

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 20th day of May, 1999.

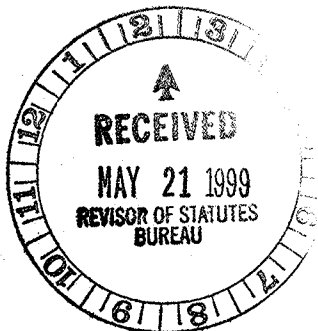
I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

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 20th day of May, 1999.

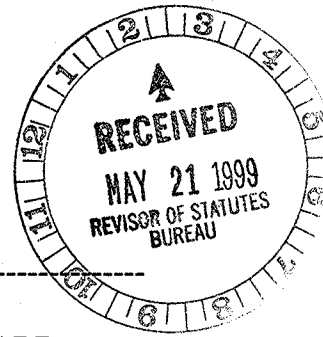


Kimberly Nania, Director, Bureau of Health Service Professions, Department of Regulation and Licensing

98-141



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 98-141)

ORDER

An order of the Chiropractic Examining Board to *amend* Chir 4.05 (2) (f), (g) and (h), relating to techniques, ancillary procedures or instruments prohibited in the practice of chiropractic.

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. 446.01 (2), Stats.

Changes are made to a rule of the Chiropractic Examining Board that currently prohibits “network chiropractic” in order to reflect a decision of the Dane County Circuit Court in the case of *Innate Intelligence, Inc. et. al v. Wisconsin Chiropractic Examining Board, et. al.* No. 95-CV-713. In that case the court declared that s. Chir 4.05 (2) (f), (g) and (h) are unenforceable because the rule prohibits “network chiropractic” without defining the term. In a decision from the bench, apart from its objection to prohibiting “network chiropractic,” the court found no objection to the remainder of s. Chir 4.05 (2) (f), (g) and (h).

This proposed order deletes the term “network chiropractic” from the rule. The order also inserts the word “spiritual” before “comfort” and “well being” in s. Chir 4.05 (2) (h) to clarify that the rule would prohibit representing a chiropractic practice as a means of attaining spiritual growth, spiritual comfort or spiritual well-being.

TEXT OF RULE

SECTION 1. Chir 4.05 (2) (f), (g) and (h) are amended to read:

Chir 4.05 (2) (f) ~~Network chiropractic, or any~~ Any practice system, analysis, method or protocol which does not include the competent assessment, evaluation or diagnosis of the condition to be treated before beginning treatment of the patient.

(g) ~~Network chiropractic, or any~~ Any practice system, analysis, method or protocol which relies upon diagnostic methods that are not generally recognized or accepted within the profession or which do not have scientific validity.

(h) ~~Network chiropractic, or any~~ Any practice system, analysis, method or protocol which is represented as a means of attaining spiritual growth, spiritual comfort or spiritual well-being.

(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

May 20, 1999

Agency

Tony K. Jettig, D.C.
Chairperson
Chiropractic Examining Board

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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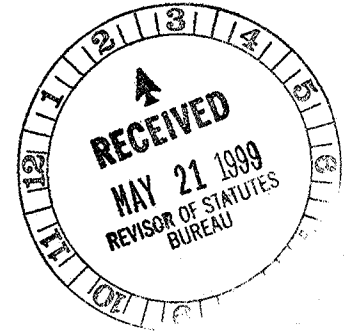
State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
CORRESPONDENCE/MEMORANDUM

DATE: May 21, 1999

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.

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

Thank you.