

STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD

| | | |
|-----------------------------|---|-----------------------------|
| IN THE MATTER OF RULEMAKING | : | PROPOSED ORDER OF THE |
| PROCEEDINGS BEFORE THE | : | CHIROPRACTIC EXAMINING |
| CHIROPRACTIC EXAMINING | : | BOARD |
| BOARD | : | ADOPTING RULES |
| | : | (CLEARINGHOUSE RULE 18-015) |

PROPOSED ORDER

An order of the Chiropractic Examining Board to repeal Chir 2.01 and 2.12 and amend Chir 2.03, relating to examinations.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

None.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), and 446.02 (3), Stats.

Explanation of agency authority:

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., sets forth the parameters of an agency’s rule-making authority, stating an agency “may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 446.02 (3), Stats., provides the Chiropractic Examining Board shall require each applicant for licensure to successfully complete the following examinations:

- Parts I, II, III, and IV of the examination administered by the National Board of Chiropractic Examiners. An applicant successfully completes Part III of that examination if the applicant scores at least 438 on that part. An applicant successfully completes Part IV of that examination if the applicant scores at least 475 on that part.
- An examination approved by the examining board that tests the applicant's knowledge of the laws of this state relating to the practice of chiropractic, including the provisions of this chapter and any rules promulgated by the examining board under s. 446.02, Stats.

Related statute or rule:

None.

Plain language analysis:

Section Chir 2.03 incorrectly references chs. Chir 1 to 12. The proposed rules update this reference to chs. Chir 1 to 13.

The proposed rules also revise ch. Chir 2 to reflect current examination practices. Specifically, ss. Chir 2.01 and 2.12, which relate to a practical examination that is no longer required for licensure, are repealed and a requirement to provide an applicant with a disability reasonable accommodations for completing the state law examination has been added to s. Chir 2.03.

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

None.

Comparison with rules in adjacent states:

Illinois: Rules of the Illinois Department of Financial and Professional Regulation address examinations for licensure to practice chiropractic in Illinois (68 Ill. Adm. Code 1285.60). To be successful, an examinee must receive a score of at least 375 on Part I, II, III, and IV of the examination administered by the National Board of Chiropractic Examiners. An applicant who is unsuccessful in 5 examinations must complete an accredited chiropractic program in order to be eligible for further examination.

Iowa: Rules of the Iowa Board of Chiropractic specify the examination requirements for chiropractic practice in Iowa (645 IAC 41.3). An applicant must provide proof of successful completion of Parts I, II, III, and IV and Physiotherapy of the National Board of Chiropractic Examiners examination.

Michigan: Rules of the Michigan Department of Licensing and Regulatory Affairs specify the examination requirements for chiropractic practice in Michigan (Mich Admin Code, R 338.12003 and R 338.12005). An applicant must pass Parts I, II, III, and IV of the national board examination in chiropractic that is conducted and scored by the National Board of Chiropractic Examiners (NBCE). The passing scores are those recommended by the NBCE.

Minnesota: Rules of the Minnesota Board of Chiropractic Examiners specify the examination requirements for chiropractic practice in Minnesota (Minnesota Rules, part 2500.0720). An applicant must pass Part I, Part II, the Written Clinical Competency Examination, and the Physiotherapy Examination of the National Board of Chiropractic Examiners (NBCE), or another licensing examination approved by the Board. The NBCE Part IV Practical or other examination approved by the Board and the Board's jurisprudence and ethics examination must also be successfully completed.

Summary of factual data and analytical methodologies:

The methodologies used to develop this proposed rule include reviewing current examination practices and applicable Wisconsin statutes and obtaining feedback from the Chiropractic Examining Board.

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

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708-8935, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 8:30 a.m. on April 5, 2018, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chir 2.01 is repealed.

SECTION 2. Chir 2.03 is amended to read:

Chir 2.03 Form of examination; state law examination. An applicant shall pass an examination on state laws including ch. 446, Stats., and chs. Chir 1 to ~~12~~ 13. An applicant with a disability shall be provided reasonable accommodations for completing the examination under this section.

SECTION 3. Chir 2.12 is repealed.

SECTION 4. EFFECTIVE DATE. 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.

(END OF TEXT OF RULE)

This Proposed Order of the Chiropractic Examining Board is approved for submission to the Governor and Legislature.

Dated _____

Agency _____

Chairperson
Chiropractic Examining Board