

STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : CHIROPRACTIC EXAMINING BOARD
CHIROPRACTIC EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 08-093)

PROPOSED ORDER

An order of the Chiropractic Examining Board to create Chir 1.02 (1m), 2.02 (6) (c), 3.02 (1) (e), 3.03 (1) (i), 3.035 (1) (c), 5.01 (1) (h), and 5.02 (1m), relating to continuing education and requirements for proficiency in the use of automated external defibrillators.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Section 446.02 (2) (b) 3., Stats.

Statutory authority:

Sections 15.08 (5) (b) and 227.11 (2), Stats., and s. 446.02 (3g) (b) and (3r), Stats., 2007 Wisconsin Act 104.

Explanation of agency authority:

2007 Wisconsin Act 104 created a requirement that chiropractors have proficiency in the use of automated external defibrillators. The Act requires the board to promulgate rules to implement the new requirement.

Related statute or rule:

There are no other related statutes or rules other than those listed above.

Plain language analysis:

2007 Wisconsin Act 104 created a requirement that chiropractors have current proficiency in the use of an automated external defibrillator (AED) to obtain a license to practice chiropractic in Wisconsin. A chiropractor will have to have current proficiency in the use of an AED to obtain an initial license, a renewal license, the reinstatement of a license, a license by an applicant who is licensed in another jurisdiction and a temporary permit.

The rule defines “current proficiency in the use of an automated external defibrillator” as having successfully completed instruction in the use of an AED by an individual, organization or institution of higher education that is approved by the Department of Health Services within the 24 months immediately prior to application.

This rule allows chiropractors to count one credit earned in an AED course toward the 40 credits of continuing education required in each biennium. It also requires the Chiropractic Examining Board to approve as continuing education all AED courses approved by the Department of Health Services.

SECTION 1 creates the definition of “current proficiency in the use of an automated external defibrillator.”

SECTION 2 creates the requirement that an applicant for an initial license be currently proficient in the use of an automated external defibrillator.

SECTION 3 creates the requirement that to renew a license or for the reinstatement of a license, chiropractors must be currently proficient in the use of an automated external defibrillator.

SECTION 4 creates the requirement that an applicant, who is licensed in another jurisdiction, be currently proficient in the use of an automated external defibrillator.

SECTION 5 creates the requirement that an applicant for a temporary practice permit must be currently proficient in the use of an automated external defibrillator.

SECTION 6 creates a provision that allows chiropractors to count one hour of an automated external defibrillator course toward their biennial continuing education requirement.

SECTION 7 requires the board to approve as a continuing education program any course that provides instruction in the use of an automated external defibrillator that is approved under s. 46.03 (38), Stats. The section provides that an automated external defibrillator course does not have to go through the regular approval process that continuing education courses must follow. They are excepted from the normal process because they are automatically approved by the board if they are approved by the Department of Health Services. Automated external defibrillator courses, however, must follow the standard rule that credit may not be awarded for meals or break periods.

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

There is no existing or proposed federal regulation that is intended to address the activities to be regulated by this rule.

Comparison with rules in adjacent states:

Minnesota:

Minnesota does not require proficiency and training in the use of an automated external defibrillator as a requirement for licensure and renewal of Minnesota chiropractic licenses.

Michigan:

Michigan does not require proficiency and training in the use of an automated external defibrillator as a requirement for licensure and renewal of Michigan chiropractic licenses.

Illinois:

Illinois does not appear to require proficiency and training in the use of an automated external defibrillator as a requirement for licensure and renewal of Illinois chiropractic licenses.

Iowa:

Iowa does not require proficiency and training in the use of an automated external defibrillator as a requirement for licensure and renewal of Iowa chiropractic licenses.

Summary of factual data and analytical methodologies:

2007 Wisconsin Act 104 created a requirement for applicants for an initial credential as a chiropractor and as a qualification for renewal to be proficient in the use of automated external defibrillators (AEDs) through the completion of an approved instruction program prior to initial certification. This requirement of the Act has been set forth in the newly created rule provisions, as directed by the legislature.

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

Training for AED certification and renewal of certification may vary. The Madison Wisconsin Chapter of the American Red Cross (Badger Chapter) offers to professionals AED/CPR initial certification for \$57.00 and \$43.00 for review. Both trainings are valid for one year. Based on these figures, AED certification for a licensed chiropractor could cost approximately \$100.00 for the licensure biennium and less so in subsequent bienniums (initial biennium in which AED certification was achieved: \$57.00 initial certification plus \$43.00 for review). A price sheet obtained from the Badger Chapter of the American Red Cross for 2009 is attached.

As of July 2008, there were 2,153 Wisconsin chiropractors with active licenses to practice.

Section 227.137, Stats., requires an “agency” to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Regulation and Licensing is not included as an “agency” in this section.

Anticipated costs incurred by private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The department estimates that this rule will require staff time in the Office of Legal Counsel, Division of Management Services, Office of Exams, and the Division of Professional Credentialing. The total one-time salary and fringe costs are estimated at \$4,501. The total on-going salary and fringe costs are estimated at \$3,265.

Effect on small business:

These proposed rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-266-0495; email at pamela.haack@drl.state.wi.us.

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

Comments may be submitted to Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email to pamela.haack@drl.state.wi.us. Comments must be received on or before November 24, 2008, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chir 1.02 (1m) is created to read:

Chir 1.02 (1m) “Current proficiency in the use of an automated external defibrillator” means that a person has successfully completed a course of instruction in the use of an automated external defibrillator provided by an individual, organization or institution of higher education approved to provide the instruction under s. 46.03 (38), Stats., within the 24 months immediately prior to application.

SECTION 2. Chir 2.02 (6) (c) is created to read:

Chir 2.02 (6) (c) Evidence that the applicant has current proficiency in the use of an automated external defibrillator.

SECTION 3. Chir 3.02 (1) (e) is created to read:

Chir 3.02 (1) (e) Evidence that the applicant has current proficiency in the use of an automated external defibrillator.

SECTION 4. Chir 3.03 (1) (i) is created to read:

Chir 3.03 (1) (i) Has current proficiency in the use of an automated external defibrillator.

SECTION 5. Chir 3.035 (1) (c) is created to read:

Chir 3.035 (1) (c) The applicant has current proficiency in the use of an automated external defibrillator.

SECTION 6. Chir 5.01 (1) (h) is created to read:

Chir 5.01 (1) (h) One credit of course work completed to become proficient in 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 a continuing education credit hour.

SECTION 7. Chir 5.02 (1m) is created to read:

Chir 5.02 (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) to (4) and (6) do not apply to programs approved under this section.

(END OF TEXT OF RULE)

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.

Dated _____

Agency _____

Chairperson
Chiropractic Examining Board

Chir 2, 3, 5 CR08-093 (AED training) Draft to Leg 3-25-09

