



CHIROPRACTIC EXAMINING BOARD
Room N206, 4822 Madison Yards Way, 2nd Floor, Madison
Contact: Valerie Payne (608) 266-2112
January 30, 2020

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

AGENDA

8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of November 21, 2019 (4-7)**
- C. Conflicts of Interest**
- D. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Board Updates
 - 2) Annual Policy Review **(8)**
 - 3) Election of Officers, Appointment of Liaisons and Alternates, and Delegation of Authorities **(9-17)**
 - 4) 2020 Meeting Dates **(18)**
 - 5) Board Members – Term Expiration Dates
 - a. Scott Bautch – 7/1/2021
 - b. James Damrow – 7/1/2023
 - c. James Fortier – 7/1/2020
 - d. Bryan Gerondale – 7/1/2021
 - e. Jeffrey King – 7/1/2023
 - f. Carl Kugler – 7/1/2021
- E. Administrative Rule Matters – Discussion and Consideration (19)**
 - 1) Scope Statement for Chir 5, Relating to Continuing Education **(20-21)**
 - 2) Scope Statement for Chir 4, Relating to Chiropractic Practice **(22-23)**
 - 3) Proposals for Chir 5, Relating to Approval of Continuing Education Programs; and Chir 10, Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians **(24-32)**
 - 4) Review and Discussion of CR 17-084 – Veterinary Referral to a License Holder in Another Profession **(33-38)**
 - 5) Pending and Possible Rulemaking Projects

F. PACE Precheck of Continuing Education Courses

G. Speaking Engagement(s), Travel, or Public Relation Request(s)

- 1) Consideration of Attendance at the 2020 FCLB/NBCE Annual Meeting – April 22-26, 2020 – Denver, CO

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

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

I. 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.).

J. Credentialing Matters

- 1) **Application Reviews**
 - a. Ian Rocha, D.C. – Chiropractor Re-Registration Applicant **(39-70)**

K. Deliberation on Division of Legal Services and Compliance Matters

- 1) **Case Closings**
 - a. 18 CHI 017 – D.L.F. **(71-78)**

2) Monitoring Matters

- a. **APPEARANCE:** Margaret Mertens, D.C. – Requesting Termination of Mentor Requirement or Full Licensure, Review of Case Compliance **(79-167)**

L. Deliberation of Items Added After Preparation of the Agenda

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

M. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

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

ADJOURNMENT

NEXT MEETING: APRIL 2, 2020

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
NOVEMBER 21, 2019**

PRESENT: Scott Bautch, D.C.; James Damrow, D.C.; James Fortier; Bryan Gerondale, D.C.; Jeffrey King, D.C. (*via Skype*)

STAFF: Valerie Payne, Executive Director; Jameson Whitney, Board Legal Counsel; Dale Kleven, Administrative Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Advanced; Megan Glaeser, Bureau Assistant; and other Department Staff

CALL TO ORDER

Jeffrey King, Chairperson, called the meeting to order at 8:30 a.m. A quorum was confirmed with five (5) board members present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Open Session: Under item “E. Administrative Matters” **ADD:** Discussion of 2020 Meeting Dates
- Open Session: After Item “J. PACE Precheck of Continuing Education Courses” **ADD:** “Speaking Engagements, Travel, Public Relations Requests and Reports; 1) Travel Report: NBCE Health Sciences University Part IV Exam Administration on November 15-16, 2019 in Minneapolis, MN – Scott Bautch”

MOTION: James Fortier moved, seconded by Scott Bautch, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 29, 2019

MOTION: James Fortier moved, seconded by Bryan Gerondale, to approve the Minutes of August 29, 2019 as published. Motion carried unanimously.

**8:30 AM PUBLIC HEARING: SCOPE STATEMENT SS 068-19 –
CHIR 5 RELATING TO APPROVAL OF CONTINUING EDUCATION PROGRAMS**

Review and Respond to Public Comments

MOTION: James Damrow moved, seconded by James Fortier, to approve the Scope Statement revising Chir 5, relating to approval of continuing education programs, for implementation. Motion carried unanimously.

**8:30 AM PUBLIC HEARING:
CR 19-129 – CHIR 6, RELATING TO STANDARDS OF CONDUCT**

Review and Respond to Public Comments and Clearinghouse Report

MOTION: Bryan Gerondale moved, seconded by Scott Bautch, to authorize the Chairperson (or other member) to approve the Legislative Report and Draft for Clearinghouse Rule CR 19-129, relating to standards of conduct, for submission to the Governor’s Office and Legislature. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Adoption Orders: CR 18-071, Relating to Chiropractic Practice and CR 18-103, Relating to Chiropractic Preceptorship

MOTION: James Damrow moved, seconded by Bryan Gerondale, to approve the Adoption Order for Clearinghouse Rule CR 18-071, relating to chiropractic practice. Motion carried unanimously.

MOTION: Bryan Gerondale moved, seconded by Scott Bautch, to approve the Adoption Order for Clearinghouse Rule CR 18-103, relating to chiropractic preceptorship. Motion carried unanimously.

Germane Modification to CR 18-105, Relating to Delegation of Services to Health Care Professionals

MOTION: James Damrow moved, seconded by Scott Bautch, to approve the recall of Clearinghouse Rule CR 18-105, relating to delegation of services to health care professionals, from the chief clerk of each house of the Legislature. Motion carried unanimously.

MOTION: Scott Bautch moved, seconded by James Fortier, to approve the resubmission of Clearinghouse Rule CR 18-105, relating to delegation of services to health care professionals, to the chief clerk of each house of the Legislature with a germane modification revising ss. Chir 4.04 (3) and 10.03 to reflect s. 446.02 (7) (d), Stats., which provides a chiropractor may delegate x-ray services only to a chiropractic radiological technician or a health care professional acting within the scope of the health care professional's license, registration, or certification. Motion carried unanimously.

Proposals for Chir 5, Relating to Approval of Continuing Education Programs; and Chir 10, Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians

MOTION: Brian Gerondale moved, seconded by Scott Bautch, to request DSPS staff draft a Scope Statement relating to Chir 5, Relating to Continuing Education. Motion carried unanimously.

Practice of Dry Needling

MOTION: Scott Bautch moved, seconded by James Damrow, to request DSPS staff draft a Scope Statement to create rules to govern the practice of dry needling by a chiropractor, as well as the ability for a chiropractor to draw blood. Motion carried unanimously.

CLOSED SESSION

MOTION: James Damrow moved, seconded by Scott Bautch, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1)(a), Stats.); to consider licensure or certification of individuals (§ 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (§§ 19.85(1)(b), and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85(1)(f), Stats.); and to confer with legal counsel (§ 19.85(1)(g), Stats.). Bryan Gerondale, Secretary, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Scott Bautch-yes; James Damrow-yes; James Fortier-yes; Bryan Gerondale-yes; and Jeffrey King-yes. Motion carried unanimously.

The Board convened into Closed Session at 12:43 p.m.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Proposed Stipulations, Final Decisions and Orders

17 CHI 005 – Jeremy Bria, D.C.

MOTION: Scott Bautch moved, seconded by Bryan Gerondale, to adopt the Findings of Fact, Conclusions of Law, and Order in the matter of disciplinary proceedings against Jeremy Bria, D.C., DLSC Case Number 17 CHI 005. Motion carried unanimously.

17 CHI 021 – Robert R. Anderson, D.C.

MOTION: Scott Bautch moved, seconded by James Damrow, to adopt the Findings of Fact, Conclusions of Law, and Order in the matter of disciplinary proceedings against Robert R. Anderson, D.C., DLSC Case Number 17 CHI 021. Motion carried unanimously.

17 CHI 026 – Andrew D. Kiefert, 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 Andrew D. Kiefert, D.C., DLSC Case Number 17 CHI 026. Motion carried unanimously.

Case Closings

17 CHI 005 – R.J.G.

MOTION: Scott Bautch moved, seconded by James Fortier, to close DLSC Case Number 17 CHI 005, against R.J.G, for No Violation. Motion carried unanimously.

18 CHI 003 – B.M.M.

MOTION: James Damrow moved, seconded by Scott Bautch, to close DLSC Case Number 18 CHI 003, against B.M.M., for No Violation. Motion carried.

(Jeffrey King recused himself and disconnected for deliberation and voting in the matter concerning B.M.M., DLSC Case Number 18 CHI 003.)

18 CHI 037 – M.A.C.

MOTION: Bryan Gerondale moved, seconded by Scott Bautch, to close DLSC Case Number 18 CHI 037, against M.A.C., for Insufficient Evidence. Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 1:06 p.m.

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

MOTION: James Fortier moved, seconded by Scott Bautch, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

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

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

ADJOURNMENT

MOTION: Bryan Gerondale, seconded by James Fortier, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:11 p.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Brice McCluskey, Operations Program Associate		2) Date When Request Submitted: 1/17/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: 1/30/2020	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
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: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. Attendance/Quorum – Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting, we ask that you let us know ASAP as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. DSPS Boards-Open Meetings Resources 2. Walking Quorum – Please refrain from discussing Board/Section/Council business with other members outside of legally noticed meetings so to avoid walking quorum issues pursuant to Open Meetings Law. DSPS Boards-Open Meetings Resources 3. Agenda Deadlines – Please let your executive Director know if you have items to be considered on an upcoming agenda no less than 8 business days prior to a meeting when possible. DSPS Boards-Reference Materials-Meeting Timeline 4. Travel Voucher and Per Diem Submissions – Please submit all Per Diem and Reimbursement Claims to DSPS within 30 days of date an expense is incurred. DSPS Boards-Travel and Reimbursement-Travel and Reimbursement Overview 5. Lodging Accommodations/Hotel Cancellation Policy – Lodging accommodations are provided to members who must leave home before 6:00 a.m. to attend a meeting. If you cannot attend a meeting it is the board member’s responsibility to cancel their reservation within the stated cancellation timeframe. If a meeting is changed to a teleconference or cancelled or rescheduled, DSPS staff will make lodging cancellations or modifications as needed. DSPS Boards-Travel and Reimbursement-Travel and Reimbursement Overview 6. Inclement Weather Policy – In the event of inclement weather the agency may change a meeting from an in-person meeting to a teleconference. 			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;"> <i>Brice McCluskey</i> Signature of person making this request </div> <div style="width: 35%; text-align: right;"> 1/17/2020 Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;"> Supervisor (if required) </div> <div style="width: 35%; text-align: right;"> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 35%; text-align: right;"> Date </div> </div>			
Directions for including supporting documents: <ol style="list-style-type: none"> 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
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Brice McCluskey, Operations Program Associate		2) Date When Request Submitted: 1/17/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>															
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board																	
4) Meeting Date: 1/30/2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters: 1) Election of Officers 2) Appointment of Liaisons and Alternates 3) Delegation of Authorities															
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A															
10) Describe the issue and action that should be addressed: 1) The Board should conduct Election of its Officers for 2020 2) The Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider continuation or modification of previously delegated authorities or any additional delegations that may be deemed necessary																	
11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;"><i>Brice McCluskey</i></td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;"><i>1/17/2020</i></td> </tr> <tr> <td style="text-align: left;"><small>Signature of person making this request</small></td> <td style="text-align: right;"><small>Date</small></td> </tr> <tr> <td style="border-bottom: 1px solid black;"> </td> <td style="border-bottom: 1px solid black; text-align: right;"> </td> </tr> <tr> <td style="text-align: left;"><small>Supervisor (if required)</small></td> <td style="text-align: right;"><small>Date</small></td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;"> </td> </tr> <tr> <td colspan="2" style="text-align: left;"><small>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</small></td> </tr> <tr> <td colspan="2" style="text-align: right;"><small>Date</small></td> </tr> </table>				<i>Brice McCluskey</i>	<i>1/17/2020</i>	<small>Signature of person making this request</small>	<small>Date</small>	 	 	<small>Supervisor (if required)</small>	<small>Date</small>	 		<small>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</small>		<small>Date</small>	
<i>Brice McCluskey</i>	<i>1/17/2020</i>																
<small>Signature of person making this request</small>	<small>Date</small>																
<small>Supervisor (if required)</small>	<small>Date</small>																
<small>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</small>																	
<small>Date</small>																	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.																	

CHIROPRACTIC EXAMINING BOARD
2019 Election Results and Liaison Appointments

4/4/2019

<u>2019 ELECTION RESULTS</u>	
<u>Board Chairperson</u>	<u>Patricia Schumacher</u>
<u>Vice Chairperson</u>	<u>Jeffrey King</u>
<u>Secretary</u>	<u>Bryan Gerondale</u>

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

<u>Screening Panel</u>	<u>Jeffrey King, Juli McNeely, Bryan Gerondale</u> <u>Alternate: Scott Bautch</u>
-------------------------------	--

8/29/2019

ELECTION RESULTS	
Chairperson	Jeffrey King
Vice Chairperson	Bryan Gerondale
Secretary	James Damrow
LIAISON APPOINTMENTS	
Credentialing Liaison	Bryan Gerondale <i>Alternate: Scott Bautch</i>
Exams, Education and Continuing Education Liaison	Scott Bautch, James Damrow, Bryan Gerondale, Jeffrey King <i>(Rotate CE Approvals to D.C. Members)</i>
Monitoring Liaison	Bryan Gerondale <i>Alternate: James Damrow</i>
Professional Assistance Procedure (PAP) Liaison	James Fortier <i>Alternate: James Damrow</i>
Legislative Liaison	Jeffrey King <i>Alternate: Bryan Gerondale</i>
Travel Liaison	James Damrow <i>Alternate: Bryan Gerondale</i>
Preceptor Liaison	Scott Bautch <i>Alternate: Jeffrey King</i>
Rules Liaison	Scott Bautch <i>Alternate: Jeffrey King</i>
SCREENING PANEL APPOINTMENTS	
Screening Panel	James Fortier, Bryan Gerondale, Jeffrey King <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 DSPS 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 DSPS When Credentialing Criteria is Met

MOTION: Juli McNeely moved, seconded by Scott Bautch, to delegate credentialing authority to DSPS 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

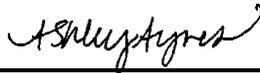
MOTION: Scott Bautch moved, seconded by Juli McNeely, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

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.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Ashley Ayres Monitoring and Intake Supervisor Division of Legal Services and Compliance		2) Date When Request Submitted: December 31, 2019 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: January 30, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Appointment of Monitoring Liaison and Delegated Authorities	
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: 1. Appoint primary and alternate liaisons for Monitoring, and for the Professional Assistance Procedure (PAP). 2. Adopt or reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet. 3. Delegate authority to Board Counsel to sign Monitoring orders on behalf of the Board/Section, after the Board/Section has taken action on Monitoring agenda items. <i>Current practice is for Department Monitors to draft Monitoring orders after Board meetings, send them to Board Counsel for review, and then send them to the Executive Director for subsequent review and signature. With the new proposed process, Department Monitors would only send their orders to Board Counsel for review and signature, eliminating the need for a second review by the Executive Director.</i>			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">  <hr/> Signature of person making this request </div> <div style="width: 35%; text-align: right;"> December 31, 2019 <hr/> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> Supervisor (if required) </div> <div style="width: 35%; text-align: right;"> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 80%;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 15%; text-align: right;"> Date </div> </div>			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors to enforce Board/Section orders as explained below.

Current Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain the signature or written authorization from the Liaison.
8. Grant or deny a request to appear before the Board/Section in closed session.
9. Board Monitoring Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
10. (*Except Pharmacy*) Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.
11. (*Except Pharmacy*) Grant Respondent’s petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison.
 - a. Year 1: 49 screens (including 1 hair test, if required by original order)
 - b. Year 2: 36 screens (plus 1 hair test, if required by original order)
 - c. Year 3: 28 screens plus 1 hair test
 - d. Year 4: 28 screens plus 1 hair test
 - e. Year 5: 14 screens plus 1 hair test

12. (*Dentistry only*) – Ability to approve or deny all requests from a respondent.
13. (*Except Nursing*) – Board Monitoring Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

Current Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
 2. Suspend the license if Respondent has not completed Board/Section-ordered CE and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.
 3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
-

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Brice McCluskey, Operations Program Associate		2) Date When Request Submitted: 1/17/2020	
Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting			
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: 1/30/2020	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? 2020 Meeting Dates	
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: Please review the finalized 2020 meeting dates. Any conflicts should be identified so to ensure quorum. 1/30/2020 4/2/2020 6/25/2020 8/20/2020 10/29/2020			
11) Authorization			
Brice McCluskey		1/17/2020	
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
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 1/17/20 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: 1/30/20	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Scope Statement for Chir 5, Relating to Continuing Education 2. Scope Statement for Chir 4, Relating to Chiropractic Practice 3. Proposals for Chir 5, Relating to Approval of Continuing Education Programs; and Chir 10, Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians 4. Review and Discussion of CR 17-084 – Veterinary Referral to a License Holder in Another Profession 5. 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			
Signature of person making this request <i>Dale Kleven</i>		Date <i>January 17, 2020</i>	
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.			

STATEMENT OF SCOPE

Chiropractic Examining Board

Rule No.: Chapter Chir 5

Relating to: Continuing Education

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 a comprehensive review and update of ch. Chir 5, including 1) the requirements for approval of continuing education programs, 2) circumstances under which online continuing education may be permitted, and 3) the current process of reviewing and approving continuing education programs and how that process may be expedited.

The Board will also update ch. Chir 5 to reflect s. 440.035 (2), Stats., as created by 2017 Wisconsin Act 59, which specifies that, except as otherwise permitted in chs. 440 to 480, Stats., an examining board may require a credential holder to submit proof of completion of continuing education programs or courses only if a complaint is made against the credential holder.

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:

As described above, the Board has identified the need for a comprehensive review and update of ch. Chir 5 to ensure that its provisions are consistent with current practices and applicable Wisconsin statutes and that the Board's review and approval of continuing education programs is completed as efficiently as possible. 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, "[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains . . ."

Section 446.02 (1) (b), Stats., provides that no person may engage in the practice of chiropractic or attempt to do so or hold himself or herself out as authorized to do so, unless such person "[s]ubmits evidence satisfactory to the examining board that the person meets the requirements of continuing education for license renewal as the examining board may require . . ."

Section 446.025 (3) (b), Stats., provides "[a] chiropractic radiological technician shall, at the time that he or she applies for renewal of a certificate ...submit evidence satisfactory to the examining board that he or she has completed at least 12 continuing educational credit hours in programs established by rules promulgated by the examining board."

Section 446.026 (3) (b), Stats., provides “[a] chiropractic technician shall, at the time that he or she applies for renewal of a certificate ...submit evidence satisfactory to the examining board that he or she has completed at least 6 continuing educational credit hours in programs established by rules promulgated by the examining board.”

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

90 hours

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

Wisconsin credentialed chiropractors, chiropractic radiological technicians, and chiropractic technicians, as well as sponsors and providers of continuing education required to be completed by persons with these credentials.

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:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

STATEMENT OF SCOPE

Chiropractic Examining Board

Rule No.: Chapter Chir 4

Relating to: Chiropractic Practice

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 evaluate dry needling treatment as it relates to the scope of the practice of chiropractic and update ch. Chir 4 as needed based on the results of their evaluation. This may include providing a definition of dry needling and establishing requirements for the use of dry needling treatment in the practice of chiropractic.

The Board will also update ch. Chir 4 to clarify that lab analysis, as used in the definition of “examination” under s. Chir 4.02 (1m), includes drawing blood and blood analysis.

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 ch. Chir 4 as identified above to ensure it is consistent with current professional practices and standards 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, “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains . . .”

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency’s rule-making authority, stating an agency “may promulgate rules interpreting provisions of any statute enforced or administered by the agency . . .”

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:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

STATEMENT OF SCOPE

Chiropractic Examining Board

Rule No.: Chapter Chir 5

Relating to: Approval of Continuing Education Programs

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 establish requirements for approval of continuing education programs recognized by the Providers of Approved Continuing Education (PACE) of the Federation of Chiropractic Licensing Boards.

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 provide requirements for approval of continuing education programs. The Board has determined that continuing education programs that meet the standards established by PACE should not be subject to the same requirements for approval as continuing education programs that are not. The proposed rules will establish separate requirements for approval of continuing education programs recognized by PACE.

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 446.025 (3) (b), Stats., provides "[a] chiropractic radiological technician shall, at the time that he or she applies for renewal of a certificate . . . submit evidence satisfactory to the examining board that he or she has completed at least 12 continuing educational credit hours in programs established by rules promulgated by the examining board."

Section 446.026 (3) (b), Stats., provides "[a] chiropractic technician shall, at the time that he or she applies for renewal of a certificate . . . submit evidence satisfactory to the examining board that he or she has completed at least 6 continuing educational credit hours in programs established by rules promulgated 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:

80 hours

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

Wisconsin credentialed chiropractors, chiropractic radiological technicians, and chiropractic technicians, as well as sponsors and providers of continuing education required to be completed by persons with these credentials.

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 Rules Coordinator, DSPSAdminRules@wisconsin.gov, (608) 261-4472

Approved for publication:


Authorized Signature

04/04/2019
Date Submitted

Approved for implementation:

Authorized Signature

Date Submitted

Chapter Chir 5

CONTINUING EDUCATION

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

Chir 5.03 Application denials.

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

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

(b) Continuing education requirements for license renewal apply to the first full 2-year period in which a chiropractor is licensed.

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

(d) Course work completed in pursuit of the educational requirements of ch. **Chir 12** may be counted on an hour-for-hour basis.

(e) Of the 40 continuing education credit hours in par. (a), a chiropractor holding a nutritional counseling certificate issued under ch. **Chir 12** shall complete at least 4 continuing education hours in nutrition.

(f) One credit of course work completed to become proficient in the use of an automated external defibrillator as required in ss. **Chir 2.02 (6) (c)**, **3.02 (1) (e)**, and **3.03 (1) (i)**, may be counted as a continuing education credit hour.

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

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

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

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

(2) Continuing education credit hours may apply only to the 2-year license period in which the credit hours are acquired, unless either of the following applies:

(a) The continuing education credit hours required of a particular chiropractor, chiropractic radiological technician, or chiropractic technician as a consequence of a disciplinary proceeding, informal settlement conference, or resolution of an investigation into the conduct or competence of the chiropractor, chiropractic radiological technician, or chiropractic technician may not be

counted towards the fulfillment of generally applicable continuing education requirements.

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

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

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

Chir 5.02 Approval of continuing education programs. (1) The board may approve a continuing education program which meets the following minimum requirements:

(a) The program is sponsored by the Wisconsin chiropractic association, the American chiropractic association, the international chiropractors association, a college of chiropractic approved by the board, or a college of medicine or osteopathy accredited by an agency recognized by the United States department of education.

(b) *Chiropractors.* The program subject matter relates to improving the clinical skills of a chiropractor and is generally taught at the undergraduate or postgraduate level of a chiropractic college meeting the requirements of s. **Chir 2.02 (6) (b)**. The board will not approve credit for continuing education regarding a technique or practice which the board has determined to be unsafe or ineffective.

(bm) *Chiropractic radiological technician and chiropractic technician.* The program subject matter relates to improving the clinical skills of a chiropractic radiological technician or chiropractic technician, as applicable.

(c) The program sponsor agrees to provide a responsible person to monitor and verify the attendance of each registered chiropractor, chiropractic radiologic technician, or chiropractic techni-

cian, as applicable, at the program, and the program sponsor agrees to keep the records of attendance for 3 years from the date of the program and to furnish each participant with evidence of having attended the program.

(d) A program sponsor shall not assign or delegate its responsibilities to monitor or record attendance, provide evidence of attendance, validate course content, or provide information on instructors or other aspects of the program unless the assignment or delegation is specifically identified in the application for approval and approved by the board.

(e) The program sponsor has reviewed and validated the program's course content to ensure its compliance with pars. (b) and (bm).

(f) When a course instructor of the program is on the undergraduate or postgraduate faculty of a chiropractic college, the program sponsor has provided written verification that the course instructor has been appointed in accordance with the accreditation standards of the council on chiropractic education, and that the chiropractic college exercises sufficient supervision over a faculty member's course content.

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

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

(1m) The board shall approve a continuing education program that is approved under s. 46.03 (38), Stats., to provide instruction in the use of an automated external defibrillator. Subsections (1) to (4) and (6) do not apply to programs approved under this section.

(2) (a) Continuing education programs may include subject material other than that which relates to improving the clinical skills of a chiropractor and is generally taught at the undergraduate or postgraduate level of a chiropractic college, meeting the requirements of s. Chir 2.02 (6) (b). However, only the parts of the program which relate to improving the clinical skills of a chiropractor and are generally taught at the undergraduate or postgraduate level of a chiropractic college are eligible for credit.

(am) Continuing education programs may include subject material other than that which relates to improving the clinical skills of a chiropractic radiological technician or chiropractic technician. However, only the parts of the program which relate to improving the clinical skills of a chiropractic radiological technician or chiropractic technician, as applicable, are eligible for credit.

(b) Any presentation, program content, materials or displays for the advertising, promotion, sale or marketing of equipment, devices, instruments or other material of any kind or purpose shall be kept separate from the program content and presentation for which approval is applied and granted.

(c) Programs shall be approved for one hour of continuing education for every 50 minutes of instruction.

(3) Home study programs may be approved for credit only in cases of extreme hardship, as determined by the board.

(4) (a) An application for approval of a continuing education program shall:

1. Be on a form provided by the board.

Note: Application forms are available on request from the Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

2. Identify the name and address of the program sponsor and describe how the program sponsor qualifies under this section.

3. Describe the time and place of the program.

4. Be complete as prescribed in this subsection and filed with the board no later than 75 days prior to the program date. An application is not considered complete until such time as all information required to be submitted with the application, and any supplementary information requested by the board, is received by the board.

5. Include evidence of the program sponsor's verification showing to the satisfaction of the board that the subject matter is generally taught at the undergraduate or postgraduate level of a chiropractic college meeting the requirements of s. Chir 2.02 (6) (b) and relates to improving the clinical skills of a chiropractor. A detailed course outline or syllabus describing the subject matter of the program, and the amount of time devoted to each section of the outline or syllabus shall be attached to the application.

5m. Include evidence of the program sponsor's verification showing to the satisfaction of the board that the subject matter relates to improving the clinical skills of a chiropractic radiological technician or a chiropractic technician, as applicable. A detailed course outline or syllabus describing the subject matter of the program, and the amount of time devoted to each section of the outline or syllabus shall be attached to the application.

6. Describe the names and qualifications of all instructors, and if applicable, whether an instructor of the program who is an undergraduate or postgraduate faculty member of a sponsoring college was appointed in accordance with accreditation standards of the Council on Chiropractic Education (CCE) or by an agency approved by the United States Office of Education or its successor.

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

a. A specific description of the assignment or delegation.

b. The person or entity who is assigned or delegated to perform the responsibility, including name, address and qualification to perform the responsibility.

c. The method by which the program sponsor intends to assure that the delegated or assigned responsibility is performed.

(b) If necessary in order to determine whether an applicant meets the requirements of this chapter, the board may require that the applicant submit information in addition to that described in this section.

(5) Continuing education credit may not be awarded for meals or break periods.

(6) The sponsor of an approved program shall ensure that the program is carried out and presented as represented to and approved by the board, and that all responsibilities of the program sponsor, an instructor, and any person or entity delegated or assigned a responsibility relating to a program approved by the board are fulfilled.

Note: Continuing education approval request forms are available upon request from the Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

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

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

(1) The program or program sponsor does not meet requirements established in this chapter.

(2) The emphasis of the program is on the business, management, or insurance aspects of a chiropractic practice rather than on improving the clinical skills of the chiropractor, chiropractic radiological technician, or chiropractic technician, as applicable.

(3) The board determines that the program sponsor has not provided adequate assurance that responsibilities delegated or assigned to others will be satisfactorily performed.

(4) The program sponsor, an instructor, or a person delegated or assigned a responsibility has a financial, personal or professional interest which conflicts directly with the performance of responsibilities in this chapter.

(5) Failure on the part of a program sponsor, an instructor, or a person delegated or assigned a responsibility to carry out a pro-

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

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

STATEMENT OF SCOPE

Chiropractic Examining Board

Rule No.:	<u>Chir 10</u>
Relating to:	<u>Courses of study for and delegation to chiropractic technicians and chiropractic radiological technicians</u>
Rule Type:	<u>Permanent</u>

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:


Authorized Signature

6/27/2019
Date

Approved for implementation:

Authorized Signature

Date

Chapter Chir 10

DELEGATION TO CHIROPRACTIC TECHNICIANS AND CHIROPRACTIC RADIOLOGICAL TECHNICIANS

Chir 10.01 Definitions.

Chir 10.015 Chiropractic technician course of study.

Chir 10.02 Delegation of adjunctive services to a chiropractic technician.

Chir 10.025 Chiropractic radiological technician course of study.

Chir 10.03 X-ray services.

Chir 10.01 Definitions.

In this chapter:

(1) “Adjunctive services” means services which are preparatory or complementary to the practice of chiropractic. “Adjunctive services” include the taking and preparation of a preliminary patient history and providing physiotherapy treatment. “Adjunctive services” does not include making a chiropractic diagnosis, analyzing a diagnostic test, or performing a chiropractic adjustment.

(1g) “Massage therapy” or “bodywork therapy” has the meaning given in s. 460.01 (4), Stats.

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

(2) “Preliminary patient history” means the process of taking patient vitals and gathering baseline data regarding a patient, including the nature of the chief complaint, family history, and medical history. The “preliminary patient history” is intended to provide a starting point for further inquiry by the chiropractor into the patient’s condition.

History: Cr. Register, January, 1995, No. 469, eff. 2-1-95; CR 03-082: am. (1) and (2) Register July 2004 No. 583, eff. 8-1-04; 2017 Wis. Act 180: am. (3) Register April 2018 No. 748, eff. 5-1-18; CR 17-010: am. (1), cr. (1g), (1r), am. (2), r. (3) Register July 2018 No. 751, eff. 8-1-18.

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

(1) A course of study meeting all of the following requirements:

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

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

2. Four hours of instruction in taking patient vitals.

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

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

(2) A course of study the board determines is reasonably equivalent to the course of study under sub. (1).

History: CR 17-010: cr. Register July 2018 No. 751, eff. 8-1-18.

Chir 10.02 Delegation of adjunctive services to a chiropractic technician. A chiropractor may delegate the performance of adjunctive services only to a chiropractic technician

certified under ch. 446, Stats. An adjunctive service may be delegated to a chiropractic technician only if all of the following conditions are met:

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

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

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

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

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

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

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

(e) The program provides proof of attendance.

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

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

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

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

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

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

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

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

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

- a. Basic functional anatomy.
- b. Kinesiology and joint movement.
- c. Indications and contraindications.
- d. Recordkeeping and reporting.
- e. Scope of practice.
- f. Baselines assessment, outcomes, and goals.

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

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

History: Cr. Register, January, 1995, No. 469, eff. 2-1-95; CR 03-082: cr. (3) Register July 2004 No. 583, eff. 8-1-04; CR 17-010: r. and recr. Register July 2018 No. 751, eff. 8-1-18.

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

(1) A course of study meeting all of the following requirements:

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

1. Introduction to x-ray examination.
2. Physics of x-ray examination.
3. Anatomy.

4. Patient position.
5. Safety measures.
6. Machine operation.
7. Exposure techniques and accessories.
8. Processing and dark room techniques.
9. Film critique and quality assurance.
10. Professionalism.
11. Recordkeeping.
12. Emergency procedures summary.

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

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

(2) A course of study the board determines is reasonably equivalent to the course of study under sub. (1).

History: CR 17-010: cr. Register July 2018 No. 751, eff. 8-1-18.

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. The chiropractor shall comply with s. Chir 4.04 before delegating the performance of x-ray services to a chiropractic radiological technician.

Note: The coursework specified in s. Chir 10.03 provides the training required by s. Chir 4.04. A list of board-approved programs is available upon request from the Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, January, 1995, No. 469, eff. 2-1-95; CR 17-010: am. Register July 2018 No. 751, eff. 8-1-18.

**PROPOSED ORDER
OF THE WISCONSIN VETERINARY EXAMINING BOARD
ADOPTING RULES**

- 1 The Wisconsin veterinary examining board hereby proposes the following rule *to create* VE 7.02
- 2 (3) (d) and VE 7.025; *relating to* the provision of complementary, alternative, and integrative
- 3 therapies, and affecting small business.

Analysis Prepared by the Veterinary Examining Board

The Wisconsin Veterinary Examining Board (VEB) proposes a rule revision in ch. VEB 7, Wis. Adm. Code, to clarify the circumstances under which a veterinarian may make a referral of a veterinary client to another licensed professional, or supervise a certified veterinary technician, for the provision of complementary, alternative, or integrative therapies (CAITs), as defined in s. VEB 1.02 (3m), Wis. Adm. Code, on the client's animal.

Statutes Interpreted

Statute Interpreted: ss. 89.01 (6) and 89.05 (1), Stats.

Statutory Authority

Statutory Authority: s. 89.03 (1), Stats.

Explanation of Statutory Authority

VEB has specific authority, under the provisions cited above, to adopt rules establishing the scope of practice permitted for veterinarians.

Related Statutes and Rules

VEB administers ch. 89, Stats., as well as the administrative rules in VE 1-10, Wis. Adm. Code, and in the administration of these statute and rules, VEB may issue administrative orders imposing discipline for unprofessional conduct related to the practice of veterinary medicine, including issuing an administrative warning to, or reprimanding, any person holding a veterinary medical license, or denying, revoking, suspending, limiting, the person's license, as specified by statute.

Plain Language Analysis

There is a current definition, in s. VE 1.02 (3m), Wis. Adm. Code, of veterinary complementary, alternative, and integrative therapies. However, that definition does not specify how these CAITs are to be treated within the practice of veterinary medicine. There have been numerous requests made to the VEB, from veterinarians, certified veterinary technicians, and members of other licensed professions, to clarify the referral relationship that a veterinarian may have with these other professionals for the veterinarian's clients, and the delegation to certified veterinary technicians for the provision of CAITs upon a veterinarian's animal patients.

The VEB proposes to create a rule, s. VE 7.025, Wis. Adm. Code, specifying that a veterinarian may make a referral to another Wisconsin-licensed professional, so long as the other professional gives evidence to the veterinarian of his or her license in good standing with the Wisconsin Department of Safety and Professional Services, to perform the type of CAITs for which the referral is made, and his or her education, training, and experience in performing that type of CAIT on an animal. The proposed rule includes a provision that the veterinarian-client-patient relationship ("VCPR"), as defined in s. 89.02 (8), Stats., does not extend to the CAITs provided by the other professional, where the veterinarian demonstrates meeting the requirements in making the referral or the client obtains a therapy provider for the client's animal without a referral.

In addition, the VEB proposes to create an additional provision, within s. VE 7.02, Wis. Adm. Code delegation of veterinary medical acts, for the veterinarian to delegate to a certified veterinary technician the performance of CAITs on an animal patient, where the certified veterinary technician is not a licensed professional performing CAITs. By including this provision in the section on delegation of veterinary medical acts, the VEB makes clear that the technician's CAIT performance is under the direct supervision of the veterinarian, who will continue to have all of the supervisory responsibilities specified in this section, and within the VCPR.

Summary of, and Comparison with Existing or Proposed Federal Statutes and Regulations

There are no federal regulations governing the practice of veterinary complementary, alternative, and integrative therapies.

Comparison with Rules in Adjacent States

Illinois' veterinary medicine and surgery practice act defines CAITs very similarly to the current definition in s. VE 1.02 (9), Wis. Adm. Code. The act specifically allows a member in good standing of another licensed or regulated profession within any state or an Illinois-approved member of an organization or group to provide hands-on active participation in the treatment and care of a patient, within a veterinarian-client-patient relationship and with informed consent from the client, so long as the member works under the supervision of the veterinarian. The veterinarian maintains the veterinarian-client-patient relationship, but is immune from civil and criminal liability for the member's assistance, except for willful and wanton conduct. The other professional may not state or imply in any way that they are licensed or engaging in the practice of veterinary medicine.

Iowa's and Michigan's veterinary statutes and rules do not address this issue.

Within Minnesota's practice of veterinary medicine act, there is a provision that specifically states that the act does not prohibit a licensed chiropractor from registering with its chiropractor board and performing animal chiropractic on animals that have been referred to the chiropractor by a veterinarian.

Analysis and Supporting Documents Used to Determine Effect on Small Business

This rule was developed with the assistance of a VEB-appointed rules advisory committee that included five Wisconsin-licensed veterinarians, two Wisconsin-certified veterinary technicians, two Wisconsin-licensed members of other professions who provide complimentary, alternative, or integrative therapies on animals, two public members, and a VEB member as a liaison to the Board. The committee looked at practices in other states, consulted with veterinary medical groups, and brought expertise on the use of these CAITs in assisting animals for their health and well-being. Written comments were collected after posting the rule for a 30-day period, oral comments were made during the four rule hearings in Eau Claire, Green Bay, Waukesha and Madison, and additional written comments during the remainder of the public comment period, which ended on January 31, 2018.

Effect on Small Business

This rule change is anticipated to have an effect on small business, as many veterinary practices that will be subject to this definition change, are small businesses. However, it is not expected to have any adverse economic impact on these veterinary small businesses.

Instead, the proposed rule is anticipated to have a positive impact for veterinarians, certified veterinary technicians, and other Wisconsin-licensed professionals, as it clarifies the steps a veterinarian shall use to make a referral to another professional for CAITs and the delegation for these CAITs to certified veterinary technicians under the veterinarian's supervision. The VEB has received many requests for just this type of guidance from veterinarians, other professions practicing these therapies, and certified veterinary technicians in Wisconsin. Comments from licensed professionals, at hearings and in writing, were very supportive of the clarification, believing it will be very beneficial for the development of these businesses, but more importantly, for the health of these animal patients.

There were comments, in the initial posting for economic impact, at the four hearings, and in written comments after the hearing, specifically about animal massage therapy. The rule clarifies that a veterinarian, in order to transfer the client-patient for the therapy to the other professional, must make the referral to a professional licensed for that therapy in Wisconsin. Some persons who perform animal massage therapy have been trained or have experience in this modality, but are not licensed massage therapists, although others animal massage therapists are Wisconsin-licensed massage therapists.

The rule only limits the veterinarian, in making a direct referral, to make it to a person who is licensed in Wisconsin to perform this therapy, and some of the commenters felt this was an unfair limitation. These commenters, including non-licensed animal massage therapists and some animal owners, requested that animal massage therapy be exempted as a therapy under this rule.

However, by the statutory definition “to practice veterinary medicine” in s. 89.02 (6), Stats., and the administrative rule definition of “complementary, alternative and integrative therapies” in s. VE 1.02 (3m), Wis. Adm. Code, animal massage therapy is within the statutory definition of the practice of veterinary medicine, and the advisory committee came to the conclusion that the VEB is not statutorily authorized to make the exemption in the rule. In addition, while at least one commenter made reference to Illinois, veterinary CAITs are under specific statutory provisions. And while Colorado and Indiana exempt animal massage therapy and equine massage therapy, respectively, from the practice of veterinary medicine, each state does so by statute.

In addition, some of the comments seem to indicate that they thought the rule also limited an animal owner’s choice in this regard. Although the initial draft tried to clarify that the rule does not affect that choice, the final rule’s provision has additional language to clarify that the rule does not interfere with the relationship between any animal owner and a person the animal owner chooses to perform a CAIT on the owner’s animal.

Given the statutory and administrative rule definitions that animal massage therapy, and all other CAITs are within the practice of veterinary medicine, the rule also clarifies that a veterinarian using this referral process to another licensed professional transfers the patient-client relationship for the therapy provision, from the veterinarian to the other licensed professional, who will have their own professional client-patient relationship with the animal owner and patient. Only where a certified veterinary technician is delegated by the veterinarian to perform a CAIT, will the performance of the CAIT be under the direct supervision of the veterinarian and within the VCPR. This is a very specific assurance that veterinarians and other licensed professionals believe is important to make clear the professional who has the responsibilities in this regard.

This rule is not expected to have a substantial adverse economic effect on “small business” so it is not subject to the delayed “small business” effective date provided in s. 227.22(2) (e), Stats.

***VEB Contact
Where and When Comments May Be Submitted***

Questions and comments related to this this rule may be directed to:

Angela Fisher
Department of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911
Telephone: (608) 224-4890
E-Mail: angela.fisher1@wisconsin.gov

Rule comments will be accepted up to two weeks after the last public hearing is held on this rule. Hearing dates will be scheduled after this rule hearing draft is approved by the Veterinary Examining Board.

4 **SECTION 1.** VE 7.02 (3) (d) is created to read:

5 **7.02 (3)** (f) Except to certified veterinary technicians who are also licensed professionals
6 governed by the provisions in s. VE 7.025, the provision of any complementary, alternative, or
7 integrative therapy, as defined in s. VE 1.02 (3m).

8 **SECTION 2.** VE 7.025 is created to read:

9 **7.025 Veterinary referral to a license holder in another profession. (1)** A veterinarian
10 may make a referral to a client, for treatment of a patient by a license holder in another profession,
11 using complementary, alternative, or integrative therapies, as defined in s. VE 1.02 (3m), if the
12 license holder, to whom the client and patient are referred, provides all of the following evidence
13 to the veterinarian for performing the type of therapy for which the referral is being made:

14 (a) The license holder's current licensing in good standing, with the applicable board
15 through the department of safety and professional services.

16 (b) The license holder's education, training, and experience in performing the therapy on
17 an animal.

18 **(2)** The veterinarian-client-patient relationship, as defined in s. 89.02 (8), Stats., does not
19 extend to the provision of any complementary, alternative, or integrative therapy performed on a
20 veterinarian's patient, under either of the following circumstances:

21 (a) The therapy is performed by a license holder in another profession, where the
22 veterinarian demonstrates meeting the requirements, in sub. (1), for making the referral to the
23 license holder.

24 (b) The veterinarian's client obtains any complementary, alternative, or integrative therapy
25 services for a veterinarian's patient without a referral by the veterinarian.

26 **SECTION 3. EFFECTIVE DATE.** This rule takes effect on the first day of the month
27 following publication in the Wisconsin administrative register, as provided under s. 227.22 (2)
28 (intro.).

Dated this _____ day of _____, 2019.

VETERINARY EXAMINING BOARD

By _____
Dr. Robert Forbes, DVM
Board Chair