



CHIROPRACTIC EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
April 12, 2016

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 record of the actions of the Board.

AGENDA

8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A) Adoption of Agenda (1-4)

B) Approval of Minutes of December 22, 2015 (5-9)

C) Administrative Updates

- 1) Department and Staff Updates
- 2) Board Members – Term Expiration Dates
 - a) Kelly Brown – 07/01/2016
 - b) John Church – 07/01/2013
 - c) Jeffrey Mackey – 07/01/2017
 - d) Juli McNeely – 07/01/2017
 - e) Patricia Schumacher – 07/01/2019

D) Elections, Nominations, and Appointments (10-14)

- 1) Election of Officers
- 2) Appointment of Liaisons
 - a) Monitoring Liaison and Department Monitor **(13-14)**

E) Legislation and Administrative Rule Matters – Discussion and Consideration (15-28)

- 1) Update on Assembly Bill 871 Relating to Modifying Various Administrative Rules Promulgated by the Chiropractic Examining Board
- 2) Update on SB 762 Relating to Licensure of Primary Spinal Care Practitioners
- 3) Statement of Scope for Chir 1 to 12 Relating to Chiropractic Practice
- 4) Proposals for Chir 4 and 10 Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians
- 5) Update on Pending Legislation and Pending and Possible Rulemaking Projects

F) National Conference of State Legislature Partnership Project on Telehealth: Telehealth Policy Trends and Considerations (29)

G) Correspondence Relating to Primary Spine Practitioner Legislation – Board Discussion and Request from Dr. Schumacher to Speak at Future Hearings on Behalf of the Board (30-31)

H) Speaking Engagement(s), Travel, or Public Relation Request(s)

- 1) Authorize Dr. Schumacher to Attend the Federation of Chiropractic Licensing Boards (FCLB) 90th Annual Educational Congress – April 27- May 1, 2016 – Phoenix, AZ
(32-34)

I) Informational Items

J) Future Agenda Items

K) Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Administrative Updates
- 3) Education and Examination Matters
- 4) Credentialing Matters
- 5) Practice Matters
- 6) Legislation/Administrative Rule Matters
- 7) Preceptor Approvals
- 8) Liaison Report(s)
- 9) Informational Item(s)
- 10) Disciplinary Matters
- 11) Presentations of Petition(s) for Summary Suspension
- 12) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 13) Presentation of Proposed Decisions
- 14) Presentation of Interim Order(s)
- 15) Petitions for Re-Hearing
- 16) Petitions for Assessments
- 17) Petitions to Vacate Order(s)
- 18) Petitions for Designation of Hearing Examiner
- 19) Requests for Disciplinary Proceeding Presentations
- 20) Motions
- 21) Petitions
- 22) Appearances from Requests Received or Renewed
- 23) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports

L) Public Comments

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), Stats. 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.).

- M) Deliberation on Proposed Final Decision(s) and Order(s) in the Matter of Disciplinary Proceedings Against:**
- 1) **9:45 A.M. APPEARANCE: Cody Wagner, DLSC Attorney, and John Gardner on Behalf of Tyler G. Schneekloth, D.C., Respondent (DHA Case # SPS 15-0036)(DLSC Case # 14 CHI 004) and Objections (35-110)**
- N) Deliberation on Division of Legal Services and Compliance (DLSC) Matters**
- 1) Administrative Warning(s)
 - a) 14 CHI 010 – C.J.S. **(111-112)**
 - b) 14 CHI 032 – K.O. **(113-114)**
 - 2) Proposed Stipulation(s), Final Decision(s) and Order(s)
 - a) 13 CHI 012 – Casimir Kobylinski, D.C. **(115-121)**
 - b) 15 CHI 023 – Mory Von Werner, D.C. **(122-127)**
 - 3) Case Closing(s)
 - a) 14 CHI 010 - J.A.S. **(128-133)**
 - b) 15 CHI 002 - B.B., A.S., and D.W. **(134-138)**
 - c) 15 CHI 009 - D.B. **(139-142)**
 - d) 15 CHI 024 - M.A.S. **(143-145)**
- O) Deliberation on Credentialing Matters**
- 1) Application Review
 - a) Cheryl Bournoville – Chiropractic Technician Application **(146-199)**
- P) Deliberation of Items Added After Preparation of the Agenda**
- 1) Education and Examination Matters
 - 2) Credentialing Matters
 - 3) Disciplinary Matters
 - 4) Monitoring Matters
 - 5) Professional Assistance Procedure (PAP) Matters
 - 6) Petition(s) for Summary Suspensions
 - 7) Proposed Stipulations, Final Decisions and Orders
 - 8) Administrative Warnings
 - 9) Proposed Decisions
 - 10) Matters Relating to Costs
 - 11) Complaints
 - 12) Case Closings
 - 13) Case Status Report
 - 14) Petition(s) for Extension of Time
 - 15) Proposed Interim Orders
 - 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
- Q) Consulting with Legal Counsel**

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- R) Open Session Items Noticed Above not Completed in the Initial Open Session
- S) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- T) Ratification of Licenses and Certificates
- U) **Board Member Training Presentation**

ADJOURNMENT

The next scheduled meeting is June 23, 2016.

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
DECEMBER 22, 2015**

PRESENT: Kelly Brown; John Church, D.C.; Jeffrey Mackey, D.C.; and Patricia Schumacher, D.C.

STAFF: Tom Ryan, Executive Director; Nilajah Hardin, Bureau Assistant; and other Department Staff

CALL TO ORDER

Patricia Schumacher, Chair, called the meeting to order at 8:30 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- *Additional memo received for item E.1*
- *Moved page 51 (relating to item H.1) to Closed Session materials*

MOTION: Jeffrey Mackey moved, seconded by John Church, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to approve the minutes of July 2, 2015 as published. Motion carried unanimously.

ELECTIONS, NOMINATIONS, AND APPOINTMENTS

Board Secretary Election

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to postpone the Board Secretary Election to the first meeting of 2016. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Consideration of Wis. Admin. Code Chapters Chir 4 and 10 Draft Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to table consideration of Wis. Admin. Code Chapters Chir 4 and 10 draft relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians pending receipt of additional information as to how the course of study protects the public and comparative information from neighbor states. Motion carried unanimously.

Report from Assembly Health Committee Public Hearing – November 18, 2015

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to begin a comprehensive review of the Board's rules. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

APPEARANCE – Ryan Zeinert, DSPS Licensing Education Specialist – Discussion of National/American College of Chiropractic Consultants (ACCC) Continuing Education Course Denial

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to clarify that the application for continuing education program approval, submitted by National/American College of Chiropractic Consultants was denied because the application was incomplete and contained improper delegation information pursuant to Wis. Admin Code ch. Chir 5. Motion carried unanimously.

Review of Proposed Revisions to Herzing University’s Chiropractic Technicians and Chiropractic Radiological Technicians Courses of Study

MOTION: John Church moved, seconded by Kelly Brown, to approve the changes to Herzing University’s ASCT and DCT courses of study. Motion carried unanimously.

SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATIONS REQUEST(S)

National Board of Chiropractic Examiners (NBCE) Annual Business Meeting of State Delegates – April 29, 2016 in Phoenix, Arizona

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to designate Patricia Schumacher and John Church as alternate to attend the National Board of Chiropractic Examiners (NBCE) Annual Business Meeting of State Delegates on April 29, 2016 in Phoenix, Arizona and to authorize travel. Motion carried unanimously.

CLOSED SESSION

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, 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), Stats. 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.). The Patricia Schumacher read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Kelly Brown-yes; John Church-yes; Jeffrey Mackey-yes; Patricia Schumacher-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:13 a.m.

RECONVENE TO OPEN SESSION

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to reconvene in Open Session at 12:52 p.m. Motion carried unanimously.

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

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

CREDENTIALING MATTERS

Application Review

9:15 A.M.: VIRTUAL/TELEPHONIC APPEARANCE – Joshua Cirilli, D.C. – Chiropractic Application

MOTION: Kelly Brown moved, seconded by Jeffrey Brown, to deny the Chiropractic application of Joshua Cirilli, D.C. **Reason for Denial:** Denial of full licensure per Wis. Stat. §§ 446.03(2) and 446.03(5) and Wis. Admin. Code § Chir 6.02(24). Motion carried unanimously.

Jeremie Schwartz – Chiropractic Application

MOTION: Jeffrey Mackey moved, seconded by John Church, to deny the request for an exception to the licensing requirements for Jeremie Schwartz. **Reason for Denial:** The Board does not have the authority to waive the requirements. Motion carried unanimously.

Bryn Bradley – Chiropractic Application

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to approve the Chiropractic application of Bryn Bradley once all requirements are met. Motion carried unanimously.

Corey Schuler – Nutritional Counseling Certification Application

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to approve the Nutritional Counseling Certification application of Corey Schuler once all requirements are met. Motion carried unanimously.

DELIBERATION ON ORDERS FIXING COSTS

Karl Naujock, D.C., Respondent (ORDER0004119)(DHA Case SPS-15-0004)(DLSC Case 13 CHI 013)

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Karl Naujock, D.C., (ORDER0004119)(DHA Case SPS-15-0004)(DLSC Case 13 CHI 013). Motion carried unanimously.

**DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC)
MATTERS**

Administrative Warnings

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to issue an Administrative Warning in the matter of the following DLSC case numbers:

1. 15 CHI 004
2. 15 CHI 021

Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

MOTION: Kelly Brown moved, seconded by Jeffrey Mackey, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the following matters:

3. 12 CHI 001 – Aaron J. Arfström, D.C.
4. 14 CHI 001 – Kenneth S. Heinen, D.C.
5. 14 CHI 007 – Stacy L. Shropshire, D.C.
6. 14 CHI 014 – Jeremy P. Stender, D.C.
7. 15 CHI 010 – Jason S. Denn, D.C.

Motion carried unanimously.

14 CHI 016 – John T. Aderholdt, D.C.

MOTION: Jeffrey Mackey moved, seconded by John Church, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of disciplinary proceedings against John T. Aderholdt, D.C., DLSC case number 14 CHI 016. Motion carried unanimously.

Case Closings

15 CHI 013 – N.E.D.

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to close DLSC case number 15 CHI 013 against N.E.D. for **Prosecutorial Discretion (P2.)** Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

APPEARANCE – Ryan Zeinert, DSPS Licensing Education Specialist – 2013-2014 Chiropractic Continuing Education Audit – Final Report

MOTION: Jeffrey Mackey moved, seconded by Kelly Brown, to refer S.W., D.C. to the Division of Legal Services and Compliance for possible failure to complete the continuing education requirements for the 2013-2014 biennium. Motion carried unanimously.

RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Jeffrey Mackey moved, seconded by John Church, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Kelly Brown, seconded by Jeffrey Mackey, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:53 p.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Nilajah Hardin, Bureau Assistant		2) Date When Request Submitted: 01/14/16 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: 01/14/16	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Updates – Discussion and Consideration Election of Officers Appointment of Liaisons and Delegation of Authority	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (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: The Board shall Elect Officers and have the Chair appoint Liaisons. The Board shall also delegate authority as necessary.			
11) Authorization			
<i>Nilajah D. Hardin</i>		01/14/16	
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.			

CHIROPRACTIC EXAMINING BOARD

2015 ELECTIONS AND APPOINTMENTS

January 2015

2015 ELECTION RESULTS	
Board Chair	Patricia Schumacher
Vice Chair	John Church
Secretary	Jodi Griffith

2015 LIAISON APPOINTMENTS	
Preceptor Liaison	Jodi Griffith <i>Alternate: John Church</i>
Monitoring Liaison	Jeffrey Mackey <i>Alternate: Jodi Griffith</i>
Credentialing Liaison	Jodi Griffith <i>Alternate: Kelly Brown</i>
Exams, Education and Continuing Education Liaison	Patricia Schumacher <i>Alternate: Kelly Brown, John Church</i>
Travel Liaison	Patricia Schumacher <i>Alternate: John Church</i>
Rules Liaison	John Church <i>Alternate: Kelly Brown</i>
Screening Panel	John Church, Kelly Brown, Jodi Griffith <i>Alternate: Patricia Schumacher</i>

MOTION: Jeffrey Mackey moved, seconded by Jodi Griffith, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

MOTION: Jeffrey Mackey moved, seconded by Jodi Griffith, that Board Counsel or another Department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin. Code § SPS 1.08(1). Motion carried unanimously.

MOTION: Jodi Griffith moved, seconded by Jeffrey Mackey, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

MOTION: Jodi Griffith moved, seconded by Jeffrey Mackey, to adopt the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet. Motion carried unanimously.

March 2015

MOTION: Jodi Griffith moved, seconded by Jeffrey Mackey, to rescind the delegation to monitoring motion from the January 15, 2015 meeting and to adopt the updated Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet. Motion carried unanimously.

July 2015

MOTION: Jeffrey Mackey moved, seconded by Jodi Griffith, to affirm the Chair's appointment of new panel members and liaisons:

- Credentialing Liaison: Kelly Brown
- Credentialing Liaison/Alternate: Jeffrey Mackey
- Screening Panel Member: Patricia Schumacher
- Screening Panel Member/Alternate: Jeffrey Mackey
- Preceptor Liaison: John Church
- Preceptor Liaison/Alternate: Jeffrey Mackey
- Monitoring Liaison/Alternate: Kelly Brown

Motion carried unanimously.

November 2015

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kelley Sankbeil Monitoring Supervisor Division of Legal Services and Compliance		2) Date When Request Submitted: January 9, 2016 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: January 28, 2016	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Delegation of Authority to Monitoring Liaison and Department Monitor	
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: Delegated Authority Motion: <i>“_____ moved, seconded by _____ to adopt/reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today’s agenda packet.”</i>			
11)  Authorization <div style="display: flex; justify-content: space-between;"> Signature of person making this request January 9, 2016 </div> <hr/> <div style="display: flex; justify-content: space-between;"> Supervisor (if required) Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date </div>			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors to enforce Board/Section orders as explained below.

Current Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain the signature or written authorization from the Liaison.
- 8. Grant or deny a request to appear before the Board/Section in closed session.**

Current Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered CE and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 3/30/16 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: 4/12/16	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. Update on Assembly Bill 871 Relating to Modifying Various Administrative Rules Promulgated by the Chiropractic Examining Board 2. Update on SB 762 Relating to Licensure of Primary Spinal Care Practitioners 3. Statement of Scope for Chir 1 to 12 Relating to Chiropractic Practice 4. Proposals for Chir 4 and 10 Relating to Courses of Study for and Delegation to Chiropractic Technicians and Chiropractic Radiological Technicians 5. Update on Pending Legislation and 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: <ol style="list-style-type: none"> 1. Assembly Bill 871: http://docs.legis.wisconsin.gov/2015/proposals/reg/asm/bill/ab871 2. Senate Bill 762: http://docs.legis.wisconsin.gov/2015/proposals/reg/sen/bill/sb762 3. The Board will consider approval of a scope statement relating to chiropractic practice 			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"><i>Dale Kleven</i></div> <div style="width: 45%; text-align: right;"><i>March 30, 2016</i></div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Signature of person making this request</div> <div style="width: 35%; text-align: right;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Supervisor (if required)</div> <div style="width: 35%; text-align: right;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div style="width: 35%; text-align: right;">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. 			

STATEMENT OF SCOPE

Chiropractic Examining Board

Rule No.: Chapters Chir 1 to 6 and 9 to 12

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 conduct a comprehensive evaluation and update of chs. Chir 1 to 6 and 9 to 12 to ensure the rules are consistent with current professional and academic practices and applicable Wisconsin statutes.

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:

Chapters Chir 1 to 6 and 9 to 12 currently contain all of the rules of the Chiropractic Examining Board relating to chiropractic practice. The Board has identified the need for a comprehensive evaluation and update of its rules to ensure they are consistent with current professional and academic practices 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, "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, . . ."

Section 446.02 (2) (b), Stats., provides the Chiropractic Examining Board "shall promulgate rules establishing educational requirements for obtaining a license ..."

Section 446.02 (3g) (b), Stats., provides the Chiropractic Examining Board "shall promulgate rules establishing additional requirements for obtaining a license ..."

Section 446.02 (3r), Stats., provides the Chiropractic Examining Board "may promulgate rules providing for the granting of a temporary permit to practice chiropractic ..."

Section 446.02 (7) (b), Stats., provides "[a] chiropractor may not delegate to a person who is not licensed under this chapter the making of a diagnosis, the performance of a chiropractic adjustment, the analysis of a diagnostic test or clinical information or any practice or service that the examining board, by rule, prohibits a chiropractor from delegating to a person who is not licensed under this chapter."

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 446.02 (7d) (a), Stats., provides that to conduct an evaluation a chiropractor “shall utilize chiropractic science, as defined by the examining board by rule, and the principles of education and training of the chiropractic profession.”

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.”

Section 446.02 (8), Stats., provides “[e]very practicing chiropractor shall have in effect professional liability insurance. The examining board shall promulgate rules establishing the minimum amount of insurance required under this subsection.”

Section 446.02 (10) (a) 1., Stats., provides one of the criteria a chiropractor must satisfy in order to waive all or a portion of an insured patient’s copayments, coinsurance, or deductibles is “[t]he chiropractor receives from and maintains written documentation of the patient’s financial hardship, as defined by the examining board by rule.”

Section 446.02 (11), Stats., provides “[t]he examining board shall promulgate rules implementing s. 446.08.” Section 446.08, Stats., relates to informed consent.

Section 446.025 (2) (a) 5., Stats., provides the Chiropractic Examining Board may establish by rule requirements for an individual to be certified as a chiropractic radiological technician.

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 (2) (a) 5., Stats., provides the Chiropractic Examining Board may establish by rule requirements for an individual to be certified as a chiropractic technician.

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:

250 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:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

Chapter Chir 4

PRACTICE

Chir 4.01	Authority.
Chir 4.02	Definitions.
Chir 4.03	Practice.

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. This chapter is adopted under authority in ss. 15.08 (5) (b), 227.11 and ch. 446, Stats., to interpret the statutory definition of chiropractic practice specified in s. 446.01 (2), 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.

Chir 4.02 Definitions. As used in this chapter,

(1) “Chiropractic science” means that body of systematic and organized knowledge relating primarily to the identification, location, removal or reduction of any interference to nervous system integrity or nerve energy expression and the resulting change in biomechanical or physiological homeostasis. It is based on the major premise that disease or abnormal function may be caused by abnormal nerve impulse transmission or expression due to biochemical factors, compression, traction, pressure or irritation upon nerves as a result of bony segments, especially of the spine or contiguous structures, either deviating from normal juxtaposition or function which irritates nerves, their receptors or effectors.

(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 human.

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.

Chir 4.03 Practice. The practice of chiropractic is the application of chiropractic science in the adjustment of the spinal column, skeletal articulations and adjacent tissue which includes diagnosis and analysis to determine the existence of spinal subluxations and associated nerve energy expression and the use of procedures and instruments preparatory and complementary to treatment of the spinal column, skeletal articulations and adjacent tissue. Diagnosis and analysis may include physical examination, specimen analysis, drawing of blood, blood-analysis and the use of x-ray and other instruments.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85.

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) A chiropractor may employ a technician to operate x-ray equipment only upon submitting proof satisfactory to the board that the technician has successfully completed a course of instruction approved by the board. Any technician employed may work only under the direct supervision and direction of a licensee.

Note: A list of board-approved programs is available upon request from the Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, 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.

Chir 4.05 Prohibited practice. (1) SCOPE OF PRACTICE.

A person who holds a license to practice chiropractic may engage in the practice of chiropractic, as described in s. Chir 4.03. A license to practice chiropractic does not authorize the license holder to engage in practice beyond the scope of chiropractic practice, as described in s. Chir 4.03. Practice beyond the scope of chiropractic includes, but is not limited to, the following:

(a) Obstetrics and abortions, except nothing in this paragraph may be construed to prevent the practice of chiropractic as described in s. Chir 4.03 during a patient’s pregnancy.

(b) Invasive procedures, such as:

1. Surgery.
2. Subcutaneous administration of substances.
3. Acupuncture by needle insertion or invasive laser application.

(c) Colonic irrigation.

(d) The prescribing, dispensing, delivery or administration of drugs as defined in s. 450.01 (10), Stats., except nothing in this paragraph may be construed to prevent the sale of vitamins, herbs or nutritional supplements consistent with the provisions of ch. Chir 12.

(2) TECHNIQUES, ANCILLARY PROCEDURES OR INSTRUMENTS.

The use of techniques, ancillary procedures or instruments which are unsafe or ineffective, including but not limited to the following or their substantially similar counterparts, are prohibited in the practice of chiropractic:

(a) Acuclips.

(b) Pfeiffer technique.

Note: The Pfeiffer technique is the application of magnets to the surface or near vicinity of the human body, either alone or in conjunction with the use of other devices, as a purported basis of a chiropractic diagnosis which depends on the measurement or observation of changes to the functioning or structure of the human body resulting from the application of the magnetic force.

(c) Hair analysis if it is used as the only determinant for recommending chiropractic treatment or nutritional supplementation.

(d) Therapeutic ultrasound and galvanic therapy may be used by a licensee only if:

1. The licensee has completed the physiologic therapeutics portion of the examinations of the national board of examiners; or,
2. The licensee has completed a course of instruction in therapeutic ultrasound and galvanic therapy approved by the board, submits proof of completion to the board and receives acknowledgement of submittal; and,

3. The use of therapeutic ultrasound and galvanic therapy is limited to neurological and musculoskeletal conditions that are amenable to treatment, are not contra-indicated, and are within the scope of chiropractic practice as described in s. 446.01 (2) (a) and (b), Stats.

Note: A list of courses of instruction in therapeutic ultrasound and galvanic therapy approved by the board is available upon request from the Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(e) The use of any device in the practice of chiropractic to diagnose, analyze, treat or prevent the cause of departure from complete health and proper condition of the human, which is not employed or applied in accordance with the principles and techniques of chiropractic science is prohibited. Such devices include, but are not limited to:

1. The following electro-diagnostic devices: EAV, VEGATEST, BIOTRON 1000, ACCUPATH 1000, VI-TEL 618, INTERRO System, PRO-PHYLE, or substantially similar counterparts of any of these devices.

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

(g) Any practice system, analysis, method or protocol which relies upon diagnostic methods that are not generally recognized

or accepted within the profession or which do not have scientific validity.

(h) Any practice system, analysis, method or protocol which 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.

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) Perform any of the functions in s. Chir 4.03.
- (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.

Chapter Chir 10

DELEGATION TO UNLICENSED PERSONS

Chir 10.01 Definitions.

Chir 10.02 Delegation of adjunctive services to unlicensed persons.

Chir 10.03 X-ray services.

Chir 10.05 Physiological therapeutics.

Chir 10.01 Definitions. In this chapter:

(1) “Adjunctive services” means services which are preparatory or complementary to chiropractic adjustments of the spine or skeletal articulations, or both. “Adjunctive services” include the taking of a preliminary patient history. “Adjunctive services” does not include making a chiropractic diagnosis, analyzing a diagnostic test, or performing a chiropractic adjustment.

(2) “Preliminary patient history” means the process of 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.

(3) “Unlicensed person” means a person who does not possess a valid license to practice chiropractic in this state pursuant to ch. 446, Stats.

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.

Chir 10.02 Delegation of adjunctive services to unlicensed persons. A chiropractor licensed under ch. 446, Stats., may delegate the performance of adjunctive services to an unlicensed person only if all of the following conditions are met:

(1) The chiropractor maintains records by which the chiropractor has verified that the unlicensed person 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.

(2) The chiropractor exercises direct supervision of the unlicensed person performing the delegated service.

(3) 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.

Chir 10.03 X-ray services. A chiropractor may delegate x-ray examination procedures to an unlicensed person only if the delegation is consistent with s. Chir 10.02 and the unlicensed person has successfully completed a course of instruction comprising at least 48 hours and including the following components: introduction to x-ray examination; physics of x-ray examination; anatomy; patient positioning; safety measures; machine operation; exposure techniques and accessories; processing and dark room techniques; film critique and quality assurance; professionalism; recordkeeping; emergency procedures, summary; and successful completion of an examination on the content of the course of instruction. The chiropractor shall comply with s. Chir 4.04 before delegating the performance of x-ray services to an unlicensed person.

Note: The coursework specified in s. Chir 10.03 provides the training required by s. Chir 4.04. A list of board-approved programs is available upon request from the Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, January, 1995, No. 469, eff. 2-1-95.

Chir 10.05 Physiological therapeutics. A chiropractor may delegate the performance of patient services through physiological therapeutics that include but are not limited to heat, cold, light, air, water, sound, electricity, massage, and physical exercise with and without assistive devices to an unlicensed person only if the delegation is consistent with s. Chir 10.02 and the unlicensed person has adequate training, education and experience to perform the delegated function to minimally acceptable chiropractic standards.

History: Cr. Register, January, 1995, No. 469, eff. 2-1-95.

STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD

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

PROPOSED ORDER

An order of the Chiropractic Examining Board to repeal Chir 4.04 (3), 10.01 (3), and 10.02 (1) and (2); to amend Chir Chapter 10 (title), 10.02 (title) and (intro.), 10.03, and 10.05; and to create Chir 10.015 and 10.025 relating to courses of study for and delegation to chiropractic technicians and chiropractic radiological technicians.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 446.025 (2) (a) 3., 446.026 (2) (a) 3., and 446.02 (7) (d), Stats.

Statutory authority:

Sections 15.08 (5) (b) and 227.11 (2) (a), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that examining boards, such as the Chiropractic Examining Board, “shall 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., discusses the parameters of an agency’s rule-making authority, stating an agency, “may promulgate rules interpreting the provisions of the statute, but a rule is not valid if it exceeds the bounds of correct interpretation. . .” This section allows an agency to promulgate administrative rules which interpret the statutes it enforces or administers as long as the proposed rule does not exceed proper interpretation of the statute. Section 227.01 (1), Stats., defines agency as a board. The Chiropractic Examining Board falls within the definition of agency and is therefore allowed to apply s. 227.11 (2) (a), Stats., to statutes it administers.

Related statute or rule:

None.

Plain language analysis:

Section 446.02 (7) (d) of the Wisconsin Statutes restricts the delegation of adjunctive and x-ray services to chiropractic technologists (technicians) and chiropractic radiological technologists (technicians). Chapter Chir 10 allows for the delegation of these services to unlicensed persons. The proposed rule would amend the Chiropractic Examining Board's administrative rules to align with them with section 446.02 (7) (d), Stats. Additionally, under sections 446.025 (2) (a) 3. and 446.026 (2) (a) 3. of the Wisconsin Statutes chiropractic technicians and chiropractic radiological technicians are required to complete courses of study approved by the Board in order to obtain licensure. The Chiropractic Examining Board's administrative rules are currently silent with regards to the specific requirements used to determine whether a course of study is approved. This undefined term has led to an inconsistent application of the statute. The proposed rule seeks to define the requirements for approved courses of study in administrative code which should result in a more uniform application of the statute.

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

The Consumer-Patient Radiation Health and Safety Act of 1981, 42 USCS 10001, et seq. establishes federal guidelines for standards of accreditation of educational programs for certain occupations that administer radiologic procedures. The standards are in place to protect the public from excessive exposure to radiation by health care professionals who use radiation in the treatment of disease or other medical conditions. The regulations are directed towards radiologic technologists, dental hygienists, nuclear medicine technologists and radiation therapy technologists.

42 USCS §10003 (5) defines, "persons who administer radiologic procedures means any person, other than a practitioner, who intentionally administers radiation to other persons for medical purposes, and includes medical radiologic technologists (including dental hygienists and assistants), radiation therapy technologists, and nuclear medicine technologists." 42 CFR 75.2 defines radiation therapy technologist as, "a person other than a licensed practitioner who utilizes ionizing radiation-generating equipment for therapeutic purposes on human subjects." Although chiropractic radiological technicians are not specifically addressed, they could be captured under the broad definition of radiation therapy technologists. The federal statute and regulations are comparable to the proposed rule in that they both set forth a course of study for persons who administer radiologic procedures.

Comparison with rules in adjacent states:

Illinois: Illinois defines a chiropractic radiographer as, "[A] person other than a licensed practitioner who performs medical radiation procedures and applies x-radiation to the human body for diagnostic evaluation of skeletal anatomy, while under the general supervision of a licensed chiropractor." 32 Ill. Adm. Code 401.20. Persons seeking accreditation as a chiropractic radiographer must take the exam administered by the

American Chiropractic Registry of Radiologic Technologists (ACRRT). 32 Ill. Adm. Code 401.70 b) 4).

Iowa: Iowa does not have a license classification for chiropractic radiological technologists or chiropractic technologists.

Michigan: Michigan does not have a license classification for chiropractic radiological technologists or chiropractic technologists.

Minnesota: Minnesota issues a registration for chiropractic radiologic technologist after the applicant has passed the radiography examination of the American Chiropractic Registry of Radiologic Technologists. (ACRRT) Minn. R. 4732.0585.

Summary of factual data and analytical methodologies:

The methodologies used to develop this proposed rule include reviewing neighboring states' statutes and rules, obtaining feedback from the Chiropractic Examining Board, and reviewing the curriculum from a variety of chiropractic schools.

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

The rule will be posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals for a period of 14 days.

Fiscal Estimate and Economic Impact Analysis:

~~The Fiscal Estimate and Economic Impact Analysis document is attached.~~
The Department will be soliciting information and advice from businesses, local governmental units and individuals in order to prepare the Economic Impact Analysis.

Effect on small business:

These proposed 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 Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Kathleen Vieira, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4472; email at Kathleen.Vieira@wisconsin.gov.

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

Comments may be submitted to Kathleen Vieira, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Kathleen.Vieira@wisconsin.gov. ~~Comments must be received on or before to be included in the record of rule-making proceedings.~~

TEXT OF RULE

SECTION 1. Chir 4.04 (3) is repealed.

SECTION 2. Chir Chapter 10 (title) is amended to read:

~~UNLICENSED PERSONS~~ DELEGATION TO UNLICENSED PERSONS CHIROPRACTIC TECHNICIANS AND CHIROPRACTIC RADIOLOGICAL TECHNICIANS

SECTION 3. Chir 10.01 (3) is repealed.

SECTION 4. Chir 10.015 is created to read:

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 meet all of the following:

(1) The course of study shall include a prerequisite 4.5 hour therapeutic overview course covering chiropractic technician scope of practice, anatomy, and contraindications followed by all of the following:

(a) 36 hours in exercise/rehabilitation including all of the following topics:

1. Basic functional anatomy
2. Kinematics
3. Joint movement
4. Microbiology
5. Indications and contraindications
6. Recordkeeping/reporting
7. Report writing
8. Scope of practice
9. Outcome tools
10. Baselines assessment and goals

(b) 4 hours in patient history

(c) 4 hours in physical examination (height, weight, and blood pressure)

- (d) 1 hour in thermotherapy/cryotherapy
- (e) 2 hours in mechanical therapy with necessary equipment available
- (f) 3 hours in electrotherapy
- (g) 3 hours in therapeutic ultrasound therapy
- (h) 3 hours in light therapy
- (i) 3 hours in surface electromyography
- (j) 4 hours in decompression/traction with necessary equipment available

(2) The course of study shall include a final assessment of competency of the didactic and clinical components of the program.

(3) 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.

SECTION 5. Chir 10.02 (title) and (intro.) are amended to read:

Chir 10.02 Delegation of adjunctive services to ~~unlicensed persons a~~ chiropractic technician. A chiropractor licensed under ch. 446, Stats., may delegate the performance of adjunctive services to ~~an unlicensed person~~ a chiropractic technician licensed under ch. 446, Stats. only if all of the following conditions are met: The chiropractor exercises direct, on premises supervision of the chiropractic technician performing the delegated service.

SECTION 6. Chir 10.02 (1) and (2) are repealed.

SECTION 7. Chir 10.025 is created to read:

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 meet all of the following:

(1) The course of study shall include 48 hours including all of the following topics:

- (a) Introduction to x-ray examination
- (b) Physics of x-ray examination
- (c) Anatomy
- (d) Patient position
- (e) Safety measures

- (f) Machine operation
- (g) Exposure techniques and accessories
- (h) Processing and dark room techniques
- (i) Film critique and quality assurance
- (j) Professionalism
- (k) Recordkeeping
- (l) Emergency procedures summary

(2) The course of study shall include a final assessment of competency of the didactic and clinical components of the program.

(3) 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.

SECTION 8. Chir 10.03 is amended to read:

Chir 10.03 X-ray services. A chiropractor may delegate x-ray examination procedures to ~~an unlicensed person~~ a chiropractic radiological technician licensed under ch. 446, Stats. ~~only if the delegation is consistent with s. Chir 10.02 and the unlicensed person has successfully completed a course of instruction comprising at least 48 hours and including the following components: introduction to x-ray examination; physics of x-ray examination; anatomy; patient positioning; safety measures; machine operation; exposure techniques and accessories; processing and dark room techniques; film critique and quality assurance; professionalism; recordkeeping; emergency procedures, summary; and successful completion of an examination on the content of the course of instruction.~~ The chiropractor shall comply with s. Chir 4.04 before delegating the performance of x-ray services to ~~an unlicensed person.~~ The chiropractor shall maintain direct, on premises supervision of the chiropractic radiological technician.

SECTION 9. Chir 10.05 is amended to read:

Chir 10.05 Physiological therapeutics. A chiropractor may delegate the performance of patient services through physiological therapeutics that include but are not limited to heat, cold, light, air, water, sound, electricity, massage, and physical exercise with and without assistive devices to ~~an unlicensed person~~ a chiropractic technician only if the delegation is consistent with s. Chir 10.02 and the ~~unlicensed person~~ chiropractic technician has adequate training, education and experience to perform the delegated function to minimally acceptable chiropractic standards.

SECTION 10. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

 (END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Chiropractic Examining Board

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Nilajah Hardin, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 01/14/16 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>									
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board											
4) Meeting Date: 01/28/16	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? National Conference of State Legislatures (NCSL) Partnership Project on Telehealth: Telehealth Policy Trends and Considerations									
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (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: Please review the following information: http://www.ncsl.org/documents/health/telehealth2015.pdf											
11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;"><i>Nilajah D. Hardin</i></td> <td style="width: 40%; border-bottom: 1px solid black; text-align: right;">01/14/16</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				<i>Nilajah D. Hardin</i>	01/14/16	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	
<i>Nilajah D. Hardin</i>	01/14/16										
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.											

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Nilajah Hardin, Bureau Assistant on Behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 02/26/2016 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Chiropractic Examining Board			
4) Meeting Date: 03/17/16	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Correspondence Relating to Primary Spine Practitioner Legislation – Board Discussion and Request from Dr. Schumacher to Speak at Future Hearings on Behalf of the Board	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (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: Please see the Attached Item.			
11) Authorization			
<i>Nilajah D. Hardin</i>		02/26/16	
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.			

Contact

John Murray, Executive Director
608-256-7023



WCA Announces Support for Legislation Creating Primary Spine Care Practitioner

PSCP proposal offers proactive solutions to challenges facing patients in Wisconsin

Madison, Wis.—The Wisconsin Chiropractic Association today announced its support for a bill, sponsored by Sen. Frank Lasee (R-Bellevue) and Rep. Joe Sanfelippo (R-New Berlin), that would create a new type of health care provider in Wisconsin called a Primary Spine Care Practitioner (PSCP).

“The Primary Spine Care Practitioner initiative is a proactive solution that will train Wisconsin chiropractors to help address the challenges facing our aging population, including the growing burden of back and neck pain, the inappropriate use of prescription drugs and the shortage of primary care physicians,” said WCA President Dr. Rod Lefler, a partner in the Neuroscience Group of Northeast Wisconsin in Neenah.

The proposal being circulated by Lasee in the Legislature would require the creation of a new practice act and licensure called the Primary Spine Care Practitioner governed by the state Medical Examining Board. Chiropractors interested in obtaining this optional licensure would be required to complete a master’s program that could potentially be offered by the Medical College of Wisconsin.

Studies show that back and neck pain are one of the most common reasons why patients visit doctors. To address this, health systems are creating spine centers where teams of providers, including chiropractors, provide integrated, patient focused care that is both cost efficient and produces better outcomes.

“Chiropractors have the opportunity to be part of the evolving integrated care model by building on their chiropractic training through education programs like the PSCP,” said Dr. Gene Yellen Shiring, Chair of the WCA Government Affairs Committee.

“Traditional chiropractic offices could integrate a Primary Spine Care Practitioner into their practice and manage cases from a conservative perspective, coordinate interventions, order advanced special studies and procedures and achieve better patient outcomes.”

A chiropractor who chooses to complete the PSCP training would practice under a dual license - as both a Doctor of Chiropractic (DC) and a Primary Spine Care Practitioner (PSCP). This is similar to how some chiropractors currently practice as DC’s and Physician’s Assistants (PA’s) or Nurse Practitioners (NP’s).

Allowing chiropractors to expand their scope of practice to manage over the counter and prescription medications was discussed last year by WCA members. Critics expressed concern that allowing more health care professionals to prescribe would exacerbate the problem of an overabundance of addictive pain killing drugs in Wisconsin’s communities.

Dr. Lefler said the problem is real, but the training proposed in the PSCP legislation would actually help reduce prescription overuse because chiropractors bring a conservative care model to treat musculoskeletal conditions.

“Chiropractic medicine is based on treating causes of lower back and neck pain, not treating symptoms with the use of pain-killing, addictive drugs,” Lefler said, noting that other non-addictive drugs, such as muscle relaxants and anti-inflammatory drugs, are usually more effective to help treat causes of lower back and neck pain.

“The Primary Spine Care Practitioner program builds on that conservative approach which we believe would help reduce the use of opiate-based drugs.”

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Nilajah Hardin, Bureau Assistant		2) Date When Request Submitted: January 7, 2016									
		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: 01/28/16	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Speaking Engagement(s), Travel, or Public Relation Request(s) Federation of Chiropractic Licensing Boards (FCLB) 90th Annual Educational Congress – April 27-May 1, 2016 – Phoenix, AZ									
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (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: The Board shall consider designating Patricia Schumacher, and John Church as alternate, to attend the Federation of Chiropractic Licensing Boards (FCLB) 90th Annual Educational Congress on April 27-May 1, 2016. This event is in addition to the National Board of Chiropractic Examiners (NBCE) Annual Business Meeting of State Delegates on April 29, 2016 which will be held in conjunction to the FCLB conference. Please review the attached information.											
11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;"><i>Nilajah D. Hardin</i></td> <td style="width: 40%; border-bottom: 1px solid black; text-align: right;"><i>01/07/16</i></td> </tr> <tr> <td style="font-size: small;">Signature of person making this request</td> <td style="font-size: small; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				<i>Nilajah D. Hardin</i>	<i>01/07/16</i>	Signature of person making this request	Date	Supervisor (if required)	Date	Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date	
<i>Nilajah D. Hardin</i>	<i>01/07/16</i>										
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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.											



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 IN PHOENIX, AZ
 APRIL 27-MAY 1, 2016



Meetings 2016 - Phoenix

Protecting the public by promoting excellence in chiropractic regulation through service to our member boards

Deadlines

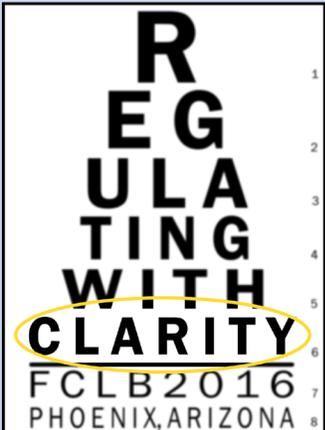
Bylaws Amendments	2/1/2016
Liewer-Cohen Grant	2/1/2016
Award Nominations	2/1/2016
Intent to Run	3/2/2016
Room Block	3/21/2016
Voting Delegate Designation	4/1/2016

Registration Rates

Early \$450	Until 2/28/2016
On-Time \$495	2/29/2016 - 3/31/2016
Procrastinators \$595	4/1/2016
Honorary Fellows \$150	No deadline
Cancellation \$100	After 4/17/2016

Quick Links

- [Agenda](#)
- [Hotel & Travel](#)
- [Delegates](#)
- [Speakers](#)
- [Local Color](#)



FCLB's 90th Annual Educational Congress

Meet us in Phoenix!

April 27 - May 1, 2016

- Learn from peers in interactive breakout sessions
- Seize opportunities to network and build relationships
- Discover resources for regulators
- Get involved in the next steps
- Re-energize your commitment to public protection
- Discover hot new issues in regulation

Grants and Awards

Click on a link below to fill out the required application or nomination form.

George Arvidson Award for Meritorious Service

This award is the Federation's highest individual honor. Named for FCLB Past President Dr. George Arvidson of Minnesota, it recognizes integrity, service, sacrifice, vision, and commitment in the arena of chiropractic licensure.

[Nomination Form](#)

Pennebaker / Wiley Outstanding Licensing Board

This award recognizes an FCLB member board which has exemplified standards of excellence, serving as a model for every chiropractic licensing board. Nominees should have done something difficult, whether in terms of legislation, internal restructuring, political positions, development of educational materials, or other areas outside the mainstream of everyday operations.

[Nomination Form](#)

Donna Liewer-Cohen Grant

During Ms. Donna Liewer-Cohen's 24 years as Executive Director of the FCLB, she earned the George Arvidson Award for Meritorious Service, helped initiated numerous service programs including CIN-BAD, PACE, and CCCA, and served as a friend and guide to a generation of regulators.

In honor of Ms. Liewer-Cohen's service, the FCLB Board of Directors has chosen to assist an essential regulatory board member to attend the FCLB annual educational congress. This grant provides up to \$2,500 in hotel, travel, and registration expenses. Board administrators provide invaluable support to regulatory board members, acting as advisor, historian, and facilitator in addition to keeping the board running.

[Grant Application](#)

2016 Draft Schedule (subject to change) REGISTRATION OPENS JANUARY 4, 2016

Tuesday, April 26

All day FCLB Board of Directors Meeting

Wednesday, April 27 - Recommended travel day - arrive at your leisure

8:30 AM - 1:30 PM FCLB Board of Directors Meeting
 1:00 - 5:00 PM Conference Registration and Check-in; pick up your materials
 2:00 - 4:00 PM FCLB Committee Meetings - contact your committee chair
 3:30 - 4:30 PM Meet your FCLB Directors

Thursday, April 28

All day Summit Meeting
 7:00 - 8:30 AM Conference Registration and Check-in; pick up your materials
 7:00 AM New Attendee Orientation and Breakfast
 General Continental Breakfast (for meeting attendees only)
 8:00 AM Welcome and Opening Remarks
 8:30 - 1:15 PM Educational Sessions
 1:00 - 6:00 PM CBAC Meeting
 1:15 PM FCLB Alumni Luncheon
 2:00 - 6:00 PM Committee Meetings (contact your committee chair)
 Workshops

Friday, April 29 (National Board Day)

7:00 AM General Continental Breakfast (for meeting attendees only)
 8:30 AM Educational Sessions
 NBCE Luncheon
 Annual Business Meeting
 Elections
 12:15 - 2:30 PM No fees apply for this event but attendance is by invitation only.
 If attending the full conference, please RSVP with your registration.
 If you are attending this event but NOT the conference, please RSVP to [Kay Leff](#)
 3:00 - 4:00 PM Educational Sessions
 5:30 - 11:30 PM AZ Diamondbacks vs. CO Rockies at Chase Field (Draft Room)

Saturday, April 30

7:00 AM District Caucuses and Breakfast (for meeting attendees only)
 8:00 - 10:30 AM Business Meeting and Elections
 10:30 AM - 12:00 PM Awards Presentation
 1:00 PM FCLB Board of Directors Meeting
 1:30 - 5:00 PM Committee meetings (contact your committee chair)

Sunday, May 1 - Recommended travel day - depart at your leisure

9:00 AM Wrap up Breakfast (for meeting attendees only)

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