



**TELECONFERENCE/VIRTUAL
CHIROPRACTIC EXAMINING BOARD
Room N208, 4822 Madison Yards Way, 2nd Floor, Madison
Contact: Valerie Payne (608) 266-2112
April 2, 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 January 30, 2020 (4-10)**
- C. Conflicts of Interest
- D. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Board Updates
 - 2) Board Members – Term Expiration Dates
- E. 8:30 A.M. Public Hearing: Scope Statement SS 006-20 – Chir 5, Relating to Continuing Education (11-13)**
 - 1) Review and Respond to Public Comments
- F. Administrative Rule Matters – Discussion and Consideration**
 - 1) Adoption Order: CR 18-105, Relating to Delegation of Services to Health Care Professionals **(14-22)**
 - 2) Guidance Document: Standards of Conduct
 - 3) Proposals for Chir 5, Relating to Continuing Education; and Chir 10, Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians **(23-29)**
 - 4) JCRAR Objection to CR 19-100, Relating to Nutritional Counseling Certification **(30-31)**
 - 5) Pending and Possible Rulemaking Projects
 - a. Chir 4, Relating to Dry Needling
 - b. Chir 6, Relating to Standards of Conduct
 - c. Chir 12, Relating to Nutritional Counseling Certification
- G. Online Education Approval – Discussion and Consideration (32-33)**
- H. COVID-19 – Discussion and Consideration**

I. Wisconsin Petition to Waive Limitation (34-37)

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

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

K. Public Comments

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

L. Credentialing Matters

- 1) **Application Reviews**
 - a. Tyler Schneekloth – Renewal Applicant **(38-60)**

M. Deliberation on Division of Legal Services and Compliance Matters

- 1) **Stipulations, Final Decisions and Orders**
 - a. 18 CHI 004 – Amy K. Sletterdahl-Breidenbach, D.C. **(61-67)**
 - b. 18 CHI 004 – Benjamin J. Breidenbach, D.C. **(68-74)**
 - c. 18 CHI 009 – Kenneth J. Krieser, D.C. **(75-80)**
- 2) **Administrative Warnings**
 - a. 18 CHI 031 – G.M.M. **(81-82)**

3) Case Closings

- a. 18 CHI 025 – C.A.K. **(83-86)**
- b. 18 CHI 028 – R.R.H. & B.A.L. **(87-91)**
- c. 18 CHI 030 – C.A.K. **(92-95)**
- d. 18 CHI 034 – R.J.G. **(96-99)**

N. Deliberation of Items Added After Preparation of the Agenda

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

O. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

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

ADJOURNMENT

NEXT MEETING: JUNE 25, 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
JANUARY 30, 2020**

PRESENT: Scott Bautch, James Damrow, James Fortier (*via Skype*), Bryan Gerondale, Jeffrey King, Carl Kugler

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

CALL TO ORDER

Jeffrey King, Chairperson, called the meeting to order at 8:31 a.m. A quorum was confirmed with six (6) board members present.

ADOPTION OF AGENDA

MOTION: Scott Bautch moved, seconded by Bryan Gerondale, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 21, 2019

MOTION: James Damrow moved, seconded by Carl Kugler, to approve the Minutes of November 21, 2019 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers, Appointment of Liaisons and Alternates, and Delegation of Authorities

Chairperson

NOMINATION: James Fortier nominated Jeffrey King for the Office of Chairperson.

Valerie Payne, Executive Director, called for nominations three (3) times.

Jeffrey King was elected as Chairperson by unanimous voice vote.

Vice Chairperson

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

Valerie Payne, Executive Director, called for nominations three (3) times.

Bryan Gerondale was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Bryan Gerondale nominated James Damrow for the Office of Secretary.

Valerie Payne, Executive Director, called for nominations three (3) times.

James Damrow was elected as Secretary by unanimous voice vote.

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: Carl Kugler</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: Bryan Gerondale 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: Carl Kugler moved, seconded by James Damrow, 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: Scott Bautch moved, seconded by Bryan Gerondale, 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.

Delegation to Chief Legal Counsel Due to of Loss of Quorum

MOTION: Scott Bautch moved, seconded by James Damrow, to delegate the review of disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum. Motion carried unanimously.

Monitoring Delegations

MOTION: Bryan Gerondale moved, seconded by Scott Bautch, to adopt the "Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor" as presented in the January 30, 2020 agenda materials. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison (Denial Decisions)

MOTION: Scott Bautch moved, seconded by Carl Kugler, 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: Bryan Gerondale 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: James Damrow moved, seconded by Bryan Gerondale, 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.

Pre-Screening Delegation to Open Cases

MOTION: Scott Bautch moved, seconded by James Damrow, to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
 2. Reciprocal discipline cases.
 3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
 4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
 5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).
- Motion carried unanimously.

Pre-screening Delegation to Close Cases

MOTION: Scott Bautch moved, seconded by James Damrow, to delegate pre-screening decision making authority to the DSPS screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. Complaints that even if allegations are true, do not amount to a violation of law or rules.

Motion carried unanimously.

Voluntary Surrenders

MOTION: Bryan Gerondale moved, seconded by James Damrow, 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.

Examination, Education and Continuing Education Delegation(s)

MOTION: Scott Bautch moved, seconded by Carl Kugler, to delegate authority to the Examination, Education and Continuing Education 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 James Damrow, 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: Bryan Gerondale moved, seconded by Carl Kugler 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 James Fortier, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Delegation

MOTION: James Damrow moved, seconded by Carl Kugler, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Scope Statement for Chir 5, Relating to Continuing Education

MOTION: Scott Bautch moved, seconded by Bryan Gerondale, to approve the Scope Statement revising Chir 5, relating to continuing education, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

MOTION: Bryan Gerondale moved, seconded by Scott Bautch, 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 continuing education, the Chairperson is authorized to approve the notice required under s. 227.136 (2), Stats. Motion carried unanimously.

Scope Statement for Chir 4, Relating to Chiropractic Practice

MOTION: Scott Bautch moved, seconded by Bryan Gerondale, to approve the Scope Statement revising Chir 4, relating to chiropractic practice, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

MOTION: Scott Bautch moved, seconded by James Fortier, 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 4, relating to chiropractic practice, the Chairperson is authorized to approve the notice required under s. 227.136 (2), Stats. 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: Jeffrey King moved, seconded by James Damrow, to table discussion of Chir 5, relating to approval of continuing education programs. Motion carried unanimously.

MOTION: Bryan Gerondale moved, seconded by Carl Kugler, to delegate the Rules Liaison to work with Executive Director to facilitate a comment period, regarding Chir 10, at the next meeting. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL, PUBLIC RELATIONS REQUESTS AND REPORTS

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

MOTION: Bryan Gerondale moved, seconded by James Damrow, to designate Scott Bautch to attend the 2020 FCLB/NBCE Annual Meeting on April 22-26, 2020 in Denver, CO and to authorize travel. Motion carried unanimously.

CLOSED SESSION

MOTION: Scott Bautch moved, seconded by Carl Kugler, 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.). Jeffrey King, Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Scott Bautch-yes; James Damrow-yes; James Fortier-yes; Bryan Gerondale-yes; Jeffrey King-yes; and Carl Kugler-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:59 a.m.

CREDENTIALING MATTERS

Application Reviews

MOTION: Scott Bautch moved, seconded by James Damrow, to refer the Chiropractor Re-Registration application of Ian Rocha, D.C., back to the Credentialing Liaison. Motion carried unanimously.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Case Closings

18 CHI 017 – D.L.F.

MOTION: Scott Bautch moved, seconded by Bryan Gerondale, to close DLSC Case Number 18 CHI 017, against D.L.F., for No Violation. Motion carried unanimously.

Monitoring Matters

Margaret Mertens, D.C.

Requesting Termination of Mentor Requirement or Full Licensure

MOTION: Jeffrey King moved, seconded by Bryan Gerondale, to grant the request of Margaret Mertens, D.C. for full licensure. Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 10:26 a.m.

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

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

ADJOURNMENT

MOTION: Scott Bautch moved, seconded by Carl Kugler, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:29 a.m.

**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: 3/23/20 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: 4/2/20	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 8:30 A.M. Public Hearing: Scope Statement SS 006-20 – Chir 5, Relating to Continuing Education 1. Review and Respond to Public Comments Administrative Rule Matters – Discussion and Consideration 1. Adoption Order: CR 18-105, Relating to Delegation of Services to Health Care Professionals 2. Guidance Document: Standards of Conduct 3. Proposals for Chir 5, Relating to Continuing Education; and Chir 10, Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians 4. Pending and Possible Rulemaking Projects a. Chir 4, Relating to Dry Needling b. Chir 6, Relating to Standards of Conduct c. Chir 12, Relating to Nutritional Counseling Certification	
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 <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"><i>Dale Kleven</i></div> <div style="width: 45%;"><i>March 23, 2020</i></div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Signature of person making this request</div> <div style="width: 20%; text-align: center;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Supervisor (if required)</div> <div style="width: 20%; text-align: center;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div style="width: 20%; text-align: center;">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.			

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.

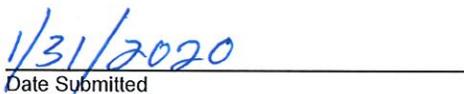
8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

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:


Authorized Signature


Date Submitted

Approved for implementation:

Authorized Signature

Date Submitted

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 18-105)

ORDER

An order of the Chiropractic Examining Board to repeal Chir 10.03 (Note); to amend Chir 1.02 (3), 4.04 (3), ch. Chir 10 (title), 10.015 (1) (a) (intro.), 10.02 (intro.) and (4), 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, “[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. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Related statute or rule:

None.

Plain language analysis:

The 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:

- Revises the term “direct supervision” to “direct, on-premises supervision” in ss. Chir 1.02 (3) and 10.02 (4) to align with statutory requirements for supervision.

- 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. 446.02 (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.
- 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 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 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 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, 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:

The deadline for submitting comments was April 4, 2019.

TEXT OF RULE

SECTION 1. Chir 1.02 (3) is amended to read:

Chir 1.02 (3) “Direct, on-premises supervision” means that the treating chiropractor has ordered a specific patient care function to be performed by a specific person, and is present in the treatment facility while the patient care function is being performed, and is immediately available to exercise personal supervision of the patient care function if the person performing the function requests.

SECTION 2. 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 3. 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. 446.02 (7) (d), Stats., 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. 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 s. 446.025, Stats.,~~ and that the license, registration, or certification of a health care professional ~~delegated the performance of x-ray services~~ is current.

SECTION 4. Chapter Chir 10 (title) is amended to read:

CHAPTER CHIR 10

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

SECTION 5. 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 6. Chir 10.02 (intro.) and (4) are 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:

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

SECTION 7. 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, on-premises 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 8. 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. 446.02 (7) (d), Stats.,~~ 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. ~~The A~~ chiropractor shall comply with s. Chir 4.04 before delegating the performance of x-ray services to a chiropractic radiological technician or a health care professional.

SECTION 9. Chir 10.03 (Note) is repealed.

SECTION 10. 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 11. 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 <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
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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
-

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), renum. (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.:	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:


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.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Valerie Payne, Executive Director on behalf of Dr. Jeffrey King		2) Date when request submitted: 3/30/2020 <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: 4/2/2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Under Administrative Rule Matters – Discussion and Consideration JCRAR Objection to CR19-100, relating to nutritional counseling certification.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: Review and discussion of letter received from co-chairs of Joint Committee for the Review of Administrative Rules (JCRAR) objecting to Clearinghouse Rule 19-100, relating to nutritional counseling certification			
11) Authorization			
Valerie Payne		3/27/2020	
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.			



JOINT COMMITTEE FOR THE REVIEW OF ADMINISTRATIVE RULES

COMMITTEE CO-CHAIRS: SENATOR STEVE NASS AND REPRESENTATIVE JOAN BALLWEG

March 17, 2020

Jeffrey King, Chair
Chiropractic Examining Board
Wisconsin Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 8366
Madison, WI 53708

Dear Chair King:

As Co-Chairs of JCRAR, we are writing to inform you that the committee voted on March 17, 2020 to object to Clearinghouse Rule 19-100, relating to nutritional counseling certification.

Please feel free to contact us if you have any further questions.

Sincerely,

Handwritten signature of Senator Steve Nass in black ink.

Senator Steve Nass
Co-Chair, JCRAR

Handwritten signature of Rep. Joan Ballweg in black ink.

Rep. Joan Ballweg
Co-Chair, JCRAR

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Pete Schramm, Continuing Education Specialist		2) Date when request submitted: 3/23/2020 <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: 4/2/2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Online Education Approval – Discussion	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Currently, online or self-study programs are not approved for continuing education credit in the State of Wisconsin. Due to the current restrictions on meetings and non-essential travel, this makes it basically impossible to attend approved continuing education programs for a indefinite period of time. Chiro 5.02(3) states “Home study programs may be approved for credit only in cases of extreme hardship, as determined by the board.” Should the Chiropractic Examining Board approve online continuing education programs, and under what terms and/or restrictions? Also, what materials would we want from a course sponsor in order to ensure programs are still operating appropriately in an online or self-study fashion?			
11) Authorization			
Pete Schramm		3/23/2020	
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.			

Currently, online or self-study programs are not approved for continuing education credit in the State of Wisconsin. Due to the current restrictions on meetings and non-essential travel, this makes it basically impossible to attend approved continuing education programs for an indefinite period of time. Given the uncertain nature of the current situation, it is worth being proactive about potential steps that need to be taken regarding the accessibility of continuing education for license holders given the renewal date of 12/14/2020.

Without knowing any other sweeping measures that may be passed regarding continuing education and renewal, there is an option in Chiro 5 that provides some leeway.

Chiro 5.02(3) states “Home study programs may be approved for credit only in cases of extreme hardship, as determined by the board.”

Certainly, the current crisis feels like it would fall under the category of extreme hardship. That opens to option of approving self-study programs under some limited basis.

That opens up a few questions that warrant discussion.

Should the Chiropractic Examining Board approve online continuing education programs under a limited timeframe?

Under what terms and/or restrictions? Should the approval only apply to a specific length of time or to specific instances of programs, as opposed to the open-ended approvals we have for in-person seminars.

What materials would we want from a course sponsor in order to ensure programs are still operating appropriately in an online or self-study fashion? For other professions, we require either a certificate from a professional approving body that monitors delivery of online education (IDECC or ARELLO are the two biggest ones) or an application supplement that demonstrates that steps are being taken to ensure the identity of the person taking the program, the security of the program, and the mechanism with which the individual’s participation is validated at the end of the program (such as an online quiz or assessment to ensure the person actually viewed the materials).

Given the rotating nature of our approvals, it will be crucial to have a clear picture of what would be approved to ensure consistency.

Wisconsin Chiropractic Examining Board
DSPS
PO Box 8366
Madison, WI 53708-8366

**EMERGENCY PETITION FOR
REMOVING LIMITATION ON
DISTANCED BASED LEARNING
FOR THE CURRENT RENEWAL
PERIOD**

Petition by
Paul Powers, DC,
Petitioner

**EMERGENCY PETITION FOR REMOVING LIMITATION ON DISTANCED
BASED LEARNING FOR THE CURRENT RENEWAL PERIOD**

DISCUSSION

We are at an unprecedented time in the history of the United States with the COVID-19 public health crisis. State and Federal governments are requiring closure of non-essential businesses, restricting gatherings and stressing social distancing. Education at all levels are either temporarily closed, and in many cases, are closing entirely through the end of the school year and are moving entirely to distanced based learning to complete the students education. Medical Schools in NY are even allowing students to graduate as Doctors three months early.

With all of what is happening, it is incumbent upon your Board of Chiropractic to immediately lift the limit on distanced based learning for Chiropractors to meet their

continuing education requirements for their current renewal cycle. This Petition is consistent with what is occurring at all levels of education in the United States.

The Board needs to take immediate and definitive action as things are not likely to “go back to normal” at anytime in the near future. Even as we start to get COVID-19 under control, all signs indicate that it will change large gatherings for quite some time.

Additionally, there are many higher risk individuals (eg age and other health conditions) that may not want to put themselves in higher risk environments for quite some time and they should have an easy alternative. With many Doctors of Chiropractic having to either close their offices, or face seeing a markedly reduced patient volume for an extended period of time, distanced based learning will allow them to meet their continuing education requirements in a more cost effective manner.

PRECEDENT IN OTHER STATES

This is not without precedent in other states. In response to the COVID-19 public health crisis, West Virginia, where a Doctor of Chiropractic can normally take 6 of 18 required hours online, the WV Board has lifted the restriction for the rest of the renewal period. In South Carolina, where a Doctor of Chiropractic can normally take 18 of 36 required hours online, the SC Board has issued a statement where the 18 live hours can be completed by distanced based learning that is offering in real time, live webinars.

Even in states many States that do not allow their Chiropractic Licensee's to take all their hours using online, asynchronous distanced based learning, they allow all hours to be taken by real time, synchronous distanced based learning (eg, live webinars). Example of this include New York, New Jersey, Colorado, Delaware and Texas.

DISTANCED BASED LEARNING OPTIONS

This Petition requests that your Chiropractic Board removes the limitation on distanced based learning for the current renewal period. This can be accomplished one of two ways as earlier referenced by the precedent of actions by other state boards.

1. Allow all hours for the current renewal period by any form of distanced based learning including online asynchronous distanced based learning courses (no real time interaction) or synchronous live, real time distanced based learning (eg. Live Webinars). An example referenced earlier is the recent action by West Virginia.
2. Allow some of the hours to be done using online asynchronous distanced based learning courses (no real time interaction) and the remaining hours to be completed by synchronous live, real time distanced based learning (eg. Live Webinars). An example referenced earlier is the recent action by South Carolina.

CONCLUSIONS

This Petition is the result of having been contacted by many licensee's asking why they can't use distanced learning for all their hours in your state. The time to act is now.

Doctors are facing reduced or no patient volume and want to use this time effectively and doing their continuing education is something they want to do. The Board needs to consider this not in the context of the next 30 – 60 days, but how the COVID-19 public health crisis will change how Doctors can get continuing education for the rest of the year. In summary, Distanced Based Learning must be made available to your licensees because it is consistent with what all levels of Education, Medical Doctors have been able to utilize distanced based learning 100% for over 20 years and there is no evidence that the use of Distanced Based Learning to meet all continuing education requirements poses any threat to the public.

Respectfully Submitted,



Paul Powers, DC
ChiroCredit.com, a division of OnlineContinuingEd, LLC
Courses Facilitated by the University of Bridgeport College of Chiropractic,
a CCE accredited College
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