



**TELECONFERENCE/VIRTUAL
CHIROPRACTIC EXAMINING BOARD**
Virtual, 4822 Madison Yards Way, 2nd Floor, Madison
Contact: Valerie Payne (608) 266-2112
June 25, 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 30, 2020 (4)**
- C. Conflicts of Interest**
- D. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Board Updates
 - 2) Board Members – Term Expiration Dates
- E. Public Agenda Item Request – Discussion and Consideration**
 - 1) Online Continuing Education for Renewal **(5-6)**
 - 2) Cancelling the Continuing Education Requirement for this Term **(7)**
 - 3) CE's and COVID **(8-10)**
 - 4) CE's and COVID Safety **(11)**
 - 5) Online CE Credits and Waiving of License Renewal Fees **(12)**
- F. Administrative Rule Matters – Discussion and Consideration (13)**
 - 1) Scope Statement for Chir 5, Relating to Requirements in Emergency Situations **(14-15)**
 - 2) Scope Statement for Chir 3, Relating to Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses **(16-17)**
 - 3) Proposals for Chir 4, Relating to Chiropractic Practice **(18-28)**
 - 4) Proposals for Chir 5, Relating to Continuing Education **(29-33)**
 - 5) Guidance Document: Chir 6 - Standards of Conduct **(34-35)**
 - 6) Proposals for Chir 10, Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians **(36-44)**
 - 7) Pending and Possible Rulemaking Projects

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 on Division of Legal Services and Compliance Matters

- 1) **Administrative Warnings**
 - a. 18 CHI 033 – F.J.S. **(45-46)**
- 2) **Case Closings**
 - a. 18 CHI 015 – P.J.B. **(47-52)**
 - b. 19 CHI 029 – D.J.G. & D.B.C. **(53-61)**
 - c. 20 CHI 002 – A.R.T. **(62-65)**

K. 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

L. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

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

ADJOURNMENT

NEXT MEETING: AUGUST 13, 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 at 608-266-2112 or the Meeting Staff at 608-266-5439.

**TELECONFERENCE/VIRTUAL
CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
APRIL 30, 2020**

PRESENT: Scott Bautch, James Damrow, James Fortier, Bryan Gerondale, Jeffrey King, 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 8:30 a.m. A quorum was confirmed with six (6) board members present.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF APRIL 2, 2020

MOTION: Bryan Gerondale moved, seconded by James Fortier, to approve the Minutes of April 2, 2020 as published. Motion carried unanimously.

PUBLIC AGENDA ITEM REQUEST

Moraine Park Technical College Request for Modification of Approval for Chiropractic Technician and Chiropractic Radiographic Technician Courses

MOTION: James Damrow moved, seconded by James Fortier, to approve the modified program of Moraine Park Technical College for the spring semester ending May 2020 to allow a combination of online, video conferencing, and face-to-face education as required during the COVID-19 crisis. Motion carried unanimously.

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

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

ADJOURNMENT

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

The meeting adjourned at 9:55 a.m.



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: Janel

Last Name: Voelker

Association/Organization: Holistic Life Chiropractic

Address Line 1: 1919 Sunset Drive

Address Line 2: _____

City: Tomahawk

State: WI

Zip: 54487

Phone Number: (207) 615-9632

Email: drvoelker@holisticlifechiro.com

Subject: Online CEs

Issue to Address: I am writing to request that the board seriously consider allowing Wisconsin Chiropractors to earn their CE Credits Online. This is something that is long over due for Wisconsin Chiropractors. Most other professions in the state of Wisconsin allow CE credits to be obtained online. Most other states allow chiropractors to perform their CE online.

When I graduated back in 2007 I lived in the state of Maine. At that time, 13 years ago, we were able to do half of our CEs online. When we moved to Wisconsin, I was astonished that we were not able to attain ANY of our CEs online.

Now throw COVID into the mix. Three accredited continuing education classes that I was signed up to attend over the past few months have been cancelled. This accounted for 30 of my 40 credits. To expect doctors to find time to work all of their continuing education into the next six months, while trying to get their practices back on track, and keeping the COVID suggestions in mind for large gatherings, makes achieving CEs almost impossible over the next six months. The past few months would have been ideal times for chiropractors to achieve online CEs, as many had more downtime than normal. The classes that I was signed up for that were cancelled, did offer me to take them

online. Unfortunately, there is no CE opportunity in Wisconsin for that, as there is in most other states, so I sat idly by and waited.

Given all of these circumstances, and the uncertainty of the upcoming fall, I would request that the board highly consider reducing the number of CEs required for this licensing period, or forgo them all together. If CEs are to be required for this licensing period, please allow Wisconsin Chiropractors to earn those credits in online courses.

Many of us have been stressed about this since COVID started. Please do not table this discussion again. Please make changes to take some of the stress and worry off our plates during this already stressful time.

Sincerely,

Dr. Janel Voelker, DC

PUBLIC AGENDA REQUEST FORM

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- Attach your completed “Public Agenda Request” form and send.

First Name: Ryan

Last Name: Bauman

Association/Organization: Wisconsin Chiropractor

Address Line 1: 733 N Pine St

Address Line 2:

City: Burlington

State: WI

Zip: 53105

Phone Number: (262 763-8399

Email: baumanrs@hotmail.com

Subject: Cancelling the continuing education requirement for this term.

Issue to Address: It is going to be nearly impossible for chiropractors to complete their 40 hours of continuing education due to covid-19 unless they finished before this pandemic started. The proper solution would be to eliminate this requirement for this term. The next best solution would be to allow chiropractors to use online classes, which would make sense since we are one of only a few states that dont allow this at this time. This would be a good rule change to make permanent.

It would be quite bad for our proffesion if we were all forced to cram into a hotel banquet hall and someone has the virus that about 50 chiropractors get and then go to there clinics the next day and spread it to the 50 patients they have that day and then the 50 the next day when they dont know they have it.

Do the right thing here and cancel the requirement for this term. It only makes sense.



PUBLIC AGENDA REQUEST FORM

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First Name: Kimberly

Last Name: McGriff

Association/Organization: Discover Family Chiropractic

Address Line 1: 109 River Place

Address Line 2: _____

City: Monona

State: WI

Zip: 53716

Phone Number: (608) 663-8809 ext #3 -

Email: drkimdfc@gmail.com

Subject: CE's and COVID

Issue to Address: I am asking the board to be proactive and allow online CE's for this biennium. I do not feel that anyone who is uncomfortable sitting in large gatherings should be required to do so given the COVID pandemic. The CSW announced the fall convention is on. Many DC's that I have talked to need several, if not all of their hours yet for this biennium. Many classes were cancelled leaving us to wait until the fall.

Fetterman Events states that WI is the ONLY state, of the 35 they work with, who do NOT allow for online CE's for DC's.

What if a SAH order is happening? What if there are severe limitations and the demand is more than what can be supplied?

I believe that if our children have figured out ZOOM and online classes that we can do the same.

I also believe that our profession is greatly judged. Should we hold conventions and an increase in +COVID cases is linked back to DC's, we will be smeared in the news in the same manner as the churches and voting lines.

We understand that the CSW and WCA make a lot of their money from CE's. Go ahead and charge the same but let those who have concerns take the courses online. Each individual has handled this situation in the way they feel best but that does not mean I agree with each person's personal choices.

I (and many others) feel strongly that online CE's need to be offered or this biennium needs to be a wash and the requirements dropped as it is also unrealistic to consider carrying so many credits into the next biennium when we really have no grasp as to what will happen in the next several months.

I beg you all to really dig deep and make some tough decisions proactively and not be forced to be reactive in the fall.

Yours in Health,

Kimberly McGriff D.C.

DC CE's and COVID

Kimberly McGriff <drkimdfc@gmail.com>

Wed, May 27, 2020 at 11:54 AM

Draft To: valerie.Payne1@wisconsin.gov

Bcc: "Dr. Melissa Murphy" <drmelissa@discoverfamilychiropractic.com>, tina byrnes <tina_byrnes@hotmail.com>, Tina Cox <tinacoxdc@yahoo.com>

Good morning Valerie,

I am uncertain as to if you are the person to raise concerns with regarding chiropractic CE's and our inability to complete them online given the COVID pandemic. If not, I am hoping you will forward this on to the appropriate person(s) and/or provide me with who/how to contact in the future.

There is great concern among our profession in these uncertain times regarding our inability to complete our CE's online and we are asking that it be considered even if it is only for this biennium. In general, the DC's I am familiar with have the consensus that we continue to pay the full price as deemed by each association but be given the opportunity to complete the course online. We do not feel that either association is doing anything to help make this possible as CE's are their money makers.

There are many of us who were registered for classes in March-May that were obviously cancelled. The CSW has announced the Fall Convention to be a go for October. When the news is reporting they anticipate another outbreak in the fall, is it really the smartest thing to do to host a convention? What if a SAH order is back in place? What if there are significant limits on the number of people allowed in a group and we all cannot be accommodated? I believe these are all concerns that need to be considered and that the Chiropractic Board be proactive about.

Even if there is no SAH order in place when all the fall classes resume, I do not feel that we should be required to be in a large group setting if that is something we are not comfortable with. Not everyone is choosing the same levels of distancing as others. I should not be required to sit in a convention room with a couple hundred people who I do not know how they have handled the pandemic.

Fetterman Group said of the 35 states they work with, WI is the ONLY one who does not allow Chiropractors to do online CE's...this is a bit alarming. If our children have figured out Zoom meetings and online classes, I'm sure that we as professionals/doctors can do the same.

In addition, I can't but help to think of how much our profession is already judged and should an increase in +COVID numbers be linked back to our conventions in the ways that it has to voting and churches, we will be even more judged. The general public doesn't know that we don't have a choice in the matter but we will be judged as though we do.

I/We are asking for this matter to be heavily reviewed in the upcoming July meeting of the board. And that the board address this matter publicly. It's very discouraging to have no updates during these times from either the CSW, WCA, or the Chiropractic board.

Yours in health,

Kimberly McGriff D.C.



PUBLIC AGENDA REQUEST FORM

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First Name: Susan

Last Name: Rupp

Association/Organization: Columbus Chiropractic Care Center

Address Line 1: 1349 Park Ave

Address Line 2: _____

City: Columbus

State: WI

Zip: 53925

Phone Number: (920) 623-1106

Email: srupdc@hotmail.com

Subject: CE's and COVID safety

Issue to Address: I am asking the board to allow online CE's for this biennium and forever. I do not feel comfortable sitting in a large gathering for my CE's. I need most of my CE's yet this year and the thought of attending a seminar in the middle of a pandemic seems unwise.

You may be aware that most activities have been moved to online such as education and work. It is time that WI embraces these current practices that most are using. Most states have allowed online CE's for a while now.

For the safety of our profession, and our communities, please allow online CE's.

Thank you,

Susan Rupp DC

From: Tim McRoberts <drtimmcroberts@gmail.com>
Sent: Thursday, April 30, 2020 1:19 PM
To: DSPS PracticeFAQ4
Subject: Chiropractic - Public Agenda Item Submission

First, Allow online CE credits til end of this year. Second, waive all license renewal fees. These have been very difficult times, we are all affected. Continuing Compliance with compassion goes a long way to building a stronger more stable WI chiropractic community. Thank you,

Dr Tim Mcroberts
Sent from my iPhone

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 6/15/20 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: 6/25/20	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. Scope Statement for Chir 3, Relating to Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses 3. Proposals for Chir 4, Relating to Chiropractic Practice 4. Proposals for Chir 5, Relating to Continuing Education 5. Guidance Document: Chir 6 - Standards of Conduct 6. Proposals for Chir 10, Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians 7. 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: Administrative Rule Matters – Discussion and Consideration 1. Under prior law, the spouse of a service member could obtain a temporary reciprocal credential granted by DSPS or a board attached to DSPS. 2019 Wisconsin Act 143 expanded the availability of a reciprocal credential to include service members, former service members, and the spouses of former service members. The Act also provides that a reciprocal credential granted to a service member, former service member, or the spouse of a service member or former service member expires on the same renewal date as the credential that corresponds to the reciprocal credential, and that the reciprocal credential may be renewed by paying the applicable fee and satisfying the requirements that apply to renewing the corresponding credential. Also, under the Act, DSPS or a board attached to DSPS may promulgate rules necessary to implement the Act. 5. A summary of the number of CE hours required by each state and the number of distance learning hours allowed is available on the FCLB's website .			
11) Authorization			
Signature of person making this request <i>Dale Kleven</i>		Date <i>June 15, 2020</i>	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

CHIROPRACTIC EXAMINING BOARD

Rule No.: 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

STATEMENT OF SCOPE

Chiropractic Examining Board

Rule No.: Chapter Chir 3

Relating to: Reciprocal credentials for service members, former service members, and their spouses

Rule Type: Permanent

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

None.

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

The objective of the rule is to implement 2019 Wisconsin Act 143.

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:

2019 Wisconsin Act 143 entitles service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential if the person resides in Wisconsin and is in good standing with the governmental authorities in every jurisdiction outside Wisconsin that have granted the individual a credential that qualifies the individual to perform acts authorized under the appropriate credential granted by the department or credentialing board. The license may be renewed indefinitely.

This proposed rule will update ch. Chir 3 to implement 2019 Wisconsin Act 143.

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

Section 15.08 (5) (b), Stats., provides that an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 440.09(5), Stats., provides that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

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

60 hours

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

Service members, former service members, and spouses of service members or former service members applying for a license to practice chiropractic.

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:

There is no existing or proposed federal regulation that addresses chiropractic licensure.

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 is likely to have minimal or 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

STATEMENT OF SCOPE

Chiropractic Examining Board

Rule No.: Chapter Chir 4

Relating to: Chiropractic Practice

Rule Type: Permanent

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

N/A

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

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

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

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

The Board has identified the need for an evaluation and update of ch. Chir 4 as identified above to ensure it is consistent with current professional practices and standards and applicable Wisconsin statutes. The alternatives of either partially updating or not updating these rules would be less beneficial to affected entities.

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

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

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

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

70 hours

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

Wisconsin licensed chiropractors and their patients.

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

None.

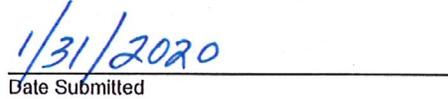
8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

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

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

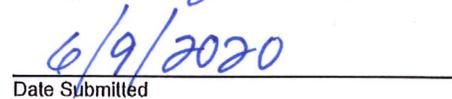
Approved for publication:


Authorized Signature


Date Submitted

Approved for implementation:


Authorized Signature


Date Submitted

Dry Needling

Last Updates 5-26-2020

Q1. Does your state require acupuncture licensure to perform dry needling for DC's?

Q2. If you do not require it, have you promulgated rules requiring any certification or education before a DC can perform dry needling?

Boards	Q1	Q2
Alabama	No, but the licensee has Acupuncture certification they can perform dry needling as long as they as trained.	http://www.chiro.alabama.gov/PDF/2019/CertAdoptedDryNeedling.pdf see link
Arkansas	Yes	
California	In the state of California it is outside the scope of practice for chiropractors to penetrate the skin of patients.	
Florida	Yes	
Louisiana	no	Yes, rules promulgated. See Attached.
Maine	No, however, chiropractor's in Maine need an acupuncture certificate from the Maine Board of Chiropractic Licensure in order to do dry needling.	Aside from the two hundred hour acupuncture certificate, there is no current educational requirement before performing dry needling. The Board is studying the issue and will probably require some training specifically in dry needling in the future.
Maryland	No	Yes, see attached
Minnesota	MN has declined to take a position on dry-needling at this time.	MN has declined to take a position on dry-needling at this time.
Montana	No	We are currently in the process of noticing/ adopting rules related to Dry Needling.
Nebraska	Acupuncture is included within the scope of practice of a Chiropractor licensed in Nebraska. No further license is required. Dry needling is not a separate license issued by Nebraska DHHS.	There are statutes and regulations which indicate the additional education requirements for a Chiropractor to perform acupuncture.
Nevada	Nevada does not require a licensee to be licensed in acupuncture to perform dry needling.	Nevada requires 50 credit hours of education to get certified to perform dry needling. Please see attached for the Nevada Revised Statutes and Nevada Administrative Code.
New York	Chiropractors in New York State cannot do dry needling, it is not within the chiropractic scope of practice. Chiropractors would have to have an acupuncture license and perform dry needling as an acupuncturist, not as a chiropractor.	A chiropractor cannot perform dry needling in New York State. It is not within the New York State Chiropractic scope of practice.
North Carolina	Our board passed a position statement that essentially said that there are no requirements for dry needling mandated by the board. But the board expects each doctor to get adequate training and be competent before performing dry needling. The position statement says that "The Board recommends that licensees complete a minimum of 24-hours of Dry Needling training before introducing it into their practice."	It is a recommendation but not a mandate
North Dakota	No, an acupuncture certification is not required to perform dry needling for D.C.'s.	Yes, we have rules regarding dry needling certification. Section starts on page 2 - here is the link: https://www.legis.nd.gov/information/acdata/pdf/17-02-04.pdf
Ohio	No	Dry needling is within the scope. Licensees must have training and education to perform any service within the scope. This is the rule for all services, not specific certification or education for certain services.
Oklahoma	Yes. Not specified in statute or rule but if they have the 100 hours and have completed the certification they can perform dry needling. Rules however, for advertising of the specialty certification could not be processed through the legislature this year but will be resubmitted for approval by the Legislature and Governor during next year's legislative session.	
Oregon	Dryneedling is outside the scope of practice for DCs in Oregon – only separately licensed acupuncturists are able to do it.	

South Dakota	South Dakota does require DC's have an acupuncture certificate to perform dry needling.	
Texas	No	No
Utah	No, Chiropractic Physicians who perform acupuncture are exempted from the Utah Acupuncture Licensing Act, but may not call themselves Acupuncturists unless specifically licensed as such.	Dry needling is actually under the Physical Therapy Practice Act and Chiropractic Physicians are exempted from licensure in that Act. The education requirement for dry needling is 300 hours, including 54 hours of in-person instruction and 250 supervised patient treatment sessions
Washington	If a Chiropractor wants to practice acupuncture in Washington they would need to also be licensed as an Acupuncture and East Asian Medicine Practitioner.	
West Virginia	the WV Board of Chiropractic requires a licensee to obtain Acupuncture Certification in order to perform dry needling in WV. The licensee may practice Acupuncture under his/her chiropractic license. An Acupuncture license is not needed	
Wisconsin	No.	<i>Not yet. The board has not made a decision on dry needling; however, it is on the list of pending and possible rulemaking projects under Chir 4, Relating to Dry Needling.</i>
Wyoming	Wyoming doesn't require an acupuncture license for DC's to perform acupuncture or dry needling.	Wyoming did promulgate rules which requires specific education and training for both acupuncture or dry needling.



Janelle Grier <jgrier@fclb.org>

RE: FCLB Power Poll: Dry Needling

1 message

Patricia Oliver <lsbce@eatel.net>
To: Janelle Grier <jgrier@fclb.org>

Wed, May 20, 2020 at 11:41 AM

1. NO
2. Yes, rules promulgated. See below.

§321. Dry Needling

A. The purpose of this rule, as authorized by R.S. 37:2803, is to provide for the interpretation of R.S. 37:2801(3)(a) to include dry needling and to provide with respect to utilization of the techniques by chiropractic physicians. Dry needling is a physical rehabilitation measure which requires specialized education and training and which falls within the chiropractic scope of practice under the following terms. Prior to utilization of dry needling techniques chiropractic physicians shall successfully complete a board approved course of study consisting of no fewer than 50 hours of face-to-face instruction in intramuscular dry needling treatment and safety. The practice of dry needling techniques without compliance of this education requirement constitutes unprofessional conduct and subjects the licensee to appropriate discipline by the board.

Thanks

PAO

Patricia A. Oliver, Executive Director

LA Board of Chiropractic Examiners

8621 Summa Avenue

Baton Rouge, LA 70809

PH: 225-765-2322

FAX: 225-765-2640

Email: LSBCE@EATEL.NETWebsite: LACHIROPRACTICBOARD.COM

In compliance with Act 655 of the 2018 Regular Legislative Session, the Board gives notice to its licensees and applicants of their opportunity to file a complaint about Board actions or procedures. You may submit such complaints to one or more of the following organizations:

LA Board of Chiropractic Examiners, 8621 Summa Avenue, Baton Rouge, LA 70809 ; 225-765-2322; lsbce@eatel.netCommittee on House & Governmental Affairs; La House of Representatives, P.O. Box 44486, Baton Rouge, LA 70804; 225-342-2403; h&ga@legis.la.govCommittee on Senate & Governmental Affairs; La Senate, P.O. Box 94183, Baton Rouge, LA 70804; 225-342-9845; s&g@legis.la.gov



Janelle Grier <jgrier@fclb.org>

Re: FCLB Power Poll: Dry Needling

1 message

Sharon J. Oliver -MDH- <sharon.oliver@maryland.gov>
To: Janelle Grier <jgrier@fclb.org>

Mon, May 18, 2020 at 1:16 PM

Hello Janelle,

The Maryland Dry Needling regulations went into effect today.

1. Does your state require acupuncture licensure to perform dry needling for DC's? **No.**
2. If you do not require it, have you promulgated rules requiring any certification or education before a DC can perform dry needling? **Yes.**

New regulations*10.43.16.04***.04 Minimum Education and Training Required.**

A. A chiropractor with physical therapy privileges shall be in good standing before beginning dry needling training as described in §B of this regulation.

B. In order to perform dry needling, a chiropractor with physical therapy privileges shall complete a minimum of 80 hours of total instruction in the following content areas, including:

(1) 60 hours of:

(a) Academic coursework obtained through completion of a college program accredited by the Council of Chiropractic Education, as part of the Doctor of Chiropractic program, including the following minimum requirements:

(i) Foundations;

(ii) Basic sciences;

(iii) Clinical sciences; and

(iv) Professional practice; or

(b) Coursework required to sit for Part I, Part II, Part III, Physiotherapy, and Part IV of the examination administered by the National Board of Chiropractic Examiners; and

(2) Board-approved coursework consisting of 20 hours to be done in a hands-on classroom setting, including but not limited to the following learning topics:

(a) Philosophy and historical perspective of dry needling;

(b) Indications, contra-indications, and qualifications for treatment;

(c) Protocols, doctor and patient safety, usage of dry needling, and dry needling as a diagnostic tool;

(d) Case management and jurisprudence; and

(e) Direct, hands-on implementation and testing for competency in dry needling of:

- (i) Cervical, thoracic, lumbar, and pelvic regions;
- (ii) Anterior and posterior thoracic and ribs;
- (iii) The upper and lower extremity;
- (iv) The face and head;
- (v) Technique; and
- (vi) Needle size and gauge appropriateness.

C. Continuing Education.

(1) The Board shall accept a continuing education course completed before the effective date of this chapter if:

(a) The same course, in substantially similar form, is later sponsored by a continuing education provider approved by the Board; and

(b) The chiropractor seeking to perform dry needling provides the Board with a certificate of completion of 3 hours of a continuing education course in dry needling.

(2) A chiropractor approved to perform dry needling may complete continuing education coursework in dry needling as part of the requisite continuing education necessary to renew the license with the Board.

10.43.16.05

.05 Registration Required.

A. The Board shall register a chiropractor with physical therapy privileges as qualified to perform dry needling in the State provided the chiropractor submits to the Board:

- (1) Evidence of completion of the education and training requirements outlined in Regulation .04 of this chapter;
- (2) An application for registration on a form provided by the Board; and
- (3) Evidence of continuing education coursework in dry needling completed before May 18, 2020.

B. A chiropractor with physical therapy privileges may not perform dry needling without registering with the Board.

Regards,

SJO

Sharon J. Oliver, MBA
Executive Director
Maryland State Board of Massage Therapy Examiners
Maryland State Board of Chiropractic Examiners
4201 Patterson Avenue, Suite 301
Baltimore, MD 21215-2299
(410) 764-5985
Sharon.oliver@maryland.gov (email)

Maryland Department of Health is committed to customer service. [Click here](#) to take the Customer Satisfaction Survey.

- For Medicaid-related Coronavirus updates, visit mmcp.health.maryland.gov.
- For questions about the Coronavirus, visit coronavirus.maryland.gov.

On Mon, May 18, 2020 at 3:01 PM Janelle Grier <jgrier@fclb.org> wrote:



Janelle Grier <jgrier@fclb.org>

RE: FCLB Power Poll: Dry Needling

1 message

Julie Strandberg <chirobd@chirobd.nv.gov>
 To: Janelle Grier <jgrier@fclb.org>
 Cc: Julie Strandberg <chirobd@chirobd.nv.gov>

Mon, May 18, 2020 at 1:16 PM

Hi Janelle,

1. Nevada does not require a licensee to be licensed in acupuncture to perform dry needling.
2. Nevada requires 50 credit hours of education to get certified to perform dry needling. Please see below for the Nevada Revised Statutes and Nevada Administrative Code.

NRS 634.035 Regulations establishing qualifications to perform dry needling.

1. The Board shall adopt regulations establishing the qualifications a chiropractor must obtain before he or she is authorized to perform dry needling. The qualifications adopted by regulation pursuant to this section must include, without limitation, the successful completion of didactic education and training in dry needling.

2. As used in this section, "dry needling":

(a) Means an advanced needling skill or technique limited to the treatment of myofascial pain, using a single-use, single-insertion, sterile needle, without the use of heat, cold or any other added modality or medication, which is inserted into the skin or underlying tissue to stimulate a trigger point.

(b) Does not include:

- (1) The stimulation of an auricular point;
- (2) Utilization of a distal point or nonlocal point;
- (3) Needle retention;
- (4) Application of a retained electrical stimulation lead; or
- (5) The teaching or application of other acupuncture theory.

(Added to NRS by [2019, 2287](#))

Board Regulations

Section 1. Chapter 634 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A chiropractic physician who wishes to obtain certification to perform dry needling must submit to the Board an application in the form prescribed by the Board. The application must include, without limitation, proof that the applicant has completed at least 50 hours of didactic education and training in dry needling offered or certified by:

(a) The Federation of Chiropractic Licensing Boards, or its successor organization;

(b) The American Chiropractic Association, or its successor organization;

(c) The International Chiropractors Association, or its successor organization;

(d) The Providers of Approved Continuing Education, or its successor organization;

(e) The American Medical Association, or its successor organization;

(f) The American Osteopathic Association, or its successor organization;

(g) The Accreditation Council for Continuing Medical Education, or its successor organization; -

-3-- LCB Draft of Proposed Regulation R064-19

(h) The State Board of Oriental Medicine; or

(i) A school of chiropractic.

2. Except as otherwise provided in this subsection, a chiropractic physician who wishes to renew a certificate issued pursuant to this section must submit to the Board with each application to renew his or her license to practice chiropractic proof that he or she completed at least 4 hours of continuing education in dry needling during the immediately preceding biennium. A chiropractic physician is not required to complete such continuing education during the biennium in which the certificate is issued.

3. A chiropractic physician may perform dry needling only if he or she is certified pursuant to this section. A chiropractor's assistant shall not perform dry needling.

Thank you!

Julie Strandberg

Executive Director

Chiropractic Physicians' Board of Nevada

775-688-1923

775-688-1920 fax

Website: chirobd.nv.gov

From: Janelle Grier <jgrier@fclb.org>
Sent: Monday, May 18, 2020 12:00 PM
Subject: FCLB Power Poll: Dry Needling

PowerPoll – Dry Needling

The Missouri Board wants to know!

1. Does your state require acupuncture licensure to perform dry needling for DC's?
2. If you do not require it, have you promulgated rules requiring any certification or education before a DC can perform dry needling?

Chapter Chir 4

PRACTICE

Chir 4.01 Authority and purpose.
Chir 4.02 Definitions.
Chir 4.04 X-ray.

Chir 4.05 Prohibited practice.
Chir 4.07 Suspension.

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

Chir 4.01 Authority and purpose. This chapter is adopted under authority in ss. 15.08 (5) (b) and 227.11, Stats., and ch. 446, Stats., to establish standards for the practice of chiropractic.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; correction made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1990, No. 411; CR 18-071: am. Register December 2019 No. 768, eff. 1-1-20.

Chir 4.02 Definitions. As used in this chapter,

(1) “Chiropractic science” means the body of organized knowledge related to identifying the cause of departure from health of the patient and the treatment of such conditions without use of drugs or surgery. “Chiropractic science” includes using patient examination to create a diagnosis that serves as a basis for forming clinical judgments of a patient’s condition, degree or nature of treatment needed, and management and rehabilitation necessary for the restoration and preservation of health.

(1m) “Examination” includes any of the following:

- (a) Patient history.
- (b) Evaluation techniques.
- (c) Lab analysis.
- (d) Use of analytical instruments to determine vital signs and screen health status.
- (e) Orthopedic and neurological testing.
- (f) Range of motion and muscle testing.
- (g) Diagnostic evaluation or imaging of the body.

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

(3) “Physiotherapy” has the meaning given “physiotherapy treatment” in s. Chir 10.01 (1r).

(4) “Practice of chiropractic” has the meaning given in s. 446.01 (2), Stats.

(5) “Treatment” includes any of the following:

- (a) Adjustment or manipulation of the spinal column, skeletal articulations, and adjacent tissue.
- (b) Physiotherapy and exercise rehabilitation.
- (c) Education, lifestyle modification, and counseling.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; renum. to be (1) and cr. (2), Register, January, 1992, No. 433, eff. 2-1-92; CR 18-071: r. and recr. (1), cr. (1m), am. (2), cr. (3) to (5) Register December 2019 No. 768, eff. 1-1-20.

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

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

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

- (a) X-ray procedures that require introduction of drugs, clinical dyes, or radioactive substances.
- (b) Therapeutic x-ray.

(3) 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. A chiropractor shall maintain records or ensure the chiropractor’s employer maintains records that verify a chiropractic radiological technician delegated the performance of x-ray services is certified under 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.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; renum. (2) to be (3), cr. (2), Register, October, 1989, No. 406, eff. 11-1-89; am. (3), Register, January, 1995, No. 469, eff. 2-1-95; CR 17-010: am. (3) Register July 2018 No. 751, eff. 8-1-18; CR 18-071: am. (2) (a) Register December 2019 No. 768, eff. 1-1-20; CR 18-105: am. (3) Register May 2020 No. 773, eff. 6-1-20.

Chir 4.05 Prohibited practice. A person licensed under ch. 446, Stats., may engage in the practice of chiropractic. A license to practice chiropractic does not authorize the license holder to engage in practice beyond the scope of the practice of chiropractic. Practice beyond the scope of the practice of chiropractic includes all of the following:

(1m) The use of any instrument in the practice of chiropractic to diagnose, analyze, treat, or prevent the cause of departure from complete health and proper condition of the patient, which is not employed or applied in accordance with the principles and techniques of chiropractic science.

(2m) Any practice system, analysis, method, or protocol that does not include the competent assessment, evaluation, or diagnosis of the condition to be treated before beginning treatment.

(3) Any practice system, analysis, method, or protocol that relies upon diagnostic methods that are not generally recognized or accepted within the profession or do not have scientific validity.

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

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; r. and recr. Register, October, 1989, No. 406, eff. 11-1-89; cr. (2) (e), Register, January, 1992, No. 433, eff. 2-1-92; am. (2) (b), Register, May, 1992, No. 437, eff. 6-1-92; cr. (2) (f), (g), (h), Register, February 1995, No. 470, eff. 3-1-95; am. (2) (f) to (h), Register, July, 1999, No. 523, eff. 8-1-99; am. (1) (a), (b) 1., 2., 3., (c), (2) (a) and (b), Register, September, 1999, No. 525, eff. 10-1-99; CR 03-082: am. (1) (b) 3. Register July 2004 No. 583, eff. 8-1-04; CR 06-051: am. (1) (d) Register November 2006 No. 611, eff. 12-1-06; 2017 Wis. Act 180: renum. (1) (b) 3. to (1) (b) 3. (intro.), cr. (1) (b) 3. a., b., Register April 2018 No. 748, eff. 5-1-18; CR 18-071: r. (1) (title), renum. (1) (intro.) to (intro.) and am., r. (1) (a) to (d), (2) (intro.), (a) to (d), renum. (2) (e) (intro.) to (1m) and am., r. (2) (e) 1., renum. (2) (f) to (h) to (2m) to (4) and am. Register December 2019 No. 768, eff. 1-1-20.

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

- (1) Engage in the practice of chiropractic.
- (2) Have any professional contact with patients.
- (3) Be present in any chiropractic office, other than to receive care.

History: Cr. Register, March, 2000, No. 531, eff. 4-1-00; CR 18-071: am. (1) Register December 2019 No. 768, eff. 1-1-20.

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.

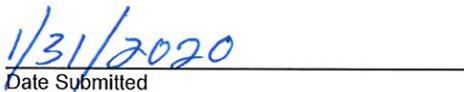
8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

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

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.

Chapter Chir 6

STANDARDS OF CONDUCT

Chir 6.01 Authority.
Chir 6.015 Definitions.

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

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

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; correction made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1990, No. 411; CR 19-129: am. Register May 2020 No. 773, eff. 6-1-20.

Chir 6.015 Definitions. In this chapter:

(1) “Advertisement” means a communication disseminated or intended to be disseminated in any public medium that is likely to or intended to induce, directly or indirectly, the rendering of professional services by the chiropractor named in or identified by the communication.

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

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

History: Cr. Register, November, 1997, No. 503, eff. 12-1-97; CR 19-129: am. (1), cr. (2), (3) Register May 2020 No. 773, eff. 6-1-20.

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

(1) Engaging in any practice which constitutes a substantial danger to the health, welfare, or safety of a patient or the public.

(2) Practicing or attempting to practice when unable to do so with reasonable skill and safety to patients.

(3) Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a chiropractor.

(4) Practicing or attempting to practice beyond the scope of a license issued by the board, including acts prohibited under s. Chir 4.05.

(5) Practicing or attempting to practice while the ability to perform is impaired by a physical, mental, or emotional disorder, or by drugs or alcohol.

(6) Performing professional services inconsistent with training, education, or experience.

(7) Engaging in sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient.

(8) Engaging in excessive evaluation or treatment of a patient.

(9) Failing to conduct a competent assessment, evaluation, or diagnosis as a basis for treatment or consultation.

(10) Revealing confidential patient information without the consent of the patient or person authorized by the patient to provide consent, except that information shall be revealed to the board or its representatives pursuant to investigation of a licensee or as otherwise authorized by law.

(11) Refusing to render services to a person because of race, color, sex, or religion.

(12) Knowingly falsifying patient records.

(13) Impersonating another chiropractor.

(14) Obtaining or attempting to obtain any compensation for chiropractic services by fraud, including billing for services not rendered or submitting a claim for a fraudulent diagnosis.

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

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

(a) Contains a misrepresentation of fact.

(b) Is likely to mislead or deceive because of a failure to disclose material facts.

(c) Is intended to or is likely to create false or unjustified expectations of favorable results.

(d) Fails to prominently disclose complete details of all variables and material factors relating to any advertised fee.

(e) Contains any representation or implication that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(f) Includes reference to or implies specialization or certification in an area of specialty other than nutritional counseling, unless the chiropractor has a postgraduate degree in the area of specialty conferred by an institution accredited by either the Council on Chiropractic Education or an accrediting agency recognized by the United States department of education, or unless all of the following apply to the chiropractor’s specialty:

1. The specialty is recognized by a council of the American Chiropractic Association or the International Chiropractors Association.

2. The specialty requires at least 300 hours of postgraduate credit hours and passage of a written examination approved by the American Chiropractic Association or the International Chiropractors Association.

3. The title applied to the specialty by the chiropractor is the title applied by the American Chiropractic Association or the International Chiropractors Association.

(g) Includes reference to or implies advanced training or certification in an area of advanced training other than nutritional counseling, unless the chiropractor has a postgraduate degree in the area of advanced training conferred by an institution accredited by either the Council on Chiropractic Education or an accrediting agency recognized by the United States department of education, or unless the chiropractor has successfully completed a postgraduate training program meeting all of the following requirements:

1. The program is one, unified program approved by the American Chiropractic Association or the International Chiropractors Association, or one, unified program at a college accredited by the Council on Chiropractic Education and approved by the board.

2. The program consists of at least 100 hours of training in the area in which the chiropractor claims advanced training.

3. The program requires successful completion of a written examination.

(gm) Includes reference to or implies specialization, advanced training, or certification in nutritional counseling, unless the chiropractor is certified under ch. Chir 12.

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

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

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

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

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

(19) Refusing upon request to cooperate in a timely manner with the board's investigation of a complaint lodged against a licensee. Licensees taking longer than 30 days to respond to a request from the board or its representative shall have the burden of demonstrating that they have acted in a timely manner.

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

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

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

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

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

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

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

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

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

(29) Negating the co-payment or deductible provisions of a contract of insurance by agreeing to forgive any or all of the patient's obligation for payment under the contract, unless the chiropractor reduces the chiropractor's claim to the insurance carrier in regard to that patient by an equal proportion.

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

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

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

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; am. (4), Register, October, 1989, No. 406, eff. 11-1-89; cr. (27) and (28), Register, January, 1992, No. 433, eff. 2-1-92; cr. (29), Register, January, 1993, No. 445, eff. 2-1-93; am. (7), Register, June, 1993, No. 450, eff. 7-1-93; am. (27), Register, May, 1997, No. 497, eff. 6-1-97; r. and recr. (15), Register, November, 1997, No. 502, eff. 12-1-97; am. (18), cr. (30), Register, September, 1999, No. 525, eff. 10-1-99; CR 03-082; am. (14) Register July 2004 No. 583, eff. 8-1-04; CR 06-051; cr. (31) Register November 2006 No. 611, eff. 12-1-06; CR 19-129; am. (intro.), (1), (4) to (6), (9) to (11), (15) (intro.), (f), (g), cr. (15) (gm), am. (15) (h), (16), (18), (19), (21), (22), (26), (27), (29), (30) Register May 2020 No. 773, eff. 6-1-20.

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

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

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

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

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; CR 19-129; am. (1), (3) Register May 2020 No. 773, eff. 6-1-20.

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

REQUIREMENTS FOR CHIROPRACTIC ASSISTANTS

Many states do not have minimum requirements for chiropractic assistants. Presumably, in these states the chiropractor is responsible for ensuring an assistant has the skills necessary to perform their duties and is ultimately responsible for the assistant's work. Below is an overview of requirements in states other than Wisconsin. The listing may not include all states that have requirements, as it was developed with information available at the time this document was prepared.

Arizona - Required Chiropractic Assistant Training

Twenty-four clock hours of coursework, with a minimum of four hours in each of the following subjects: chiropractic principles, management of common diseases, history taking, recordkeeping, professional standards of conduct, and CPR. If a chiropractor supervising a chiropractic assistant is certified in physiotherapy, the chiropractic assistant must complete 12 hours of training in physiotherapy in addition to the 24 hours of coursework. If a chiropractor supervising a chiropractic assistant is certified in acupuncture, the chiropractic assistant must complete two hours of training in acupuncture in addition to the 24 hours of coursework.

Coursework must be provided by a Board-approved facility or chiropractor. The facility or chiropractor providing coursework shall submit documentation that describes each subject listed above to the Board for approval prior to offering the course.

Additional information concerning chiropractic assistants may be found [here](#).

Iowa - Education Requirements for Chiropractic Assistants

The supervising chiropractic physician shall ensure that a chiropractic assistant has completed a chiropractic assistant training program. A chiropractic assistant training program shall include training and instruction on the use of chiropractic physiotherapy procedures related to services to be provided by the chiropractic assistant. Any chiropractic assistant training program shall be provided by an approved CCE-accredited chiropractic college or a chiropractic state association.

Chiropractic assistants performing active chiropractic physiotherapy procedures are required to complete 12 hours of instruction, of which 6 hours must be clinical experience under the supervision of the chiropractic physician.

Chiropractic assistants performing passive chiropractic physiotherapy procedures are required to complete 12 hours of instruction, of which 6 hours must be clinical experience under the supervision of the chiropractic physician.

Chiropractic assistants performing both active and passive chiropractic physiotherapy procedures are required to complete 12 hours of instruction for active procedures and 12 hours of instruction for passive procedures.

Maine - Certification Requirements for Chiropractic Assistants

Must have successfully completed a course of study approved by the Board or completed a course of study provided by a chiropractic college accredited by the CCE or by any other USOE approved national chiropractic accrediting agency. Completion of a course of study includes successfully passing an examination with a minimum score of 75%.

Maryland – Education, Training, and Examination Requirements for Chiropractic Assistants

- Generally, to achieve registration, an applicant must be a high school graduate and must receive Board approved classroom training consisting of 103 hours (24 hours of anatomy, 76 hours of physical therapy, 3 hours of jurisprudence).
- Successfully complete 480 hours of in-service clinical training by a certified Supervising Chiropractor, the first 40 hours of which must be in an observation status. All training must be formally tracked and reported by the Supervising Chiropractor. The report log must be submitted at the time of application for the examination.
- Successfully complete a multiple-choice subject matter exam consisting of 100 professional questions and 20-30 risk management/jurisprudence questions.
- Obtain a current CPR certification (provider level) by the American Heart Association or American Red Cross or bonafide affiliate
- Upon completion of the foregoing,
- Satisfactorily take/pass the Board CA proficiency exam and jurisprudence exam

North Carolina - Certification Requirements for Clinical Assistants

Education Programs. In order to be approved by the Board, a clinical assistant education program for new applicants shall be at least 24 hours in length, of which at least six hours shall be in-person didactic training with an instructor or instructors who, based on education and experience, are competent to teach the portion of the curriculum they have been assigned. Credit for online coursework shall not exceed 18 hours, and all online coursework shall precede didactic training. The education program shall provide sufficient instruction in the following subjects to enable its graduates to satisfy all applicable standards of care:

- (1) Basic anatomy.
- (2) Chiropractic philosophy and terminology.
- (3) Utilization of standard therapeutic modalities.
- (4) Contraindications and response to emergencies.
- (5) Jurisprudence and patient privacy protection.

Examinations. The proficiency examination for new applicants shall assess both academic knowledge and practical skills acquired through education programs and shall be administered in person at least four times per year on dates and at locations to be announced by the Board at least 90 days in advance and published on the Board's website. In its discretion, the Board may authorize additional testing sessions based on the number of applications received. The minimum passing score on the examination is 75 percent.

North Dakota

Requires successful completion of the FCLB's Certified Chiropractic Clinical Assistant Program. The program consists of a minimum of 24 hours of course work that covers all the core competencies that are included in the FCLB National Certification Examination:

1. FOUNDATIONAL KNOWLEDGE

Competency Description: The successful examinee has the general entry-level knowledge necessary for working in a chiropractic office.

2. PATIENT SAFETY AND PROCEDURES

Competency Description: The successful examinee has the entry-level knowledge and ability to complete tasks related to patient treatment and recognize and appropriately respond to situations that may compromise patient safety.

3. DOCUMENTATION

Competency Description: The successful examinee has the entry-level knowledge and ability to complete tasks related to the proper creation, handling and storage of patient data, including activities associated with the billing of patient services.

4. ETHICS & BOUNDARIES

Competency Description: The successful examinee exhibits entry-level ethical decision-making ability and recognition of appropriate interpersonal boundaries.

Oklahoma - Certification Requirements for Chiropractic Assistants

If an application to become a certified chiropractic assistant is approved by the Executive Director, the applicant must have taken a twelve-hour training course approved by the Board before taking the certified chiropractic assistant exam. The Board will review all training courses to ensure that they are sufficient in providing adequate and competent clinical training to the applicant. The applicant will have three opportunities to pass the exam. If the exam is failed three times, the applicant will be required to take another twelve-hour course before he or she can retake the exam.

Oregon – Education and Examination Requirements for Chiropractic Assistants

An applicant must complete 12 hours of initial training, including eight hours of lecture and four hours of hands-on training. This is the [Board's training syllabus](#). There are board-approved trainers offering live and online sessions. However, if an applicant is employed by a chiropractic clinic, that doctor may provide the training as described in the syllabus.

Once the Board receives a complete application packet, board staff will send the chiropractic assistant examination to the applicant by email. The exam is open book.

South Dakota – Education and Examination Requirements for Chiropractic Assistants

An applicant must complete an approved program or course of study consisting of at least 20 hours in chiropractic assisting that includes coursework in basic chiropractic assistant duties, introduction to physiotherapy, use of modalities, rehabilitation and exercise programs as designed by the chiropractor, evaluations, and other programs as designated by the board. An applicant must also obtain certification in CPR.

An applicant for certification as a chiropractic assistant shall present evidence of having passed an examination approved by the board with a score of at least 75 percent. If the chiropractic assistant does not achieve a score of 75 percent, the examiner must advise the chiropractic assistant of the areas failed. The assistant may have two additional opportunities to successfully complete the evaluation, not to exceed a total of three attempts in any two-year period.

Note: An applicant may apply for certification based on verification of at least two years employment as a chiropractic assistant and evidence of having passed an examination approved by the board.

Tennessee – Education, Internship, and Examination Requirements for Chiropractic Assistants

- A minimum combined total of fifty (50) hours of instruction approved by any board member or board designee, subject to full board approval, and which shall include but not be limited to such subject material as anatomy, physiology, patient protection, safety, emergency procedures, professional boundaries training, therapy, and rehabilitation techniques. Verification must be submitted directly to the Board office from the instructor.
- Twelve hundred (1,200) hours of clinical internship under direct supervision.
- Completion of a state board examination with a minimum score of 75.9.

Prepared by: Dale Kleven, Administrative Rules Coordinator

TO: Wisconsin Chiropractic Examining Board

From: Elizabeth McLean, D.C., CCSP

Re: Public Comments on 4/2/20

My name is Elizabeth McLean, DC and I teach at Moraine Park Technical College in West Bend WI.

At this time, I am teaching two classes previously approved by the Wisconsin Chiropractic Examining Board. One is for CT certification and the other for CRT Certification. We completed 8 weeks of these 16-week classes that are now on hold. Moraine Park Technical College would appreciate allowing an online and web-based real time conference option to allow students to complete these classes this semester.

I also instruct for Northwestern Health Sciences University for CT and CRT continuing education. Our first run of approved courses was scheduled on March 19-20, 2020 and were canceled. I can see now that we will have to resubmit these classes for reapproval as we were unable to hold the first scheduled date of the classes. Just know that staff are also having challenges in obtaining their continuing education requirements.

As for a topic discussed earlier in the session, I would like to suggest the following changes to the required course hours for CT certification:

The Course of Study - 9 hours

Thermotherapy/Cryotherapy – 1 hour

Electrotherapy – 2 hours

Ultrasound – 2 hours

Light therapy – 2 hours

Mechanized traction 2-3 hours

SEMG – 2 hours

Therapeutic Exercise - 20 hours.

Thank you for your kind attention to these issues.

Elizabeth McLean, D.C., CCSP

Chapter Chir 10

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

Chir 10.01	Definitions.
Chir 10.015	Chiropractic technician course of study.
Chir 10.02	Delegation of adjunctive services to a chiropractic technician.

Chir 10.023	Delegation of adjunctive services to a health care professional.
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; CR 18-105: am. (1) (a) (intro.) Register May 2020 No. 773, eff. 6-1-20.

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

formance of an adjunctive service to a chiropractic technician 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, on-premises 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; CR 18-105: am. (intro.), (4) Register May 2020 No. 773, eff. 6-1-20.

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.

History: CR 18-105: cr. Register May 2020 No. 773, eff. 6-1-20.

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. 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. 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.

History: Cr. Register, January, 1995, No. 469, eff. 2-1-95; CR 17-010: am. Register July 2018 No. 751, eff. 8-1-18; CR 18-105: am. Register May 2020 No. 773, eff. 6-1-20.