiropractic Examining Board announces that it will hold a preliminary public hearing on Statement of Scope 035-23 for Chir 10, relating to delegation. The type of proposed rule is permanent. In accordance with s. 227.136, Stats., the Chiropractic Examining Board is seeking public comment and feedback on Statement of Scope 035-23, at the time and place shown below.

Hearing Information

Date: August 3, 2023

Time: 8:30 AM

Location: Information concerning the location of the hearing will be available at: <https://dsps.wi.gov/Pages/BoardsCouncils/Chiropractic/Meetings.aspx>

Appearances at the Hearing and Submittal of Written Comments

Persons wishing to provide oral or written comments regarding the Statement of Scope for the proposed administrative rule may appear during the hearing.

Written comments may be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison Wisconsin 53708-8366 or by email to DSPSAdminRules@wisconsin.gov.

The Statement of Scope may be reviewed and comments made at https://docs.legis.wisconsin.gov/code/scope_statements/comment.

Comments must be received at or before the public hearing.

Agency Contact Person

Sofia Anderson, Administrative Rules Coordinator, DSPSAdminRules@wisconsin.gov

This Notice of Preliminary Hearing on Statement of Scope is approved by:



06/12/2023

Chairperson

Date

STATEMENT OF SCOPE

CHIROPRACTIC EXAMINING BOARD

Rule No.: Chir 10

Relating to: Delegation

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only): N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to review and possibly update ch. Chir 10, related to courses of study for and delegation to a chiropractic technicians and chiropractic radiological technicians.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Current rules specify the required course of study for certification as and delegation to chiropractic technicians or chiropractic radiological technicians. The Board will review these requirements to determine if they are appropriate given the current practice standards for chiropractic technicians and chiropractic radiological technicians. Changes to the requirements may be proposed based on the Board's review.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides an examining board "shall 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."

Section 446.025 (2) (a) 3., Stats., provides the Board shall certify as a chiropractic radiological technician an individual who, among other requirements, "submits evidence satisfactory to the examining board that the individual has completed a course of study approved by the examining board."

Section 446.026 (2) (a) 3., Stats., provides the Board shall certify as a chiropractic technician an individual who, among other requirements, "submits evidence satisfactory to the examining board that the individual has completed a course of study approved by the examining board."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

90 hours

6. List with description of all entities that may be affected by the proposed rule:

Rev. 3/6/2012

The proposed rule may affect applicants for chiropractic radiological technician and chiropractic technician certification, chiropractors who delegate adjunctive and x-ray services and the technicians who are delegated those services, as well as sponsors and providers of the courses of study and didactic and clinical training programs.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule: None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Sofia Anderson, DSPSAdminRules@wisconsin.gov

Approved for publication:



Authorized Signature

3/6/2023

Date Submitted

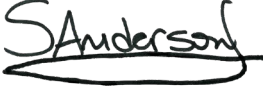
Approved for implementation:

Authorized Signature

Date Submitted

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson – Administrative Rules Coordinator		2) Date when request submitted: July 25, 2023	
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: August 3, 2023	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. Preliminary Public Hearing – Scope Statement Chir 12, relating to nutritional counseling certification. 1. Review Public Hearing Comments	
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: The Board will hold a Preliminary Public Hearing on this scope as directed by the Joint Committee for Review of Administrative Rules (JCRAR) pursuant to s. 227.136 (1), Stats.			
11) Authorization			
		07/25/2023	
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: 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.			

From: [Sen.Nass](#)
To: [Hereth, Daniel - DSPS; DSPS; DSPS Admin Rules](#)
Cc: [Tierney, Michael - DSPS; Sen.Nass - LEGIS; Rep.Neylon - LEGIS; Grosz, Scott A - LEGIS; Kauffman, Jill - LEGIS; Duchek, Mike - LEGIS](#)
Subject: JCRAR Directive to Hold Preliminary Hearing on Scope Statement SS 034-23 & SS 035-23
Date: Thursday, June 8, 2023 3:23:06 PM

June 8, 2023

Amy Heffernan, Chairperson
Chiropractic Examining Board
Department of Safety & Professional Services
P.O. Box 8366
Madison, WI 53708-8366

**RE: SS 034-23 – Nutritional Counseling Certification
SS 035-23 – Courses of Study and Delegation to Chiropractic Technicians**

Dear Chairperson Heffernan:

As co-chairperson of the Joint Committee for Review of Administrative Rules (JCRAR) and pursuant to s. 227.136 (1), Stats., I write to direct the Chiropractic Examining Board to hold a preliminary public hearing and comment period on Scope Statements SS 034-23 and SS 035-23, which were published in the Wisconsin Administrative Register on May 30, 2023.

Additionally, pursuant to s. 227.135 (2), Stats., please note that a scope statement may not be approved by the Secretary, the Department of Safety & Professional Services (DSPS), or any of the agencies under DSPS until after the preliminary public hearing and comment period is held by the agency, and accordingly, no activity may be conducted in connection with the drafting of a proposed rule until after such hearing and approval have occurred.

Please confirm receipt of this letter directing a preliminary hearing and comment period on the above scope statements.

Sincerely,

Steve Nass

Senator Steve Nass
Co-Chair, JCRAR

Cc: Dan Hereth, Secretary-designee, DSPS

Notice of Preliminary Hearing on Statement of Scope

The Chiropractic Examining Board announces that it will hold a preliminary public hearing on Statement of Scope 034-23 for Chir 12, relating to nutritional counseling certification. The type of proposed rule is permanent. In accordance with s. 227.136, Stats., the Chiropractic Examining Board is seeking public comment and feedback on Statement of Scope 034-23, at the time and place shown below.

Hearing Information

Date: August 3, 2023

Time: 8:30 AM

Location: Information concerning the location of the hearing will be available at: <https://dsps.wi.gov/Pages/BoardsCouncils/Chiropractic/Meetings.aspx>

Appearances at the Hearing and Submittal of Written Comments

Persons wishing to provide oral or written comments regarding the Statement of Scope for the proposed administrative rule may appear during the hearing.

Written comments may be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison Wisconsin 53708-8366 or by email to DSPSAdminRules@wisconsin.gov.

The Statement of Scope may be reviewed and comments made at https://docs.legis.wisconsin.gov/code/scope_statements/comment.

Comments must be received at or before the public hearing.

Agency Contact Person

Sofia Anderson, Administrative Rules Coordinator, DSPSAdminRules@wisconsin.gov

This Notice of Preliminary Hearing on Statement of Scope is approved by:



Chairperson

6/12/2023

Date

STATEMENT OF SCOPE

CHIROPRACTIC EXAMINING BOARD

Rule No.: Chir 12

Relating to: Nutritional Counseling Certification

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only): N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to implement the statutory changes from 2021 Wisconsin Act 253. Additionally, the Chiropractic Examining Board will review and potentially update the Nutritional Counseling Certification program requirements to ensure they are consistent with current professional and academic practice for Chiropractic.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The Chiropractic Examining board recently sent a rule on Chir 12 to the Legislature for review. Further discussion on the chapter and the passage of 2021 Wisconsin Act 253 has resulted in a need for the chapter to be revised again. The Board would like to resolve language that conflicts with the statute, if any, as well as update the requirements for nutritional counseling certification if needed based on current practice in the Chiropractic profession. The alternatives to updating these rules would be potential lack of clarity between the requirements in the administrative code and those in statute.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides that examining boards, such as the Chiropractic Examining Board, "shall 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. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation."

Section 446.02 (2) (c), Stats., provides "[t]he examining board shall issue a certificate to a chiropractor who is licensed under this chapter, who submits satisfactory evidence that the chiropractor has completed 48 hours of postgraduate study in nutrition that is approved by the examining board, and who pays a one-time certification fee of \$25, except that no certificate fee is required under this paragraph for an individual who is eligible for the veterans fee waiver program under s. 45.44."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

90 hours

6. List with description of all entities that may be affected by the proposed rule:

Wisconsin licensed chiropractors and nutritional counseling certification program education providers.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule: None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Sofia Anderson, DSPSAdminRules@wisconsin.gov

Approved for publication:



Authorized Signature

3/6/2023

Date Submitted

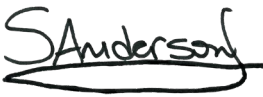
Approved for implementation:

Authorized Signature

Date Submitted

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson – Administrative Rules Coordinator		2) Date when request submitted: July 25, 2023							
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: August 3, 2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rules Matters – Discussion and consideration 1. Pending and 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: 1. Chiropractic Rules Projects Chart									
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  </div> <div style="text-align: right;"> 7/25/2023 </div> </div> <hr/> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;">Signature of person making this request</td> <td style="width: 30%; border-bottom: 1px solid black;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				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	
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: 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
Rule Projects (updated 7/25/23)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	Chir 3	Cardiopulmonary Resuscitation (CPR) Requirement	Scope Submitted to the Governor's Office for Approval on 03/06/23	Scope Publication and Implementation
22-066	019-22	09/14/2024	Chir 3 and 5	Professional Boundaries Education Requirements	Legislative review until mid-August.	If no objections, then Board will be able to adopt the rule.
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	Chir 5	Continuing Education	Scope Submitted to the Governor's Office for Approval on 03/06/23	Scope Publication and Implementation
Not Assigned Yet	035-23	11/30/2025	Chir 10	Delegation	JCRAR directed the Board to hold a preliminary public hearing. Hearing scheduled for 8/3/23.	After public hearing, scope can be implemented.
19-100	061-17	N/A	Chir 12	Nutritional Counseling Certification	Adoption Order published in July. Rule will be effective on August 1, 2023.	N/A
Not Assigned Yet	034-23	11/30/2025	Chir 12	Nutritional Counseling Certification	JCRAR directed the Board to hold a preliminary public hearing. Hearing scheduled for 8/3/23.	After public hearing, scope can be implemented.