

Report From Agency

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 11-019)

PROPOSED ORDER

The Chiropractic Examining Board proposes an order to amend Chir 5.01 (title), (1)(a), (2)(a) and (b), and (3), 5.02 (1)(a), (c), and (e), and 5.03 (2); to repeal and recreate Chir 5.01 (1)(c), (d), (e), (f), (g), and (h); and to create Chir 5.01 (1g) and (1r), 5.02 (1)(b)(title) and (bm), (2)(am), and (4)(a)5m., relating to continuing education for chiropractors, chiropractic technicians, and chiropractic radiological technicians.

Analysis prepared by the department of regulation and licensing.

ANALYSIS

Statutes interpreted:

Sections 446.01, 446.02, 446.025, 446.026, 446.028, 446.03, 446.04, 446.05, and 446.07, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11, 446.02 (1) (b), 446.025 (3) (b), 446.026 (3) (b), and 446.028, Stats.

Explanation of agency authority:

In 2009 Wis. Act 28, the legislature passed laws regulating chiropractic radiological technicians (CRT's) and chiropractic technicians (CT's), including a requirement that both types of technicians complete continuing education credit hours for biennial certification renewal. The Act charged the chiropractic examining board with certifying CRT's and CT's, and, beyond mandating current proficiency in the use of an automated external defibrillator, authorized the board to write rules related to the administration of the new statutory provisions.

Related statutes or rules:

There are no related statutes or rules beyond those referenced above.

Plain language analysis:

This proposed rule-making modifies continuing education requirements for license renewal for chiropractors and creates continuing education requirements for chiropractic radiological technicians and chiropractic technicians.

SECTION 1 amends the title of s. Chir 5.01.

SECTION 2 amends s. Chir 5.01 (1) (a) to change the ending date of a 2 year license registration period.

SECTION 3 repeals s. Chir 5.01 (1) (c) and (d), because pars. (c) and (d) are no longer necessary. Due to the repeal of pars. Chir 5.01 (1) (c) and (d), current pars. Chir 5.01 (1) (e), (f), (g), and (h) are renumbered pars. Chir 5.01 (1) (c), (d), (e), and (f).

SECTION 4 creates s. Chir 5.01 (1g) (a) and (b) which requires chiropractic radiological technicians to complete at least 12 continuing education credit hours during every 2-year registration period ending on December 14 of each even-numbered year. It further provides a CE waiver to chiropractic radiological technicians in the biennium in which they are first certified.

SECTION 5 creates s. Chir 5.01 (1r) (a) and (b), which requires chiropractic technicians to complete at least 6 continuing education credit hours during every 2-year registration period ending on December 14 of each even-numbered year. It further provides a CE waiver to chiropractic technicians in the biennium in which they are first certified.

SECTION 6 amends s. Chir 5.01 (2) (a) and (b) to include chiropractic radiological technicians and chiropractic technicians within the scope of both paragraphs (a) and (b). Paragraph (b) also changes the date on or after which continuing education hours will apply to the preceding licensing biennium.

SECTION 7 amends s. 5.01 (3) to include chiropractic radiological technicians and chiropractic technicians within its scope.

SECTION 8 adds the title "*Chiropractors*" to s. Chir 5.02 (1) (b).

SECTION 9 creates s. Chir 5.02 (1) (bm), specifying the subject matter standard for chiropractic radiological technicians and chiropractic technician continuing education programs.

SECTION 10 amends s. Chir 5.02 (1) (c) to include chiropractic radiological technicians and chiropractic technicians within its scope.

SECTION 11 amends s. Chir 5.02 (1) (e) to include chiropractic radiological technicians and chiropractic technicians in the existing provisions.

SECTION 12 creates s. Chir 5.02 (2) (am) to extend the provisions of 5.02(2) to continuing education programs for chiropractic radiological technicians and chiropractic technicians

SECTION 13 creates s. Chir 5.02 (4) (a) 5m. to extend the provisions of 5.02(4) (a) to applicants for approval of continuing education programs for chiropractic radiological technicians and chiropractic technicians.

SECTION 14 amends s. Chir 5.03 (2) to include continuing education programs for chiropractic radiological technicians and chiropractic technicians within its scope.

SECTION 15 provides that these proposed rules first apply to credential renewal applications submitted on the date the rules take effect.

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

There is no existing or proposed federal regulation addressing the subject matter of this proposed rule-making.

Comparison with rules in adjacent states:

Illinois:

Illinois does not regulate chiropractic radiological technicians or chiropractic technicians.

Iowa:

Iowa does not regulate chiropractic radiological technicians or chiropractic technicians.

Michigan:

Michigan does not regulate chiropractic radiological technicians or chiropractic technicians.

Minnesota:

Minnesota does not regulate chiropractic radiological technicians or chiropractic technicians.

Summary of factual data and analytical methodologies:

The chiropractic examining board used the current continuing education rules governing chiropractors as the basis for the continuing education rules to govern chiropractic radiological technicians and chiropractic technicians.

The comparison information with the rules in adjacent states was obtained directly from contact with those states and/or a review of their laws. Because Wisconsin is the only jurisdiction regulating chiropractic radiological technicians and chiropractic technicians, the comparison to adjacent states provides no insight.

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

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 these proposed rules will have no significant fiscal effect on the private sector.

Fiscal estimate:

The department estimates that this rule will require staff time in the Office of Exams, Division of Board Services and Division of Professional Credentialing. The total one-time salary and fringe costs are estimated at \$10,960. The total on-going salary and fringe costs are estimated at \$9,260.

Effect on small business:

These proposed rules have been reviewed by the department’s Small Business Review Advisory Committee to determine whether the rules will have any significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The department finds that these proposed rules will not have a significant economic impact on a substantial number of small businesses. The department’s Regulatory Review Coordinator may be contacted by email at john.murray@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Kristine Anderson, Paralegal, Department of Regulation and Licensing, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2385; email at kristine.anderson@wisconsin.gov.

Public hearing:

A public hearing on these proposed rules is required, and will be held on a date yet to be determined. Comments may be submitted to Kristine Anderson, Paralegal, Department of Regulation and Licensing, Division of Board Services, 1400 E. Washington Ave., Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to kristine.anderson@wisconsin.gov. Comments must be received on or before April 25, 2011 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chir 5.01 (title) is amended to read:

Chir 5.01 **Continuing education requirements for license credential renewal.**

SECTION 2. Chir 5.01 (1) (a) is amended to read:

Chir 5.01 (1) (a) Every chiropractor shall complete at least 40 continuing education credit hours in approved continuing education programs during each 2 year license registration period ending on ~~January 1~~ December 14 of each ~~odd-numbered~~ even-numbered year, except as specified in s. Chir 3.02 (1) (c).

SECTION 3. Chir 5.01 (1) (c), (d), (e), (f), (g) and (h) are repealed and recreated to read:

Chir 5.01 (1) (c) The board may grant a waiver, partial waiver or postponement of the continuing education requirements in cases of hardship.

Chir 5.01 (1) (d) Course work completed in pursuit of the educational requirements of ch. Chir 12 may be counted on an hour-for-hour basis.

Chir 5.01 (1) (e) Of the 40 continuing education credit hours in par. (a), a chiropractor holding a nutritional counseling certificate issued under ch. Chir 12 shall complete at least 4 continuing education hours in nutrition.

Chir 5.01 (1) (f) 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 4. Chir 5.01 (1g) is created to read:

Chir 5.01 (1g) (a) Every chiropractic radiological technician shall complete at least 12 continuing education credit hours in approved continuing education programs during each 2 year certificate registration period ending on December 14 of each even-numbered year. A chiropractic radiological technician who receives an initial certificate during a licensing biennium is not required to satisfy the continuing education requirement from the date of that certificate to the end of that licensing biennium.

(b) The board may grant a waiver, partial waiver or postponement of the continuing education requirements in cases of hardship.

SECTION 5. Chir 5.01 (1r) is created to read:

Chir 5.01 (1r) (a) Every chiropractic technician shall complete at least 6 continuing education credit hours in approved continuing education programs during each 2 year certificate registration period ending on December 14 of each even-numbered year. A chiropractic technician who receives an initial certificate during a licensing biennium is not required to satisfy the continuing education requirement from the date of that certificate to the end of that licensing biennium.

(b) The board may grant a waiver, partial waiver or postponement of the continuing education requirements in cases of hardship.

SECTION 6. Chir 5.01 (2) (a) and (b) are amended to read:

Chir 5.01 (2) (a) The continuing education credit hours required of a particular chiropractor, chiropractic radiological technician or chiropractic technician as a consequence of a disciplinary proceeding, informal settlement conference, or resolution of an investigation into the conduct or competence of the chiropractor, chiropractic radiological technician or chiropractic technician may not be counted towards the fulfillment of generally applicable continuing education requirements.

(b) If the chiropractor, chiropractic radiological technician or chiropractic technician has failed to meet the ~~license~~ credential renewal requirement during the period, continuing education hours acquired on or after ~~January 1~~ December 14 of any ~~odd-numbered~~ even-numbered year will apply to the preceding period only if the chiropractor, chiropractic radiological technician or chiropractic technician has failed to meet the ~~license~~ credential renewal requirement during that period, and will not apply to any other period or purpose.

SECTION 7. Chir 5.01 (3) is amended to read:

Chir 5.01(3) To obtain credit for completion of continuing education programs, a chiropractor, chiropractic radiological technician or chiropractic technician shall certify on his or her application for ~~renewal of license registration~~ credential renewal that he or she has completed all continuing education credits as required in this section for the previous 2 year ~~license~~ credential registration period. A chiropractor, chiropractic radiological technician or chiropractic technician shall retain for a minimum period of 4 years, and shall make available to the board or its agent upon request, certificates of attendance issued by the program sponsor for all continuing education programs for which he or she claims credit for purposes of renewal of his or her ~~license registration~~ credential. Chiropractors, chiropractic radiological technicians or chiropractic technicians attending a program for credit shall be present in the room where a program is being presented in order to claim credit. A chiropractor, chiropractic radiological technician or chiropractic technician may claim credit hours for continuing education for which he or she was in actual attendance in the room, except for authorized break periods or to attend to personal hygiene needs.

SECTION 8. Chir 5.02 (1) (b) (title) is created to read:

Chir 5.02 (1) (b) *Chiropractors.*

SECTION 9. Chir 5.02 (1) (bm) is created to read:

Chir 5.02 (1) (bm) *Chiropractic radiological technician and chiropractic technician.*
The program subject matter relates to improving the clinical skills of a chiropractic radiological technician or chiropractic technician, as applicable.

SECTION 10. Chir 5.02 (1) (c) is amended to read:

Chir 5.02 (1) (c) The program sponsor agrees to provide a responsible person to monitor and verify the attendance of each registered chiropractor, chiropractic radiologic technician or chiropractic technician, as applicable, at the program, and the program sponsor agrees to keep the records of attendance for 3 years from the date of the program and to furnish each participant with evidence of having attended the program.

SECTION 11. Chir 5.02 (1) (e) is amended to read:

Chir 5.02 (1) (e) The program sponsor has reviewed and validated the program's course content to ~~insure~~ensure its compliance with pars. (b) and (bm).

SECTION 12. Chir 5.02 (2) (am) is created to read:

Chir 5.02 (2) (am) Continuing education programs may include subject material other than that which relates to improving the clinical skills of a chiropractic radiological technician or chiropractic technician. However, only the parts of the program which relate to improving the clinical skills of a chiropractic radiological technician or chiropractic technician, as applicable, are eligible for credit.

SECTION 13. Chir 5.02 (4) (a) 5m. is created to read:

Chir 5.02 (4) (a) 5m. Include evidence of the program sponsor's verification showing to the satisfaction of the board that the subject matter relates to improving the clinical skills of a chiropractic radiological technician or a chiropractic technician, as applicable. A detailed course outline or syllabus describing the subject matter of the program, and the amount of time devoted to each section of the outline or syllabus shall be attached to the application.

SECTION 14. Chir 5.03 (2) is amended to read:

Chir 5.03 (2) The emphasis of the program is on the business, management, or insurance aspects of a chiropractic practice rather than on improving the clinical skills of the chiropractor, chiropractic radiological technician or chiropractic technician, as applicable.

SECTION 15. INITIAL APPLICABILITY. This rule first applies to credential renewal applications submitted on the effective date of this rule.

(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 _____

Wendy Henrichs, Chairperson
Chiropractic Examining Board

Chir 5 (CE for chiropractors, CRT's, and CT's) draft to Legislature 5-5-11