

CERTIFICATE



**STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

I, Tom Ryan, Executive Director, Division of Policy Development in the Wisconsin Department of Safety and Professional Services and custodian of the official records of the Chiropractic Examining Board, do hereby certify that the annexed rules relating to patient records were duly approved and adopted by the Chiropractic Examining Board.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at 1400 East Washington Avenue, Madison, Wisconsin this 28th day of June, 2018.

A handwritten signature in cursive script, appearing to read 'Tom Ryan', written over a horizontal line.

*Tom Ryan, Executive Director
Division of Policy Development
Department of Safety & Professional Services*

STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	CHIROPRACTIC EXAMINING
CHIROPRACTIC EXAMINING	:	BOARD
BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 17-057)

ORDER

An order of the Chiropractic Examining Board to repeal and recreate Chir 11.01, relating to patient records.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

None.

Statutory authority:

Sections 15.08 (5) (b) and 446.02 (7m) (a), Stats.

Explanation of agency authority:

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

Section 446.02 (7m) (a), Stats., provides a patient record created and maintained by a chiropractor “shall contain complete and comprehensive health care information, as defined by the examining board by rule.”

Related statute or rule:

None.

Plain language analysis:

The rules clarify the term “new patient” used in s. Chir 11.03 (intro.) by defining it under s. Chir 11.01 to mean an individual who has not been examined or treated by the chiropractor or another chiropractor in the same group practice within the last 3 years. The remainder of s. Chir 11.01 is revised to meet standards for drafting style and format.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois: Illinois rules and statutes do not specify the record keeping requirements of licensees practicing chiropractic in Illinois.

Iowa: Rules of the Iowa Board of Chiropractic specify the record keeping requirements of chiropractic physicians (645 IAC 43.10). The rules do not contain requirements specific to new patients.

Michigan: Rules of the Michigan Department of Licensing and Regulatory Affairs specify requirements for patient records of a licensee practicing chiropractic in Michigan (Mich Admin Code, R 338.12015). The rules include a requirement that a patient record entry for an initial patient visit include all of the following:

- History, including description of presenting condition.
- Physical evaluation.
- Diagnostic studies, if applicable.
- Diagnosis.
- Treatment or care provided.

Minnesota: Minnesota statutes specify the record keeping requirements for licensees practicing chiropractic in Minnesota (Minnesota Statutes 2016, section 148.107). The statutes do not contain requirements specific to new patients.

Summary of factual data and analytical methodologies:

The Board utilized the definition of new patient in the American Medical Association's Current Procedural Terminology (CPT) code set to develop its definition of new patient. The CPT definition of new patient is "one who has not received any professional services from the physician, or another physician of the same specialty who belongs to the same group practice, within the past three years."

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The rules were posted for a period of 14 days to solicit public comment on economic impact, including how the rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

The deadline for submission of comments was December 21, 2017.

TEXT OF RULE

SECTION 1. Chir 11.01 is repealed and recreated to read:

Chir 11.01 Definitions. In this chapter:

(1) "New patient" means an individual who has not been examined or treated by the chiropractor or another chiropractor in the same group practice within the last 3 years.

(2) "Patient record" has the meaning given "patient health care records" in s. 146.81 (4), Stats.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated 06/28/2018

Agency Patricia J. Schneider
Chairperson
Chiropractic Examining Board

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

Chir 11

3. Subject

Patient records

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165(1)(g)

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The proposed rules clarify the term "new patient" used in s. Chir 11.03 (intro.) by defining it under s. Chir 11.01 to mean an individual who has not been examined or treated by the chiropractor or another chiropractor in the same group practice within the last 3 years. The remainder of s. Chir 11.01 is revised to meet standards for drafting style and format.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.

11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units participated in the development of this EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit to implementing the rule is providing clarity to the term "new patient" and updated style and format. If the rule is not implemented, the term "new patient" will remain unclear.

14. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is clarity and updated style and format.

15. Compare With Approaches Being Used by Federal Government

None

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: Illinois rules and statutes do not specify the record keeping requirements of licensees practicing chiropractic in Illinois.

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17. Contact Name Dale Kleven	18. Contact Phone Number (608) 261-4472
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This document can be made available in alternate formats to individuals with disabilities upon request.