

Report From Agency

**STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD**

IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 18-071
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 Board conducted an evaluation and update of ch. Chir 4 to ensure consistency with current professional practices and standards and applicable Wisconsin statutes. As a result, the following updates have been made:

- Section Chir 4.01 is revised to accurately describe the purpose of ch. Chir 4 as revised.
- The definition of “chiropractic science” under s. Chir 4.02 (1) was created in 1985 and has not been substantively revised since that time. The proposed rule revises the definition to reflect current chiropractic practice.
- Definitions of “examination,” “physiotherapy,” and “treatment” are created to achieve consistency and clarity of that terminology as it is used in ch. Chir 4.
- The meaning of “practice of chiropractic” under s. Chir 4.03 is replaced with the meaning given in s. 446.01 (2), Stats.
- The proposed rule removes the references under s. Chir 4.05 (1) and (2) to specific techniques, procedures, and instruments that are beyond the scope of chiropractic or prohibited. The section as revised provides criteria for determining if the use of an instrument or a practice system, analysis, method, or protocol is beyond the scope of the practice of chiropractic.

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 November 29, 2018. Attorney Dan Riegleman of Riegleman Law Offices, S.C. registered as having a partial objection to the proposed rule, and also provided testimony and written comments. Mr. Riegleman's comments and the Board's response are summarized below.

Mr. Riegleman requests the Board retain the existing provisions of s. Chir 4.03, which defines the practice of chiropractic. He indicates the existing provisions clearly describe a chiropractor's scope of practice, whereas the changes in the proposed rule result in uncertainty as to the manner by which chiropractic is to be performed.

The Board did not modify the proposed rule in response to Mr. Riegleman's comments. The Board believes that, when taken as a whole, the changes in the proposed rule appropriately describe a chiropractor's scope of practice.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

The Legislative Council had no recommendations concerning the proposed rule.

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

N/A