

Report From Agency

STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 17-010
CHIROPRACTIC EXAMINING :
BOARD :

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The proposed rule aligns ch. Chir 10 with the provisions of 2009 Wisconsin Act 28, which allows a chiropractor to delegate adjunctive services only to chiropractic technicians and x-ray services only to chiropractic radiological technicians. The proposed rule also establishes minimum criteria for approval of a course of study required for certification as a chiropractic technician or chiropractic radiological technician and training programs required for delegation of adjunctive services to a chiropractic technician. The proposed rule creates the following requirements:

- Section Chir 10.015 is created to establish the required course of study for certification as a chiropractic technician.
- Section Chir 10.02 (2) (a) to (g) are created to establish the educational requirements a chiropractic technician must meet to perform a delegated adjunctive service other than taking and preparing preliminary patient histories.
- Section Chir 10.025 is created to establish the required course of study for certification as a chiropractic radiological technician.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Chiropractic Examining Board held a public hearing on March 30, 2017. Written comments, verbal comments, or both were received from the following stakeholders:

- Steve Conway, representing the Chiropractic Society of Wisconsin (registered part in favor of and part against the proposed rules)

- Elizabeth McLean, representing Moraine Park Technical College (registered part in favor of and part against the proposed rules)
- John Murray, representing the Wisconsin Chiropractic Association (registered in favor of the proposed rules)
- Attorney Dan Riegleman of Riegleman Law Offices, S.C. (registered as neither for nor against the proposed rules)

The Board made the following substantive revisions to the proposed rules in response to public comment:

- Clarified the services that may be delegated to a chiropractic technician and the conditions that must be met to delegate those services. This included changes to make the conditions necessary to delegate physiological therapeutics consistent with those for other adjunctive services.
- Replaced a requirement that a licensed chiropractor be present in the facility and available to the students of a course of study leading to certification as a chiropractic technician with a requirement that the course of study be conducted by individuals who have appropriate specialized education, training, or experience.
- Clarified that a chiropractor may delegate the operation of x-ray equipment to a chiropractic radiological technician. Prior to this revision, the proposed rule indicated a chiropractor could employ a chiropractic radiological technician to operate x-ray equipment.
- Reduced the required length of the prerequisite course in therapeutic overview covering chiropractic technician scope of practice, anatomy, and contraindications from 4.5 hours to 4 hours.
- Added a requirement that, to be delegated massage therapy or bodywork therapy services, a chiropractic technician must be licensed under ch. 460, Stats.

Comments were received recommending the Board modify the required length of instruction of the course of study required for certification as a chiropractic technician and certain training programs required for the delegation of adjunctive services. Except as noted above, the Board did not revise the proposed rules in response to these comments. The Board spent considerable time and effort developing these criteria, and is confident they are appropriate.

Comments were also received recommending the Board establish more detailed criteria for the composition of the course of study required for certification as a chiropractic technician and certain training programs required for the delegation of adjunctive services. The Board did not revise the proposed rules in response to these comments. The Board has established minimum criteria for the course of study required for certification as a chiropractic technician and training programs required for the delegation of adjunctive services to a chiropractic technician. More specific criteria would limit the flexibility of providers to develop their curriculum.

Lastly, comments were received requesting the proposed rules permit delegation of adjunctive services to health care professionals other than certified chiropractic technicians and chiropractic radiological technicians and modify the requirement for

direct, on-premises supervision of a chiropractic technician or chiropractic radiological technician. Both requested changes are outside of the Board's statutory authority.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comments 5.a.(3), (4) and (9)b.:

The Board has established minimum criteria for the course of study required for certification as a chiropractic technician or chiropractic radiological technician and training programs required for the delegation of adjunctive services to a chiropractic technician. More specific criteria would limit the flexibility of providers to develop their curriculum.

Comment 5.a.(8):

The Board has not made the recommended change in terminology, as the language recommended by the Clearinghouse implies the Board endorses the qualifications of an individual conducting a course of study or training program.

To the extent applicable, all other Legislative Council recommendations have been incorporated into the proposed rules as modified in response to public comments.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A