



CHIROPRACTIC EXAMINING BOARD
Room N208, 4822 Madison Yards Way, 2nd Floor, Madison
Contact: Christian Albouras (608) 266-2112
June 27, 2019

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions of the Board.

AGENDA

8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes of April 4, 2019 (5-12)**
- C. Introductions, Announcements and Recognition**
 - 1. New Members**
 - a. James Damrow, Chiropractor Member
 - b. James Fortier, Public Member
 - 2. Reappointed Members**
 - a. Jeffrey King, Chiropractor Member
- D. Conflicts of Interest**
- E. Administrative Matters – Discussion and Consideration**
 - 1. Department, Staff, and Board Updates
 - 2. Board Member – Term Expiration Date
- F. Legislative and Administrative Rules Matters – Discussion and Consideration (13)**
 - 1. Adoption Order: CR 18-015, Relating to Examinations **(14-19)**
 - 2. Review and Respond to Public Comments Concerning CR 18-105 – Chir 1, 4, 10, and 11 Relating to Delegation of Services to Health Care Professionals **(20-28)**
 - 3. Scope Statement for Chir 10, Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians **(29-30)**
 - 4. Review of Draft Rules for Chir 5, Relating to Continuing Education **(31-43)**
 - 5. Proposals for Chir 6, Relating to Standards of Conduct, and Chir 12, Relating to Nutritional Counseling Certification **(44-55)**
 - 6. Legislation and Pending or Possible Rulemaking Projects

G. Speaking Engagements, Travel, or Public Relation Requests, and Reports

1. Report of the Federation of Chiropractic Licensing Boards (FCLB) 93rd Annual Education Congress, May 1-5, 2019, Mission Bay, CA – Patricia Schumacher

H. Informational Items

1. 2019-2021 Licensure Fee and Credential Schedule **(56-63)**

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

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

J. Future Agenda Items

K. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

L. Deliberation on Credentialing Matters

1. Application Reviews

- a. Stephen G. Flikke, Chiropractor Renewal Applicant **(64-104)**
- b. Will H. Schlinsog, Chiropractor Re-Registration Applicant **(105-132)**

M. Deliberation on Division of Legal Services and Compliance Matters

1. Proposed Stipulations, Final Decisions and Orders

a. 18 CHI 029 – Craig L. Jordan **(133-138)**

2. Case Closings

a. 17 CHI 023 – J.M.W. **(139-142)**

b. 18 CHI 011 – R.J.Z. **(143-145)**

c. 18 CHI 019 – T.F.B. **(146-148)**

d. 19 CHI 002 – B.T.D. **(149-151)**

MI. Deliberation of Items Added After Preparation of the Agenda

1. Education and Examination Matters
2. Credentialing Matters
3. DLSC Matters
4. Monitoring Matters
5. Professional Assistance Procedure (PAP) Matters
6. Petitions for Summary Suspensions
7. Petitions for Designation of Hearing Examiner
8. Proposed Stipulations, Final Decisions and Orders
9. Proposed Interim Orders
10. Administrative Warnings
11. Review of Administrative Warnings
12. Proposed Final Decisions and Orders
13. Matters Relating to Costs/Orders Fixing Costs
14. Case Closings
15. Board Liaison Training
16. Petitions for Assessments and Evaluations
17. Petitions to Vacate Orders
18. Remedial Education Cases
19. Motions
20. Petitions for Re-Hearing
21. Appearances from Requests Received or Renewed

MIII. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

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

ADJOURNMENT

NEXT SCHEDULED MEETING: AUGUST 29, 2019

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

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

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
APRIL 4, 2019**

PRESENT: Scott Bautch, D.C.; Bryan Gerondale, D.C.; Jeffrey King, D.C.; Juli McNeely; Patricia Schumacher, D.C.

STAFF: Christian Albouras, Executive Director; Yolanda McGowan, DPD Division Administrator; Dale Kleven, Administrative Rules Coordinator; Kate Stolarzyk, 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: Jeffrey King moved, seconded by Bryan Gerondale, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 29, 2018

MOTION: Scott Bautch moved, seconded by Juli McNeely, to approve the minutes of November 29, 2019 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Scott Bautch nominated Patricia Schumacher for the Office of Chairperson.

Christian Albouras, Executive Director, called for nominations three (3) times.

Patricia Schumacher was elected as Chairperson by unanimous consent.

Vice Chairperson

NOMINATION: Patricia Schumacher nominated Jeffrey King for the Office of Vice Chairperson.

Christian Albouras, Executive Director, called for nominations three (3) times.

Jeffrey King was elected as Vice Chairperson by unanimous consent.

Secretary

NOMINATION: Scott Bautch nominated Bryan Gerondale for the Office of Secretary.

Christian Albouras, Executive Director, called for nominations three (3) times.

Bryan Gerondale was elected as Secretary by unanimous consent.

2019 ELECTION RESULTS	
Board Chairperson	Patricia Schumacher
Vice Chairperson	Jeffrey King
Secretary	Bryan Gerondale

Appointment of Liaisons and Alternates

2019 LIAISON APPOINTMENTS	
Credentialing Liaison	Jeffrey King <i>Alternate: Bryan Gerondale</i>
Exams, Education and Continuing Education Liaison	Jeffrey King <i>Alternate: Scott Bautch</i>
Monitoring Liaison	Bryan Gerondale <i>Alternate: Scott Bautch</i>
Professional Assistance Procedure (PAP) Liaison	Juli McNeely <i>Alternate: Bryan Gerondale</i>
Legislative Liaison	Patricia Schumacher <i>Alternate: Jeffrey King</i>
Travel Liaison	Patricia Schumacher <i>Alternate: Bryan Gerondale</i>
Preceptor Liaison	Bryan Gerondale <i>Alternate: Jeffrey King</i>
Rules Liaison	Scott Bautch <i>Alternate: Jeffrey King</i>
2019 SCREENING PANEL APPOINTMENTS	
Screening Panel	Jeffrey King, Juli McNeely, Bryan Gerondale <i>Alternate: Scott Bautch</i>

Document Signature Delegations

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

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

Delegated Authority for Urgent Matters

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

Monitoring Delegations

MOTION: Scott Bautch moved, seconded by Bryan Gerondale, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” as presented. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison (used last year)

MOTION: Scott Bautch moved, seconded by Jeffrey King, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPTS and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them except that potential denial decisions shall be referred to the full Board for final determination. Motion carried unanimously.

Delegation of Authority to DSPTS When Credentialing Criteria is Met

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

Delegated Authority for Application Denial Reviews

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

Voluntary Surrenders

MOTION: Jeffrey King moved, seconded by Scott Bautch, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Education, Continuing Education and/or Examination Delegation(s)

MOTION: Scott Bautch moved, seconded by Jeffrey King, to delegate authority to the Education, Continuing Education and/or Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

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

MOTION: Scott Bautch moved, seconded by Bryan Gerondale, to authorize DSPS staff to provide national regulatory related bodies with all Board member contact information that DSPS retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

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

Legislative Liaison Delegation

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

Travel Delegation

MOTION: Scott Bautch moved, seconded by Jeffrey King, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

PUBLIC HEARING: CR 18-015 – CHIR 1, 4, 10, AND 11, RELATING TO DELEGATION OF SERVICES TO HEALTH CARE PROFESSIONALS

Review and Respond to Public Comments and Clearinghouse Report

MOTION: Juli McNeely moved, seconded by Scott Bautch, to reject Clearinghouse comment numbers 1 and 5b, and to accept all remaining Clearinghouse comments for Clearinghouse Rule 18-105, relating to delegation of services to health care professionals. Motion carried unanimously.

PUBLIC HEARING: CR 18-103 – CHIR 9, RELATING TO CHIROPRACTIC PRECEPTORSHIP

Review and Respond to Public Comments and Clearinghouse Report

MOTION: Scott Bautch moved, seconded by Juli McNeely, to accept all Clearinghouse comments for Clearinghouse Rule 18-103, relating to chiropractic preceptorship. Motion carried unanimously.

MOTION: Scott Bautch moved, seconded by Juli McNeely, to authorize the Chair (or in the absence of the Chairperson, the highest-ranking officer, or longest serving board member in that succession) to approve the Legislative Report and Draft for Clearinghouse Rule 18-103, relating to chiropractic preceptorship, for submission to the Governor's Office and Legislature. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Review and Respond to Public Comments Concerning CR 18-071 – Chir 4, Relating to Chiropractic Practice

MOTION: Scott Bautch moved, seconded by Jeffrey King, to authorize the Chair (or in the absence of the Chairperson, the highest-ranking officer, or longest serving board member in that succession) to approve the Legislative Report and Draft for Clearinghouse Rule 18-071, relating to chiropractic practice, for submission to the Governor's Office and Legislature. Motion carried unanimously.

Review of Draft Rules for Chir 5, Relating to Continuing Education

MOTION: Scott Bautch moved, seconded by Juli McNeely, to approve a rule draft allowing up to half of the continuing education hours required for Chiropractors, Chiropractic Technicians, and Chiropractic Radiological Technicians under Chir 5.01 to be acquired through participation in online continuing education programs approved under Section Chir 5.02. Motion carried.

Scope Statement for Chir 5, Relating to Approval of Continuing Education Programs

MOTION: Juli McNeely moved, seconded by Scott Bautch, to approve the Scope Statement revising Chir 5, relating to approval of continuing education programs, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chair (or in the absence of the Chairperson, the highest-ranking officer, or longest serving board member in that succession) to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

MOTION: Scott Bautch moved, seconded by Juli McNeely, that if the Board is directed under s. 227.136 (1), Stats., to hold a preliminary public hearing and comment period on the Scope Statement revising Chir 5, relating to approval of continuing education programs, the Chair (or in the absence of the Chairperson, the highest-ranking officer, or longest serving board member in that succession) is authorized to approve the notice required under s. 227.136 (2), Stats. Motion carried unanimously.

Scope Statement for Chir 10

MOTION: Scott Bautch moved, seconded by Bryan Gerondale, to request DSPS staff draft a Scope Statement revising Chir 10, relating to requirements for certification of Chiropractic Technicians. Motion carried unanimously.

MOTION: Scott Bautch moved, seconded by Juli McNeely, to request DSPS staff draft a Scope Statement revising Chir 10. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL OR PUBLIC REQUESTS, AND REPORTS

Consider Attendance at the Federation of Chiropractic Licensing Boards (FCLB) 93rd Annual Education Congress, May 1-5, 2019, Mission Bay, CA

MOTION: Scott Bautch moved, seconded by Bryan Gerondale, to designate Patricia Schumacher and Scott Bautch as an alternate, to attend the FCLB 93rd Annual Education Congress on May 1-5, 2019 in Mission Bay, CA as a voting delegate and to authorize travel. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

Wisconsin Chiropractic Association (WCA) Request for Approval of Chiropractic Technician Course of Study

MOTION: Bryan Gerondale moved, seconded by Juli McNeely, to approve the course of study proposed by the Wisconsin Chiropractic Association (WCA). Motion carried unanimously.

CLOSED SESSION

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

The Board convened into Closed Session at 12:30 p.m.

RECONVENE TO OPEN SESSION

MOTION: Juli McNeely moved, seconded by Scott Bautch, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 1:14 p.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION,

IF VOTING IS APPROPRIATE

MOTION: Scott Bautch moved, seconded by Juli McNeely, 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

Review Renewal Application File for Tyler Schneekloth, Lic. No. 3425-12

MOTION: Bryan Gerondale moved, seconded by Scott Bautch, to table the renewal application of Tyler Schneekloth. Motion carried unanimously.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Administrative Matters

18 CHI 022 – D.T.B.

MOTION: Jeffrey King moved, seconded by Scott Bautch, to issue an Administrative Warning in the matter of D.T.B., DLSC Case Number 18 CHI 022. Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

17 CHI 024 – Shaun M. Dorothy, D.C.

MOTION: Bryan Gerondale moved, seconded by Scott Bautch, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Shaun M. Dorothy, D.C., DLSC Case Number 17 CHI 024. Motion carried unanimously.

Case Closings

17 CHI 017 – C.J.S.

MOTION: Bryan Gerondale moved, seconded by Juli McNeely, to close DLSC Case Number 17 CHI 017, against C.J.S., for insufficient evidence. Motion carried unanimously.

17 CHI 023 – J.M.W.

MOTION: Juli McNeely moved, seconded by Bryan Gerondale, to refer DLSC Case Number 17 CHI 023, against J.M.W., back to DLSC for further action. Motion carried unanimously.

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

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

ADJOURNMENT

MOTION: Scott Bautch, seconded by Juli McNeely, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:17 p.m.

DRAFT

**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: 6/17/19 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: 6/27/19	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. Adoption Order: CR 18-015, Relating to Examinations 2. Review and Respond to Public Comments Concerning CR 18-105 – Chir 1, 4, 10, and 11 Relating to Delegation of Services to Health Care Professionals 3. Scope Statement for Chir 10, Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians 4. Review of Draft Rules for Chir 5, Relating to Continuing Education 5. Proposals for Chir 6, Relating to Standards of Conduct, and Chir 12, Relating to Nutritional Counseling Certification 6. 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:			
11) Authorization			
<i>Dale Kleven</i>		<i>June 17, 2019</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	CHIROPRACTIC EXAMINING
CHIROPRACTIC EXAMINING	:	BOARD
BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 18-015)

ORDER

An order of the Chiropractic Examining Board to repeal Chir 2.01 and 2.12 and amend Chir 2.03, relating to examinations.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

None.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), and 446.02 (3), 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., sets forth the parameters of an agency’s rule-making authority, stating an agency “may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 446.02 (3), Stats., provides the Chiropractic Examining Board shall require each applicant for licensure to successfully complete the following examinations:

- Parts I, II, III, and IV of the examination administered by the National Board of Chiropractic Examiners. An applicant successfully completes Part III of that examination if the applicant scores at least 438 on that part. An applicant successfully completes Part IV of that examination if the applicant scores at least 475 on that part.
- An examination approved by the examining board that tests the applicant's knowledge of the laws of this state relating to the practice of chiropractic, including the provisions of this chapter and any rules promulgated by the examining board under s. 446.02, Stats.

Related statute or rule:

None.

Plain language analysis:

Section Chir 2.03 incorrectly references chs. Chir 1 to 12. The rules update this reference to chs. Chir 1 to 13.

The rules also revise ch. Chir 2 to reflect current examination practices. Specifically, ss. Chir 2.01 and 2.12, which relate to a practical examination that is no longer required for licensure, are repealed and a requirement to provide an applicant with a disability reasonable accommodations for completing the state law examination has been added to s. Chir 2.03.

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

None.

Comparison with rules in adjacent states:

Illinois: Rules of the Illinois Department of Financial and Professional Regulation address examinations for licensure to practice chiropractic in Illinois (68 Ill. Adm. Code 1285.60). To be successful, an examinee must receive a score of at least 375 on Part I, II, III, and IV of the examination administered by the National Board of Chiropractic Examiners. An applicant who is unsuccessful in 5 examinations must complete an accredited chiropractic program in order to be eligible for further examination.

Iowa: Rules of the Iowa Board of Chiropractic specify the examination requirements for chiropractic practice in Iowa (645 IAC 41.3). An applicant must provide proof of successful completion of Parts I, II, III, and IV and Physiotherapy of the National Board of Chiropractic Examiners examination.

Michigan: Rules of the Michigan Department of Licensing and Regulatory Affairs specify the examination requirements for chiropractic practice in Michigan (Mich Admin Code, R 338.12003 and R 338.12005). An applicant must pass Parts I, II, III, and IV of the national board examination in chiropractic that is conducted and scored by the National Board of Chiropractic Examiners (NBCE). The passing scores are those recommended by the NBCE.

Minnesota: Rules of the Minnesota Board of Chiropractic Examiners specify the examination requirements for chiropractic practice in Minnesota (Minnesota Rules, part 2500.0720). An applicant must pass Part I, Part II, the Written Clinical Competency Examination, and the Physiotherapy Examination of the National Board of Chiropractic Examiners (NBCE), or another licensing examination approved by the Board. The NBCE Part IV Practical or other examination approved by the Board and the Board's jurisprudence and ethics examination must also be successfully completed.

Summary of factual data and analytical methodologies:

The methodologies used to develop this rule include reviewing current examination practices and applicable Wisconsin statutes and obtaining feedback from the Chiropractic Examining Board.

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

The rules were posted for a period of 14 days to solicit public comment on economic impact, including how the 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 rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 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, 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 April 5, 2018, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chir 2.01 is repealed.

SECTION 2. Chir 2.03 is amended to read:

Chir 2.03 Form of examination; state law examination. An applicant shall pass an examination on state laws including ch. 446, Stats., and chs. Chir 1 to ~~12~~ 13. An applicant with a disability shall be provided reasonable accommodations for completing the examination under this section.

SECTION 3. Chir 2.12 is repealed.

SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Chiropractic Examining Board

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

Chir 2

3. Subject

Examinations

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses **(if checked, complete Attachment A)**

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

Section Chir 2.03 incorrectly references chs. Chir 1 to 12. The proposed rules update this reference to chs. Chir 1 to 13. The proposed rules also revise ch. Chir 2 to reflect current examination practices. Specifically, ss. Chir 2.01 and 2.12, which relate to a practical examination that is no longer required for licensure, are repealed and a requirement to provide an applicant with a disability reasonable accommodations for completing the state law examination has been added to s. Chir 2.03.

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 references and reflecting current examination practices. If the rule is not implemented, it will continue to provide outdated references and reflect examination practices that are no longer current.

14. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is updated references and reflecting current examination practices.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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: Rules of the Illinois Department of Financial and Professional Regulation address examinations for licensure to practice chiropractic in Illinois (68 Ill. Adm. Code 1285.60). To be successful, an examinee must receive a score of at least 375 on Part I, II, III, and IV of the examination administered by the National Board of Chiropractic Examiners. An applicant who is unsuccessful in 5 examinations must complete an accredited chiropractic program in order to be eligible for further examination.

Iowa: Rules of the Iowa Board of Chiropractic specify the examination requirements for chiropractic practice in Iowa (645 IAC 41.3). An applicant must provide proof of successful completion of Parts I, II, III, and IV and Physiotherapy of the National Board of Chiropractic Examiners examination.

Michigan: Rules of the Michigan Department of Licensing and Regulatory Affairs specify the examination requirements for chiropractic practice in Michigan (Mich Admin Code, R 338.12003 and R 338.12005). An applicant must pass Parts I, II, III, and IV of the national board examination in chiropractic that is conducted and scored by the National Board of Chiropractic Examiners (NBCE). The passing scores are those recommended by the NBCE.

Minnesota: Rules of the Minnesota Board of Chiropractic Examiners specify the examination requirements for chiropractic practice in Minnesota (Minnesota Rules, part 2500.0720). An applicant must pass Part I, Part II, the Written Clinical Competency Examination, and the Physiotherapy Examination of the National Board of Chiropractic Examiners (NBCE), or another licensing examination approved by the Board. The NBCE Part IV Practical or other examination approved by the Board and the Board's jurisprudence and ethics examination must also be successfully completed.

17. Contact Name

Dale Kleven

18. Contact Phone Number

(608) 261-4472

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

STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD

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

PROPOSED ORDER

An order of the Chiropractic Examining Board to repeal Chir 10.03 (Note); to amend Chir 4.04 (3), ch. Chir 10 (title), 10.015 (1) (a) (intro.), 10.02 (intro.), 10.03, and 11.02 (4); and to create Chir 1.02 (4) and 10.023, relating to delegation of services to health care professionals.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 446.02 (7), 446.025 (1) (a), and 446.026 (1) (a), Stats.

Statutory authority:

Sections 15.08 (5) (b) and 227.11 (2) (a), 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., sets forth the parameters of an agency’s rule-making authority, stating an agency “may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Related statute or rule:

None.

Plain language analysis:

The proposed rules make the following changes to reflect the provisions of 2017 Wisconsin Act 180, relating to a chiropractor’s authority to delegate adjunctive services and x-ray services to certain health care professionals:

- Adds the definition of “health care professional” under s. 446.01 (1v), Stats., to the definitions in ch. Chir 1.

- Revises ss. Chir 4.04 (3) and 10.03 to reflect s. 446.025 (1) (a), Stats., which provides no person may provide x-ray services on behalf of a chiropractor in connection with the practice of chiropractic unless the person is a chiropractic radiological technician and is under the direct supervision of a chiropractor licensed under ch. 446, Stats.
- Creates s. Chir 10.023 to, as required under s. 446.02 (7) (c), Stats., establish standards and procedures a chiropractor must use to verify a health care professional has adequate education, training, and experience to perform a delegated adjunctive service safely.
- As use of the term “health care professionals” in s. Chir 11.02 (4) is no longer appropriate based on its statutory definition, the proposed rules replace it with the term “healthcare providers.”

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

None.

Comparison with rules in adjacent states:

Illinois: Illinois statutes (Section 54.2, Medical Practice Act) allow physicians, including chiropractic physicians, to delegate authority to certain individuals:

- Physicians may delegate patient care tasks to a physician assistant, licensed practical nurse, registered professional nurse, advanced practice nurse, or other licensed person practicing within the scope of their license.
- In an office or practice setting and within a physician-patient relationship, a physician may delegate patient care tasks or duties to an unlicensed person who possesses appropriate training and experience provided a health care professional practicing within the scope of their license is on site to provide assistance.
- A physician may not delegate any patient care task or duty that is statutorily or by rule mandated to be performed by a physician.

Iowa: Rules of the Iowa Board of Chiropractic address the delegation of chiropractic services to a chiropractic assistant (645 IAC 43.12):

- A supervising chiropractic physician must ensure at all times that a chiropractic assistant has the necessary training and skills to competently perform a delegated service.
- A supervising chiropractic physician may delegate services to a chiropractic assistant that are within the scope of practice of the chiropractic physician.
- A chiropractic physician may not delegate any of the following services:
 - Services outside the chiropractic physician’s scope of practice.
 - Initiation, alteration, or termination of chiropractic treatment programs.
 - Chiropractic manipulation and adjustments.
 - Diagnosis of a condition.

- A supervising chiropractic physician must ensure a chiropractic assistant is informed of the supervisor and chiropractic assistant relationship and is responsible for all services performed by the chiropractic assistant.

Michigan: Michigan statutes allow a chiropractor to delegate to a licensed or unlicensed individual who is otherwise qualified by education, training, or experience the performance of selected acts, tasks, or functions where the acts, tasks, or functions fall within the scope of practice of the chiropractor's profession and will be performed under the chiropractor's supervision. A chiropractor may not delegate an act, task, or function if the act, task, or function, under standards of acceptable and prevailing practice, requires the level of education, skill, and judgment required of the chiropractor (Section 333.16215, Public Health Code).

Minnesota: Minnesota statutes specify grounds for the Board of Chiropractic Examiners to refuse to grant or revoke, suspend, condition, limit, restrict, or qualify a license to practice chiropractic. These provisions permit a doctor of chiropractic to employ, supervise, or delegate functions to a qualified person who may or may not be required to obtain a license or registration to provide health services if that person is practicing within the scope of the license or registration or delegated authority (Section 148.10, Subdivision 1, Chiropractic Practice Act).

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of 2017 Wisconsin Act 180 in conjunction with current rules relating to chiropractic practice under chs. Chir 1 to 13 and obtaining input and feedback from the Chiropractic Examining Board.

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, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 8:30 a.m. on January 31, 2019, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chir 1.02 (4) is created to read:

Chir 1.02 (4) “Health care professional” has the meaning given in s. 446.01 (1v), Stats.

SECTION 2. Chir 4.04 (3) is amended to read:

Chir 4.04 (3) ~~A chiropractor may delegate the operation of x-ray equipment only to a chiropractic radiological technician certified under ch. 446, Stats. A chiropractic radiological technician shall operate x-ray equipment under the direct supervision and direction of a licensee. As provided under s. 446.025 (1) (a), Stats., no person may provide x-ray services on behalf of a chiropractor in connection with the practice of chiropractic unless the person is a chiropractic radiological technician and is under the direct supervision of a chiropractor licensed under ch. 446, Stats. The~~ A chiropractor shall maintain records or ensure the chiropractor’s employer maintains records that verify ~~the~~ a chiropractic radiological technician delegated the performance of x-ray services is certified under ch. 446, Stats.

SECTION 3. Chapter Chir 10 (title) is amended to read:

CHAPTER CHIR 10

DELEGATION TO CHIROPRACTIC TECHNICIANS, ~~AND~~ CHIROPRACTIC RADIOLOGICAL TECHNICIANS, AND HEALTH CARE PROFESSIONALS

SECTION 4. Chir 10.015 (1) (a) (intro.) is amended to read:

Chir 10.015 (1) (a) (intro.) The course of study shall include a prerequisite ~~4 hour~~ 4-hour therapeutic overview course covering chiropractic technician scope of practice, anatomy, and contraindications followed by all of the following:

SECTION 5. Chir 10.02 (intro.) is amended to read:

Chir 10.02 (intro.) **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~~ an adjunctive service ~~may be delegated~~ to a chiropractic technician ~~only~~ if all of the following conditions are met:

SECTION 6. Chir 10.023 is created to read:

Chir 10.023 Delegation of adjunctive services to a health care professional. A chiropractor may delegate the performance of an adjunctive service to a health care professional if all of the following conditions are met:

(1) The performance of the adjunctive service is within the scope of the health care professional's license, registration, or certification.

(2) The chiropractor maintains records or ensures the chiropractor's employer maintains records that verify the health care professional's license, registration, or certification is current.

(3) The chiropractor exercises direct supervision of the health care professional performing the delegated adjunctive service.

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

SECTION 7. Chir 10.03 is amended to read:

Chir 10.03 X-ray services. ~~A chiropractor may delegate x-ray examination procedures only to a chiropractic radiological technician certified under ch. 446, Stats. As provided under s. 446.025 (1) (a), Stats., no person may provide x-ray services on behalf of a chiropractor in connection with the practice of chiropractic unless the person is a chiropractic radiological technician and is under the direct supervision of a chiropractor licensed under ch. 446, Stats. The~~ A chiropractor shall comply with s. Chir 4.04 before delegating the performance of x-ray services to a chiropractic radiological technician.

SECTION 8. Chir 10.03 (Note) is repealed.

SECTION 9. Chir 11.02 (4) is amended to read:

Chir 11.02 (4) Patient records shall be complete and sufficiently legible to be understandable to ~~health care professionals~~ healthcare providers generally familiar with chiropractic practice, procedures, and nomenclature.

SECTION 10. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date December 19, 2018
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chir 1, 4, 10, and 11	
4. Subject Delegation of services to health care professionals	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The proposed rules make the following changes to reflect the provisions of 2017 Wisconsin Act 180, relating to a chiropractor's authority to delegate adjunctive services and x-ray services to certain health care professionals: <ul style="list-style-type: none">• Adds the definition of "health care professional" under s. 446.01 (1v), Stats., to the definitions in ch. Chir 1.• Revises ss. Chir 4.04 (3) and 10.03 to reflect s. 446.025 (1) (a), Stats., which provides no person may provide x-ray services on behalf of a chiropractor in connection with the practice of chiropractic unless the person is a chiropractic radiological technician and is under the direct supervision of a chiropractor licensed under ch. 446, Stats.• Creates s. Chir 10.023 to, as required under s. 446.02 (7) (c), Stats., establish standards and procedures a chiropractor must use to verify a health care professional has adequate education, training, and experience to perform a delegated adjunctive service safely.• As use of the term "health care professionals" in s. Chir 11.02 (4) is no longer appropriate based on its statutory definition, the proposed rules replace it with the term "healthcare providers."	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of this EIA.	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.

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

The benefit to implementing the rule is providing clarity and conformity with the Wisconsin Statutes. If the rule is not implemented, it will not reflect the provisions of 2017 Wisconsin Act 180.

16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is clarity, updated references, and conformity with the Wisconsin Statutes.

17. Compare With Approaches Being Used by Federal Government

None

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

Illinois: Illinois statutes (Section 54.2, Medical Practice Act) allow physicians, including chiropractic physicians, to delegate authority to certain individuals:

- Physicians may delegate patient care tasks to a physician assistant, licensed practical nurse, registered professional nurse, advanced practice nurse, or other licensed person practicing within the scope of their license.
- In an office or practice setting and within a physician-patient relationship, a physician may delegate patient care tasks or duties to an unlicensed person who possesses appropriate training and experience provided a health care professional practicing within the scope of their license is on site to provide assistance.
- A physician may not delegate any patient care task or duty that is statutorily or by rule mandated to be performed by a physician.

Iowa: Rules of the Iowa Board of Chiropractic address the delegation of chiropractic services to a chiropractic assistant (645 IAC 43.12):

- A supervising chiropractic physician must ensure at all times that a chiropractic assistant has the necessary training and skills to competently perform a delegated service.
- A supervising chiropractic physician may delegate services to a chiropractic assistant that are within the scope of practice of the chiropractic physician.
- A chiropractic physician may not delegate any of the following services:
 - Services outside the chiropractic physician's scope of practice.
 - Initiation, alteration, or termination of chiropractic treatment programs.
 - Chiropractic manipulation and adjustments.
 - Diagnosis of a condition.
- A supervising chiropractic physician must ensure a chiropractic assistant is informed of the supervisor and chiropractic assistant relationship and is responsible for all services performed by the chiropractic assistant.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

Michigan: Michigan statutes allow a chiropractor to delegate to a licensed or unlicensed individual who is otherwise qualified by education, training, or experience the performance of selected acts, tasks, or functions where the acts, tasks, or functions fall within the scope of practice of the chiropractor's profession and will be performed under the chiropractor's supervision. A chiropractor may not delegate an act, task, or function if the act, task, or function, under standards of acceptable and prevailing practice, requires the level of education, skill, and judgment required of the chiropractor (Section 333.16215, Public Health Code).

Minnesota: Minnesota statutes specify grounds for the Board of Chiropractic Examiners to refuse to grant or revoke, suspend, condition, limit, restrict, or qualify a license to practice chiropractic. These provisions permit a doctor of chiropractic to employ, supervise, or delegate functions to a qualified person who may or may not be required to obtain a license or registration to provide health services if that person is practicing within the scope of the license or registration or delegated authority (Section 148.10, Subdivision 1, Chiropractic Practice Act).

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

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

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

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

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

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

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

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

5. Describe the Rule's Enforcement Provisions

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

- Yes No
-

STATEMENT OF SCOPE

Chiropractic Examining Board

Rule No.: Chir 10

Relating to: Courses of study for and delegation to chiropractic technicians and chiropractic radiological technicians

Rule Type: Permanent

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

N/A

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

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

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

Current rules specify the required course of study for certification as a chiropractic technician, the required course of study for certification as a chiropractic radiological technician, and the requirements for delegation of adjunctive and x-ray services to these technicians. The Board will review these requirements to determine if they are appropriate given the nature of the services a chiropractic technician and a chiropractic radiological technician may perform. Changes to the requirements may be proposed based on the Board's review.

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

Section 15.08 (5) (b), Stats., provides an examining board "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . ."

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

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

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

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

State employees will spend approximately 80 hours developing this proposed rule.

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

The proposed rule may affect applicants for chiropractic radiological technician and chiropractic technician certification, chiropractors who delegate adjunctive and x-ray services and the technicians who are delegated those services, as well as sponsors and providers of the courses of study and didactic and clinical training programs enumerated under ss. Chir 10.015, 10.02, and 10.025.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

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

This rule is likely to have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Dale Kleven, Administrative Rules Coordinator, DSPSAdminRules@wisconsin.gov, (608) 261-4472

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date

Date

STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD

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

PROPOSED ORDER

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

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 446.025 (3) (b), 446.026 (3) (b), and 446.028, Stats.

Statutory authority:

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

Explanation of agency authority:

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

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency’s rule-making authority, stating an agency “may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Related statute or rule:

None.

Plain language analysis:

The Board conducted an evaluation and update of ch. Chir 5 to ensure consistency with current practices and applicable Wisconsin statutes. As a result, the following updates have been made:

- The date referenced in s. Chir 5.01 (1) (a), (1g) (a), (1r) (a), and (2) (b) is revised from December 14 to December 15 to align with the renewal date under s. 440.08 (2) (a) 24., Stats.

- Section Chir 5.01 (1) (g), (1g) (c), and (1r) (c) are created to allow a chiropractor, chiropractic radiological technician, or chiropractic technician to acquire up to half of their required continuing education credit hours by participating in online continuing education programs approved by the Board. This provision first applies to the renewal period ending on December 15, 2022.
- Section Chir 5.01 (3) is revised and s. Chir 5.01 (5) is created to comply with s. 440.03 (4m), Stats., as created by 2017 Wisconsin Act 59. Under this provision, the Board may require a credential holder to submit proof of completing continuing education programs or courses only if a complaint is made against the credential holder.
- Section Chir 5.02 (1) (a) is revised to remove the American Chiropractic Association (ACA) as an approved program sponsor, as the ACA is not included in the definition of “program sponsor” under s. 446.028, Stats.
- The requirement under s. Chir 5.02 (1) (b) and (2) (a) that 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) is revised. The revised requirement is that program subject matter contributes to the advancement, extension, and enhancement of the clinical skills of a chiropractor and fosters the enhancement of general or specialized practice and values.
- Section Chir 5.03 is revised to require the Board to deny approval of a continuing education program for any of the enumerated reasons. Current rules allow the Board to exercise discretionary authority in issuing a denial.
- Other provisions throughout ch. Chir 5 have been revised to provide clarity and conform to current drafting standards.

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

None.

Comparison with rules in adjacent states:

Illinois: Rules of the Illinois Department of Financial and Professional Regulation address continuing medical education (CME) for persons licensed to practice chiropractic in Illinois (68 Ill. Adm. Code 1285.110). A CME program must be sponsored by one of the following:

- The Accreditation Council on Continuing Medical Education (ACCME) and organizations accredited by ACCME as sponsors of CME.
- The Illinois State Medical Society or its affiliates.
- The Illinois Chiropractic Society or its affiliates.
- The Illinois Prairie State Chiropractic Association or its affiliates.
- The International Chiropractic Association or its affiliates.
- The American Chiropractic Association or its affiliates.

- Any other accredited school, college or university, state agency, or any other person, firm, or association that has been approved and authorized by the Department.

A CME program must meet all of the following requirements:

- Contributes to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee.
- Fosters the enhancement of general or specialized practice and values.
- Is developed and presented by persons with education, experience, or both in the subject matter of the program.
- Specifies the course objectives, course content and teaching methods to be used.
- Specifies the number of CME hours that may be applied to fulfilling the Illinois CME requirements for license renewal.
- Provides a mechanism for evaluation of the program and instructor by the participants.
- Provides each participant in the program with a certificate of attendance or participation.

As the rules do not expressly allow or prohibit online CME programs, an online CME program meeting the above requirements may be used to satisfy the CME requirement.

Iowa: Rules of the Iowa Board of Chiropractic address continuing education for chiropractic physicians (645 IAC 44.1 to 44.11). A continuing education program must meet all of the following requirements:

- Constitutes an organized program of learning which contributes directly to the professional competency of the licensee.
- Pertains to subject matters which integrally relate to the practice of the profession.
- Is conducted by individuals who have specialized education, training and experience by reason of which said individuals should be considered qualified concerning the subject matter of the program.
- Fulfills stated program goals, objectives, or both.
- Provides proof of attendance to licensees in attendance.

Of the 60 hours of continuing education during a renewal period, 20 hours relating to clinical case management of chiropractic patients must be earned by completing a program in which an instructor conducts the class employing a traditional in-person, classroom-type presentation and the licensee is in attendance in the same room as the instructor.

Michigan: Rules of the Michigan Department of Licensing and Regulatory Affairs address continuing education for persons licensed to practice chiropractic in Michigan (Mich Admin Code, R 338.12006 to R 338.12008a). A continuing education program must be accredited by the Commission on Accreditation of the Council on Chiropractic Education or approved by another state's board of chiropractic.

Fifteen of the 30 required hours of continuing education may be from online programs, excluding the required 2 hours of continuing education on physical measures, the 2 required hours of continuing education on the performance and ordering of tests, and any continuing education program in which a participant performs a chiropractic manipulation or adjustment on another individual.

Minnesota: Rules of the Minnesota Board of Chiropractic Examiners address continuing education for persons licensed to practice chiropractic in Minnesota (Minnesota Rules, parts 2500.1100 to 2500.2000). The Board registers and approves continuing education sponsors. A program sponsor must use the following criteria to determine if a continuing education program is approved and the number of continuing education units for which approval is granted:

- Whether the material to be presented is likely to enhance the practitioner's knowledge and skill in the practice of chiropractic.
- Whether the instructors or speakers presenting the program, and those persons preparing the program, are sufficiently qualified in the field of their instruction, either by practical or academic experience or both.
- Whether the classes will be held in a suitable setting, or under suitable conditions, that are considered by the Board to be conducive to the learning process.
- Whether the program may improve the practitioner's ability to keep records necessary to substantiate the need for chiropractic care.

A chiropractor may obtain the annual continuing education requirement through alternatives to traditional classroom presentations. The programs must be approved by the Board or a Board-approved sponsor. An online program approved for continuing education credit must 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.

Summary of factual data and analytical methodologies:

The rules were developed by reviewing the provisions of ch. Chir 5 to ensure the rules are consistent with current practices and applicable Wisconsin statutes. No additional factual data or analytical methodologies were used to develop the proposed rules.

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

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

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator, Nia Trammell, may be contacted by calling (608) 266-8608.

Agency contact person:

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

TEXT OF RULE

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

Chir 5.01 (1) (a) Every chiropractor shall complete at least 40 continuing education credit hours in approved continuing education programs during each 2-year license registration period ending on December ~~14~~ 15 of each even-numbered year, except as specified in s. Chir 3.02 (1) (c).

SECTION 2. Chir 5.01 (1) (g) is created to read:

Chir 5.01 (1) (g) Beginning with the license registration period ending on December 15, 2022, up to 20 of the continuing education credit hours required under par. (a) may be acquired through participation in online continuing education programs approved under s. Chir 5.02.

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

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

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

Chir 5.01 (1g) (c) Beginning with the certificate registration period ending on December 15, 2022, up to 6 of the continuing education credit hours required under par. (a) may be acquired through participation in online continuing education programs approved under s. Chir 5.02.

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

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

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

Chir 5.01 (1r) (c) Beginning with the certificate registration period ending on December 15, 2022, up to 3 of the continuing education credit hours required under par. (a) may be acquired through participation in online continuing education programs approved under s. Chir 5.02.

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

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

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

SECTION 8. Chir 5.01 (4) to (6) are created to read:

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

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

(6) Except as provided under subs. (1) (g), (1g) (c), and (1r) (c), credit may only be claimed for completing a program in which an instructor employs an in person, classroom-type presentation and the chiropractor, chiropractic radiological technician, or chiropractic technician is in attendance in the same room as the instructor. A home study or other distance learning program may be approved for credit only in cases of extreme hardship, as determined by the board.

SECTION 9. Chir 5.02 (1) (intro.), (a), (b), (bm), (c), and (f) and (2) (a) are amended to read:

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

(a) The program is sponsored by the Wisconsin ~~chiropractic association~~ Chiropractic Association, ~~the American chiropractic association~~, ~~the international chiropractors association~~ 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~~ For a continuing education program required under s. Chir 5.01 (1) (a), the program subject matter relates contributes to improving the clinical skills of a chiropractor and is generally taught at the undergraduate or postgraduate level of a chiropractic college meeting the requirements of s. Chir 2.02 (6) (b) the advancement, extension, and enhancement of the clinical skills of a chiropractor and fosters the enhancement of general or specialized practice and values. ~~The board will not approve credit for continuing education regarding a technique or practice which the board has determined to be unsafe or ineffective.~~

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

(c) The program sponsor agrees to provide a responsible person to monitor and verify the attendance of each registered chiropractor, chiropractic radiologic technician, or chiropractic technician, as applicable, ~~at~~ participating in the program, and the program sponsor agrees to keep the records of attendance for 3 years from the date of the program and to furnish each participant with evidence of having attended the program.

(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~~ Council on chiropractic education Chiropractic Education, and that the chiropractic college exercises sufficient supervision over a faculty member's course content.

(2) (a) Continuing education programs may include subject material ~~other than that which relates to improving the clinical skills of a chiropractor and is generally taught at the undergraduate or postgraduate level of a chiropractic college, meeting the requirements of s. Chir 2.02 (6) (b)~~ that does not meet the requirements under sub. (1) (b). However, only the parts of the program ~~which relate to improving the clinical skills of a chiropractor and are generally taught at the undergraduate or postgraduate level of a chiropractic college~~ that include subject material that meets the requirements under sub. (1) (b) are eligible for credit.

SECTION 10. Chir 5.02 (3) is repealed.

SECTION 11. Chir 5.02 (4) (a) 5. and 6. are amended to read:

Chir 5.02 (4) (a) 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~~ meets the requirements under sub. (1) (b). 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~~ department of education.

SECTION 12. Chir 5.03 (intro.) is amended to read:

Chir 5.03 (intro.) Application denials. The board ~~may~~ shall deny approval of an application for any of the following reasons:

SECTION 13. Chir 5.03 (6) is created to read:

Chir 5.03 (6) The program subject matter relates to practice that is prohibited under s. Chir 4.05.

SECTION 14. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Chapter Chir 5

CONTINUING EDUCATION

Chir 5.01 Continuing education requirements for credential renewal.

(1)

- (a) Every chiropractor shall complete at least 40 continuing education credit hours in approved continuing education programs during each 2-year license registration period ending on December ~~14~~ 15 of each even-numbered year, except as specified in s. Chir 3.02 (1) (c).
- (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.
- (g) Beginning with the license registration period ending on December 15, 2022, up to 20 of the continuing education credit hours required under par. (a) may be acquired through participation in online continuing education programs approved under s. Chir 5.02.**

(1g)

- (a) Every chiropractic radiological technician shall complete at least 12 continuing education credit hours in approved continuing education programs during each 2-year certificate registration period ending on December ~~14~~ 15 of each even-numbered year. A chiropractic radiological technician who receives an initial certificate during a licensing biennium is not required to satisfy the continuing education requirement from the date of that certificate to the end of that licensing biennium.
- (b) The board may grant a waiver, partial waiver, or postponement of the continuing education requirements in cases of hardship.
- (c) Beginning with the certificate registration period ending on December 15, 2022, up to 6 of the continuing education credit hours required under par. (a) may be acquired through participation in online continuing education programs approved under s. Chir 5.02.**

(1r)

- (a) Every chiropractic technician shall complete at least 6 continuing education credit hours in approved continuing education programs during each 2-year certificate registration period ending on December ~~14~~ 15 of each even-numbered year. A chiropractic technician who receives an initial certificate during a licensing biennium is not required to satisfy the continuing education requirement from the date of that certificate to the end of that licensing biennium.
- (b) The board may grant a waiver, partial waiver, or postponement of the continuing education requirements in cases of hardship.
- (c) Beginning with the certificate registration period ending on December 15, 2022, up to 3 of the continuing education credit hours required under par. (a) may be acquired through participation in online continuing education programs approved under s. Chir 5.02.**
- (2)** Continuing education credit hours may apply only to the 2-year license period in which the credit hours are acquired, unless either of the following applies:

- (a) The continuing education credit hours required of a particular chiropractor, chiropractic radiological technician, or chiropractic technician as a consequence of a disciplinary proceeding, informal settlement conference, or resolution of an investigation into the conduct or competence of the chiropractor, chiropractic radiological technician, or chiropractic technician may not be counted towards the fulfillment of generally applicable continuing education requirements.
- (b) If the chiropractor, chiropractic radiological technician, or chiropractic technician has failed to meet the credential renewal requirement during the period, continuing education hours acquired on or after December ~~14~~ 15 of any even-numbered year will apply to the preceding period only if the chiropractor, chiropractic radiological technician, or chiropractic technician has failed to meet the credential renewal requirement during that period, and will not apply to any other period or purpose.
- (3) To obtain credit for completion of continuing education programs, a chiropractor, chiropractic radiological technician, or chiropractic technician shall certify on ~~his or her~~ the application for credential renewal that ~~he or she has completed~~ all continuing education credits have been completed as required ~~in under~~ this section ~~for the previous 2-year credential registration period. A chiropractor, chiropractic radiological technician, or chiropractic technician shall retain for a minimum period of 4 years, and shall make available to the board or its agent upon request, certificates of attendance issued by the program sponsor for all continuing education programs for which he or she claims credit for purposes of renewal of his or her credential. Chiropractors, chiropractic radiological technicians, or chiropractic technicians attending a program for credit shall be present in the room where a program is being presented in order to claim credit. A chiropractor, chiropractic radiological technician, or chiropractic technician may claim credit hours for continuing education for which he or she was in actual attendance in the room, except for authorized break periods or to attend to personal hygiene needs.~~
- (4) A chiropractor, chiropractic radiological technician, or chiropractic technician shall retain a certificate or other evidence of attendance issued by the program sponsor for a minimum of 4 years from the date of completion of a continuing education program.
- (5) The board shall require any chiropractor, chiropractic radiological technician, or chiropractic technician who is under investigation by the board for alleged misconduct to submit evidence of compliance with the continuing education requirements under this section.
- (6) Except as provided under subs. (1) (g), (1g) (c), and (1r) (c), credit may only be claimed for completing a program in which an instructor employs an in person, classroom-type presentation and the chiropractor, chiropractic radiological technician, or chiropractic technician is in attendance in the same room as the instructor. A home study or other distance learning program may be approved for credit only in cases of extreme hardship, as determined by the board.

Chir 5.02 Approval of continuing education programs.

- (1) The board may approve a continuing education program ~~which that~~ meets all of the following ~~minimum~~ requirements:
 - (a) The program is sponsored by the Wisconsin ~~chiropractic association~~ Chiropractic Association, the ~~American chiropractic association~~, the ~~international chiropractors association~~ 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~~ For a continuing education program required under s. Chir 5.01 (1) (a), the program subject matter relates contributes to improving the clinical skills of a chiropractor and is generally taught at the undergraduate or postgraduate level of a chiropractic college meeting the requirements of s. Chir 2.02 (6) (b) the advancement, extension, and enhancement of the clinical skills of a chiropractor and fosters the enhancement of general or specialized practice and values. ~~The board will not approve credit for continuing education regarding a technique or practice which the board has determined to be unsafe or ineffective.~~

- ~~(bm) *Chiropractic radiological technician and chiropractic technician.* The For a continuing education program required under s. Chir 5.01 (1g) (a) or (1r) (a), the~~ program subject matter relates to improving the clinical skills of a chiropractic radiological technician or chiropractic technician, as applicable.
- (c) The program sponsor agrees to provide a responsible person to monitor and verify the attendance of each registered chiropractor, chiropractic radiologic technician, or chiropractic technician, as applicable, ~~at participating in~~ the program, and the program sponsor agrees to keep the records of attendance for 3 years from the date of the program and to furnish each participant with evidence of having attended the program.
- (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~~ Council on chiropractic education 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) that does not meet the requirements under sub. (1) (b).~~ However, only the parts of the program ~~which relate to improving the clinical skills of a chiropractor and are generally taught at the undergraduate or postgraduate level of a chiropractic college that include subject material that meets the requirements under sub. (1) (b)~~ are eligible for credit.
- (am) Continuing education programs may include subject material other than that which relates to improving the clinical skills of a chiropractic radiological technician or chiropractic technician. However, only the parts of the program which relate to improving the clinical skills of a chiropractic radiological technician or chiropractic technician, as applicable, are eligible for credit.
- (b) Any presentation, program content, materials or displays for the advertising, promotion, sale or marketing of equipment, devices, instruments or other material of any kind or purpose shall be kept separate from the program content and presentation for which approval is applied and granted.
- (c) Programs shall be approved for one hour of continuing education for every 50 minutes of instruction.
- ~~(3) Home study programs may be approved for credit only in cases of extreme hardship, as determined by the board.~~
- (4)
- (a) An application for approval of a continuing education program shall:
1. Be on a form provided by the board.

Note: Application forms are available on ~~request from the Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708~~ the department's website at dsps.wi.gov, or by request from the Department of Safety and Professional Services, P. O. Box 8935, Madison, Wisconsin 53708, or call (608) 266-2112. **This note is on a list for LRB to revise. The rule does not reflect this change.**

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~~ meets the requirements under sub. (1) (b). 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~~ department of 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 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 on the department's website at dspd.wi.gov, or by request from the Department of Safety and Professional Services, P. O. Box 8935, Madison, Wisconsin 53708, or call (608) 266-2112.~~ This note is on a list for LRB to revise. The rule does not reflect this change.

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

- (1) The program or program sponsor does not meet requirements established in this chapter.
- (2) The emphasis of the program is on the business, management, or insurance aspects of a chiropractic practice rather than on improving the clinical skills of the chiropractor, chiropractic radiological technician, or chiropractic technician, as applicable.
- (3) The board determines that the program sponsor has not provided adequate assurance that responsibilities delegated or assigned to others will be satisfactorily performed.

- (4)** The program sponsor, an instructor, or a person delegated or assigned a responsibility has a financial, personal or professional interest which conflicts directly with the performance of responsibilities in this chapter.
- (5)** Failure on the part of a program sponsor, an instructor, or a person delegated or assigned a responsibility to carry out a program as represented to and approved by the board or as provided in this chapter.
- (6)** The program subject matter relates to practice that is prohibited under s. Chir 4.05.

STATEMENT OF SCOPE

Chiropractic Examining Board

Rule No.: Chapter Chir 6

Relating to: Standards of Conduct

Rule Type: Permanent

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

N/A

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

The Chiropractic Examining Board will conduct an evaluation and update of ch. Chir 6 to 1) revise the definition of advertising under s. Chir 6.015 to reflect current advertising practices, 2) ensure the rules for unprofessional conduct under s. Chir 6.02 are consistent with current professional practices and standards, and 3) clarify who is considered a patient under s. Chir 6.02 and the duty to evaluate and inform provisions of s. Chir 6.03.

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

The Board has identified the need for an evaluation and update of its rules as identified above to ensure they are consistent with current practices and applicable Wisconsin statutes. The alternatives of either partially updating or not updating these rules would be less beneficial to affected entities.

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

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

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency's rule-making authority, stating an agency, "may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation."

Section 446.04, Stats., provides unprofessional conduct includes without limitation because of enumeration, all of the following:

- Any conduct of a character likely to deceive or defraud the public.
- Loaning of a chiropractic license or certificate to anyone.
- Splitting or dividing any fee for chiropractic service with any person except an associate licensed chiropractor.
- Use of unprofessional advertising which includes, without limitation because of enumeration, any advertising statement of a character tending to deceive or mislead the public and advertising professional superiority or performance of professional services in a superior manner.

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

80 hours

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

Wisconsin licensed chiropractors and their patients.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

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

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

Contact Person: Dale Kleven, Administrative Rule Coordinator, Dale2.Kleven@wisconsin.gov, (608) 261-4472

Approved for publication:

Patti Schmaecher, DC
Authorized Signature

4/3/2017
Date Submitted

Approved for implementation:

Authorized Signature

Date Submitted

Chapter Chir 6

STANDARDS OF CONDUCT

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

Chir 6.015 Definition. In this chapter:

(1) "Advertisement" means any a communication disseminated or intended to be disseminated ~~to the in~~ any public which medium that 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.~~

(2) "Co-payment or deductible provision" means any term in a contract of insurance with a third party whereby the patient remains financially obligated to the chiropractor for payment.

(3) "Patient" means an individual with whom a chiropractor has an established chiropractor-patient relationship or who has a reasonable belief based on the actions of the chiropractor that an established chiropractor-patient relationship exists.

Chir 6.02 Unprofessional conduct. Unprofessional conduct by a chiropractor includes all of the following:

- (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 a physical, mental, or emotional disorder, or by 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 the patient or person authorized by the 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 that~~ 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~~ apply:
 - 1. The specialty is recognized by a council of the American ~~chiropractic association~~ Chiropractic Association or the ~~international chiropractors association~~ 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~~ Chiropractic Association or the ~~international chiropractors association~~ International Chiropractors Association.
 - 3. The title applied to the specialty by the chiropractor is the title applied by the American ~~chiropractic association~~ Chiropractic Association or the ~~international chiropractors association~~ International Chiropractors Association.
 - (g) Includes reference to or implies advanced training, unless all of the following ~~are true~~ apply:
 - 1. The postgraduate training was received in one, unified program approved by the American ~~chiropractic association~~ Chiropractic Association or the ~~international chiropractors association~~ International Chiropractors Association, or through one, unified program at a college accredited by the ~~council~~ Council on ~~chiropractic education~~ 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 that~~, 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 to a request from the board or its representative 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~~ longer.
 - (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 with regard to 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.

Chir 6.03 Duty to evaluate and inform.

- (1) A chiropractor shall evaluate each presenting patient to determine whether ~~the patient presents~~ a condition exists 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~~ defined in s. Chir 4.02 (1), 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 that~~ 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.

STATEMENT OF SCOPE

Chiropractic Examining Board

Rule No.: Chapter Chir 12

Relating to: Nutritional Counseling Certification

Rule Type: Permanent

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

N/A

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

The Chiropractic Examining Board will conduct an evaluation and update of ch. Chir 12 to ensure the definitions under s. Chir 12.01 and the criteria for granting a certificate for nutritional counseling under s. Chir 12.02 and approval of nutritional counseling educational programs under s. Chir 12.03 are consistent with current professional and academic practices and applicable Wisconsin statutes.

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

The Board has identified the need for an evaluation and update of its rules as identified above to ensure they are consistent with current practices and applicable Wisconsin statutes. The alternatives of either partially updating or not updating these rules would be less beneficial to affected entities.

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

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

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency's rule-making authority, stating an agency, "may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation."

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

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

70 hours

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

Wisconsin licensed chiropractors and their patients.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

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

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

Contact Person: Dale Kleven, Administrative Rule Coordinator, Dale2.Kleven@wisconsin.gov, (608) 261-4472

Approved for publication:


Authorized Signature


Date Submitted

Approved for implementation:

Authorized Signature

Date Submitted

Chapter Chir 12

NUTRITIONAL COUNSELING CERTIFICATION

Chir 12.01 Definitions. In this chapter:

- (1) ~~“Administering”~~ **“Administer”** means ~~the direct application of a product to directly apply a nutritional supplement or direct the self-application of a nutritional supplement~~, 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”** **“Dispense”** means ~~delivering a product to deliver a nutritional supplement~~ 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 ~~labeled as a nutritional or dietary supplement or~~ intended to supplement the diet ~~and~~ that contains ~~or is a concentrate, metabolic, constituent, or extract of~~ 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, metabolites, constituent, extract or combination of these ingredients; or is labeled as a nutritional or dietary supplement.~~
- (a) A vitamin.
 - (b) A mineral.
 - (c) An herb or other botanical.
 - (d) An amino acid.
 - (e) A dietary substance for use by an individual to supplement the diet by increasing total daily intake.
- (5) **“Patient”** means an individual with whom a chiropractor has an established chiropractor-patient relationship or who has a reasonable belief based on the actions of the chiropractor that an established chiropractor-patient relationship exists.

Chir 12.02 Requirements for nutritional counseling certification.

- (4) The board shall grant a certificate for nutritional counseling to a ~~licensed~~ chiropractor ~~licensed under ch. 446, Stats.~~, who does all of the following:
- ~~(a)~~ (1) Submits an application ~~for a certificate~~ to the department on a form provided by the department.
Note: Application forms are available on ~~the department’s website at dps.wi.gov, or by request to from the board office located at 1400 East Washington Avenue Department of Safety and Professional Services, P.O. Box 8935, Madison, Wisconsin 53708, or from the department's website at: <http://dps.wi.gov> call (608) 266-2112.~~
 - ~~(b)~~ (2) Pays the fee specified ~~in~~ under s. 446.02 (2) (c), Stats.
 - ~~(c)~~ (3) Submits evidence satisfactory to the board that ~~he or she~~ the applicant has ~~completed~~ received any of the following:
 - 1. (a) ~~Received a~~ 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~~ United States department of education.
 - 2. (b) ~~Received diplomate~~ 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 accredited by an accrediting agency approved recognized by the United States ~~office~~ department of education ~~or its successor.~~

3. (c) ~~Received a~~ A postgraduate degree in human nutrition conferred by a foreign school determined to be equivalent to an accredited college of chiropractic by the CCE Council on Chiropractic Education 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. par. (a) or (b).~~
4. (d) ~~Received a~~ A degree ~~from~~ or ~~otherwise successfully completed~~ other recognition of successful completion of 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~~ under s. Chir 12.03, ~~after December 1, 2006 at the time the program is completed.~~

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) (e) 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.
- (am) The program consists of a minimum of 48 hours in human nutrition.**
- (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. The Codex Alimentarius Commission.
 10. The Dietary ~~supplement health~~ Supplement Health and ~~education act~~ Education Act of 1994, P.L. 103-417 and related regulations.
- Note: The Dietary Supplement Health and Education Act of 1994 is also known as Public Law 103-417.**
11. Etiology of organ system dysfunction, and 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~~ nutritional needs.

22. Male and female ~~nutrition~~ nutritional needs.
 23. Therapeutic use of botanical medicine.
 24. Food, drug, and nutritional ~~supplements~~ supplement interactions.
 25. ~~Safety and~~ The safety, 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.~~ does all of the following:
1. Provides a responsible person to monitor and verify attendance at the program.
 2. Keeps records of attendance for at least 3 years from the date of the program.
 3. Furnishes each participant with evidence of having attended the program.
- (d) ~~The program sponsor shall not assign or delegate its~~ Any assignment or delegation of a program sponsor's 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 under sub. (2)~~ and approved by the board.
- (e) The program sponsor has reviewed and validated the program's content to ~~insure~~ ensure its compliance with par. (b).
- (f) ~~When a~~ Any course instructor ~~of the program that~~ 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~~ includes a written assessment instrument; ~~that is~~ 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~~ contains a reasonable security procedure to ~~assure that~~ ensure 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~~ The application shall be on a form provided by the board.
 Note: Application forms are available on the department's website at dps.wi.gov, or by request to the ~~board office located at 1400 East Washington Avenue Department of Safety and Professional Services,~~ P.O. Box 8935, Madison, Wisconsin 53708, or ~~from the department's website at: <http://dps.wi.gov> call (608) 266-2112.~~
 2. ~~Identify~~ The application shall identify the name and address of the program sponsor and describe how the program sponsor qualifies under ~~s. Chir 12.03 sub. (1) (a).~~
 3. ~~Describe~~ The application shall identify the time and ~~place~~ location of the program.
 4. ~~Be~~ The application shall 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~~ The application shall include satisfactory evidence, of the program sponsor's verification showing to the satisfaction of as determined by the board, that the program 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 application shall 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~~ The application shall 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~~ assigned or delegated responsibility.
 - b. The name, address, and qualifications of the person or entity ~~who is~~ assigned or delegated ~~to perform~~ the responsibility; ~~including name, address and qualification to perform the responsibility~~.
 - c. ~~The~~ A description of the method by which the program sponsor intends to ~~assure that~~ ensure the delegated or assigned responsibility is performed.
8. ~~Include~~ The application shall include a description of the written assessment instrument; ~~that is~~ designed to ensure ~~that the a~~ chiropractor has actively participated in the presentation of material and derived a measurable benefit from participation.
9. ~~Include~~ The application shall include a reasonable description of the security procedure that will be used to ~~assure that the~~ ensure a chiropractor enrolled in the program 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) Programs shall be approved for one hour of education credit for every 50 minutes of instruction. Continuing education credit may not be ~~awarded~~ approved for meals, breaks, and 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.

Chir 12.04 Application denials. The board may deny approval of an application submitted under s. Chir 12.03 (2) 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.

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 or entity delegated or assigned a responsibility has a financial, personal, or professional interest ~~which that~~ conflicts directly with the performance of responsibilities ~~in~~ under 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.

Chir 12.06 Prohibited practices.

- (1) A chiropractor ~~shall~~ may 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~~ A chiropractor ~~shall~~ may 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~~ may 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.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv. On behalf of Executive Directors Christian Albouras or Debra Sybell		2) Date When Request Submitted: 5/15/2019 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: All Boards and Councils			
4) Meeting Date:	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Informational Item 1. 2019-2021 Licensure Fee and Credential Schedule	
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: Informational Only			
11) Authorization			
<i>Kimberly Wood</i>		5/15/2019	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



May 2019

Dear State of Wisconsin Boards, Councils and Committee Member,

As you may already know, operation of the Department of Safety and Professional Services (DSPS) is self-funded by the fees associated with the occupation or business credentials it issues and regulates under chapters [440](#) to [480](#) of Wisconsin Statutes.

Wisconsin State Statute § 440.03(9)(a) requires DSPS to conduct a professional licensure fee study every two years to adjust fees for the succeeding fiscal biennium. The purpose of the fee study is to reflect the approximate administrative and enforcement costs of the department that are attributable to the regulation of the referenced credentials.

On February 20, 2019, the Joint Finance Committee approved the FY 2019-2021 professional licensure fee study conducted by the DSPS. I am pleased to provide you with the new fee schedule that will take effect on July 1, 2019.

The new fees are based on actual operating costs and revenues for DSPS for fiscal years 2017 and 2018 (July 1, 2016 to June 30, 2018). A detailed explanation how the fees were recalculated, including licensure/credential participation rates, complaints and investigations, and adjustments for inflation can be found in the Frequently Asked Questions document.

For all regulated professional and medical licenses and credentials (except the renewal fee for one profession noted in the enclosed fee schedule), initial application and renewal fees will be reduced or maintained at the current level, including the following:

- Maintaining initial and renewal fees for 43 licenses/credentials (approximately 25 percent)
- Reducing initial fees for 82 licenses/credentials (approx. 48 percent) with an average reduction of \$26.78
- Reducing renewal fees for 121 licenses/credentials (approx. 71 percent) with an average reduction of \$57.42
- Reducing both the initial and renewal fees for 80 licenses/credentials (approx. 47 percent)
- Providing a fee reduction to at least one of the fees (initial and/or renewal) for 127 licenses/credentials (approx. 75 percent)
- Establishing equal fees for both initial applications and renewals with a maximum fee of \$75 for 163 licenses/credentials (approx. 96 percent) (exceptions per state statute for fees related to Appraisal Management Companies and Transportation Network Companies; exception per administrative code for fees related to Unarmed Combat Sports)
- Providing a reduced fee to an estimated 361,000 Wisconsin licensure/credential applicants over the next biennium, (approx. 96 percent of all applicants)

The new fee schedule will take effect beginning with initial license applications received in the Department and/or postmarked on or after July 1, 2019, and for license renewals that have an effective date of July 1, 2019 or later. It should be noted that if a license holder receives a notice of renewal prior to July 1, 2019, for a renew-by date of after July 1, 2019, the new fees will apply regardless of when the notice is received or when payment is made. If a license holder's renew-by date is before July 1, 2019, and the payment is made after July 1, 2019, the fee noted on the notice of renewal will still apply. If the license holder's renew-by date is on or after July 1, 2019, the new fees will apply.

If you have any questions regarding the information provided, please do not hesitate to contact Yolanda McGowan, Division Administrator, Division of Policy Development.

Sincerely,

A handwritten signature in cursive script that reads "Dawn B. Crim". The signature is written in black ink on a white background.

Dawn B. Crim
Secretary-designee, Department of Safety and Professional Services

Enclosure

Board/Admin.	License/Credential Name	Project	Current		Proposed Initial Fee	Proposed Renewal Fee	Initial Fee Change	Renewal Fee Change
			Current Initial Fee	Current Renewal Fee				
Accounting Exam Bd	Accountant CPA	16500P1ACBD001	\$75.00	\$82.00	\$43.00	\$43.00	-\$32.00	-\$39.00
Accounting Exam Bd	Accounting Firm	16500P1ACBD003	\$75.00	\$82.00	\$43.00	\$43.00	-\$32.00	-\$39.00
Acupuncturist	Acupuncturist	16500P1ADLD055	\$75.00	\$107.00	\$75.00	\$75.00	\$0.00	-\$32.00
Architect/Engineer Joint Exam Bd	Architect	16500P1ARCD005	\$75.00	\$82.00	\$68.00	\$68.00	-\$7.00	-\$14.00
Architect/Engineer Joint Exam Bd	Architectural or Engineer Corp	16500P1ARCD011	\$75.00	\$82.00	\$68.00	\$68.00	-\$7.00	-\$14.00
Architect/Engineer Joint Exam Bd	Designer Engineering Systems	16500P1DSND007	\$75.00	\$82.00	\$68.00	\$68.00	-\$7.00	-\$14.00
Architect/Engineer Joint Exam Bd	Engineer Professional	16500P1ENGD006	\$75.00	\$82.00	\$68.00	\$68.00	-\$7.00	-\$14.00
Architect/Engineer Joint Exam Bd	Engineer Training	16500P1ENGD500	\$75.00	\$0.00	\$68.00	\$0.00	-\$7.00	\$0.00
Architect/Engineer Joint Exam Bd	Landscape Architect	16500P1LSAD014	\$75.00	\$82.00	\$68.00	\$68.00	-\$7.00	-\$14.00
Architect/Engineer Joint Exam Bd	Land Surveyor Professional	16500P1LSRD008	\$75.00	\$82.00	\$68.00	\$68.00	-\$7.00	-\$14.00
Real Estate Appraiser Bd	Appraiser Licensed	16500P1APPD004	\$75.00	\$170.00	\$16.00	\$16.00	-\$59.00	-\$154.00
Real Estate Appraiser Bd	Appraiser Residential Cert	16500P1APPD009	\$75.00	\$170.00	\$16.00	\$16.00	-\$59.00	-\$154.00
Real Estate Appraiser Bd	Appraiser General Cert	16500P1APPD010	\$75.00	\$170.00	\$16.00	\$16.00	-\$59.00	-\$154.00
Real Estate Appraiser Bd	Appraisal Management Company	16500P1APPD900	\$4,000.00	\$2,000.00	\$4,000.00	\$2,000.00	\$0.00	\$0.00
Athletic Agent	Athletic Agent	16500P1ATHD097	\$75.00	\$107.00	\$38.00	\$38.00	-\$37.00	-\$69.00
Auctioneer Bd	Auctioneer	16500P1AUBD052	\$75.00	\$170.00	\$47.00	\$47.00	-\$28.00	-\$123.00
Auctioneer Bd	Auction Company	16500P1AUBD053	\$75.00	\$170.00	\$47.00	\$47.00	-\$28.00	-\$123.00
Barbering Advisory Committee	Barber Establishment	16500P1BRBD180	\$75.00	\$82.00	\$63.00	\$63.00	-\$12.00	-\$19.00
Barbering Advisory Committee	Barber	16500P1BRBD182	\$75.00	\$82.00	\$63.00	\$63.00	-\$12.00	-\$19.00
Barbering Advisory Committee	Barber Instructor	16500P1BRBD183	\$75.00	\$82.00	\$63.00	\$63.00	-\$12.00	-\$19.00
Barbering Advisory Committee	Barber School	16500P1BRBD187	\$75.00	\$82.00	\$63.00	\$63.00	-\$12.00	-\$19.00
Barbering Advisory Committee	Barber Apprentice	16500P1BRBD601	\$10.00	\$0.00	\$10.00	\$0.00	\$0.00	\$0.00
Unarmed Combat Sports	Boxing Contestant	16500P1BXMA263	\$40.00	\$40.00	\$40.00	\$40.00	\$0.00	\$0.00
Unarmed Combat Sports	Boxing Contest Professional	16500P1BXMA264	\$300.00	\$300.00	\$300.00	\$300.00	\$0.00	\$0.00
Unarmed Combat Sports	Second	16500P1BXMA265	\$40.00	\$40.00	\$40.00	\$40.00	\$0.00	\$0.00
Unarmed Combat Sports	Boxing Promoter Professional	16500P1BXMA266	\$500.00	\$500.00	\$500.00	\$500.00	\$0.00	\$0.00
Unarmed Combat Sports	Mix Martial Arts Judge	16500P1BXMA267	\$15.00	\$15.00	\$15.00	\$15.00	\$0.00	\$0.00
Unarmed Combat Sports	Mix Martial Arts Referee	16500P1BXMA268	\$15.00	\$15.00	\$15.00	\$15.00	\$0.00	\$0.00
Unarmed Combat Sports	Matchmaker	16500P1BXMA270	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00	\$0.00
Unarmed Combat Sports	Physician Ringside	16500P1BXMA271	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00	\$0.00
Unarmed Combat Sports	Timekeeper	16500P1BXMA272	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00	\$0.00
Unarmed Combat Sports	Boxing Judge	16500P1BXMA274	\$15.00	\$15.00	\$15.00	\$15.00	\$0.00	\$0.00
Unarmed Combat Sports	Boxing Referee	16500P1BXMA275	\$15.00	\$15.00	\$15.00	\$15.00	\$0.00	\$0.00
Unarmed Combat Sports	Mix Martial Arts Amateur Conte	16500P1BXMA276	\$40.00	\$40.00	\$40.00	\$40.00	\$0.00	\$0.00
Unarmed Combat Sports	Mix Martial Arts Contestant Pr	16500P1BXMA277	\$40.00	\$40.00	\$40.00	\$40.00	\$0.00	\$0.00
Unarmed Combat Sports	Mix Martial Arts Prof Club	16500P1BXMA278	\$500.00	\$500.00	\$500.00	\$500.00	\$0.00	\$0.00

Board/Admin.	License/Credential Name	Project	Current		Proposed Initial Fee	Proposed Renewal Fee	Initial Fee Change	Renewal Fee Change
			Current Initial Fee	Current Renewal Fee				
Unarmed Combat Sports	Mix Martial Arts Contest Prof	16500P1BXMA279	\$300.00	\$300.00	\$300.00	\$300.00	\$0.00	\$0.00
Unarmed Combat Sports	Mix Martial Arts Promoter Prof	16500P1BXMA280	\$500.00	\$500.00	\$500.00	\$500.00	\$0.00	\$0.00
Unarmed Combat Sports	Unarmed Combat Promoter	16500P1BXMA281	\$500.00	\$500.00	\$500.00	\$500.00	\$0.00	\$0.00
Unarmed Combat Sports	Unarmed Combat Contest	16500P1BXMA282	\$300.00	\$300.00	\$300.00	\$300.00	\$0.00	\$0.00
Unarmed Combat Sports	Kickboxing Contestant Amateur	16500P1BXMA283	\$40.00	\$40.00	\$40.00	\$40.00	\$0.00	\$0.00
Unarmed Combat Sports	Kickboxing Contestant Prof	16500P1BXMA284	\$40.00	\$40.00	\$40.00	\$40.00	\$0.00	\$0.00
Unarmed Combat Sports	Muay Thai Contestant Amateur	16500P1BXMA285	\$40.00	\$40.00	\$40.00	\$40.00	\$0.00	\$0.00
Unarmed Combat Sports	Kickboxing Judge	16500P1BXMA287	\$15.00	\$15.00	\$15.00	\$15.00	\$0.00	\$0.00
Unarmed Combat Sports	Muay Thai Judge	16500P1BXMA288	\$15.00	\$15.00	\$15.00	\$15.00	\$0.00	\$0.00
Unarmed Combat Sports	Kickboxing Referee	16500P1BXMA289	\$15.00	\$15.00	\$15.00	\$15.00	\$0.00	\$0.00
Unarmed Combat Sports	Muay Thai Referee	16500P1BXMA290	\$15.00	\$15.00	\$15.00	\$15.00	\$0.00	\$0.00
Crematory Authority	Crematory Authority	16500P1CACD098	\$75.00	\$170.00	\$75.00	\$75.00	\$0.00	-\$95.00
Cemetery Bd	Cemetery Authority Licensed	16500P1CEMD095	\$75.00	\$170.00	\$75.00	\$75.00	\$0.00	-\$95.00
Cemetery Bd	Cemetery Salesperson	16500P1CEMD096	\$75.00	\$170.00	\$75.00	\$75.00	\$0.00	-\$95.00
Cemetery Bd	Cemetery Preneed Seller	16500P1CEMD101	\$75.00	\$170.00	\$75.00	\$75.00	\$0.00	-\$95.00
Cemetery Bd	Cemetery Authority Religious	16500P1CEMD102	\$75.00	\$0.00	\$75.00	\$0.00	\$0.00	\$0.00
Cemetery Bd	Cemetery Authority Registered	16500P1CEMD195	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00	\$0.00
Chiropractic Exam Bd	Chiropractor	16500P1CHID012	\$75.00	\$170.00	\$75.00	\$75.00	\$0.00	-\$95.00
Chiropractic Exam Bd	Chiropractic Radiological Tech	16500P1CHID113	\$53.00	\$44.00	\$53.00	\$53.00	\$0.00	\$9.00
Chiropractic Exam Bd	Chiropractic Tech	16500P1CHID114	\$53.00	\$44.00	\$53.00	\$53.00	\$0.00	\$9.00
Cosmetology Exam Bd	Aesthetics Establishment	16500P1COSD069	\$75.00	\$82.00	\$11.00	\$11.00	-\$64.00	-\$71.00
Cosmetology Exam Bd	Electrology Establishment	16500P1COSD070	\$75.00	\$82.00	\$11.00	\$11.00	-\$64.00	-\$71.00
Cosmetology Exam Bd	Manicuring Establishment	16500P1COSD071	\$75.00	\$82.00	\$11.00	\$11.00	-\$64.00	-\$71.00
Cosmetology Exam Bd	Aesthetics Instructor	16500P1COSD072	\$75.00	\$82.00	\$11.00	\$11.00	-\$64.00	-\$71.00
Cosmetology Exam Bd	Electrology Instructor	16500P1COSD073	\$75.00	\$82.00	\$11.00	\$11.00	-\$64.00	-\$71.00
Cosmetology Exam Bd	Manicuring Instructor	16500P1COSD074	\$75.00	\$82.00	\$11.00	\$11.00	-\$64.00	-\$71.00
Cosmetology Exam Bd	Cosmetology Establishment	16500P1COSD080	\$75.00	\$82.00	\$11.00	\$11.00	-\$64.00	-\$71.00
Cosmetology Exam Bd	Cosmetologist	16500P1COSD082	\$75.00	\$82.00	\$11.00	\$11.00	-\$64.00	-\$71.00
Cosmetology Exam Bd	Cosmetology Instructor	16500P1COSD083	\$75.00	\$82.00	\$11.00	\$11.00	-\$64.00	-\$71.00
Cosmetology Exam Bd	Electrologist	16500P1COSD084	\$75.00	\$82.00	\$11.00	\$11.00	-\$64.00	-\$71.00
Cosmetology Exam Bd	Manicurist	16500P1COSD085	\$75.00	\$82.00	\$11.00	\$11.00	-\$64.00	-\$71.00
Cosmetology Exam Bd	Aesthetician	16500P1COSD086	\$75.00	\$82.00	\$11.00	\$11.00	-\$64.00	-\$71.00
Cosmetology Exam Bd	Cosmetology School	16500P1COSD087	\$75.00	\$82.00	\$11.00	\$11.00	-\$64.00	-\$71.00
Cosmetology Exam Bd	Electrology School	16500P1COSD088	\$75.00	\$82.00	\$11.00	\$11.00	-\$64.00	-\$71.00
Cosmetology Exam Bd	Manicuring School	16500P1COSD089	\$75.00	\$82.00	\$11.00	\$11.00	-\$64.00	-\$71.00
Cosmetology Exam Bd	Cosmetology Apprentice	16500P1COSD600	\$10.00	\$0.00	\$10.00	\$0.00	\$0.00	\$0.00

Board/Admin.	License/Credential Name	Project	Current		Proposed Initial Fee	Proposed Renewal Fee	Initial Fee Change	Renewal Fee Change
			Current Initial Fee	Current Renewal Fee				
Dentistry Exam Bd	Dentist	16500P1DEND015	\$75.00	\$123.00	\$74.00	\$74.00	-\$1.00	-\$49.00
Dentistry Exam Bd	Dental Hygienist	16500P1DEND016	\$75.00	\$123.00	\$74.00	\$74.00	-\$1.00	-\$49.00
Dentistry Exam Bd	Dentistry Mobile Progr Registr	16500P1DEND115	\$75.00	\$123.00	\$74.00	\$74.00	-\$1.00	-\$49.00
DSPS Direct Licensing	DSPS Licensed Midwife	16500P1DSPS049	\$75.00	\$107.00	\$59.00	\$59.00	-\$16.00	-\$48.00
DSPS Direct Licensing	DSPS Firearms Certifier	16500P1DSPS064	\$0.00	\$8.00	\$0.00	\$0.00	\$0.00	-\$8.00
DSPS Direct Licensing	DSPS WI Regis Interior Design	16500P1DSPS109	\$75.00	\$107.00	\$59.00	\$59.00	-\$16.00	-\$48.00
DSPS Direct Licensing	Juvenile Martial Arts Instruct	16500P1DSPS118	\$75.00	\$75.00	\$59.00	\$59.00	-\$16.00	-\$16.00
DSPS Direct Licensing	DSPS Behavior Analyst	16500P1DSPS140	\$75.00	\$75.00	\$59.00	\$59.00	-\$16.00	-\$16.00
DSPS Direct Licensing	DSPS Transportation Network Co	16500P1DSPS184	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$0.00	\$0.00
DSPS Direct Licensing	DSPS Temp Educ Training Permit	16500P1DSPS850	\$10.00	\$0.00	\$10.00	\$0.00	\$0.00	\$0.00
DSPS Direct Licensing	DSPS Special License	16500P1DSPS876	\$75.00	\$0.00	\$59.00	\$0.00	-\$16.00	\$0.00
DSPS Direct Licensing	Home Med Oxygen Provider	16500P1HMOP048	\$75.00	\$128.00	\$59.00	\$59.00	-\$16.00	-\$69.00
DSPS Direct Licensing	Special Licenses	DSPS Special License	\$75.00	\$0.00	\$59.00	\$0.00	-\$16.00	\$0.00
Funeral Dir Exam Bd	Funeral Dir Excl Embalm	16500P1FDRD075	\$75.00	\$170.00	\$75.00	\$75.00	\$0.00	-\$95.00
Funeral Dir Exam Bd	Funeral Dir Good Standing	16500P1FDRD076	\$75.00	\$170.00	\$75.00	\$75.00	\$0.00	-\$95.00
Funeral Dir Exam Bd	Funeral Director	16500P1FDRD077	\$75.00	\$170.00	\$75.00	\$75.00	\$0.00	-\$95.00
Funeral Dir Exam Bd	Funeral Establishment	16500P1FDRD078	\$75.00	\$170.00	\$75.00	\$75.00	\$0.00	-\$95.00
Funeral Dir Exam Bd	Agent Burial Agreements	16500P1FDRD107	\$75.00	\$0.00	\$75.00	\$0.00	\$0.00	\$0.00
Funeral Dir Exam Bd	Funeral Dir Apprentice	16500P1FDRD700	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00	\$0.00
Geo./Hydro./Soil Sci. Exam Bd	Geologist Professional	16500P1GEOD013	\$75.00	\$170.00	\$56.00	\$56.00	-\$19.00	-\$114.00
Geo./Hydro./Soil Sci. Exam Bd	Geology Firm	16500P1GEOD201	\$75.00	\$170.00	\$56.00	\$56.00	-\$19.00	-\$114.00
Geo./Hydro./Soil Sci. Exam Bd	Hydrologist Professional	16500P1HYDD111	\$75.00	\$170.00	\$56.00	\$56.00	-\$19.00	-\$114.00
Geo./Hydro./Soil Sci. Exam Bd	Hydrology Firm	16500P1HYDD202	\$75.00	\$170.00	\$56.00	\$56.00	-\$19.00	-\$114.00
Geo./Hydro./Soil Sci. Exam Bd	Soil Scientist Professional	16500P1SSCD112	\$75.00	\$170.00	\$56.00	\$56.00	-\$19.00	-\$114.00
Geo./Hydro./Soil Sci. Exam Bd	Soil Scientist Firm	16500P1SSCD203	\$75.00	\$170.00	\$56.00	\$56.00	-\$19.00	-\$114.00
Hearing Speech Examing Bd	Hearing Instrument Spec	16500P1HADD060	\$75.00	\$170.00	\$75.00	\$75.00	\$0.00	-\$95.00
Hearing Speech Examing Bd	Speech Language Pathologist	16500P1HADD154	\$75.00	\$170.00	\$75.00	\$75.00	\$0.00	-\$95.00
Hearing Speech Examing Bd	Audiologist	16500P1HADD156	\$75.00	\$170.00	\$75.00	\$75.00	\$0.00	-\$95.00
Music Art Dance Therapists	Art Therapist	16500P1MADD036	\$75.00	\$107.00	\$68.00	\$68.00	-\$7.00	-\$39.00
Music Art Dance Therapists	Dance Therapist	16500P1MADD037	\$75.00	\$107.00	\$68.00	\$68.00	-\$7.00	-\$39.00
Music Art Dance Therapists	Music Therapist	16500P1MADD038	\$75.00	\$107.00	\$68.00	\$68.00	-\$7.00	-\$39.00
MFT, PC, & SW Exam Bd	Counselor Professional Licen	16500P1CPCD125	\$75.00	\$91.00	\$62.00	\$62.00	-\$13.00	-\$29.00
MFT, PC, & SW Exam Bd	Counselor Professional Trn	16500P1CPCD226	\$75.00	\$0.00	\$62.00	\$0.00	-\$13.00	\$0.00
MFT, PC, & SW Exam Bd	Marriage Family Therapist	16500P1MFTD124	\$75.00	\$85.00	\$62.00	\$62.00	-\$13.00	-\$23.00
MFT, PC, & SW Exam Bd	Marriage Family Therapist Trn	16500P1MFTD228	\$75.00	\$0.00	\$62.00	\$0.00	-\$13.00	\$0.00
MFT, PC, & SW Exam Bd	Social Worker	16500P1SOCD120	\$75.00	\$85.00	\$62.00	\$62.00	-\$13.00	-\$23.00

Board/Admin.	License/Credential Name	Project	Current		Proposed Initial Fee	Proposed Renewal Fee	Initial Fee Change	Renewal Fee Change
			Current Initial Fee	Current Renewal Fee				
MFT, PC, & SW Exam Bd	Social Worker Adv Practice	16500P1SOCD121	\$75.00	\$85.00	\$62.00	\$62.00	-\$13.00	-\$23.00
MFT, PC, & SW Exam Bd	Social Worker Independent	16500P1SOCD122	\$75.00	\$85.00	\$62.00	\$62.00	-\$13.00	-\$23.00
MFT, PC, & SW Exam Bd	Social Worker Lic Clinical	16500P1SOCD123	\$75.00	\$85.00	\$62.00	\$62.00	-\$13.00	-\$23.00
MFT, PC, & SW Exam Bd	Social Worker Training	16500P1SOCD127	\$75.00	\$0.00	\$62.00	\$0.00	-\$13.00	\$0.00
Nursing Home Admin Exam Bd	Nursing Home Administrator	16500P1NHAD065	\$75.00	\$170.00	\$75.00	\$75.00	\$0.00	-\$95.00
Board of Nursing	Nurse Registered	16500P1NURD030	\$75.00	\$82.00	\$73.00	\$73.00	-\$2.00	-\$9.00
Board of Nursing	Nurse Licensed Practical	16500P1NURD031	\$75.00	\$82.00	\$73.00	\$73.00	-\$2.00	-\$9.00
Board of Nursing	Nurse Midwife	16500P1NURD032	\$75.00	\$82.00	\$73.00	\$73.00	-\$2.00	-\$9.00
Board of Nursing	Nurse Adv Practice Prescriber	16500P1NURD033	\$75.00	\$82.00	\$73.00	\$73.00	-\$2.00	-\$9.00
Optometry Board	Optometrist	16500P1OPTD035	\$75.00	\$170.00	\$75.00	\$75.00	\$0.00	-\$95.00
Private Detective	Private Detective Agency	16500P1PDET062	\$75.00	\$107.00	\$8.00	\$8.00	-\$67.00	-\$99.00
Private Detective	Private Detective	16500P1PDET063	\$75.00	\$107.00	\$8.00	\$8.00	-\$67.00	-\$99.00
Pharmacy Exam Bd	Pharmacist	16500P1PHMD040	\$75.00	\$128.00	\$74.00	\$74.00	-\$1.00	-\$54.00
Pharmacy Exam Bd	Pharmacy In State	16500P1PHMD042	\$75.00	\$128.00	\$74.00	\$74.00	-\$1.00	-\$54.00
Pharmacy Exam Bd	Pharmacy Out of State	16500P1PHMD043	\$75.00	\$128.00	\$74.00	\$74.00	-\$1.00	-\$54.00
Pharmacy Exam Bd	Drug Device Manufacturer	16500P1PHMD044	\$75.00	\$128.00	\$74.00	\$74.00	-\$1.00	-\$54.00
Pharmacy Exam Bd	Wholesale Distrib Presc Drugs	16500P1PHMD045	\$75.00	\$128.00	\$74.00	\$74.00	-\$1.00	-\$54.00
Physical Therapy Exam Bd	Physical Therapist Assistant	16500P1PHTD019	\$75.00	\$75.00	\$68.00	\$68.00	-\$7.00	-\$7.00
Physical Therapy Exam Bd	Physical Therapist	16500P1PHTD024	\$75.00	\$75.00	\$68.00	\$68.00	-\$7.00	-\$7.00
Private Security Person	Private Security Person	16500P1PSEC108	\$75.00	\$107.00	\$27.00	\$27.00	-\$48.00	-\$80.00
Psychology Exam Bd	Psychologist	16500P1PSYD057	\$75.00	\$170.00	\$66.00	\$66.00	-\$9.00	-\$104.00
Psychology Exam Bd	School Psychologist Priv Prac	16500P1PSYD058	\$75.00	\$170.00	\$66.00	\$66.00	-\$9.00	-\$104.00
Radiography Exam Bd	Radiographer Licensed	16500P1RADD142	\$75.00	\$82.00	\$65.00	\$65.00	-\$10.00	-\$17.00
Radiography Exam Bd	Ltd Xray Machine Oper Permit	16500P1RADD144	\$75.00	\$82.00	\$65.00	\$65.00	-\$10.00	-\$17.00
Real Estate Exam Bd	Real Estate Broker	16500P1REBD090	\$75.00	\$82.00	\$75.00	\$75.00	\$0.00	-\$7.00
Real Estate Exam Bd	Real Estate Business Entity	16500P1REBD091	\$75.00	\$82.00	\$75.00	\$75.00	\$0.00	-\$7.00
Real Estate Exam Bd	Timeshare Salesperson	16500P1REBD093	\$75.00	\$82.00	\$75.00	\$75.00	\$0.00	-\$7.00
Real Estate Exam Bd	Real Estate Salesperson	16500P1REBD094	\$75.00	\$82.00	\$75.00	\$75.00	\$0.00	-\$7.00
Home Inspector	Home Inspector	16500P1RHID106	\$75.00	\$107.00	\$51.00	\$51.00	-\$24.00	-\$56.00
Substance Abuse Counselors	Subst Abuse Counselor Training	16500P1SAAC130	\$75.00	\$107.00	\$75.00	\$75.00	\$0.00	-\$32.00
Substance Abuse Counselors	Subst Abuse Counselor	16500P1SAAC131	\$75.00	\$107.00	\$75.00	\$75.00	\$0.00	-\$32.00
Substance Abuse Counselors	Subst Abuse Counselor Clinical	16500P1SAAC132	\$75.00	\$107.00	\$75.00	\$75.00	\$0.00	-\$32.00
Substance Abuse Counselors	Subst Abuse Clin Sup Training	16500P1SAAC133	\$75.00	\$107.00	\$75.00	\$75.00	\$0.00	-\$32.00
Substance Abuse Counselors	Subst Abuse Intermed Clin Sup	16500P1SAAC134	\$75.00	\$107.00	\$75.00	\$75.00	\$0.00	-\$32.00
Substance Abuse Counselors	Subst Abuse Indep Clin Sup	16500P1SAAC135	\$75.00	\$107.00	\$75.00	\$75.00	\$0.00	-\$32.00
Substance Abuse Counselors	Subst Abuse Prev Specialist Tr	16500P1SAAC136	\$75.00	\$107.00	\$75.00	\$75.00	\$0.00	-\$32.00

Board/Admin.	License/Credential Name	Project	Current		Proposed Initial Fee	Proposed Renewal Fee	Initial Fee Change	Renewal Fee Change
			Current Initial Fee	Current Renewal Fee				
Substance Abuse Counselors	Subst Abuse Prevent Specialist	16500P1SAAC137	\$75.00	\$107.00	\$75.00	\$75.00	\$0.00	-\$32.00
Sanitarians Registered	Sanitarians Registered	16500P1SAND197	\$75.00	\$107.00	\$75.00	\$75.00	\$0.00	-\$32.00
Sign Language Interpreters Council	Sign Language Interp	16500P1SLID150	\$75.00	\$75.00	\$75.00	\$75.00	\$0.00	\$0.00
Sign Language Interpreters Council	Sign Lanugage Interpr Restrict	16500P1SLID151	\$75.00	\$75.00	\$75.00	\$75.00	\$0.00	\$0.00
Tanning	Tanning Establishments	16500P1TANE401	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00	\$0.00
Tattoo Body Art Piercing	Tattoo Body Art Piercing Estab	16500P1TBAP402	\$135.00	\$220.00	\$19.00	\$19.00	-\$116.00	-\$201.00
Tattoo Body Art Piercing	Tattoo Body Art Piercing Pract	16500P1TBAP403	\$60.00	\$60.00	\$19.00	\$19.00	-\$41.00	-\$41.00
Tattoo Body Art Piercing	Body Piercing	16500P1TBAP404	\$60.00	\$60.00	\$19.00	\$19.00	-\$41.00	-\$41.00
Medical Bd Affiliates	Anesthesiology Assist	16500P1ANSO017	\$75.00	\$82.00	\$75.00	\$75.00	\$0.00	-\$7.00
Medical Bd Affiliates	Athletic Trainer	16500P1ATBD039	\$75.00	\$75.00	\$75.00	\$75.00	\$0.00	\$0.00
Medical Bd Affiliates	Dietician Certified	16500P1DABD029	\$75.00	\$75.00	\$75.00	\$75.00	\$0.00	\$0.00
Medical Bd Affiliates	DSPS Resident Educ License	16500P1DSPS851	\$10.00	\$0.00	\$10.00	\$0.00	\$0.00	\$0.00
Medical Bd Affiliates	DSPS Special Permit	16500P1DSPS875	\$75.00	\$0.00	\$75.00	\$0.00	\$0.00	\$0.00
Medical Bd Affiliates	Medicine Surgery MD	16500P1MEDD020	\$75.00	\$141.00	\$75.00	\$75.00	\$0.00	-\$66.00
Medical Bd Affiliates	Medicine Surgery DO	16500P1MEDD021	\$75.00	\$141.00	\$75.00	\$75.00	\$0.00	-\$66.00
Medical Bd Affiliates	Administrative Physician MD	16500P1MEDD220	\$75.00	\$141.00	\$75.00	\$75.00	\$0.00	-\$66.00
Medical Bd Affiliates	Administrative Physician DO	16500P1MEDD221	\$75.00	\$141.00	\$75.00	\$75.00	\$0.00	-\$66.00
Medical Bd Affiliates	Medicine Surgery MD Compact	16500P1MEDD320	\$75.00	\$141.00	\$75.00	\$75.00	\$0.00	-\$66.00
Medical Bd Affiliates	Medicine Surgery DO Compact	16500P1MEDD321	\$75.00	\$141.00	\$75.00	\$75.00	\$0.00	-\$66.00
Medical Bd Affiliates	Massage Therapy Bodyworker	16500P1MTBD146	\$75.00	\$82.00	\$75.00	\$75.00	\$0.00	-\$7.00
Medical Bd Affiliates	Occupational Therapist	16500P1OTBD026	\$75.00	\$75.00	\$75.00	\$75.00	\$0.00	\$0.00
Medical Bd Affiliates	Occupational Therapist Assist	16500P1OTBD027	\$75.00	\$75.00	\$75.00	\$75.00	\$0.00	\$0.00
Medical Bd Affiliates	Physician Assistant	16500P1PHAD023	\$75.00	\$141.00	\$75.00	\$75.00	\$0.00	-\$66.00
Medical Bd Affiliates	Podiatrist	16500P1PODD025	\$75.00	\$91.00	\$75.00	\$75.00	\$0.00	-\$16.00
Medical Bd Affiliates	Perfusionist	16500P1PRFD018	\$75.00	\$141.00	\$75.00	\$75.00	\$0.00	-\$66.00
Medical Bd Affiliates	Respiratory Care Practitioner	16500P1RSPD028	\$75.00	\$141.00	\$75.00	\$75.00	\$0.00	-\$66.00