



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 21-065

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.]

2. Form, Style and Placement in Administrative Code

SECTION 1 of the proposed rule amends s. Chir 5.01 (d), (e), and (f), but the introductory clause only lists amendment of s. Chir 5.01 (a). The board should revise the introductory clause to reflect treatment of those provisions.

4. Adequacy of References to Related Statutes, Rules and Forms

a. Section 440.035 (2), Stats., allows, but does not require, the board to require a credential holder to submit proof of the continuing education programs or courses that he or she has completed only if a complaint is made against the credential holder, but the treatment to s. Chir 5.01 (5) proposes to require that any chiropractor, chiropractic radiological technician, or chiropractic technician who is under investigation by the board for alleged misconduct must submit evidence of compliance with the continuing education requirements. Should the proposed rule be amended to give the board discretion whether or not to require submission of proof of compliance with continuing education requirements when a chiropractor, chiropractic radiological technician, or chiropractic technician is under investigation by the board for alleged misconduct?

b. Treatment to s. Chir 5.01 (4) requires a chiropractor, chiropractic radiological technician, or chiropractic technician to retain a certificate or other evidence of attendance issued by the program sponsor for a minimum of four years from the date of completion of a continuing education program, but s. Chir 5.02 (1) (c) requires a program sponsor to keep the records of attendance for only three years from the date of the program. Should the requirements for how long a credential holder and program sponsor retain records be made consistent?

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

- a. The word “were” should be added between “and” and “awarded” in s. Chir 5.05 (1) (a).
- b. The process for expedited approval of a continuing education program under s. Chir 5.05 is confusing. The rule requires that a program sponsor may submit an application only if

certain criteria are met, including a review by the board of a random selection of 10 percent of the program sponsor's continuing education programs approved for the previous two-year registration period has made certain findings. However, it is not clear when the review by the board takes place. Because it is a condition precedent to submission of an application, the rule should be modified to clarify whether board review happens before or after submission of the application.