

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Joint Committee for
Review of
Administrative Rules

(JCR-AR)

Sample:

- Record of Comm. Proceedings
- 97hr_AC-EdR_RCP_pt01a
- 97hr_AC-EdR_RCP_pt01b
- 97hr_AC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
- 97hr_JCR-AR_CRule_98-190
- Committee Hearings ... CH
-
- Committee Reports ... CR
-
- Executive Sessions ... ES
-
- Hearing Records ... HR
-
- Miscellaneous ... Misc
-
- Record of Comm. Proceedings ... RCP
-

CHIE. 6 - REFERALS
98-190

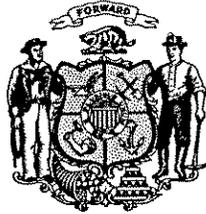
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-190

AN ORDER to amend Chir 4.03; and to create Chir 6.03, relating to referral of patients to other health care practitioners.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

11-18-98 RECEIVED BY LEGISLATIVE COUNCIL.
12-17-98 REPORT SENT TO AGENCY.

RNS:DD:kjf;jt

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 98-190

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In the second paragraph of the department's analysis, it appears that "recognize" should follow "(2)".
- b. In s. Chir 4.03, reference to "other body tissues" is inclusive, i.e., it includes *all* body tissues. Is that the intent? If not, the body tissues that may be adjusted and treated in the practice of chiropractic should be specified.
- c. In s. Chir 4.03, it is not clear what the reference to educating and training in the medical profession adds to the last sentence. If the principles of education and training referred to are common to the chiropractic and medical professions, then they will be included in chiropractic education and training. If the concern is that the definitions of chiropractic science and the practice of chiropractic will continue to be interpreted too narrowly, then perhaps a better approach is to give more specificity to those definitions, rather than referring to "principles of education and training common to the chiropractic and medical professions."
- d. In s. Chir 6.03 (1), is there any reason to initially refer to a "condition which is treatable by the practice of chiropractic" and then refer to a condition that "will not be responsive to chiropractic treatment"? A reasonable inference from the use of different language is that a different meaning is intended. Is that the intent?

e. In Chir 6.03 (2), should “, or should determine,” follow “determines”? Compare the use of “should know” in subs. (1) and (3).

f. While it may be implicit, s. Chir 6.03 does not expressly require a chiropractor to inform a patient that the patient’s condition will not be responsive to chiropractic treatment; that the correct treatment for the patient’s condition is outside the practice of chiropractic; or that the chiropractor does not have the skill, knowledge or facilities to treat the patient’s condition. Should this be made explicit?