

SEP 18 2000

LCRC
FORM 2

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



Terry C. Anderson, 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 00-124

AN ORDER to renumber Chir 5.01 (1); and to create Chir 5.01 (1) (b), (c) and (d), relating to continuing education requirements.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

08-18-00 RECEIVED BY LEGISLATIVE COUNCIL.
09-12-00 REPORT SENT TO AGENCY.

RNS:DD;jal;rv

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



Terry C. Anderson
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 00-124

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.]

2. Form, Style and Placement in Administrative Code

- a. Section Chir 3.09 is not mentioned in the department's analysis. It should be described there. Regarding the use of the abbreviation "CPR" in that section, see s. 1.01 (8), Manual. Should the requirement of this section be referred to in current s. Chir 3.02 (1)?
- b. It is suggested that consideration be given to combining paragraphs (b) and (c) of s. Chir 5.01 into one paragraph.

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

- a. The department's analysis indicates that clarification is made that continuing education requirements do not apply in the first biennium following initial licensure. However, s. Chir 5.01 (1) (d) appears to indicate that the continuing education requirements do indeed apply during that period. Note, too, that s. 446.02 (1) (b), Stats., provides that during the time between initial licensure and commencement of a full two-year licensure period, new licensees are not required to meet continuing education requirements; this is not equivalent to providing that continuing education requirements do not apply in the first biennium following initial licensure.
- b. In s. Chir 5.01 (1) (b), it appears that the reference to "December 31, 2001" should be to "December 31, 2002."

STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : CHIROPRACTIC EXAMINING BOARD
CHIROPRACTIC EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 00-)

PROPOSED ORDER

An order of the Chiropractic Examining Board to renumber Chir 5.01 (1); and to create Chir 5.01 (1) (b), (c) and (d), relating to continuing education requirements.

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: 446.02 (1) (b), Stats.

In this proposed rule-making order, the Chiropractic Examining Board adds requirements for specific topic areas, such as professional ethics and boundary issues, to continuing education requirements. Clarification is made that the continuing education requirement does not apply in the first biennium following initial licensure. The board would like to use continuing education to address the areas of greatest need for chiropractors, as reflected in report disciplinary actions.

TEXT OF RULE

SECTION 1. Chir 3.09 is created to read:

Chir 3.09 CPR certification. Every chiropractor shall maintain certification in CPR.

SECTION 2. Chir 5.01 (1) is renumbered Chir 5.01 (1) (a).

SECTION 3. Chir 5.01 (1) (b), (c) and (d) are created to read:

Chir 5.01 (1) (b) Of the 40 continuing education credit hours in sub. (1) (a), beginning in the 2-year license registration period from January 1, 2001 to December 31, 2001, every chiropractor shall complete at least 6 continuing education credit hours in radiology.

(c) Of the 40 continuing education credit hours in sub. (1) (a), beginning in the 2-year license registration period from January 1, 2001 to December 31, 2002, every chiropractor shall complete at least 4 continuing education credit hours in ethics, which shall include at least 2 hours in boundary issues.

(d) Continuing education requirements for license renewal apply to the first full 2-year period in which a chiropractor is licensed. - cf Stats

(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 _____ Agency _____
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.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

g:\rules\chir14.doc
8/18/00