

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 20-085)

PROPOSED ORDER

An order of the Chiropractic Examining Board to amend Chir 4.02 (1m) (c), relating to chiropractic practice.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

None.

Statutory authority:

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

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides an examining board, such as the Chiropractic Examining Board, “[s]hall 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 . . .”

Related statute or rule:

None.

Plain language analysis:

The Chiropractic Examining Board evaluated dry needling treatment as it relates to the scope of the practice of chiropractic, and determined no updates to ch. Chir 4 are needed based on the results of their evaluation.

As specified in the objective of the proposed rule described in scope statement SS 022-20, the definition of “examination” under s. Chir 4.02 (1m) has been revised to clarify that lab analysis includes drawing blood and blood analysis.

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 regulate the practice of chiropractic in Illinois. The rules do not address dry needling as it relates to the scope of practice of chiropractic.

Iowa: Rules of the Iowa Board of Chiropractic regulate the practice of chiropractic in Iowa. The rules do not address dry needling as it relates to the scope of practice of chiropractic.

Michigan: The practice of chiropractic in Michigan does not include the performance of any procedure that cuts or punctures the skin (Section 333.16401, Public Health Code). Acupuncture is defined as the insertion and manipulation of needles through the surface of the human body, and by definition includes dry needling (Section 333.16501, Public Health Code).

Minnesota: Rules of the Minnesota Board of Chiropractic Examiners regulate the practice of chiropractic in Minnesota. The rules do not address dry needling as it relates to the scope of practice of chiropractic.

Summary of factual data and analytical methodologies:

The Chiropractic Examining Board evaluated dry needling treatment as it relates to the scope of the practice of chiropractic. This included a review of how adjacent states address dry needling treatment as part of the scope of the practice of chiropractic and how the Wisconsin Physical Therapy Examining Board addresses dry needling treatment as part of the scope of the practice of physical therapy. The Board determined no updates to ch. Chir 4 are needed based on the results of their evaluation.

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 Daniel.Hereth@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, P.O. Box 8366, Madison, Wisconsin 53708-8306; 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, P.O. Box 8366, Madison, WI 53708-8366, 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 January 28, 2021, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chir 4.02 (1m) (c) is amended to read:

Chir 4.02 (1m) (c) Lab analysis, including drawing blood and blood analysis.

SECTION 2. 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