



Scott Walker, Governor
Laura Gutiérrez, Secretary

CHIROPRACTIC EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
February 6, 2018

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 record of the actions of the Board.

AGENDA

1:00 P.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda (1-3)**
- B) Approval of Minutes of December 21, 2017 (4-7)**
- C) Conflicts of Interest**
- D) Administrative Updates (8-14)**
 - 1) Department and Staff Updates
 - 2) Election of Officers
 - 3) Appointment of Liaisons and Alternates
 - 4) Delegation of Authorities
 - 5) Board Members – Board Member Status
 - a) John Church – 07/01/2017 (*reappointed, not yet confirmed*)
 - b) Jacob Curtis – 07/01/2020 (*appointed, not yet confirmed*)
 - c) Bryan Gerondale – 7/1/2021 (*appointed, not yet confirmed*)
 - d) Jeffrey King – 07/01/2019 (*appointed, not yet confirmed*)
 - e) Juli McNeely – 07/01/2021 (*reappointed, not yet confirmed*)
 - f) Patricia Schumacher – 07/01/2019
- E) Legislation and Administrative Rule Matters – Discussion and Consideration (15-40)**
 - 1) Legislative Report and Final Draft Rules for Clearinghouse Rule 17-010 Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians
 - 2) Proposals for Chir 4 Relating to Chiropractic Practice, Chir 5 Relating to Continuing Education, Chir 6 Relating to Standards of Conduct, Chir 9 Relating to Chiropractic Preceptorship, and Chir 12 Relating to Nutritional Counseling Certification
 - 3) Update on Pending Legislation and Pending and Possible Rulemaking Projects
- F) Assembly Bill 834 – Discussion and Consideration (41-43)**
- G) Education and Examination Matters – Discussion and Consideration (44-54)**

- 1) Chiropractic Society of Wisconsin (CSW) Request for Approval of Chiropractic Technician Course of Study

H) Speaking Engagement(s), Travel, or Public Relation Request(s) (55-59)

- 1) Federation of Chiropractic Licensing Boards (FCLB) Annual Meeting – May 3-5, 2018 – Dallas, TX – Consider Designation of Delegate and Alternate and Travel Approval

I) Informational Items

J) Future Agenda Items

K) Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Appointments and Reappointments
- 3) Elections, Nominations, and Appointments
- 4) Administrative Updates
- 5) Education and Examination Matters
- 6) Credentialing Matters
- 7) Practice Matters
- 8) Legislation/Administrative Rule Matters
- 9) Preceptor Approvals
- 10) Liaison Report(s)
- 11) Board Liaison Training and Appointment of Mentors
- 12) Informational Item(s)
- 13) Disciplinary Matters
- 14) Presentations of Petition(s) for Summary Suspension
- 15) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 16) Presentation of Proposed Decisions
- 17) Presentation of Interim Order(s)
- 18) Petitions for Re-Hearing
- 19) Petitions for Assessments
- 20) Petitions to Vacate Order(s)
- 21) Petitions for Designation of Hearing Examiner
- 22) Requests for Disciplinary Proceeding Presentations
- 23) Motions
- 24) Petitions
- 25) Appearances from Requests Received or Renewed
- 26) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports

L) Public Comments

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), Stats. 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.).

M) Deliberation on Division of Legal Services and Compliance (DLSC) Matters

- 1) **Administrative Warnings**
- 2) **Proposed Stipulation(s), Final Decision(s) and Order(s)**
- 3) **Case Closing(s)**
 - a) 16 CHI 018 **(60-67)**

- b) 16 CHI 019 **(68-78)**
- c) 17 CHI 006 **(79-89)**

N) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Case Closings
- 12) Case Status Report
- 13) Board Liaison Training
- 14) Petition(s) for Extension of Time
- 15) Proposed Interim Orders
- 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) Open Session Items Noticed Above not Completed in the Initial Open Session

Q) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

R) Ratification of Examinations, Licenses and Certificates

ADJOURNMENT

The next scheduled meeting is April 5, 2018.

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 1400 East Washington Avenue, 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. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
December 21, 2017**

PRESENT: John Church, D.C; Bryan Gerondale, D.C.; Jeffrey King, D.C. (*via GoToMeeting*); Juli McNeely; and Patricia Schumacher, D.C.

EXCUSED: Jacob Curtis

STAFF: Tom Ryan, Executive Director; Dale Kleven, Administrative Rules Coordinator; Laura Smith, Bureau Assistant; and other Department Staff

CALL TO ORDER

Patricia Schumacher, Chair, called the meeting to order at 8:30 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: John Church moved, seconded by Juli McNeely, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

Amendments to the Minutes:

- Pg. 1, correct typo 'Governor's office'

MOTION: Juli McNeely moved, seconded by John Church, to approve the minutes of August 3, 2017 as amended. Motion carried unanimously.

8:30 A.M. PUBLIC HEARING: CR 17-057 RELATING TO PATIENT RECORDS, CR 17-058 RELATING TO LICENSE RENEWAL, AND CR 17-059 RELATING TO AUTHORITY AND DEFINITIONS

Review and Respond to Public Comments and Clearinghouse Report

MOTION: Juli McNeely moved, seconded by John Church, to accept all Clearinghouse comments for Clearinghouse Rules 17-058 relating to license renewal. Motion carried unanimously.

MOTION: John Church moved, seconded by Juli McNeely, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rules CR 17-057 relating to patient records, 17-058 relating to license renewal, and 17-059 relating to authority and definitions for submission to the Governor's Office and Legislature. Motion carried unanimously.

LEGISLATION AND ADMINISTRATIVE RULE MATTERS

Clearinghouse Rule 17-010 Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians

Review of Revised Change

MOTION: Juli McNeely moved, seconded by Bryan Gerondale, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rule CR 17-010 relating to courses of study for and delegation to chiropractic technicians and chiropractic radiologic technicians for submission to the Governor's Office and Legislature. Motion carried unanimously.

Review of Draft Rule Language for Chir 2 Relating to Examinations

MOTION: Juli McNeely moved, seconded by John Church, to approve the preliminary rule draft of Chir 2 relating to examinations for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Position Statements of the Chiropractic Examining Board

MOTION: John Church moved, seconded by Bryan Gerondale, to remove the existing Position Statements and Frequently Asked Questions on the Chiropractic Examining Board's webpage. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

Chiropractic Society of Wisconsin (CSW) Request for Approval of Chiropractic Technician Courses of Study

MOTION: John Church moved, seconded by Juli McNeely, to approve the chiropractic technician courses offered by the Chiropractic Society of Wisconsin as presented. Motion carried unanimously.

Moraine Park Request for Approval of Chiropractic Technician Course of Study

MOTION: Juli McNeely moved, seconded by John Church, to approve the chiropractic technician courses offered by Moraine Park Technical College as presented. Motion carried unanimously.

Moraine Park Request for Approval of Chiropractic Radiologic Technician Course of Study

MOTION: Juli McNeely moved, seconded by John Church, to approve the chiropractic radiologic technician courses offered by Moraine Park Technical College as presented. Motion carried unanimously.

CLOSED SESSION

MOTION: John Church moved, seconded by Juli McNeely, 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), Stats. 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.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: John Church-yes; Bryan Gerondale-yes; Jeffrey King-yes; Juli McNeely-yes; Patricia Schumacher-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:32 a.m.

RECONVENE TO OPEN SESSION

MOTION: Juli McNeely moved, seconded by John Church, to reconvene in Open Session at 11:28 a.m. Motion carried unanimously.

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

MOTION: Juli McNeely moved, seconded by John Church, 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.)

DELIBERATION ON CREDENTIALING MATTERS

Application Review: Ann Nolan – Chiropractic Technician Application

MOTION: Bryan Gerondale moved, seconded by John Church, to approve the Chiropractic Technician application of Ann Nolan, once all requirements are met. Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warnings

16 CHI 005 – W.M.B., D.C.

MOTION: John Church moved, seconded by Jeffery King, to issue an Administrative Warning in the matter of 16 CHI 005 (W.M.B., D.C.). Motion carried. Bryan Gerondale was opposed.

Proposed Stipulation(s), Final Decision(s) and Order(s)

15 CHI 017 – Patrick C. Anderson, D.C.

MOTION: John Church moved, seconded by Juli McNeely, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of disciplinary proceedings against Patrick C. Anderson, DLSC Case No. 15 CHI 017. Motion carried unanimously.

Case Closings

MOTION: John Church moved, seconded by Juli McNeely, to close DLSC case number 15 CHI 007 for P2 (Prosecutorial Discretion). Motion carried unanimously.

MOTION: Juli McNeely moved, seconded by John Church, to close DLSC case number 16 CHI 003 for No Violation. Motion carried unanimously.

MOTION: John Church moved, seconded by Bryan Gerondale, to close DLSC case number 16 CHI 021 for Insufficient Evidence. Motion carried unanimously.

RATIFICATION OF EXAMINATIONS, LICENSES AND CERTIFICATES

MOTION: Juli McNeely moved, seconded by John Church, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Juli McNeely, seconded by John Church, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:29 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Laura Smith, Bureau Assistant, on behalf of Thomas Ryan, Executive Director		2) Date When Request Submitted: 11/24/17 <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: 2/6/2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters/Updates 1) Election of Officers 2) Appointment of Liaisons and Alternates 3) 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 Board should conduct Election of its Officers for 2018 2) The new Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider continuation or modification of previously delegated authorities			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <i>Laura Smith</i> <hr/> Signature of person making this request </div> <div style="width: 35%; text-align: right;"> 11/24/2017 <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;"> <hr/> Supervisor (if required) </div> <div style="width: 35%; text-align: right;"> <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 70%;"> <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 30%; text-align: right;"> <hr/> Date </div> </div>			
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.			

2017 ELECTION RESULTS	
Board Chair	Patricia Schumacher
Vice Chair	John Church
Secretary	Jeffrey Mackey

LIAISON APPOINTMENTS AND DELEGATED AUTHORITIES

2017 LIAISON APPOINTMENTS	
Preceptor Liaison	John Church <i>Alternate: Jeffrey Mackey</i>
Monitoring Liaison	Jeffrey Mackey <i>Alternate: John Church</i>
Credentialing Liaison	Patricia Schumacher <i>Alternate: John Church</i>
Exams, Education and Continuing Education Liaison	Patricia Schumacher <i>Alternate: John Church</i>
Travel Liaison	Patricia Schumacher <i>Alternate: John Church</i>
Rules Liaison	John Church <i>Alternate: Jeffrey King</i>
Legislative Liaison	Patricia Schumacher
Professional Assistance Procedure (PAP) Liaison	John Church <i>Alternate: Juli McNeely</i>
2017 SCREENING PANEL APPOINTMENTS	
Screening Panel	John Church, Juli McNeely, Patricia Schumacher <i>Alternate: Jacob Curtis</i>

MOTION: Juli McNeely moved, seconded by John Church, to affirm the Chair's appointment of liaisons for 2017. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Juli McNeely moved, seconded by John Church, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience

in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Juli McNeely moved, seconded by John Church, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

Document Signature Delegation

MOTION: Juli McNeely moved, seconded by John Church, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

Credentialing Authority Delegations

MOTION: Juli McNeely moved, seconded by John Church, to delegate authority to the Credentialing Liaisons to address all issues related to credentialing matters except potential denial decisions should be referred to the full Board for final determination. Motion carried unanimously.

MOTION: John Church moved, seconded by Juli McNeely, to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

Travel Delegation

MOTION: Juli McNeely moved, seconded by John Church, to authorize the travel liaison to approve all Board travel. Motion carried unanimously.

Monitoring Delegations

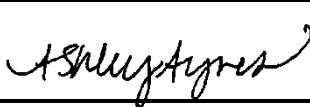
January 2017:

MOTION: Juli McNeely moved, seconded by John Church, to **table** the decision to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor', document as presented at the January 26, 2017 meeting. Motion carried unanimously.

March 2017:

MOTION: Jeffrey Mackey moved, seconded by Juli McNeely, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor' document as presented. Motion carried unanimously.

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Ashley Ayres Monitoring and Intake Supervisor Division of Legal Services and Compliance		2) Date When Request Submitted: December 18, 2017 <div style="border: 1px solid black; padding: 2px;"> Items will be considered late if submitted after 4:30 p.m. and less than: ■ 10 work days before the meeting for Medical Board ■ 14 work days before the meeting for all others </div>	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: February 6, 2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Appointment of Monitoring Liaison and Delegated Authority Motion	
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: Adopt or reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet.			
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> 11)  </div> <div style="width: 60%; text-align: right;"> Authorization December 18, 2017 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Signature of person making this request</div> <div style="width: 40%; text-align: right;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Supervisor (if required)</div> <div style="width: 40%; text-align: right;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 70%;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div style="width: 30%; text-align: right;">Date</div> </div>			
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Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors 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/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 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 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 or written authorization from the Liaison.
8. Grant or deny a request to appear before the Board/Section in closed session.
9. *(Except Pharmacy)* 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.
10. *(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.
 - a. Year 1: 49 screens (including 1 hair test, if required by original order)
 - b. Year 2: 36 screens (plus 1 hair test, if required by original order)
 - c. 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
11. *(Dentistry only)* – Ability to approve or deny all requests from a respondent.

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 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 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 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.
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Proposed (New) Delegations to the Monitoring Liaison

The Monitoring Unit is proposing the following additions to the Monitoring Liaison's authority:

1. Board Monitoring Liaison may determine whether Respondent's petition is eligible for consideration by the full Board/Section.
2. Board Monitoring Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

**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: 1/25/18 <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: 2/6/18	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. Legislative Report and Final Draft Rules for Clearinghouse Rule 17-010 Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians 2. Proposals for Chir 4 Relating to Chiropractic Practice, Chir 5 Relating to Continuing Education, Chir 6 Relating to Standards of Conduct, Chir 9 Relating to Chiropractic Preceptorship, and Chir 12 Relating to Nutritional Counseling Certification 3. Update on Pending Legislation and Pending and 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: <div style="margin-left: 40px;"> 1. The Board will review the legislative report and final draft rules for CR 17-010 to ensure they are accurate and consistent with the Board's intent. </div>			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 45%;"> <i>Dale Kleven</i> <hr/> Signature of person making this request </div> <div style="width: 45%;"> <i>January 25, 2018</i> <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 45%;"> <hr/> Supervisor (if required) </div> <div style="width: 45%;"> <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 60%;"> <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 40%;"> <hr/> Date </div> </div>			
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**STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD**

IN THE MATTER OF RULEMAKING	:	REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE	:	CR 17-010
CHIROPRACTIC EXAMINING	:	
BOARD	:	

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The proposed rule aligns ch. Chir 10 with the provisions of 2009 Wisconsin Act 28, which allows a chiropractor to delegate adjunctive and x-ray services only to chiropractic technicians and chiropractic radiological technicians. The proposed rule also establishes minimum criteria for approval of a course of study required for certification as a chiropractic technician or chiropractic radiological technician and training programs required for delegation of adjunctive services to a chiropractic technician. The proposed rule creates the following requirements:

- Section Chir 10.015 is created to establish the required course of study for certification as a chiropractic technician.
- Section Chir 10.02 (2) (a) to (g) are created to establish the educational requirements a chiropractic technician must meet to perform a delegated adjunctive service other than taking and preparing preliminary patient histories.
- Section Chir 10.025 is created to establish the required course of study for certification as a chiropractic radiological technician.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Chiropractic Examining Board held a public hearing on March 30, 2017. Written comments, verbal comments, or both were received from the following stakeholders:

- Steve Conway, representing the Chiropractic Society of Wisconsin (registered part in favor of and part against the proposed rules)
- Elizabeth McLean, representing Moraine Park Technical College (registered part in favor of and part against the proposed rules)

- John Murray, representing the Wisconsin Chiropractic Association (registered in favor of the proposed rules)
- Attorney Dan Riegleman of Riegleman Law Offices, S.C. (registered as neither for nor against the proposed rules)

The Board made the following substantive revisions to the proposed rules in response to public comment:

- Clarified the services that may be delegated to a chiropractic technician and the conditions that must be met to delegate those services. This included changes to make the conditions necessary to delegate physiological therapeutics consistent with those for other adjunctive services.
- Replaced a requirement that a licensed chiropractor be present in the facility and available to the students of a course of study leading to certification as a chiropractic technician with a requirement that the course of study be conducted by individuals who have appropriate specialized education, training, or experience.
- Clarified that a chiropractor may delegate the operation of x-ray equipment to a chiropractic radiological technician. Prior to this revision, the proposed rule indicated a chiropractor could employ a chiropractic radiological technician to operate x-ray equipment.
- Reduced the required length of the prerequisite course in therapeutic overview covering chiropractic technician scope of practice, anatomy, and contraindications from 4.5 hours to 4 hours.
- Added a requirement that, to be delegated massage therapy or bodywork therapy services, a chiropractic technician must be licensed under ch. 460, Stats.

Comments were received recommending the Board modify the required length of instruction of the course of study required for certification as a chiropractic technician and certain training programs required for the delegation adjunctive services. Except as noted above, the Board did not revise the proposed rules in response to these comments. The Board spent considerable time and effort developing these criteria, and is confident they are appropriate.

Comments were also received recommending the Board establish more detailed criteria for the composition of the course of study required for certification as a chiropractic technician and certain training programs required for the delegation adjunctive services. The Board did not revise the proposed rules in response to these comments. The Board has established minimum criteria for the course of study required for certification as a chiropractic technician and training programs required for the delegation of adjunctive services to a chiropractic technician. More specific criteria would limit the flexibility of providers to develop their curriculum.

Lastly, comments were received requesting the proposed rules permit delegation of adjunctive services to health care professionals other than certified chiropractic technicians and chiropractic radiological technicians and modify the requirement for direct, on-premises supervision of a chiropractic technician or chiropractic radiological technician. Both requested changes are outside of the Board's statutory authority.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comments 5.a.(3), (4) and (9)b.:

The Board has established minimum criteria for the course of study required for certification as a chiropractic technician or chiropractic radiological technician and training programs required for the delegation of adjunctive services to a chiropractic technician. More specific criteria would limit the flexibility of providers to develop their curriculum.

Comment 5.a.(8):

The Board has not made the recommended change in terminology, as the language recommended by the Clearinghouse implies the Board endorses the qualifications of an individual conducting a course of study or training program.

To the extent applicable, all other Legislative Council recommendations have been incorporated into the proposed rules as modified in response to public comments.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A

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 17-010)

PROPOSED ORDER

An order of the Chiropractic Examining Board to repeal Chir 10.01 (3) and 10.05; to amend Chir 4.04 (3), ch. Chir 10 (title), 10.01 (1) and (2), and 10.03; to repeal and recreate Chir 10.02; and to create Chir 10.01 (1g) and (1r), 10.015, and 10.025, 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), 227.11 (2) (a), and 446.02 (7) (c), Stats.

Explanation of agency authority:

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., discusses the parameters of an agency’s rule-making authority, stating an agency “may promulgate rules interpreting the provisions of the statute, but a rule is not valid if it exceeds the bounds of correct interpretation. . .” This section allows an agency to promulgate administrative rules that interpret the statutes it enforces or administers as long as the proposed rule does not exceed proper statutory interpretation. Section 227.01 (1), Stats., defines agency as a board. The Chiropractic Examining Board falls within the definition of agency and is therefore allowed to apply s. 227.11 (2) (a), Stats., to statutes it administers.

Section 446.02 (7) (c), Stats., provides that “[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:

None.

Plain language analysis:

Section 446.02 (7) (d) of the Wisconsin Statutes restricts the delegation of adjunctive and x-ray services to chiropractic technologists (technicians) and chiropractic radiological technologists (technicians). Chapter Chir 10 allows for the delegation of these services to unlicensed persons. The proposed rule amends the Chiropractic Examining Board's administrative rules to align them with section 446.02 (7) (d), Stats. Additionally, under sections 446.025 (2) (a) 3. and 446.026 (2) (a) 3., Stats., chiropractic technicians and chiropractic radiological technicians are required to complete courses of study approved by the Board in order to obtain certification. The Chiropractic Examining Board's administrative rules are currently silent with regards to the specific requirements used to determine whether a course of study is approved. This undefined term has led to an inconsistent application of the statute. The proposed rule defines the requirements for approved courses of study in administrative code, which should result in a more uniform application of the statutes. The proposed rules establish the following requirements:

- Section Chir 10.015 is created to establish the required course of study for certification as a chiropractic technician.
- Section Chir 10.02 (2) and (3) (a) to (g) are created to establish the educational requirements a chiropractic technician must meet in order to perform a delegated adjunctive service other than taking and preparing preliminary patient histories.
- Section Chir 10.025 is created to establish the required course of study for certification as a chiropractic radiological technician.

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 the proposed rule 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)].

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

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

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].

Summary of factual data and analytical methodologies:

The methodologies used to develop this proposed rule include reviewing neighboring states' statutes and rules, obtaining feedback from the Chiropractic Examining Board, and reviewing the curriculum from a variety of chiropractic schools.

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 Kirsten.Reader@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, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708; 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, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, 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 March 30, 2017, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chir 4.04 (3) is amended to read:

Chir 4.04 (3) A chiropractor may ~~employ a technician to operate~~ delegate the operation of x-ray equipment only ~~upon submitting proof satisfactory to the board that the technician has successfully completed a course of instruction approved by the board to a chiropractic radiological technician certified under ch. 446, Stats. Any~~ A chiropractic radiological technician employed may work only shall operate x-ray equipment under the direct supervision and direction of a licensee. The chiropractor shall maintain records or ensure the chiropractor's employer maintains records that verify the chiropractic radiological technician is certified under ch. 446, Stats.

SECTION 2. Chapter Chir 10 (title) is amended to read:

**DELEGATION TO UNLICENSED PERSONS CHIROPRACTIC TECHNICIANS
AND CHIROPRACTIC RADIOLOGICAL TECHNICIANS**

SECTION 3. Chir 10.01 (1) is amended to read:

Chir 10.01 (1) "Adjunctive services" means services which are preparatory or complementary to ~~chiropractic adjustments of the spine or skeletal articulations, or both the practice of chiropractic.~~ "Adjunctive services" include the taking and preparation of a preliminary patient history and providing physiotherapy treatment. "Adjunctive services" does not include making a chiropractic diagnosis, analyzing a diagnostic test, or performing a chiropractic adjustment.

SECTION 4. Chir 10.01 (1g) and (1r) are created to read:

Chir 10.01 (1g) "Massage therapy" or "bodywork therapy" has the meaning given in s. 460.01 (4), Stats.

(1r) "Physiotherapy treatment" means the therapeutic use of physical agents or means, including heat, cold, light, air, water, sound, electricity, massage therapy or bodywork therapy, and physical exercise with and without assistive devices, to treat or manage injury, disease, bodily defects, or bodily weaknesses.

SECTION 5. Chir 10.01 (2) is amended to read:

Chir 10.01 (2) "Preliminary patient history" means the process of taking patient vitals and gathering baseline data regarding a patient, including the nature of the chief complaint, family history, and medical history. The "preliminary patient history" is

intended to provide a starting point for further inquiry by the chiropractor into the patient's condition.

SECTION 6. Chir 10.01 (3) is repealed.

SECTION 7. Chir 10.015 is created to read:

Chir 10.015 Chiropractic technician course of study. The board shall grant certification as a chiropractic technician to an applicant who satisfies the requirements under s. 446.026 (2) (a), Stats. The course of study required under s. 446.026 (2) (a) 3., Stats., shall meet all of the following:

(1) The course of study shall include a prerequisite 4 hour therapeutic overview course covering chiropractic technician scope of practice, anatomy, and contraindications followed by all of the following:

(a) Four hours of instruction in gathering baseline data regarding a patient.

(b) Four hours of instruction in taking patient vitals.

(2) The course of study shall include a final assessment of competency of the didactic and clinical components of the program.

(3) The course of study shall be conducted by individuals who have specialized education, training, or experience by reason of which the individuals should be considered qualified concerning chiropractic technician scope of practice, anatomy, contraindications, and taking and preparing a preliminary patient history.

SECTION 8. Chir 10.02 is repealed and recreated to read:

Chir 10.02 Delegation of adjunctive services to a chiropractic technician. A chiropractor may delegate the performance of adjunctive services only to a chiropractic technician certified under ch. 446, Stats. An adjunctive service may be delegated to a chiropractic technician only if all of the following conditions are met:

(1) The chiropractor maintains records or ensures the chiropractor's employer maintains records that verify the chiropractic technician is certified under ch. 446, Stats.

(2) For the delegation of massage therapy or bodywork therapy, the chiropractor maintains records or ensures the chiropractor's employer maintains records that verify the chiropractic technician is licensed under ch. 460, Stats.

(3) For the delegation of adjunctive services other than massage therapy or bodywork therapy and taking and preparing preliminary patient histories, the chiropractor maintains records or ensures the chiropractor's employer maintains records that verify the chiropractic technician has successfully completed a didactic and clinical training program approved by the board and covering the performance of the delegated service. Successful completion of a training program is demonstrated by attaining proficiency in the delivery of that service to minimally competent chiropractic practice standards as measured by objective knowledge and skills testing. The didactic and clinical training program shall meet all of the following criteria:

(a) The program constitutes an organized program of learning that contributes directly to the professional competency of a chiropractic technician to perform the delegated service.

(b) The program pertains to subject matters that integrally relate to the performance of the delegated service.

(c) The program is conducted by individuals who have specialized education, training, or experience by reason of which the individuals should be considered qualified concerning the performance of the delegated service.

(d) The program fulfills pre-established goals and objectives.

(e) The program provides proof of attendance.

(f) The program includes a final assessment of competency of the didactic and clinical components of the program.

(g) If the program includes instruction in one or more of the subject matters under subds. 1. to 7., the instruction shall meet the following requirements:

1. Instruction in the performance of thermotherapy and cryotherapy shall comprise one hour.

2. Instruction in the performance of electrotherapy shall comprise 3 hours.

3. Instruction in the performance of therapeutic ultrasound shall comprise 3 hours.

4. Instruction in the performance of light therapy shall comprise 3 hours.

5. Instruction in the performance of surface electromyography shall comprise 3 hours.

6. Instruction in the performance of mechanical therapy and decompression shall comprise 4 hours and may not include instruction in manual traction or manipulation.

7. Instruction in exercise and rehabilitation shall comprise 24 hours and include all of the following topics:

a. Basic functional anatomy.

b. Kinesiology and joint movement.

c. Indications and contraindications.

d. Recordkeeping and reporting.

e. Scope of practice.

f. Baselines assessment, outcomes, and goals.

(4) The chiropractor exercises direct supervision of the chiropractic technician performing the delegated service.

(5) The chiropractor retains ultimate responsibility for the manner and quality of the service.

SECTION 9. Chir 10.025 is created to read:

Chir 10.025 Chiropractic radiological technician course of study. The board shall grant certification as a chiropractic radiological technician to an applicant who satisfies the requirements under s. 446.025 (2) (a), Stats. The course of study required under s. 446.025 (2) (a) 3., Stats., shall meet all of the following:

(1) The course of study shall comprise 48 hours, including all of the following topics:

- (a) Introduction to x-ray examination.
- (b) Physics of x-ray examination.
- (c) Anatomy.
- (d) Patient position.
- (e) Safety measures.
- (f) Machine operation.
- (g) Exposure techniques and accessories.
- (h) Processing and dark room techniques.
- (i) Film critique and quality assurance.
- (j) Professionalism.
- (k) Recordkeeping.
- (L) Emergency procedures summary.

(2) The course of study shall include a final assessment of competency of the didactic and clinical components of the program.

(3) The certification program shall have a chiropractor licensed under ch. 446, Stats., present in the facility and available to the students of the course of study.

SECTION 10. Chir 10.03 is amended to read:

Chir 10.03 X-ray services. A chiropractor may delegate x-ray examination procedures ~~to an unlicensed person only if the delegation is consistent with s. Chir 10.02 and the unlicensed person has successfully completed a course of instruction comprising at least 48 hours and including the following components: introduction to x-ray examination; physics of x-ray examination; anatomy; patient positioning; safety measures; machine operation; exposure techniques and accessories; processing and dark room techniques; film critique and quality assurance; professionalism; recordkeeping; emergency procedures, summary; and successful completion of an examination on the content of the course of instruction~~ only to a chiropractic radiological technician certified under ch. 446, Stats. The chiropractor shall comply with s. Chir 4.04 before delegating the performance of x-ray services to ~~an unlicensed person~~ a chiropractic radiological technician.

SECTION 11. Chir 10.05 is repealed.

SECTION 12. EFFECTIVE DATE. The rules 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)

This Proposed Order of the Chiropractic Examining Board is approved for submission to the Governor and Legislature.

Dated _____

Agency _____

Chairperson
Chiropractic Examining Board

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	
2. Administrative Rule Chapter, Title and Number Chir 4 and 10	
3. Subject Courses of study for and delegation to chiropractic technicians and chiropractic radiological technicians	
4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
6. Fiscal Effect of Implementing the Rule <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Indeterminate </div> <div> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div> <input type="checkbox"/> Increase Costs <input type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Cost </div> </div>	
7. The Rule Will Impact the Following (Check All That Apply) <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> State's Economy <input type="checkbox"/> Local Government Units </div> <div> <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A) </div> </div>	
8. Would Implementation and Compliance Costs Be Greater Than \$20 million? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9. Policy Problem Addressed by the Rule Section 446.02 (7) (d) of the Wisconsin Statutes restricts the delegation of adjunctive and x-ray services to chiropractic technologists (technicians) and chiropractic radiological technologists (technicians). Chapter Chir 10 allows for the delegation of these services to unlicensed persons. The proposed rule would amend the Chiropractic Examining Board's administrative rules to align them with section 446.02 (7) (d), Stats. Additionally, under sections 446.025 (2) (a) 3. and 446.026 (2) (a) 3., Stats., chiropractic technicians and chiropractic radiological technicians are required to complete courses of study approved by the Board in order to obtain certification. The Chiropractic Examining Board's administrative rules are currently silent with regards to the specific requirements used to determine whether a course of study is approved. This undefined term has led to an inconsistent application of the statute. The proposed rule seeks to define the requirements for approved courses of study in administrative code, which should result in a more uniform application of the statutes.	
10. 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.	
11. Identify the local governmental units that participated in the development of this EIA. No local governmental units participated in the development of this EIA.	
12. 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.	
13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is providing updated requirements. If the rule is not implemented, it will continue to reference outdated requirements.	

14. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is updated requirements.

15. Compare With Approaches Being Used by Federal Government

None

16. 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)].

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

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

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].

17. Contact Name	18. Contact Phone Number
Dale Kleven	(608) 261-4472

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

Chapter Chir 4

PRACTICE

Chir 4.01 Authority.
Chir 4.02 Definitions.
Chir 4.03 Practice.

Chir 4.04 X-ray.
Chir 4.05 Prohibited practice.
Chir 4.07 Suspension.

Note: Chapter Chir 4 as it existed on December 31, 1984 was repealed and a new chapter Chir 4 was created effective January 1, 1985.

Chir 4.01 Authority. This chapter is adopted under authority in ss. 15.08 (5) (b), 227.11 and ch. 446, Stats., to interpret the statutory definition of chiropractic practice specified in s. 446.01 (2), Stats.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; correction made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1990, No. 411.

Chir 4.02 Definitions. As used in this chapter,

(1) "Chiropractic science" means that body of systematic and organized knowledge relating primarily to the identification, location, removal or reduction of any interference to nervous system integrity or nerve energy expression and the resulting change in biomechanical or physiological homeostasis. It is based on the major premise that disease or abnormal function may be caused by abnormal nerve impulse transmission or expression due to biochemical factors, compression, traction, pressure or irritation upon nerves as a result of bony segments, especially of the spine or contiguous structures, either deviating from normal juxtaposition or function which irritates nerves, their receptors or effectors.

(2) "Instrument" means a device employed or applied in accordance with the principles and techniques of chiropractic science, which is used in the practice of chiropractic to diagnose, analyze, treat or prevent the cause of departure from complete health and proper condition of the human.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; renum. to be (1) and cr. (2), Register, January, 1992, No. 433, eff. 2-1-92.

Chir 4.03 Practice. The practice of chiropractic is the application of chiropractic science in the adjustment of the spinal column, skeletal articulations and adjacent tissue which includes diagnosis and analysis to determine the existence of spinal subluxations and associated nerve energy expression and the use of procedures and instruments preparatory and complementary to treatment of the spinal column, skeletal articulations and adjacent tissue. Diagnosis and analysis may include physical examination, specimen analysis, drawing of blood, blood-analysis and the use of x-ray and other instruments.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85.

Chir 4.04 X-ray. (1) X-ray may be used only for diagnostic or analytical purposes in the practice of chiropractic.

Note: The requirements of ch. DHS 157 apply to licensees who use x-ray equipment.

(2) A chiropractor may not use the following forms of x-ray:

(a) X-ray procedures that require introduction of drugs, clinical dyes or radioactive substances;

(b) Therapeutic x-ray.

(3) A chiropractor may employ a technician to operate x-ray equipment only upon submitting proof satisfactory to the board that the technician has successfully completed a course of instruction approved by the board. Any technician employed may work only under the direct supervision and direction of a licensee.

Note: A list of board-approved programs is available upon request from the Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; renum. (2) to be (3), cr. (2), Register, October, 1989, No. 406, eff. 11-1-89; am. (3), Register, January, 1995, No. 469, eff. 2-1-95.

Chir 4.05 Prohibited practice. (1) SCOPE OF PRACTICE.

A person who holds a license to practice chiropractic may engage in the practice of chiropractic, as described in s. Chir 4.03. A license to practice chiropractic does not authorize the license holder to engage in practice beyond the scope of chiropractic practice, as described in s. Chir 4.03. Practice beyond the scope of chiropractic includes, but is not limited to, the following:

(a) Obstetrics and abortions, except nothing in this paragraph may be construed to prevent the practice of chiropractic as described in s. Chir 4.03 during a patient's pregnancy.

(b) Invasive procedures, such as:

1. Surgery.

2. Subcutaneous administration of substances.

3. Acupuncture by needle insertion or invasive laser application.

(c) Colonic irrigation.

(d) The prescribing, dispensing, delivery or administration of drugs as defined in s. 450.01 (10), Stats., except nothing in this paragraph may be construed to prevent the sale of vitamins, herbs or nutritional supplements consistent with the provisions of ch. Chir 12.

(2) TECHNIQUES, ANCILLARY PROCEDURES OR INSTRUMENTS. The use of techniques, ancillary procedures or instruments which are unsafe or ineffective, including but not limited to the following or their substantially similar counterparts, are prohibited in the practice of chiropractic:

(a) Acuclips.

(b) Pfeiffer technique.

Note: The Pfeiffer technique is the application of magnets to the surface or near vicinity of the human body, either alone or in conjunction with the use of other devices, as a purported basis of a chiropractic diagnosis which depends on the measurement or observation of changes to the functioning or structure of the human body resulting from the application of the magnetic force.

(c) Hair analysis if it is used as the only determinant for recommending chiropractic treatment or nutritional supplementation.

(d) Therapeutic ultrasound and galvanic therapy may be used by a licensee only if:

1. The licensee has completed the physiologic therapeutics portion of the examinations of the national board of examiners; or,

2. The licensee has completed a course of instruction in therapeutic ultrasound and galvanic therapy approved by the board, submits proof of completion to the board and receives acknowledgement of submittal; and,

3. The use of therapeutic ultrasound and galvanic therapy is limited to neurological and musculoskeletal conditions that are amenable to treatment, are not contra-indicated, and are within the scope of chiropractic practice as described in s. 446.01 (2) (a) and (b), Stats.

Note: A list of courses of instruction in therapeutic ultrasound and galvanic therapy approved by the board is available upon request from the Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(e) The use of any device in the practice of chiropractic to diagnose, analyze, treat or prevent the cause of departure from complete health and proper condition of the human, which is not employed or applied in accordance with the principles and techniques of chiropractic science is prohibited. Such devices include, but are not limited to:

1. The following electro-diagnostic devices: EAV, VEGATEST, BIOTRON 1000, ACCUPATH 1000, VI-TEL 618, INTERRO System, PRO-PHYLE, or substantially similar counterparts of any of these devices.

(f) Any practice system, analysis, method or protocol which does not include the competent assessment, evaluation or diagnosis of the condition to be treated before beginning treatment of the patient.

(g) Any practice system, analysis, method or protocol which relies upon diagnostic methods that are not generally recognized

or accepted within the profession or which do not have scientific validity.

(h) Any practice system, analysis, method or protocol which is represented as a means of attaining spiritual growth, spiritual comfort or spiritual well-being.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; r. and recr. Register, October, 1989, No. 406, eff. 11-1-89; cr. (2) (e), Register, January, 1992, No. 433, eff. 2-1-92; am. (2) (b), Register, May, 1992, No. 437, eff. 6-1-92; cr. (2) (f), (g), (h), Register, February 1995, No. 470, eff. 3-1-95; am. (2) (f) to (h), Register, July, 1999, No. 523, eff. 8-1-99; am. (1) (a), (b) 1., 2., 3., (c), (2) (a) and (b), Register, September, 1999, No. 525, eff. 10-1-99; CR 03-082: am. (1) (b) 3. Register July 2004 No. 583, eff. 8-1-04; CR 06-051: am. (1) (d) Register November 2006 No. 611, eff. 12-1-06.

Chir 4.07 Suspension. During a period in which a licensee is suspended under s. 446.03, Stats., unless the board specifies otherwise in its final order or a subsequent order, the licensee may not do any of the following:

- (1) Perform any of the functions in s. Chir 4.03.
- (2) Have any professional contact with patients.
- (3) Be present in any chiropractic office, other than to receive care.

History: Cr. Register, March, 2000, No. 531, eff. 4-1-00.

Chapter Chir 5

CONTINUING EDUCATION

Chir 5.01 Continuing education requirements for credential renewal.
Chir 5.02 Approval of continuing education programs.

Chir 5.03 Application denials.

Note: Chapter Chir 5 as it existed on February 29, 1996, was repealed and a new chapter Chir 5 was created effective March 1, 1996.

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 of each even-numbered year, except as specified in s. **Chir 3.02 (1) (c)**.

(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.

(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 hours in 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 continuing education credit hour.

(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 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.

(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 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.

(b) The board may grant a waiver, partial waiver, or postponement of the continuing education requirements in cases of hardship.

(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 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 application for credential renewal that he or she has completed all continuing education credits as required 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.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (1), (2) (intro.), (a) and (3), Register, March, 1998, No. 507, eff. 4-1-98; renum. (1) to be (1) (a), cr. (1) (b) to (d), Register, June, 2001, No. 546, eff. 7-1-01; CR 03-082: cr. (1) (e) Register July 2004 No. 583, eff. 8-1-04; CR 06-051: cr. (1) (f) and (g) Register November 2006 No. 611, eff. 12-1-06; CR 08-093: cr. (1) (h) Register October 2009 No. 646, eff. 11-1-09; CR 11-019: am. (title), (1) (a), (2) (a), (b), (3), r. and rec. (1) (c), (d), (e), (f), r. (1) (g), (h), cr. (1g), (1r) Register September 2011 No. 669, eff. 10-1-11.

Chir 5.02 Approval of continuing education programs. (1) The board may approve a continuing education program which meets 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.

(b) *Chiropractors.* The program subject matter 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)**. 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 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 technician, or chiropractic techni-

cian, as applicable, at 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.

(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 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, 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 instructor is qualified to present 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.

(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). 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 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.

(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.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (1) (a) to (c), renun. (1) (d) to be (1) (g) and am., cr. (1) (d) to (f), r. and recr. (2) and (4), cr. (6), Register, March, 1998, No. 507, eff. 4-1-98; CR 03-082: am. (1) (b) and (4) (a) 6., cr. (1) (h) Register July 2004 No. 583, eff. 8-1-04; CR 08-093: cr. (1m) Register October 2009 No. 646, eff. 11-1-09; CR 11-019: cr. (1) (b) (title), (bm), (2) (am), (4) (a) 5m., am. (1) (c), (e) Register September 2011 No. 669, eff. 10-1-11.

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 pro-

gram as represented to and approved by the board or as provided in this chapter.

History: Cr. Register, March, 1998, No. 507, eff. 4-1-98; CR 11-019: am. (2) Register September 2011 No. 669, eff. 10-1-11.

Chapter Chir 6

STANDARDS OF CONDUCT

Chir 6.01 Authority.
Chir 6.015 Definition.

Chir 6.02 Unprofessional conduct.
Chir 6.03 Duty to evaluate and inform.

Chir 6.01 Authority. The rules in ch. Chir 6 are adopted under authority in ss. 15.08 (5) (b), 227.11 and 446.04, Stats.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; correction made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1990, No. 411.

Chir 6.015 Definition. In this chapter:

(1) "Advertisement" means any communication disseminated or intended to be disseminated to the public which is likely to or intended to induce, directly or indirectly, the rendering of professional services by the chiropractor named in or identified by the communication. "Advertisement" includes professional business cards, professional announcement cards, office signs, letterhead, telephone directory listings, directories or listings of health care practitioners, and communications which are likely to or intended to induce, directly or indirectly, the rendering of professional services by the chiropractor named in or identified by the communication in newspapers, broadsides, flyers, radio, television, books, magazines, or motion pictures.

History: Cr. Register, November, 1997, No. 503, eff. 12-1-97.

Chir 6.02 Unprofessional conduct. Unprofessional conduct by a chiropractor includes:

- (1) Engaging in any practice which constitutes a substantial danger to the health, welfare or safety of a patient or the public.
- (2) Practicing or attempting to practice when unable to do so with reasonable skill and safety to patients.
- (3) Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a chiropractor.
- (4) Practicing or attempting to practice beyond the scope of a license issued by the board, including but not limited to acts prohibited under s. Chir 4.05 (1).
- (5) Practicing or attempting to practice while the ability to perform is impaired by physical, mental or emotional disorder, drugs or alcohol.
- (6) Performing professional services inconsistent with training, education or experience.
- (7) Engaging in sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient.
- (8) Engaging in excessive evaluation or treatment of a patient.
- (9) Failing to conduct a competent assessment, evaluation or diagnosis as a basis for treatment or consultation.
- (10) Revealing confidential patient information without consent of a patient, except that information shall be revealed to the board or its representatives pursuant to investigation of a licensee or as otherwise authorized by law.
- (11) Refusing to render services to a person because of race, color, sex or religion.
- (12) Knowingly falsifying patient records.
- (13) Impersonating another chiropractor.
- (14) Obtaining or attempting to obtain any compensation for chiropractic services by fraud, including billing for services not rendered or submitting a claim for a fraudulent diagnosis.

Note: The use by a licensee of "no out-of-pocket expense" payment arrangements may constitute insurance fraud, and may therefore violate this subsection as well as s. 943.395, Stats.

(15) Advertising in a manner which is false, deceptive or misleading. An advertisement which does any of the following is false, deceptive or misleading:

- (a) Contains a misrepresentation of fact.
- (b) Is likely to mislead or deceive because of a failure to disclose material facts.
- (c) Is intended to or is likely to create false or unjustified expectations of favorable results.
- (d) Fails to prominently disclose complete details of all variables and material factors relating to any advertised fee.
- (e) Contains any representation or implication that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.
- (f) Includes reference to or implies specialization or advanced training unless all of the following are true:

1. The specialty is recognized by a council of the American chiropractic association or the international chiropractors association.

2. The specialty requires at least 300 hours of postgraduate credit hours and passage of a written examination approved by the American chiropractic association or the international chiropractors association.

3. The title applied to the specialty by the chiropractor is the title applied by the American chiropractic association or the international chiropractors association.

(g) Includes reference to or implies advanced training unless all of the following are true:

1. The postgraduate training was received in one, unified program approved by the American chiropractic association or the international chiropractors association, or through one, unified program at a college accredited by the council on chiropractic education and approved by the board.

2. The chiropractor has completed at least 100 hours of postgraduate training in the area in which the chiropractor claims advanced training.

3. The postgraduate training program includes successful completion of a written examination as a requirement for successful completion of the training program.

(h) Appears in any classified directory, listing or other compendium under a heading, which when considered together with the advertisement, has the capacity or tendency to be deceptive or misleading with regard to the profession or professional status of the chiropractor.

(i) Implies that the chiropractic services provided will result in emotional or spiritual benefits.

(16) Aiding or abetting or permitting unlicensed persons in the practice of chiropractic.

(17) Failing to exercise a reasonable degree of supervision over subordinate employees.

(18) Obtaining or attempting to obtain a license through fraud or misrepresentation or making any material misstatement, omission or falsification in connection with an application for a license, registration or renewal.

(19) Refusing upon request to cooperate in a timely manner with the board's investigation of a complaint lodged against a

licensee. Licensees taking longer than 30 days to respond shall have the burden of demonstrating that they have acted in a timely manner.

(20) Knowingly providing false information to the board or its representative.

(21) Failing to notify the board of having a chiropractic license, certificate, permit or registration granted by any other jurisdiction subject to disciplinary action.

(22) Having a license, certificate, permit or registration granted by another jurisdiction to practice as a chiropractor limited, suspended or revoked, or subject to any other disciplinary action.

(23) Failing to notify the board of any criminal conviction, the circumstances of which relate substantially to the practice of chiropractic.

(24) Being convicted of a crime substantially related to the practice of chiropractic.

(25) Violating any provision of ch. 446, Stats., or any rule or order of the board.

(26) Violating a law, or aiding or abetting the violation of any law substantially related to the practice of chiropractic.

(27) Failing to maintain patient records for a minimum period of 7 years after the last treatment or after the patient reaches the age of majority, whichever is greater.

(28) Failing to release patient health care records to a patient in accordance with s. 146.83, Stats.

(29) Negating the co-payment or deductible provisions of a contract of insurance by agreeing to forgive any or all of the patient's obligation for payment under the contract unless the chiropractor reduces the chiropractor's claim to the insurance carrier in regard to that patient by an equal proportion. In this section, "co-payment or deductible provisions" means any terms in a contract of insurance with a third party whereby the patient remains financially obligated to the chiropractor for payment.

Note: It is no violation of this rule for a chiropractor to adjust fees, but the fee charged must be accurately reported to any third party payor. It is no violation of this rule for a chiropractor to provide treatment without any charge.

(30) Giving or receiving unauthorized assistance, violating rules of conduct, or otherwise cheating or acting dishonestly respecting any examination required for the granting of a license or registration to practice chiropractic.

(31) Making a representation likely to create an unjustified expectation about the results of a nutritional counseling service or procedure.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; am. (4), Register, October, 1989, No. 406, eff. 11-1-89; cr. (27) and (28), Register, January, 1992, No. 433, eff. 2-1-92; cr. (29), Register, January, 1993, No. 445, eff. 2-1-93; am. (7), Register, June, 1993, No. 450, eff. 7-1-93; am. (27), Register, May, 1997, No. 497, eff. 6-1-97; r. and recr. (15), Register, November, 1997, No. 502, eff. 12-1-97; am. (18), cr. (30), Register, September, 1999, No. 525, eff. 10-1-99; CR 03-082: am. (14) Register July 2004 No. 583, eff. 8-1-04; CR 06-051: cr. (31) Register November 2006 No. 611, eff. 12-1-06.

Chir 6.03 Duty to evaluate and inform. (1) A chiropractor shall evaluate each patient to determine whether the patient presents a condition that is treatable through chiropractic means. An evaluation shall be based upon an examination appropriate to the presenting patient. In conducting an evaluation, a chiropractor shall utilize chiropractic science as described in s. Chir 4.02 and the principles of education and training of the chiropractic profession.

(2) If an evaluation indicates a condition treatable by chiropractic means, the chiropractor shall treat the patient using appropriate chiropractic means.

(3) If an evaluation indicates a condition which is not treatable through chiropractic means, the chiropractor shall inform the patient that the condition is not treatable through chiropractic means and recommend that the patient seek additional advice or care.

(4) A chiropractor may render concurrent or supportive chiropractic care to a patient, but a chiropractor shall refrain from further chiropractic treatment when a reasonable chiropractor should be aware that the patient's condition will not be responsive to further treatment.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

Chapter Chir 9

CHIROPRACTIC PRECEPTORSHIP

Chir 9.01 Definitions.

Chir 9.02 Unlicensed practice by chiropractic students and graduate chiropractors.

Chir 9.03 Approved chiropractic college preceptorship programs.

Chir 9.04 Approved postgraduate preceptorship programs.

Chir 9.05 Approved chiropractor preceptors.

Chir 9.06 Termination of preceptorship.

Chir 9.01 Definitions. In this chapter:

(1) “Chiropractic student” means a student of an approved college of chiropractic in his or her last academic quarter, semester, or trimester of study, who is eligible for graduation from the college of chiropractic but for completion of a preceptorship period.

(2) “Chiropractor preceptor” means a chiropractor licensed and practicing in Wisconsin pursuant to ch. 446, Stats., who accepts a chiropractic student into his or her practice for the purpose of providing the chiropractic student with a clinical experience of the practice of chiropractic.

(3) “Graduate chiropractor” means a person who has received a doctor of chiropractic degree from a college of chiropractic approved by the board, but who has not taken any licensing examination the results of which have been declared by a licensing authority.

(4) “Preceptorship practice” means the chiropractic practice of a single chiropractor or group of chiropractors in a particular business or clinic, into which a licensed, practicing chiropractor has accepted a chiropractic student for the limited purpose of providing the chiropractic student with a clinical experience in the practice of chiropractic.

History: Cr. Register, June, 1994, No. 462, eff. 7-1-94.

Chir 9.02 Unlicensed practice by chiropractic students and graduate chiropractors. The board may approve the unlicensed practice of chiropractic in this state by a bona fide student of a chiropractic college which offers an approved preceptorship program, if the chiropractic college preceptorship program, the chiropractor preceptor and the practice of chiropractic by the student meet the criteria established by the board. The board may approve the unlicensed practice of chiropractic in this state by a graduate chiropractor in an approved postgraduate chiropractic preceptorship program, if the postgraduate chiropractic preceptorship program, the chiropractor preceptor and the practice of chiropractic by the graduate chiropractor meet the criteria established by the board.

History: Cr. Register, June, 1994, No. 462, eff. 7-1-94.

Chir 9.03 Approved chiropractic college preceptorship programs. The board shall approve a chiropractic college preceptorship program which includes all of the following criteria:

(1) Is operated by a chiropractic college approved by the board. The board shall consider whether the college is accredited by the council on chiropractic education, and shall also consider the degree of consumer protection provided by the defined standards and practices of the chiropractic college’s preceptor program, as well as degree of consumer protection demonstrated by the actual operation of the chiropractic college’s preceptor program.

(2) Is an established component of the curriculum of the chiropractic college.

(3) Certifies to the board, on forms supplied by the department:

(a) That all students who participate in the preceptorship program are in the last semester, trimester, or quarter of their education, and have met all requirements for graduation from the chiropractic college except for completion of the preceptorship period, and

(b) That no chiropractor who is a preceptor shall supervise more than one chiropractic student.

(4) Certifies to the board, on forms supplied by the department, that all chiropractors who participate as preceptors are faculty of the chiropractic college.

(5) Certifies to the board, on forms supplied by the department, that the chiropractor preceptor and the chiropractic student have agreed on the goals of the preceptor program to be completed by the chiropractic student.

Note: Forms may be obtained upon request from the Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(6) Provides a list to the board at least 45 days prior to every trimester or academic quarter of the chiropractors in Wisconsin who will be acting as preceptors in the program.

History: Cr. Register, June, 1994, No. 462, eff. 7-1-94; am. (6), Register, July, 1996, No. 487, eff. 8-1-96; CR 03-082: am. (3) (intro.), (4) and (5) Register July 2004 No. 583, eff. 8-1-04.

Chir 9.04 Approved postgraduate preceptorship programs. The board shall approve a preceptorship program for the training of graduate chiropractors which meets all of the following criteria:

(1) Is operated by a chiropractic college approved by the board. The board shall consider whether the college is accredited by the council on chiropractic education, and shall also consider the degree of consumer protection provided by the defined standards and practices of the chiropractic college’s preceptor program, as well as degree of consumer protection demonstrated by the actual operation of the chiropractic college’s preceptor program.

(2) Is an established postgraduate program of the chiropractic college.

(3) Certifies to the board, on forms supplied by the board:

(a) That all graduate chiropractors who participate in the postgraduate preceptorship program have graduated from a college of chiropractic approved by the board, and

(b) That no chiropractor who is a preceptor shall supervise more than one graduate chiropractor.

(4) Certifies to the board, on forms supplied by the board, that all chiropractors who participate as preceptors are faculty of the chiropractic college.

(5) Certifies to the board, on forms supplied by the board, that the chiropractor preceptor and graduate chiropractor have agreed on the goals of the preceptor program to be completed by the graduate chiropractor.

Note: Forms may be obtained upon request from the Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(6) Provides a list to the board 45 days prior to every trimester or academic quarter of the chiropractors in Wisconsin who will be acting as preceptors in the program.

History: Cr. Register, June, 1994, No. 462, eff. 7-1-94; am. (6), Register, September, 1999, No. 525, eff. 10-1-99.

Chir 9.05 Approved chiropractor preceptors. The board shall approve a chiropractor to be a chiropractor preceptor if the chiropractor meets all of the following conditions:

(1) Certifies to the board, on forms supplied by the department, that:

(a) The chiropractor preceptor has been continuously licensed in Wisconsin for the previous 5 years, and that there are no pending disciplinary actions or malpractice claims against the chiropractor preceptor in any state or country. If any discipline has ever been imposed in any state or country on any professional license held by the preceptor, the preceptor shall provide details of the discipline for the board's review.

(b) The chiropractor preceptor is a member of the faculty of the chiropractic college from which the chiropractor preceptor will accept a chiropractic student or graduate chiropractor into a preceptorship practice.

(c) The chiropractor preceptor is responsible for the practice of the chiropractic student or graduate chiropractor the chiropractor preceptor accepts into a preceptorship practice.

(d) The chiropractor preceptor will identify the chiropractic student or graduate chiropractor to the patients of the preceptorship practice in such a way that no patient will tend to be misled as to the status of the chiropractic student or graduate chiropractor, and that each patient or parent or guardian of each patient will be required to provide informed consent to treatment of that patient by the chiropractic student or graduate chiropractor.

(e) The chiropractor preceptor will supervise no more than one chiropractic student or graduate chiropractor at any one time.

(f) The chiropractor preceptor will exercise direct, on-premises supervision of the chiropractic student or graduate chiroprac-

tor at all times during which the chiropractic student or graduate chiropractor is engaged in any facet of patient care in the chiropractor preceptor's clinic.

Note: Forms may be obtained upon request from the Department of Safety and Professional Services, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, June, 1994, No. 462, eff. 7-1-94; CR 03-082: am. (1) (intro.) and (a) Register July 2004 No. 583, eff. 8-1-04.

Chir 9.06 Termination of preceptorship. (1) A preceptorship shall terminate upon the occurrence of the earliest applicable of the following events:

(a) A chiropractic student participating in a preceptorship program graduates from the college of chiropractic operating the program.

(b) A graduate chiropractor participating in a postgraduate preceptorship program is declared to have passed or failed a chiropractic licensing examination by any licensing authority or the national board.

(c) Six months have passed since the graduate chiropractor graduated from a college of chiropractic.

(d) A chiropractor preceptor is formally charged with a criminal offense, the circumstances of which substantially relate to the practice of chiropractic.

(e) A chiropractor preceptor is formally alleged to have violated the statutes or administrative rules pertaining to the practice of chiropractic.

(f) A chiropractor preceptor is formally complained against in a civil action for malpractice.

(2) If a preceptorship is terminated under sub. (1) (d), (e) or (f), the board may approve a replacement preceptor proposed by the chiropractic student or graduate chiropractor who satisfies the requirements in s. Chir 9.05 (1) (a) and (c) to (f). The proposed chiropractor preceptor need not have been listed by the chiropractic college operating the preceptorship program.

History: Cr. Register, June, 1994, No. 462, eff. 7-1-94; CR 03-082: renun. Chir 9.06 to be Chir 9.06 (1) and am. (1) (b), cr. (2) Register July 2004 No. 583, eff. 8-1-04.

Chapter Chir 12

NUTRITIONAL COUNSELING CERTIFICATION

Chir 12.01 Definitions.
 Chir 12.02 Requirements for nutritional counseling certification.
 Chir 12.03 Approval of nutritional counseling education programs.

Chir 12.04 Application denials.
 Chir 12.05 Revocation of approval.
 Chir 12.06 Prohibited practices.

Chir 12.01 Definitions. In this chapter:

(1) “Administering” means the direct application of a product, whether by ingestion or any other means, to the body of a patient or research subject by any of the following:

- (a) A chiropractor.
- (b) A patient or research subject at the direction of the chiropractor.

(2) “Dispensing” means delivering a product to an ultimate user or research subject by a chiropractor.

(3) “Nutritional counseling” means providing counsel, direction, guidance, advice or a recommendation to a patient regarding the health effects of vitamins, herbs or nutritional supplements.

(4) “Nutritional supplement” means a product, other than tobacco, that is intended to supplement the diet that contains one or more of the following dietary ingredients: a vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by man to supplement the diet by increasing the total daily intake, or concentrate, metabolics, constituent, extract or combination of these ingredients; or is labeled as a nutritional or dietary supplement.

History: CR 06–051: cr. Register November 2006 No. 611, eff. 12–1–06.

Chir 12.02 Requirements for nutritional counseling certification. (1) The board shall grant a certificate for nutritional counseling to a licensed chiropractor who does all of the following:

- (a) Submits an application for a certificate to the department on a form provided by the department.

Note: Application forms are available on request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or from the department’s website at: <http://dps.wi.gov>.

- (b) Pays the fee specified in s. 446.02 (2) (c), Stats.

- (c) Submits evidence satisfactory to the board that he or she has completed any of the following:

1. Received a postgraduate degree in human nutrition, nutrition education, food and nutrition or dietetics conferred by a college or university that is accredited by an accrediting body listed as nationally recognized by the secretary of the federal department of education.

2. Received diplomate status in human nutrition conferred by a college of chiropractic accredited by the Council on Chiropractic Education (CCE) or approved by the board or by an agency approved by the United States office of education or its successor.

3. Received a postgraduate degree in human nutrition conferred by a foreign school determined to be equivalent to an accredited college of chiropractic by the CCE or approved by the board or another board approved accrediting agency, indicating that the applicant has graduated from a program that is substantially equivalent to a postgraduate or diplomate program under subd. 1. or 2.

4. Received a degree from or otherwise successfully completed a postgraduate program after December 1, 2006 consisting of a minimum of 48 hours in human nutrition that is approved by the board as provided in s. Chir 12.03, after December 1, 2006.

History: CR 06–051: cr. Register November 2006 No. 611, eff. 12–1–06.

Chir 12.03 Approval of nutritional counseling education programs. (1) To qualify for board approval as a nutritional counseling education program under s. Chir 12.02 (1) (c) 4., a program shall meet 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.

- (b) The program subject matter includes core curriculum education in each of the following areas:

1. Nutrition counseling and initial screening to include nutrition physical examination.

2. Diet history taking.

3. Analysis of laboratory data including hair, saliva, urine and blood samples.

4. Symptoms of severe vitamin and nutritional deficiencies, and the toxicity of excess vitamin and mineral supplementation, herbals or other nutritional supplements.

5. Protein, carbohydrates, and fat macronutrient needs and symptoms of deficiencies of any of these nutrients.

6. Vitamin recommended daily allowances and dietary reference intakes.

7. Mineral and metals needs of the human body and the biochemistry of essential and non-essential nutritional supplements.

8. Fiber needs.

9. Codex Alimentarius Commission.

10. Dietary supplement health and education act of 1994, P.L. 103–417 and related regulations.

11. Etiology of organ system dysfunction, internal medicine diseases and conditions.

12. Supplements and nutrition.

13. The efficacy, safety, risks and benefits of glandular products, chelation therapy and therapeutic enzymes.

14. Food composition and foods as a source of vitamins.

15. Sports nutrition, endurance, body building and exercise physiology.

16. Weight management and control.

17. Contraindications, side effects, and toxic effects of botanicals, nutritional supplements and diet products.

18. Nutrition across the life cycle.

19. Nutrition relating to infants, pregnancy and lactation.

20. Geriatric nutritional needs.

21. Adolescent nutrition needs.

22. Male and female nutrition needs.

23. Therapeutic use of botanical medicine.

24. Food, drug, and nutritional supplements interactions.

25. Safety and efficacy – risks and benefits of nutritional supplements.

- (c) The program sponsor agrees to provide a responsible person to monitor and verify the attendance of each registered chiropractor at 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.

(d) The program sponsor shall not assign or delegate its responsibilities to monitor or record attendance, provide evidence of attendance, compare course content with subject matter content required under sub. (1) (b), 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 content to insure its compliance with par. (b).

(f) When 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.

(g) The program offers significant professional educational benefit for participants, as determined by the board.

(h) The instructor is qualified to present the course.

(i) The program shall include a written assessment instrument, designed to ensure that the chiropractor actively participated in the presentation of material and derived a measurable benefit from participation. There shall be an assessment or test at the conclusion of each 12 hours of education. A score of 75% or higher shall be considered a passing score.

(j) The program shall contain a reasonable security procedure to assure that the chiropractor enrolled is the actual participant.

(k) Programs shall be approved for one hour of education credit for every 50 minutes of instruction. The time used for testing and assessment purposes shall not be included in the computation of educational credit.

(2) (a) An application for approval of a nutritional counseling education program shall meet all of the following requirements:

1. Be on a form provided by the board.

Note: Application forms are available on request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or from the department's website at: <http://dps.wi.gov>.

2. Identify the name and address of the program sponsor and describe how the program sponsor qualifies under s. **Chir 12.03** (1) (a).

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 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.

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.

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

8. Include a written assessment instrument, designed to ensure that the chiropractor actively participated in the presentation of material and derived a measurable benefit from participation.

9. Include a reasonable security procedure to assure that the chiropractor enrolled is the actual participant.

(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.

(3) Continuing education credit may not be awarded for meals, breaks, testing or assessment periods.

(4) 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.

(5) The approval of a course shall be effective only for the biennium in which it is approved.

History: CR 06-051: cr. Register November 2006 No. 611, eff. 12-1-06.

Chir 12.04 Application denials. The board may deny approval of an application submitted under s. **Chir 12.03** 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.

(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) 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 is not kept separate from the program content and presentation for which approval is applied and granted.

History: CR 06-051: cr. Register November 2006 No. 611, eff. 12-1-06.

Chir 12.05 Revocation of approval. The board may revoke approval of a program for any of the following reasons:

(1) 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.

(2) 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.

History: CR 06-051: cr. Register November 2006 No. 611, eff. 12-1-06.

Chir 12.06 Prohibited practices. (1) A chiropractor shall not delegate to any chiropractic assistant or other person any recommendations, analysis, advice, consultation or dispensing with respect to vitamins, herbs, or nutritional supplements. Nothing in this subsection may be construed to prevent chiropractic assistants or administrative employees from processing sales of vitamins, herbs, or nutritional supplements.

(2) After December 1, 2008 a chiropractor shall not sell, barter, trade or give away vitamins, herbs or nutritional supplements

unless the chiropractor holds a certificate for nutritional counseling and except as consistent with the provisions of this chapter.

(3) A chiropractor shall not deliver, dispense, administer, transfer or sell a product unless that product is prepackaged for use by consumers and labeled in accordance with the requirements of state and federal law.

History: CR 06-051: cr. Register November 2006 No. 611, eff. 12-1-06.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Patti Schumacher, D.C., Chair		2) Date When Request Submitted: 01/30/2018 <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: 02/06/2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Assembly Bill 834 – Discussion and Consideration																						
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 (<u>Fill out Board Appearance Request</u>) <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: Summary and discussion of AB 834 (attached).																								
<table style="width: 100%; border: none;"> <tr> <td style="width: 40%;">11)</td> <td style="width: 30%; text-align: center;">Authorization</td> <td style="width: 30%; text-align: right;">Date</td> </tr> <tr> <td colspan="3">Signature of person making this request</td> </tr> <tr> <td colspan="3"><hr/></td> </tr> <tr> <td colspan="2">Supervisor (if required)</td> <td style="text-align: right;">Date</td> </tr> <tr> <td colspan="3"><hr/></td> </tr> <tr> <td colspan="2">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="text-align: right;">Date</td> </tr> <tr> <td colspan="3"><hr/></td> </tr> </table>				11)	Authorization	Date	Signature of person making this request			<hr/>			Supervisor (if required)		Date	<hr/>			Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	<hr/>		
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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.																								



2017 ASSEMBLY BILL 834

January 12, 2018 - Introduced by Representatives KOOYENGA, TITTL, SKOWRONSKI, MURPHY, WICHGERS and FELZKOWSKI, cosponsored by Senator PETROWSKI. Referred to Committee on Regulatory Licensing Reform.

1 **AN ACT** *to amend* 446.02 (3) (b) of the statutes; **relating to:** the score required
2 for successful completion of chiropractic examinations.

Analysis by the Legislative Reference Bureau

Under this bill, an applicant is required to score at least 375 on Part III of the examination administered by the National Board of Chiropractic Examiners and to score at least 375 on Part IV of that examination in order to be granted a chiropractor license. Current law requires a score of at least 438 on Part III and at least 475 on Part IV of that examination in order for an applicant to be granted a chiropractor license.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 446.02 (3) (b) of the statutes is amended to read:
4 446.02 (3) (b) Parts I, II, III, and IV of the examination administered by the
5 National Board of Chiropractic Examiners. An applicant successfully completes
6 Part III of that examination if the applicant scores at least ~~438~~ 375 on that part. An
7 applicant successfully completes Part IV of that examination if the applicant scores
8 at least ~~475~~ 375 on that part.


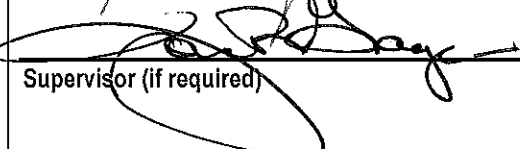
1 **SECTION 2. Initial applicability.**

(1) This act first applies to an application for a license to practice as a chiropractor that the department of safety and professional services receives on the effective date of this subsection.

5 (END)

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Ryan Zeinert Licensing Examination Specialist		2) Date When Request Submitted: 1/25/18 <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: 2/6/18	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? CSW Request for Approval of CT Course of Study	
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 (<u>Fill out Board Appearance Request</u>) <input checked="" type="checkbox"/> No		9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: Determine approval status of attached course of study.			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">  Signature of person making this request </div> <div style="width: 35%; text-align: right;"> 1-25-18 Date </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 60%;">  Supervisor (if required) </div> <div style="width: 35%; text-align: right;"> 1-25-18 Date </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 70%;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 30%; text-align: right;"> Date </div> </div>			
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.			

Zeinert, Ryan - DSPS

From: Eliza McLean <ElizaMcLean@msn.com>
Sent: Tuesday, January 23, 2018 8:24 PM
To: DSPS; Zeinert, Ryan - DSPS
Cc: Amanda Soelle
Subject: Chiropractic Society of Wisconsin - Chiropractic Technician Certification Course Approval Request, Exercise/Rehabilitation
Attachments: 2018 Curriculum for 24 hour Physical Exercise Class.docx; 2018 Request for CT_CRT Approval Form.pdf

Dear WI Chiropractic Examining Board,

The Chiropractic Society of Wisconsin requests your approval of the attached course *Exercise/Rehabilitation for Chiropractic Technicians*.

This 24 hour course is designed for Chiropractic Technician certification (this is not a CE request).

Your kind attention to this matter is appreciated.

Sincerely,

Elizabeth McLean, D.C., CCSP
262-339-1079

Wisconsin Department of Safety and Professional Services

Mail To: P.O. Box 8366
Madison, WI 53703-8366

FAX #: (608) 266-2602
Phone #: (608) 266-2112

1400 E. Washington Avenue
Madison, WI 53703

E-Mail: web@dsps.wi.gov
Website: <http://dsps.wi.gov>

REQUEST FOR APPROVAL OF A CHIROPRACTIC RADIOLOGICAL TECHNICIAN or CHIROPRACTIC TECHNICIAN PRE-CERTIFICATION COURSE OF STUDY

Completion of this form is required for all providers applying for approval of a Chiropractic Technician or Chiropractic Radiological Technician pre-certification course of study. You must submit a proposal of the course of study with this form which will be used by the Chiropractic Examining Board to determine whether to approve the course of study.

Chiropractic Technician/Chiropractic Radiological Technician pre-certification course of study information:

School/Provider Name: Chiropractic Society of Wisconsin
Street Address: 2 East Mifflin Street, Suite 600
City, State, Zip Code: Madison WI 53703
School/Provider Administrator: Elizabeth McLean, D.C. / Amanda Soelle
Contact Telephone: 262-339-1079 / 608-393-4423
Contact Email Address: elizamclean@msn.com / amandasoelle@chiropracticsocietywi.org

*Please attach the written course of study proposal including course outline, description/rationale, measured outcomes, instructor qualifications, etc.

You will be contacted if additional information is required. If the course of study is approved by the Chiropractic Examining Board, the school/provider is required to inform the department in advance of any changes to the course of study or instructor qualifications to determine if the change will require review for re-approval.

NOTE: You may make no plans for admission of students or release publicity until you have received notice in writing from the department that the chiropractic radiological technician or chiropractic technician course of study has been approved.

Elizabeth McLean D.C.

Signature of CT or CRT Educational Program Administrator

1/23/2018

Date

Exercise/Rehabilitation for Chiropractic Technicians

Chiropractic Society of Wisconsin

Course Outcome Summary

24 Hour Course

Target Population: Chiropractic staff who want to become certified as a Chiropractic Technician in Exercise/Rehabilitation.

Course Description: Overview of the practical application of physical exercise training in the Chiropractic health setting. The course will be divided into spinal, upper extremity and lower extremity exercise segment and will include the role of physical exercise training in the Chiropractic approach to health. Patient communication and safety will be emphasized.

Target Population

Chiropractic staff who want to obtain certification by the State of Wisconsin as a Chiropractic Technician in Exercise/Rehabilitation.

Supplies

1. Please bring pen/pencil and paper for note taking. Required
2. Safety Glasses. Required
2. Students are encouraged to bring lunch and snacks.

Instructor – Doctor of Chiropractic knowledgeable in exercise and rehabilitation, licensed by the State of Wisconsin, and assigned by the Chiropractic Society of Wisconsin.

Competencies:

1. Explore the Role of Physical Exercise Training in the Chiropractic Health Setting

Learning Objectives:

- a. Describe the goals of exercise training in chiropractic.
- b. Examine the pre-test and post-test format.
- c. Review the application of a pre-test example.
- d. Describe the rules regarding DC staff delegation in WI.

2. Examine Subluxation Complexes

Learning Objectives:

- a. Define Vertebral Subluxation Complex (VSC)
- b. Define Extraspinal Subluxation Complex (ESC)
- c. Investigate the anatomy associated with VSC and ESC.
- d. Describe five aspects of the VSC.
- e. Describe the clinical presentations associated with extremity subluxation complexes.
- f. Associate the role of physical exercise in support of the chiropractic treatment of VSC and ESC.

3. Explore the Physiology of Healing

Learning Objectives:

- a. Identify the phases of tissue healing
- b. Explore the effects of scar tissue formation
- c. Identify the benefits of physical exercise training in tissue healing.
- d. Associate physical exercise training with each phase of tissue healing.

4. Examine the anatomy associated with physical exercise training.

Learning Objectives:

- a. Identify the terminology associated with physical exercise training.
- b. Differentiate between voluntary vs involuntary muscle
- c. Describe joint stability
- d. Explore joint range of motion
- e. Examine the anatomy of joint stability.

5. Explore Exercise to Increasing flexibility

Learning Objectives:

- a. Define muscle flexibility.
- b. Identify the benefits of muscle flexibility.
- c. Identify autogenic and reciprocal inhibition in proprioceptive neuromuscular facilitation.
- d. Apply common static and dynamic stretching activities for muscles of the extremities and spinal regions.

6. Investigate Coordination and Balance Training

Learning Objectives:

- a. Identify screening tool for falls risk.
- b. Identify fall risk assessment tools for clinical practice.
- c. Identify components of a falls care plan and exercises associated with improving fall risk.
- d. Describe postural strategies used to prevent falls and maintain balance during locomotion.
- e. Apply balance training strategies for extremity and spinal regions.

7. Explore Strength Training**Learning Objectives:**

- a. Define strength training.
- b. Identify the benefits of strength training.
- c. Differentiate between isometric and isotonic resistance training.
- d. Examine plyometric strength training.
- e. Identify the application of coupling in strength training.
- f. Apply strength training strategies for extremity and spinal regions.

8. Documenting the Physical Exercise Session**Learning Objectives:**

- a. Describe the elements of optimal documentation
- b. Explore the documentation of time associated with exercise sessions.
- c. Review documentation examples.
- d. Identify CPT Codes for Physical Exercise sessions.
- e. Associate documentation requirements for each CPT code reviewed.

9. Maintain Professional Boundaries.**Learning Objectives**

- a. Identify scripts to guide the patient through the physical exercise experience.
- b. Apply the patient name to directives given in the exercise encounter.
- c. Obtain an informed consent for all clinical procedures performed including physical exercise training.
- d. Maintain patient confidentiality.
- e. Explore rules associated with sexual conduct in a health setting.

Physical Exercise for Chiropractic Technicians

Chiropractic Society of Wisconsin

Course Outcome Summary

24 Hour Course

Hour by Hour Course Content

This is a 3-phase program

- Spinal
- Upper extremity
- Lower extremity

Phase 1: Spinal

Hour 1: Purpose of Spinal Physical Exercise training

- Goals of section
- Understanding per-test and post-test format
- Spinal Pre-test
- Terminology
- Understanding DC delegation rules in Wi.
- Boundary related to Spinal exercise

Hour 2: The Vertebral and Extra-Spinal Subluxation Complex:

- Kinesiopathology
- Neuropathology
- Myopathology
- Histopathology
- Pathophysiology
- Documentation of the vertebral and extra-spinal subluxation complex

Hour 3: Cervical Thoracic

- Range of motion – in the context of movement and exercise training.
- Flexibility

Hour 4: Cervical Thoracic – hands on

- Range of motion - in the context of movement and exercise training.
- Flexibility

Hour 5: Cervical thoracic strengthening (in-office/Home recommendations)

- Isometric

- Isotonic strength/resistance training
 - Land based
 - Physioball
 - Tubing
 - Medicine ball
 - Foam Roller

Hour 6: Cervical thoracic strengthening – Hands on training

- Isometric
- Isotonic strength/resistance training
 - Land based
 - Physio-ball
 - Tubing
 - Medicine ball
 - Foam Roller

Hour 7: Mid/low back

- Flexibility
- Isotonic strength/resistance training
 - Land based
 - Physio-ball
 - Tubing
 - Medicine ball
 - Foam Roller

Hour 8: Mid/low back – Hands-on

- Flexibility
- Isotonic strength/resistance training
 - Land based
 - Physio-ball
 - Tubing
 - Medicine ball
 - Foam Roller

Phase 1: Spinal Test

Phase 2: Upper Extremity

Hour 9: Purpose of Upper Extremity Exercise training

- Goals of section
- Review of pre-test and post-test format
- Pre-test
- Review of Terminology
- Review of DC delegation rules in Wi.
- Boundaries of the Upper Extremity

Hour 10: Review of Soft tissue injury and healing

- Phases of healing
 - Inflammatory
 - Proliferative
 - Remodeling
 - Contraction
- Effects of scar tissue
- Muscles of the Upper extremity

Hour 11: Upper extremity range of motion/flexibility exercises (In-office and home recommendations)

- Shoulder
- Elbow
- Wrist
- Hand

Hour 112 Upper extremity Range of motion/flexibility exercises hands-on

- Shoulder
- Elbow
- Wrist
- Hand

Hour 13: Upper extremity Strengthening exercises – tubing (In-office and home recommendations)

- Shoulder
- Elbow
- Wrist
- Hand

Hour 14: Upper extremity strengthening exercises – tubing, hands on

- Shoulder
- Elbow
- Wrist
- Hand

Hour 15: Upper extremity Coordination and Balance Training

- Dahl rod
- Ball work
- Wobble board
- BOSU ball
- Stability trainers

Hour 16: Upper extremity Coordination and Balance – hands on

- Dahl rod
- Ball work
- Wobble board
- BOSU ball

- Stability trainers

Phase 2: Upper Extremity Test

Phase 3: Lower Extremity

Hour 17: Purpose of Spinal Physical Exercise training

- Goals of section
- Review of per-test and post-test format
- Pre-test
- Review of lower extremity terminology
- Review of DC delegation rules in Wi.
- Boundaries for the lower extremity exercise

Hour 18: Lower extremity range of motion/flexibility exercises (In-office and home recommendations)

- Hip
- Knee
- Ankle
- Foot

Hour 19: Lower extremity Range of motion/flexibility exercises hands-on

- Hip
- Knee
- Ankle
- Foot

Hour 20: Lower extremity strengthening exercises – tubing (In-office and home recommendations)

- Hip
- Knee
- Ankle
- Foot

Hour 21: Lower extremity strengthening exercises – tubing, hands on

- Hip
- Knee
- Ankle
- Foot

Hour 22: Lower extremity Coordination and Balance Training and fall risk

- Land based
- Wobble board
- BOSU ball
- Stability trainers

Hour 23: Lower extremity Coordination and Balance/ Fall Prevention Training – hands on

- Land based
- Wobble board
- BOSU ball
- Stability trainers

Hour 24: Documentation to include duration, repetitions, function/performance, pain rating, outcome measures, and CPT Coding for Lower Extremity Exercises

Phase 3: Lower Extremity Test

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Federation of Chiropractic Licensing Boards (FCLB)		2) Date When Request Submitted: 1/8/2018 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: 2/6/2018	5) Attachments: <input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? FCLB Annual Meeting – Consider Designation of Delegate and Alternate and Travel Approval	
7) Place Item in: <input checked="checked" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: See the attached letter from the FCLB.			

EXECUTIVE OFFICES

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Cynthia Tays, D.C.
Board Chair &
District IV Director

Ned Martello, D.C.
District V Director

ADMINISTRATIVE FELLOW DIRECTOR

Patricia Oliver

TO: FCLB Member Board Offices and Chairs
FROM: Maggie Colucci, D.C., President
DATE: January 8, 2018

RE: Designating FCLB Delegates & Alternates Dues Payment Elected Offices Bylaws / Resolutions FCLB Awards Program

Dear Friends,

Now is the time for you to begin to exercise your privileges as an FCLB member.

1) Designating your FCLB Delegate and Alternate

In accordance with our bylaws and board policy, your board's FCLB delegate and alternate must be designated no later than 30 days prior to our Annual Business Meeting. Designations must be postmarked via mail or fax no later than **Thursday, April 5, 2018**.

The [delegate and alternate](#) begin their FCLB service effective with the postmark date of the designation and continue until the following year when re-designation is required. Please refer to the FCLB policies regarding changes in designation of delegates and alternates after official registration has occurred.

A [form](#) is available to assist you in the designation process, or you may designate your representatives on your board's official letterhead. In the case of difficult time circumstances, e-mail notification is also accepted. Please refer to the [detailed policy](#).

If your delegate and alternate are not properly designated, they may attend the meeting but will not be allowed to vote.

Designating your FCLB delegate and alternate is completely separate from registering your NBCE delegate and alternate. Different conditions may apply, and separate registration is required. Call Kay Leff at the NBCE at [970-356-9100](tel:970-356-9100).

2) Dues payment

Please note that your [FCLB 2018 membership dues](#) must be paid prior to the start of the Annual Business Meeting to ensure your board's vote. The Annual Business Meeting will be held on **Saturday, May 5, 2018**.

3) Elected Offices

For information about responsibilities or eligibility for FCLB **Board**

of **Director** positions, please review **Article VII** in the [FCLB Bylaws](#). For information about the **Nominating Committee**, please see **Article IX**.

The FCLB positions open for election this year:

- Five positions on the Nominating Committee (one-year term)
- Administrative Fellow Director (three-year term)
- District IV Director and Alternate Director positions (three-year term)
- District V Director and Alternate Director positions (three-year term)

To seek to be slated, please send your letter of interest and curriculum vitae postmarked by **Tuesday, March 6, 2018**, to FCLB's executive offices. Candidates may also run from the floor.

Please note that service on the 2018-2019 Nominating Committee precludes you from seeking a position as an officer or Administrative Fellow from now through the conclusion of the 2019 annual business meeting.

4) Bylaws / Resolutions

BYLAWS: Bylaws amendments must be received by February 5, 2018. [Click here](#) to view a complete copy of our current bylaws.

RESOLUTIONS: These should be sponsored by at least one FCLB delegate from a board with current membership in good standing. Resolutions must be received no later than 5:00 PM on **Wednesday, May 2, 2018**. Advance submission allows the Resolutions and Bylaws Committee time to review the ideas and to work with the sponsors to ensure proper format and clear language. The delegates vote on resolutions during the Saturday session of the Annual Business Meeting.

5) FCLB Awards Program

Applications for the [Liewer-Cohen Grant](#) for board administrators are available online. If you are a board administrator interested in applying, please submit your application by **February 5, 2018**. The nomination forms for our [George Arvidson Award for Meritorious Service](#) and [The Earl L. Wiley, D.C. Outstanding Board](#) awards are also available online. If you have nominees for either award, please return your form to the FCLB executive offices by **February 5, 2018**.

The [2018 conference program](#) promises to be one of our finest. Please visit our website at www.fclb.org

Links

[FCLB Designation Form for Delegates and Alternates](#)
[FCLB Policy: Delegate and Alternate Designation](#)
[FCLB Bylaws](#)
[Liewer-Cohen Grant Application](#)
[George Arvidson Award for Meritorious Service Nomination Form](#)
[Earl L. Wiley, D.C., Outstanding Board Nomination Form](#)
[Important Dates Calendar](#)

Deadline Summary

January 15 - Early registration opens (\$450)
February 5 - Bylaws Amendments due
Liewer-Cohen Grant applications due
Award Nominations due
March 6 - Regular registration rate begins (\$495)
March 6 - Intent to Run for FCLB Office and Nominating Committee due
April 2 - Room block closes
April 5 - Designate FCLB Voting Delegate / Alternate
Late registration rate begins (\$595)
April 23 - Cancellation deadline
May 2 - Resolution proposals due

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Kelly R. Webb

PR and PACE Coordinator

Federation of Chiropractic Licensing Boards

[5401 W. 10th St., Ste 101](#)

[Greeley, CO 80634](#)

[www.FCLB.org](#)
[\(970\) 356-3500](#)

[kwebb@fclb.org](#)

11)	Authorization
<hr/>	
Signature of person making this request	Date
<hr/>	
Supervisor (if required)	Date
<hr/>	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda) Date	