



**HYBRID (IN-PERSON/VIRTUAL)
CHIROPRACTIC EXAMINING BOARD
Room N208, 4822 Madison Yards Way, Madison
Contact: Will Johnson (608) 266-2112
June 27, 2024**

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. Be advised that board members may attend meetings designated as "Hybrid" in-person or virtually.

AGENDA

8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes of March 28, 2024 (5-7)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Bradley, Barbara C. – 7/1/2027
 - b. Damrow, James M. – 7/1/2027
 - c. Erlandson, Kris N. – 7/1/2025
 - d. Heffernan, Amy L. – 7/1/2025
 - e. Hendrickson, Kathleen A. – 7/1/2024
 - f. Meschefske, Daniel – 7/1/2025
- F. 8:30 A.M. Public Hearing: Clearinghouse Rule 24-027 Chir 3, Relating to Cardiopulmonary Resuscitation Requirement (8-17)**
 - 1) Review Public Hearing comments and respond to Clearinghouse Report
- G. 8:30 A.M. Public Hearing: Clearinghouse Rule 24-046 Chir 12, Relating to Nutritional Counseling Certification (18)**
 - 1) Review Public Hearing comments and respond to Clearinghouse Report
- H. Legislation and Policy Matters – Discussion and Consideration

- I. Administrative Rule Matters – Discussion and Consideration (19-25)**
 - 1) Discussion: Chir 10, relating to delegation (20-25)
 - 2) Possible rule project: Chiropractic Technicians who are delegated adjunctive services that are within the scope of physical therapy practice to be licensed to practice physical therapy
 - 3) Pending and Possible Rulemaking Projects (25)

- J. Speaking Engagements, Travel, or Public Relation Requests, and Reports – Discussion and Consideration (26)**
 - 1) Travel Report: FCLB 97th Annual Educational Conference in Phoenix, Arizona on May 1-5, 2024 – Amy Heffernan

- K. Education and Examination Matters – Discussion and Consideration**

- L. 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) Public Health Emergencies
 - 12) Preceptor Approvals
 - 13) Liaison Reports
 - 14) Board Liaison Training and Appointment of Mentors
 - 15) Informational Items
 - 16) Division of Legal Services and Compliance (DLSC) Matters
 - 17) Presentations of Petitions for Summary Suspension
 - 18) Petitions for Designation of Hearing Examiner
 - 19) Presentation of Stipulations, Final Decisions and Orders
 - 20) Presentation of Proposed Final Decisions and Orders
 - 21) Presentation of Interim Orders
 - 22) Petitions for Re-Hearing
 - 23) Petitions for Assessments
 - 24) Petitions to Vacate Orders
 - 25) Requests for Disciplinary Proceeding Presentations
 - 26) Motions
 - 27) Petitions
 - 28) Appearances from Requests Received or Renewed
 - 29) Speaking Engagements, Travel, or Public Relation Requests, and Reports

- M. 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.).

N. Credentialing Matters

- 1) **Employment Review**
 - a. S.L.I. (27-37)

O. 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

P. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

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

ADJOURNMENT

NEXT MEETING: AUGUST 1, 2024

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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dps.wi.gov>. 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. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or the Meeting Staff at 608-267-7213.

**VIRTUAL/TELECONFERENCE
CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
MARCH 28, 2024**

PRESENT: Barbara Bradley, James Damrow, Kris Erlandson, Amy Heffernan, Kathleen Hendrickson

EXCUSED: Daniel Meschefske

STAFF: Will Johnson, Executive Director; Jameson Whitney, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Tracy Drinkwater, Board Administration Specialist; and other Department Staff

CALL TO ORDER

Amy Heffernan, Chairperson, called the meeting to order at 8:31 a.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

MOTION: James Damrow moved, seconded by Barbara Bradley, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 18, 2024

MOTION: Kris Erlandson moved, seconded by Barbara Bradley, to approve the Minutes of January 18, 2024, as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Preliminary Rule Draft for Chir 12, relating to nutritional counseling certification.

MOTION: James Damrow moved, seconded by Kathleen Hendrickson, to approve the preliminary rule draft of Chir 12, relating to nutritional counseling certification, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

CT Course of Study

MOTION: James Damrow moved, seconded by Barbara Bradley, to approve the Chiropractic Technician/Chiropractic Radiological Technician course of study titled, "CT Certification in Light / Laser Therapy: Photobiomodulation 101," presented by Wendy Varnish, DC, FIANM(us), DACO, CCSP, and provided by the Wisconsin Chiropractic Association. Motion carried unanimously.

CLOSED SESSION

MOTION: Kris Erlandson moved, seconded by Amy Heffernan, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1)(a), Stats.); to consider licensure or certification of individuals (§ 19.85(1)(b), Stats.); to consider closing

disciplinary investigations with administrative warnings (§§ 19.85(1)(b), and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85(1)(f), Stats.); and to confer with legal counsel (§ 19.85(1)(g), Stats.). Amy Heffernan, Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Barbara Bradley-yes; James Damrow-yes; Kris Erlandson-yes; Amy Heffernan-yes; and Kathleen Hendrickson-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:26 a.m.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Credentialing Matters

Randolph Magone

REVIEW OF APPLICATION

MOTION: Amy Heffernan moved, seconded by Kris Erlandson, to deny the application for licensure for Randolph Magone. **Reason for denial:** Wis. Stats. § 446.03(2), addiction to alcohol or other drugs; Wis. Stats. § 446.03(5), guilty of unprofessional conduct; Chir 6.02(5), practice while impaired by drugs; Chir 6.02(22), having a license granted by another jurisdiction suspended or subject to disciplinary action. Motion carried unanimously.

James Damrow excused at 10:35 a.m.

Proposed Stipulation(s), Final Decision(s) and Order(s)

MOTION: Kris Erlandson moved, seconded by Amy Heffernan, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 21 CHI 016 – Casimer S. Koblynski
2. 23 CHI 001 – Tyler G. Schneekloth
3. 23 CHI 013 – Victor R. Schueller

Motion carried unanimously.

Case Closings

23 CHI 008 – C.V.W.

MOTION: Amy Heffernan moved, seconded by Kathleen Hendrickson, to close DLSC Case Number 23 CHI 008, against C.V.W., for Prosecutorial Discretion (P5). Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Barbara Bradley moved, seconded by Kris Erlandson, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:39 a.m.

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

MOTION: Amy Heffernan moved, seconded by Kris Erlandson, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

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

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

MOTION: Amy Heffernan moved, seconded by Kris Erlandson, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

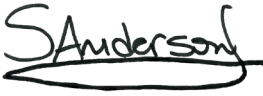
ADJOURNMENT

MOTION: Kathleen Hendrickson moved, seconded by Amy Heffernan, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:42 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson – Administrative Rules Coordinator		2) Date when request submitted: June 17, 2024	
Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting			
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: June 27, 2024	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 8:30 A.M. Public Hearing – Clearinghouse Rule 24-027: Chir 3, relating to cardiopulmonary resuscitation requirement. 1. Review Public Hearing comments and respond to Clearinghouse report. 8:30 A.M. Public Hearing – Clearinghouse Rule 24-046: Chir 12, relating to nutritional counseling certification. 1. Review Public Hearing comments and respond to Clearinghouse report.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: The Board will hold two Public Hearings on these rules as required by the rulemaking process.			
11) Authorization			
		06/17/2024	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 24-027

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

3. Conflict With or Duplication of Existing Rules

The agency should amend s. Chir 5.01 (1) (f) to account for the repeal of s. Chir 3.09.

5. Clarity, Grammar, Punctuation and Use of Plain Language

The agency should revise SECTIONS 2 and 3 to be in the specified form of a repeal and recreate treatment, which only shows the newly created text. [s. 1.04 (5), Manual.] Additionally, should the text of each SECTION be consistent? Currently, SECTION 2 states, “Instructions can be found...”, while SECTION 3 states, “Instructions for applications can be found...”.

Chapter Chir 5

CONTINUING EDUCATION

Chir 5.01 Continuing education requirements for credential renewal.

(1)

(a) Every chiropractor shall complete at least 40 continuing education credit hours in approved continuing education programs during each 2-year license registration period ending on December 15 of each even-numbered year, except as specified in s. [Chir 3.02 \(1\) \(c\)](#). Completion of course work and teaching or presenting courses or programs may be counted toward the requirement under this paragraph as provided under pars. [\(d\)](#), [\(f\)](#), and [\(h\)](#).

(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 as continuing education credit hours.

(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 credit hours in approved continuing education programs relating to nutrition.

(f) Up to 2 credits of course work completed to become proficient in ~~cardiopulmonary resuscitation certification as required in s. [Chir 3.09](#) and~~ 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 2 continuing education credit hours.

(g) No more than 8 of the 40 continuing education credit hours required under par. [\(a\)](#) may be acquired through participation in online continuing education programs approved under s. [Chir 5.02](#).

(h) Continuing education credit hours may be counted for teaching or presenting a course or program whose subject matter contributes to the advancement, extension, and enhancement of the clinical skills of a chiropractor and fosters the enhancement of general or specialized practice. One hour of continuing education credit may be claimed for every 50 minutes of instruction or presentation, except continuing education credit hours may not be counted for subsequent presentations of the same course or program.

(i) The requirements in this paragraph first apply to the renewal period beginning December 16, 2024. Of the 40 continuing education hours required in par. [\(a\)](#), 2 hours shall be on the topic of professional boundaries and ethics approved under s. [Chir 5.02](#). Professional boundaries and ethics courses may include any of the following subjects:

1. Sexual misconduct, as defined in s. [Chir 6.02 \(7\)](#).
2. Ethics in billing or business management practices.
3. Risk management.
4. Professional boundaries in clinical practice settings.
5. Any other topic that the board or the board's designee approves as being related to the subject of professional boundaries and ethics.

(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 15 of each even-numbered year. A chiropractic radiological technician who receives an initial certificate during a licensing biennium is not required to satisfy the continuing education requirement from the date of that certificate to the end of that licensing biennium.

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

(c) No more than 2 of the 12 continuing education credit hours required under par. [\(a\)](#) may be acquired through participation in online continuing education programs approved under s. [Chir 5.02](#).

(1r)

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

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

(c) No more than 2 of the 6 continuing education credit hours required under par. [\(a\)](#) may be acquired through participation in online continuing education programs approved under s. [Chir 5.02](#).

(d) Up to one credit of course work completed to become proficient in cardiopulmonary resuscitation certification and the use of an automated external defibrillator may be counted as one continuing education credit hour.

(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 15 of any even-numbered year will apply to the preceding period only if the chiropractor, chiropractic radiological technician, or chiropractic technician has failed to meet the credential renewal requirement during that period, and will not apply to any other period or purpose.

(3) To obtain credit for completion of continuing education programs, a chiropractor, chiropractic radiological technician, or chiropractic technician shall certify on the application for credential renewal that all continuing education credits have been completed as required under this section.

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

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

Chir 5.02 Approval of continuing education programs.

(1) The board may approve a continuing education program that meets all of the following requirements:

(a) The program is sponsored by one of the following:

1. The Wisconsin Chiropractic Association.
2. The International Chiropractors Association.

3. A college of chiropractic with accreditation that is in good standing from the Council on Chiropractic Education or another accrediting agency whose recognition by the United States department of education is current.

4. A college of medicine or osteopathy with accreditation that is in good standing from an accrediting agency whose recognition by the United States department of education is current.

(b) For a continuing education program required under s. [Chir 5.01 \(1\) \(a\)](#), the program subject matter contributes to the advancement, extension, and enhancement of the clinical skills of a chiropractor and fosters the enhancement of general or specialized practice.

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

(c) The program sponsor agrees to provide a responsible person to monitor and verify the attendance of each registered chiropractor, chiropractic radiological technician, or chiropractic technician, as applicable, participating in the program, and the program sponsor agrees to assume responsibility for the accuracy of the continuing education credit awarded to each participant, to keep the records of attendance for 4 years from the date of the program, and to furnish each participant with evidence of having attended the program.

(cm) For an online continuing education program, the program meets all of the following requirements:

1. The program is at least 50 percent synchronous and provides interactive communication between the participant and the instructor.

2. The program includes an instrument that is designed to ensure the chiropractor, chiropractic radiological technician, or chiropractic technician, as applicable, actively participated in the presentation of material.

3. The program includes means 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) If 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) A course instructor of the program has qualifications appropriate for presenting 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 [\(1\)](#), [\(2\)](#), and [\(6\)](#) do not apply to programs approved under this section.

(2)

(a) Continuing education programs may include subject material that does not meet the requirements under sub. [\(1\) \(b\)](#). However, only the parts of the program that include subject material that meets the requirements under sub. [\(1\) \(b\)](#) are eligible for credit.

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

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

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

(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.

Chir 5.04 Application for approval of a continuing education program.

(1) An application for approval of a continuing education program shall be on a form provided by the board and include all of the following:

(a) The name and address of the program sponsor and a description of how the program sponsor qualifies under s. [Chir 5.02](#).

(b) A description of the time and place of the program.

(c) Evidence of the program sponsor's verification showing to the satisfaction of the board that the subject matter meets the requirements under s. [Chir 5.02 \(1\) \(b\)](#) or [\(bm\)](#), as applicable.

(d) 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.

(e) The names and a description of the qualifications of all instructors including, 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 or by an agency approved by the United States department of education.

(f) If the program sponsor intends to assign or delegate any of its responsibilities to another person or entity, all of the following:

1. A specific description of the assignment or delegation.

2. The name and address of the person or entity who is assigned or delegated to perform the responsibility, and a description of the qualifications of that person or entity to perform the responsibility.

3. A description of the method by which the program sponsor intends to assure that the delegated or assigned responsibility is performed.

Note: Application forms are available on the department's website at <http://dsps.wi.gov>, or by request from the Department of Safety and Professional Services, P. O. Box 8935, Madison, Wisconsin 53708, or call (608) 266-2112.

(2) An application shall be complete as required under sub. [\(1\)](#) and filed with the board no later than 60 days prior to the program date or, for an online continuing education program, the date on which the program will first be eligible for continuing education credit. An application is considered complete when all information required to be submitted with the application is received by the board.

(3) The board may require an applicant to submit information in addition to that described in sub. [\(1\)](#) that is necessary to determine if the applicant meets the requirements of this chapter.

(4) The board shall grant approval of an application if the board determines the program and program sponsor materially meet the requirements under this chapter. If the board does not take action within 50 days of submission of a completed application, the course shall be approved for the first scheduled date that it is eligible for continuing education credit and shall remain approved unless the board takes further action.

(5) The board shall deny approval of an application for any of the following reasons:

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

(b) 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.

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

(d) 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.

(e) Failure on the part of a program sponsor, an instructor, or a person delegated or assigned a responsibility to carry out a program as represented to and approved by the board or as provided in this chapter.

(f) The program subject matter relates to practice that is prohibited under s. [Chir 4.05](#).

Chir 5.05 Application for expedited approval of a continuing education program.

(1) A program sponsor under s. [Chir 5.02 \(1\) \(a\)](#) may submit an application for expedited approval of a continuing education program if the program sponsor had a minimum of 20 continuing education programs approved for the previous 2-year registration period and one of the following requirements is met:

(a) A review by the board of a random selection of 10 percent of the program sponsor's continuing education programs approved for the previous 2-year registration period found that all of the selected programs materially meet all of the requirements under s. [Chir 5.02 \(1\)](#) and were awarded continuing education credit as provided under s. [Chir 5.02 \(2\)](#) and [\(5\)](#). The review by the board shall occur within the first 6 months following the 2-year registration period.

(b) A review by the board of a random selection of 10 percent of the program sponsor's continuing education programs approved for the previous 2-year registration period found that one or more of the selected programs do not materially meet all of the

requirements under s. [Chir 5.02 \(1\)](#) or did not award continuing education credit as provided under s. [Chir 5.02 \(2\)](#) and [\(5\)](#), and all of the following requirements are met:

1. The application is submitted at least 6 months after the beginning date of the current 2-year registration period.

(2) An application for expedited approval of a continuing education program shall be on a form provided by the board and include all of the following:

(a) The name and address of the program sponsor and a description of how the program sponsor qualifies under s. [Chir 5.02 \(1\) \(a\)](#).

(b) A description of the time and place of the program.

(c) An attestation by the program sponsor that the program materially meets all of the requirements under s. [Chir 5.02 \(1\)](#) and [\(6\)](#) and will award continuing education credit as provided under s. [Chir 5.02 \(2\)](#) and [\(5\)](#).

(3) An application for expedited approval shall be filed with the board no later than 60 days prior to the program date or, for an online continuing education program, the date on which the program will first be eligible for continuing education credit.

(4) The board shall grant approval of an application that meets the requirements of this section.



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 24-046

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

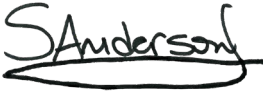
1. Statutory Authority

a. In the rule summary’s listing of statutes interpreted, it appears that a citation to s. 446.028 (3), Stats., should be added. Additionally, consider adding sub. (6m) to the listing of s. 446.02 (2) (c), Stats., or listing s. 446.02 (6m), Stats., under the heading for related statutes or rules, as it more broadly addresses the practice of nutritional counseling.

b. In the rule summary’s listing of statutory authority, the reference to s. 446.02 (2) (c), Stats., should more precisely cite to par. (c) 2. Likewise, in the explanation of agency authority, the material quoted from par. (c) 1. should be revised to quote par. (c) 2., which provides, in part, that a postgraduate study in nutrition must satisfy all of the requirements “established by the examining board by rule”.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson – Administrative Rules Coordinator		2) Date when request submitted: June 17, 2024	
Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting			
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: June 27, 2024	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rules Matters – Discussion and consideration <ol style="list-style-type: none"> 1. Discussion: Chir 10, relating to delegation. 2. Possible rule project: Chiropractic Technicians who are delegated adjunctive services that are within the scope of physical therapy practice to be licensed to practice physical therapy. 3. Pending and possible rulemaking projects. 	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Attachments: <ol style="list-style-type: none"> 1. Chapter 10 redlined. 2. Chiropractic Rules Projects Chart. 			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  <hr/> Signature of person making this request </div> <div style="text-align: right;"> 06/17/2024 <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 60%;"> <hr/> Supervisor (if required) </div> <div style="width: 35%;"> <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 70%;"> <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 25%;"> <hr/> Date </div> </div>			
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. 			

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 10.024](#) Delegation of adjunctive services to individuals trained as medical assistants.

[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.

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).

Chir 10.02 Delegation of adjunctive services to a chiropractic technician. A chiropractor may delegate the performance 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 subds. 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 3 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.

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.

Commented [ASD1]: Maybe reducing it to 12 hrs?

Chir 10.024 Delegation of adjunctive services to individuals trained as medical assistants. A chiropractor may delegate the performance of an adjunctive service to an individual described under s. [446.02 \(7\) \(a\) 3.](#), Stats., if all of the following conditions are met:

- (1) The individual is qualified, through education, training, or experience, to perform the adjunctive service.
- (2) The chiropractor maintains records or ensures the chiropractor's employer maintains records that verify the individual's training is current.
- (3) The chiropractor exercises direct, on-premises supervision of the individual performing the delegated adjunctive service.
- (4) The chiropractor retains ultimate responsibility for the manner and quality of the service.

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).

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.

**Chiropractic Examining Board
Rule Projects (updated 06/17/2024)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
24-027	062-23	02/21/2026	Chir 3	Cardiopulmonary Resuscitation (CPR) Requirement	Public Hearing to be held at the June meeting.	Final Rule Draft and Legislative Report submission to Governor's Office and Legislature.
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	Chir 5	Continuing Education	Scope Submitted to the Governor's Office for Approval on 03/06/23	Scope Publication and Implementation
Not Assigned Yet	035-23	11/30/2025	Chir 10	Delegation	Drafting rule.	EIA comment period, Clearinghouse review, and public hearing.
24-046	034-23	11/30/2025	Chir 12	Nutritional Counseling Certification	Public Hearing to be held at the June meeting.	Final Rule Draft and Legislative Report submission to Governor's Office and Legislature.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Will Johnson, Executive Director		2) Date When Request Submitted: 06/17/2024 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: 06/27/2024	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Report on attendance of FCLB Annual Conference	
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: N/A	
10) Describe the issue and action that should be addressed:			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			