# STATEMENT OF SCOPE

## Chiropractic Examining Board

**Rule No.:** Chir 4 and 10

**Relating to:** Courses of study for and delegation to chiropractic technicians and chiropractic radiological technicians

**Rule Type:** Permanent

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

None

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

The objectives of the proposed rule are to bring the Chiropractic Examining Board's administrative rules relating to delegation of adjunctive services and x-ray services in line with Wisconsin Statutes and to clarify the Chiropractic Examining Board's intent regarding the statutory term 'course of study' found in sections 446.025 (2) (a) 3. and 446.026 (2) (a) 3. of the 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:**

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.

**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 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.

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

State employees will spend approximately 80 hours developing this proposed rule.

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

The proposed rule will affect applicants for chiropractic radiological technician and chiropractic technician certification.

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

None.

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

This rule is likely to have minimal to no economic impact on small businesses.

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Approved for publication:

Patricia A. Sheehan

Authorized Signature

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Date Submitted

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