



**TELECONFERENCE/VIRTUAL
CHIROPRACTIC EXAMINING BOARD
Room N208, 4822 Madison Yards Way, 2nd Floor, Madison
Contact: Valerie Payne (608) 266-2112
April 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 April 2, 2020 (4-7)**
- C. Conflicts of Interest
- D. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Board Updates
 - 2) Board Members – Term Expiration Dates
- E. Administrative Rule Matters – Discussion and Consideration (8-10)**
 - 1) Scope Statement for Chir 5, Relating to Requirements in Emergency Situations
 - 2) Pending and Possible Rulemaking Projects
- F. Public Agenda Item Request – Discussion and Consideration**
 - 1) Online Continuing Education for Renewal (11-12)
 - 2) Moraine Park Technical College Request for Modification of Approval for Chiropractic Technician and Chiropractic Radiographic Technician Courses (13-14)
- G. COVID-19 – Discussion and Consideration**
- 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. 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

K. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

N. 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.

**TELECONFERENCE/VIRTUAL
CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
APRIL 2, 2020**

PRESENT: Scott Bautch, James Damrow, James Fortier, Bryan Gerondale, Jeffrey King

EXCUSED: Carl Kugler

STAFF: Valerie Payne, Executive Director; Jameson Whitney, 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 8:33 a.m. A quorum was confirmed with five (5) board members present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Open Session: Under item “G. Online Education Approval” **ADD:**
 - “1) Emergency Petition for Removing Limitation on Distanced Based Learning for the Current Renewal Period”

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

APPROVAL OF MINUTES OF JANUARY 31, 2020

MOTION: James Damrow moved, seconded by James Fortier, to approve the Minutes of January 31, 2020 as published. Motion carried unanimously.

**PUBLIC HEARING: SCOPE STATEMENT SS 006-20 – CHIR 5, RELATING TO
CONTINUING EDUCATION**

Review and Respond to Public Comments

MOTION: James Fortier moved, seconded by Scott Bautch, to approve the Scope Statement, SS 006-20, revising Chir 5, relating to continuing education, for implementation after consideration of all public comments and feedback. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Adoption Order: CR 18-105, Relating to Delegation of Services to Health Care Professionals

MOTION: Scott Bautch moved, seconded by James Fortier, to approve the Adoption Order for Clearinghouse Rule CR 18-105, revising Chir 1, 4, 10 & 11, relating to delegation of services to health care professionals. Motion carried unanimously.

Guidance Document: Standards of Conduct

MOTION: Scott Bautch moved, seconded by Bryan Gerondale, to table consideration of the topic “Guidance Document: Standards of Conduct” until the next meeting. Motion carried. Opposed: James Fortier, Jeffrey King

MOTION: Bryan Gerondale moved, seconded by Scott Bautch, to remove announcements from the board’s website pending full discussion by the board. Motion carried. Opposed: James Fortier, Jeffrey King

Pending and Possible Rulemaking Projects

Chir 6, Relating to Standards of Conduct

MOTION: James Damrow moved, seconded by James Fortier, to authorize the Chairperson to approve the Adoption Order for Clearinghouse Rule CR 19-129 – Chir 6, relating to standards of conduct. Motion carried unanimously.

ONLINE EDUCATION APPROVAL

Emergency Petition for Removing Limitation on Distanced Based Learning for the Current Renewal Period

MOTION: Bryan Gerondale moved, seconded by Scott Bautch, to request that the Department draft an emergency scope statement relating to Chir 5, relating to continuing education, and to designate the Chairperson to advise DSPS staff. Motion carried unanimously.

CLOSED SESSION

MOTION: Scott Bautch moved, seconded by James Damrow, 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; and Jeffrey King-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:47 a.m.

CREENTIALING MATTERS

Application Reviews

Tyler Schneekloth, D.C. – Renewal Applicant

MOTION: Bryan Gerondale moved, seconded by Scott Bautch, to approve the Chiropractor Renewal application of Tyler Schneekloth, D.C., once all requirements are met. Motion carried. Opposed: James Damrow

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Stipulations, Final Decisions and Orders

18 CHI 004 – Amy K. Sletterdahl-Breidenbach, D.C.

MOTION: James Damrow moved, seconded by Scott Bautch, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Amy K. Sletterdahl-Breidenbach, D.C., DLSC Case Number 18 CHI 004. Motion carried unanimously.

18 CHI 004 – Benjamin J. Breidenbach, 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 Benjamin J. Breidenbach, D.C., DLSC Case Number 18 CHI 004. Motion carried unanimously.

18 CHI 009 – Kenneth J. Krieser, D.C.

MOTION: James Damrow moved, seconded by James Fortier, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Kenneth J. Krieser, D.C., DLSC Case Number 18 CHI 009. Motion carried unanimously.

Administrative Warnings

18 CHI 031 – G.M.M.

MOTION: Scott Bautch moved, seconded by James Damrow, to issue an Administrative Warning in the matter of G.M.M., DLSC Case Number 18 CHI 031. Motion carried unanimously.

Case Closings

MOTION: James Fortier moved, seconded by Scott Bautch, to close the following DLSC Case Number as outlined below.

- 18 CHI 025 – C.A.K. – No Violation
- 18 CHI 028 – R.R.H. & B.A.L. – No Violation
- 18 CHI 030 – C.A.K. – No Violation
- 18 CHI 034 – R.J.G. – No Violation

Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 12:10 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 Fortier, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 12:16 p.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: 4/20/20 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: 4/30/20	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 Requirements in Emergency Situations 2. Pending and Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Dale Kleven</i>		<i>April 20, 2020</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

CHIROPRACTIC EXAMINING BOARD

Rule No.: Chir 5

Relating to: Requirements in Emergency Situations

Rule Type: Emergency and Permanent

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

Governor Evers has issued Executive Order 72, which proclaims a public health emergency exists for the State of Wisconsin. This emergency has potential to have a significant impact on the ability of chiropractors, chiropractic technicians, and chiropractic radiological technicians to complete the continuing education necessary to maintain their credentials. The potential reduction in the number of these health care professionals eligible to practice has led the Board to find that emergency rules are necessary for the preservation of public health, safety, and welfare.

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

The Board will conduct a comprehensive review of ch. Chir 5 with the objective of establishing waivers and alternate requirements that the Board may utilize to respond to emergency situations. The review will include 1) the requirements for completion of continuing education, 2) the requirements for approval of continuing education programs, 3) circumstances under which online continuing education may be permitted, and 4) the process of reviewing and approving continuing education programs.

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 a review and update of its rules as identified above to ensure the Board is prepared to address emergency situations, including the public health emergency proclaimed in Executive Order 72.

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 “[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.”

Section 446.028, Stats., provides that “[e]ach program sponsor of a continuing education program required to be completed by a chiropractor as a condition of license renewal shall submit the program to the examining board for approval.”

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 technicians, and chiropractic radiological technicians; sponsors and providers of continuing education required to be completed by persons with these credentials; and individuals in need of chiropractic services.

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

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Kimberly Wood, Program Assistant Supervisor-Adv. on behalf of Dr. James Weber, DC		2) Date when request submitted: 4/15/2020 <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: 4/30/2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Public Agenda Item Request: Online Continuing Education for Renewal	
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 type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Review and discuss the request of Dr. James Weber, DC, for the Board to address online education for license renewal purposes.			
11) Authorization			
<i>Kimberly Wood</i>		4/15/2020	
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	
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PUBLIC AGENDA REQUEST FORM

Instructions:

1. Fill out this form, and then save to your device.
2. Return to the "[Suggest an Agenda Item](#)" page and select the appropriate Board or Council from the Board/Council list.
3. Attach your completed "Public Agenda Request" form and send.

First Name: James

Last Name: Weber DC, DACBOH

Association/Organization: Chiropractic

Address Line 1: ██████████

Address Line 2:

City: Rice Lake

State: WI

Zip: 54868

Phone Number: ██████████

Email: ████████████████████

Subject: Continuing Education

Issue to Address: In light of the Covid19 situation it is about time that Online Education for license renewal be addressed.

**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: 4/24/2020 <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: 4/30/2020	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Moraine Park Technical College Course Delivery Request – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <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: Moraine Park Technical College has two courses in progress that were interrupted by the halt of face-to-face delivery of courses in response to the public health emergency that impacted college campuses around the state. Requesting two courses, Chiropractic Technician and Chiropractic Radiographic Technician, be allowed a modification of approval to finish with a combination of online and video conferencing hours. These courses normally meet 4 hours per week in a 16-week format and are scheduled only in the spring semester.			
11) Authorization			
Valerie Payne		4/24/2020	
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	
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PUBLIC AGENDA REQUEST FORM

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3. Attach your completed "Public Agenda Request" form and send.

First Name: Elizabeth

Last Name: McLean

Association/Organization: Moraine Park Technical College

Address Line 1: [REDACTED]

Address Line 2: _____

City: West Bend

State: WI

Zip: 53090

Phone Number: [REDACTED]

Email: [REDACTED]

Subject: Request for modification of approval for Chiropractic Technician and Chiropractic Radiographic Technician courses so completion can occur due to Stay at Home order.

Issue to Address: Moraine Park Technical College offers the WI CEB approved Chiropractic Tech and Chiro Rad Tech courses in the spring semester every year. We have completed 32 face-to-face hours in each course. This year, we ask the board to allow us to finish each course in an online (up to 16 hours) and video conference format (up to 16 hours) through May 2020 as long as our campuses are not able to offer face-to-face class sessions. We will return to the traditional classroom as soon as we are able. This is a one-time request.