

CERTIFICATE

**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

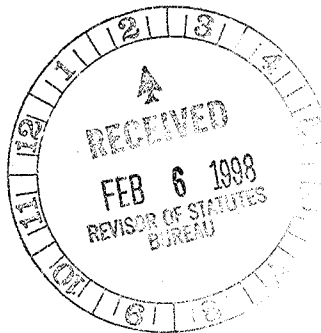
TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Kimberly Nania, Director, Bureau of Health Service Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Chiropractic Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Chiropractic Examining Board on the 5th day of February, 1998.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 5th day of February, 1998.


Kimberly Nania, Director, Bureau of Health Service Professions, Department of Regulation and Licensing



97-065

STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF RULE-MAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	CHIROPRACTIC EXAMINING BOARD
CHIROPRACTIC EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 97-065)

ORDER

An order of the Chiropractic Examining Board to renumber and amend Chir 5.02 (1) (d); to amend Chir 5.01 (1), (2) (intro.), (a) and (3), 5.02 (1) (a), (b) and (c); to repeal and recreate Chir 5.02 (2) and (4); and to create Chir 5.02 (1) (d), (e), (f) and 5.03, relating to continuing education requirements and approval of continuing education programs for chiropractors.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.

Statutes interpreted: s. 446.02 (1) (b), Stats.

In this proposed rule-making order the Chiropractic Examining Board amends Chapter Chir 5, relating to continuing education requirements and approvable programs for chiropractors. The rules establish, clarify and define the responsibilities of those organizations which sponsor chiropractic continuing education programs for which board approval is sought for chiropractor continuing education credit. The proposed rule deletes the provision of the existing rule permitting a faculty member of an approved chiropractic college or an accredited college of medicine or osteopathy to independently sponsor a program for which board approval for chiropractic continuing education may be granted.

The proposed rule requires sponsoring organizations to monitor and keep attendance records, to validate the content of each course, and to insure that course subject matter relates to improving the clinical skills of a chiropractor and is generally taught at the undergraduate or postgraduate level of a chiropractic college. The proposed rule also states that sponsoring organizations may not delegate their responsibilities to outside individuals or organizations unless approved by the board. The proposed rule requires chiropractic colleges to verify that program instructors who are undergraduate or postgraduate faculty members have been appointed in accordance with accreditation standards of the Council on Chiropractic Education.

Additionally, the proposed rule requires applications for program credit to be made to the board and completed 75 days prior to the program date, and to include the relative amount of time which will be spent on each portion of the program outline or syllabus. The proposed rule requires that any presentation, program content, materials or displays for the advertising,

promotion, sale or marketing of equipment, devices, instruments or other materials shall be kept separate from the program content and presentation for which approval is applied for and granted under the rule. The proposed rule provides that a program sponsor, instructor, or person delegated or assigned a responsibility under this chapter, shall ensure that the program is carried out and presented as represented to and approved by the board. The proposed rule allows the board to deny approval of programs which do not satisfy the requirements of Ch. Chir 5, or programs the emphasis of which is on the business, management, or insurance aspects of chiropractic practice rather than on improving the clinical skills of a chiropractor, or if a program sponsor, instructor, or person or entity delegated or assigned a responsibility under this rule has a financial, personal, or professional interest which conflicts directly with the performance of responsibilities under this chapter, or if a program sponsor, instructor, or a person delegated or assigned a responsibility under the rule has failed to carry out a program as represented to and approved by the board under the chapter.

TEXT OF RULE

SECTION 1. Chir 5.01 (1), (2) (intro.), (a) and (3) are amended to read:

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

(2) (intro.) Continuing education ~~contact~~ credit hours may apply only to the 2 year license period in which the ~~contact~~ credit hours are acquired, unless either of the following applies:

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

(3) To obtain credit for completion of continuing education programs, a chiropractor shall ~~submit to the board a certificate of attendance issued by the program provider or other evidence of attendance satisfactory to the board~~ certify on his or her application for renewal of license registration that he or she has completed all continuing education credits as required in this section for the previous 2 year license registration period. A chiropractor 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. Chiropractors attending a program for credit shall be present in the room where a program is being presented in order to claim credit. A chiropractor 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 2. Chir 5.02 (1) (a), (b) and (c) are amended to read:

Chir 5.02 (1) (a) The program is sponsored by the Wisconsin chiropractic association, the American chiropractic association, the international chiropractors association, a college of chiropractic approved by the board, ~~a member of a college of chiropractic approved by the board, or a member or a member of the faculty of~~ or a college of medicine or osteopathy accredited by an agency recognized by the United States department of education.

(b) The program subject matter relates to ~~the general subject areas of the practice of chiropractic~~ improving the clinical skills of a chiropractor and is generally taught at the undergraduate or postgraduate level of a chiropractic college meeting the requirements of s. Chir 2.02 (6) (b).

(c) ~~The provider of the program sponsor agrees to monitor the attendance and furnish to each participant evidence of having attended the program provide a responsible person to monitor and verify the attendance of each registered chiropractor 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 3. Chir 5.02 (1) (d) is renumbered Chir 5.02 (1) (g) and amended to read:

Chir 5.02 (1) (g) The program offers significant professional educational benefit for participants, as determined by the board.

SECTION 4. Chir 5.02 (1) (d), (e) and (f) are created to read:

Chir 5.02 (1) (d) A program sponsor shall not assign or delegate its responsibilities to monitor or record attendance, provide evidence of attendance, validate course content, or provide information on instructors or other aspects of the program unless the assignment or delegation is specifically identified in the application for approval and approved by the board.

(e) The program sponsor has reviewed and validated the program's course content to insure its compliance with par. (b).

(f) When a course instructor of the program is on the undergraduate or postgraduate faculty of a chiropractic college, the program sponsor has provided written verification that the course instructor has been appointed in accordance with the accreditation standards of the council on chiropractic education, and that the chiropractic college exercises sufficient supervision over a faculty member's course content.

SECTION 5. Chir 5.02 (2) is repealed and recreated to read:

Chir 5.02 (2) (a) Continuing education programs may include subject material other than that which relates to improving the clinical skills of a chiropractor and is generally taught at the undergraduate or postgraduate level of a chiropractic college, meeting the requirements of s. Chir 2.02 (6) (b). However, only the parts of the program which relate to improving the clinical skills of a chiropractor and are generally taught at the undergraduate or postgraduate level of a chiropractic college are eligible for credit.

(b) Any presentation, program content, materials or displays for the advertising, promotion, sale or marketing of equipment, devices, instruments or other material of any kind or purpose shall be kept separate from the program content and presentation for which approval is applied and granted.

(c) Programs shall be approved for one hour of continuing education for every 50 minutes of instruction.

SECTION 6. Chir 5.02 (4) is repealed and recreated to read:

Chir 5.02 (4) (a) An application for approval of a continuing education program shall:

1. Be on a form provided by the board.

Note: Application forms are available on request to the board office located in 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

2. Identify the name and address of the program sponsor and describe how the program sponsor qualifies under this section.

3. Describe the time and place of the program.

4. Be complete as prescribed in this subsection and filed with the board no later than 75 days prior to the program date. An application is not considered complete until such time as all information required to be submitted with the application, and any supplementary information requested by the board, is received by the board.

5. Include evidence of the program sponsor's verification showing to the satisfaction of the board that the subject matter is generally taught at the undergraduate or postgraduate level of a chiropractic college meeting the requirements of s. Chir 2.02 (6) (b) and relates to improving the clinical skills of a chiropractor. 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.

6. Describe the names and qualifications of all instructors, and if applicable, whether an instructor of the program who is an undergraduate or postgraduate

faculty member of a sponsoring college was appointed in accordance with accreditation standards of the council on chiropractic education.

7. Identify whether the program sponsor intends to assign or delegate any of its responsibilities to another person or entity, and if so, include each of the following:

a. A specific description of the assignment or delegation.

b. The person or entity who is assigned or delegated to perform the responsibility, including name, address and qualification to perform the responsibility.

c. The method by which the program sponsor intends to assure that the delegated or assigned responsibility is performed.

(b) If necessary in order to determine whether an applicant meets the requirements of this chapter, the board may require that the applicant submit information in addition to that described in this section.

SECTION 7. Chir 5.02 (6) is created to read:

Chir 5.02(6) The sponsor of an approved program shall ensure that the program is carried out and presented as represented to and approved by the board, and that all responsibilities of the program sponsor, an instructor, and any person or entity delegated or assigned a responsibility relating to a program approved by the board are fulfilled.

SECTION 8. Chir 5.03 is created to read:

Chir 5.03 The board may deny approval of an application for any of the following reasons:

(1) The program or program sponsor does not meet requirements established in this chapter.

(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.

(3) The board determines that the program sponsor has not provided adequate assurance that responsibilities delegated or assigned to others will be satisfactorily performed.

(4) The program sponsor, an instructor, or a person delegated or assigned a responsibility has a financial, personal or professional interest which conflicts directly with the performance of responsibilities in this chapter.

(5) Failure on the part of a program sponsor, an instructor, or a person delegated or assigned a responsibility to carry out a program as represented to and approved by the board or as provided in this chapter.

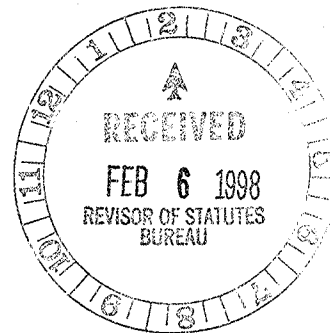
(END OF TEXT OF RULE)

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 Feb 5, 1998

Agency Terry K. Jentzsch, AC
Chairperson
Chiropractic Examining Board

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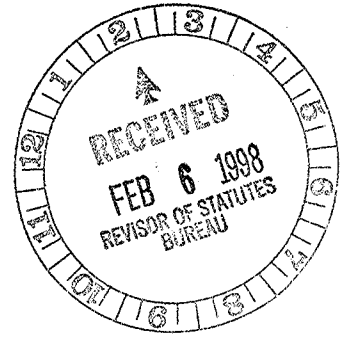
State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
CORRESPONDENCE/MEMORANDUM

DATE: February 6, 1998

TO: Gary Poulson
Assistant Revisor of Statutes

FROM: Pamela A. Haack, Administrative Rules Coordinator
Department of Regulation and Licensing
Office of Administrative Rules

SUBJECT: Final Order Adopting Rules



Agency: CHIROPRACTIC EXAMINING BOARD

Attached is a copy and a certified copy of a final order adopting rules. Would you please publish these rules in the register.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.