

Dr. Rosemary

~~Steve Conway~~ - allied health

1175 - 85% Chiro

Must take cost effective measures.

Fired from Walmart last year.

~~Conway~~ / sexual assaults - 2-3x
wk - sexual abuse. quagging

Things Chiro's do to beat the system
20% on a regular basis billing improperly

Our colleges - interprofessionals as Med Dec.
not trust us

Last yr convened strategic planning
people (ever been on their board) 35
No other state Assoc. will do unanimously
25% of members might be lost include
some
from
office
disty

~~current~~ board agreed w/ his notes

~~not~~ ^{over} 500 members. - our membership
trusts us - our profession is bad

Do you know any Chiro who did clinical probt
Unanimous - they did

85 Chiro - unattribably opposed.

Harvey Storm - Imz's Dispute
Process

Rather trust attorney plan.

Not a professional

Have no standards guidelines serving
Cases.

Can't we have in

Harvey -

No IDing info of Doctor or Patient
taken all out - unbiased Peer review.

Balance = 30 mo sunset. 2 1/2 yr.

we have problems; do nothing.

Dept UNP take too long.

How can we determine.

If don't lead our prof will die.

People aren't honest about their concerns

OUR Institutions will not dev

Standards or protocols —

~~1st~~ of guidelines — 10 yr. ago

Russell - 13 yrs

35 former mbis —

Family solve dept.

Dales Draft = changed status —

Have to tick people.

Chris lack of discipline - Nothing happens -

Reasons - give legal - should do it

Chris Co's - taking some
Sue up an uncredit & ant X reg.
E. Heinzig - sex abuse case

Patient abused -

2 yrs later when
patient finally moved on - justice
serial abused.



1 Doctor reviews - ?
allow fully trained & qualified.
12 doctors said you're wrong.

Allied - 13 members happy to
refer to all.
all our members

~~Parent~~ largest group Chris. mgmt is
opposed continuing educ portals = states

C E V
Chris W. - 9 yrs ago -
colleges - taking this
Trade group - less reportable,
colleges - 55 offices - new grads.
I can get pay \$100K

L79 can take 290

8/28/03

Mtg with:

CR

Dr. Conway

Dr. Harvey Storm

- Schultz will have a senate bill. CR has seen a copy - one is in AB 356.

- WCA blew off meeting w/ Medical Society

- CR to talk to Sen. Subulky. e-mailed SS 8/29.

- CR to meet w/ Sen. Panger (Tuesday?)
- inform her about bill
- refer to CR committee

* Jim Rosemeyer (Platville) - Schultz dist. has same concerns w/ the bill.

8/29/03

Sent
memo on
e-mail

CR wants a copy of the Logan Hr + WCA letter on issue as well as Reg + Liz testimony.

- Dept of Reg. Strongly against bill.

- Kent Bellville in Schultz dist. supports bill - Harvey will call to explain problems.

2 pieces of bill okay + Dr. Conway +
Harvey would support separate leg.
* Nutritional guidance
* nurse section

Call

Protecting Corporate America
Walmart plan

(CR asked for bullet points on this
issue from Dr. Conway).

Halbur, Jennifer

To: Seaquist, Sara
Subject: meeting

CR said today that she no longer wants to meet with Planned Parenthood and RTL. Now she wants to meet with RTL and Laura Rose on AB 67. Thanks!!

Oh, I have another one...

SB 356

Russell Leonard, Executive Director of WCA
Pat Essie, representing WCA
Steve Conway, Allied Health 715-848-2526
Harvey Storm (I don't have a number for him but Steve Conway should)
Laura Rose
Jim Rosemeyer (Eileen from Schultz's office will have his info because he is their constituent).

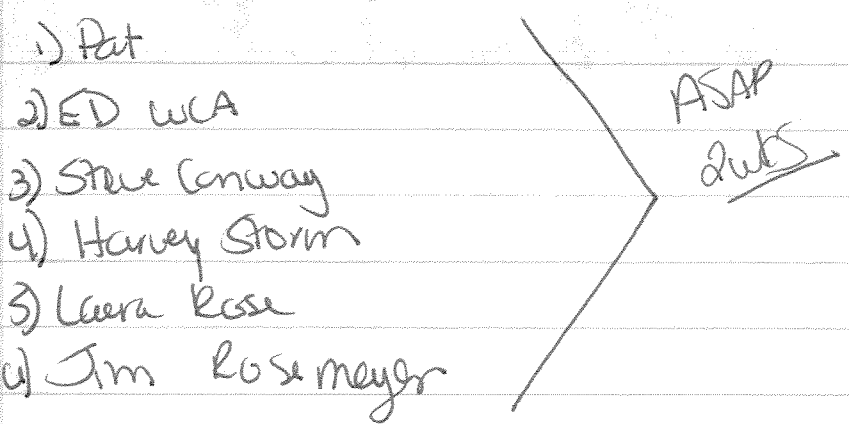
Thanks!!

WCA - Director for 17 yrs

AB356

- Walmart no longer covers chiropractic care
 - Sexual abuse problems in chiropractic care community
 - things chiro's do to cheat the system
 - about 20% of chiro community does things to get around system on a daily basis.
- # of people who have joined WCA due to bill is more than the people who dropped out due to bill.
- Board of Dir. approved leg.
- Mtg.s w/ our SW members - most of meeting spent re-affirming need. However concerns were raised.
 - Q: Do you ^{not} know of a colleague that you would not recommend patient to. NO hands raised.
- Harry Strom - Peer Review concerns.
- Chiro's don't have STDS. on treatment of patients.
- New version of the bill: 30 month review
- 13 yrs - no complaint about trade assoc. actions.
This issue stirring up support + opposition.

- Own institutions will not develop std's.
- Need 2 tier system because they feel DRL is not addressing complaints.
 - JF insurance Co. has real concerns about having a crooked ~~chiro.~~ chiro. out there, it will pay the money to have a review done
- Dept can take up to 2 yrs. to address complaints.
- Allied Health objection to continuing education.
- Natl/State WCA - colleges, trade groups, hospitals.



Schultz
Bill(?)

Conway has not seen/heard of problems with the current system.

Senate Draft of the Proposed Chiropractic Bill

Section 16: Peer review

Barrier to patient's ability to file complaint.

- Senate Bill Creates Barriers to Patient's ability to file complaints
 - Patient required to pay \$275.00 to file complaint to peer review panel (page 12 line 20)
- Senate Bill creates language to protect chiropractors that perform inappropriate services.
- Proposed peer review panel creates two separate and distinct disciplinary systems for chiropractors. (see attached flow chart)
- There have been no specific statistics presented by the proponents of this bill that the current Board of Examiners has failed to protect the public making this provision totally unnecessary.

Section 13: Continuing Education

- Proposed Senate language could discourage Chiropractic Colleges or Universities from applying for CE in Wisconsin.

Section 11: Duty to Refer

- Proposed language is difficult if not impossible to enforce due to the subjective nature of the legislative wording. (page 8 lines 6-9)

Section 17: listing of misconduct and penalties

- Proposed language takes away Board of Examiners ability to match the discipline to the misconduct by the chiropractor.

Harvey Storm
Dr. Conway

Currently a Patient can file a Complaint regardless of amt of Bill.

Senate Draft of the Proposed Chiropractic Bill

Barrier to patient's ability to file complaint.

Section 16: Peer review

- **Senate Bill Creates Barriers to Patient's ability to file complaints**
 - Patient's bill must be over \$500.00 before patient can file complaint (page 12 line 10)
 - **Patient required to pay \$275.00 to file complaint** and is never reimbursed for the money even if complaint is correct. (page 12 line 20)
 - Patient required to pay \$750.00 to appeal initial paper review determination. (page 14 line 4) *Re-pace to 3 paper reviewers.*

Current law. -no appeal process.

Patient's don't get money back if they are right.

50% Standard (Insurance CO's have questions about this).

- **Senate Bill creates language to protect chiropractors that perform inappropriate services.**
 - Proposed language includes a 50% standard. (page 13 line 19)
 - The chiropractor must have 50% or more of the services provided be inappropriate, unnecessary or of substandard quality before the reviewer, by statute, can find the chiropractor acted unprofessionally. *Thus, if a chiropractor bills inappropriately, but does this under 50% of the services, by statute, there is no action taken against the chiropractor.*
 - Proposed language limits who can report a chiropractor
 - Statute limits who can report to only a patient, chiropractor, insurer or the examining board (page 12 line 8)
 - This eliminates other persons or entities from the ability to report discovered misconduct by chiropractors.
- **Proposed peer review panel creates two separate and distinct disciplinary systems for chiropractors. (see attached flow chart)**
 - Proponents of the bill state that the patient may still submit complaints to the current Board of Examiners with no payment requirements
 - This analysis is flawed in that it creates two separate and distinct tracts of discipline similar to having two separate judicial systems.
 - Thus two chiropractors performing the exact same misconduct could receive vastly different disciplines based solely on which system they are placed in.



- **There have been no specific statistics presented by the proponents of this bill that the current Board of Examiners has failed to protect the public making this provision totally unnecessary.**

Section 13: Continuing Education

- **Proposed Senate language could discourage Chiropractic Colleges or Universities from applying for CE in Wisconsin.**
 - Please review attached letters from Palmer, Logan and NWCC which outline the problems and concerns with this proposed legislation.
 - The two major issues are the mandatory withdrawal or withhold of all CE course sponsored by the organization for 90 days (page 10 line 12) and delegation of responsibilities.
 - Modifications from Assembly version do not correct the major issues or concerns presented by the schools.

Section 11: Duty to Refer

- Current "duty to inform" adequately protects the public
- Proposed language is difficult if not impossible to enforce due to the subjective nature of the legislative wording. (page 8 lines 6-9)

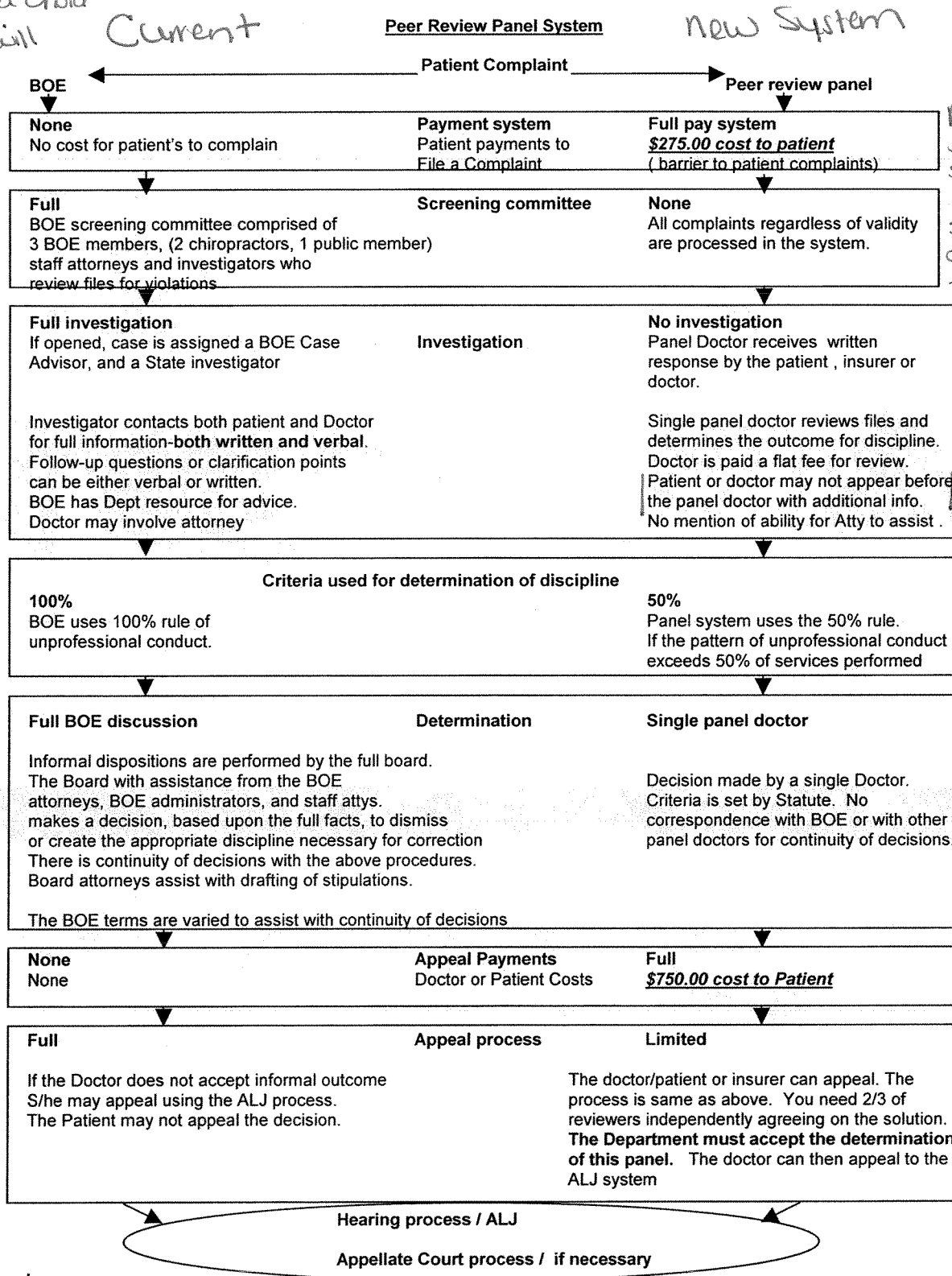
Section 17: listing of misconduct and penalties

- Proposed language takes away Board of Examiners ability to match the discipline to the misconduct by the chiropractor.

No continuity between 2 options

If patient given a choice - he/she will choose current

Insurance Co. will choose new option.



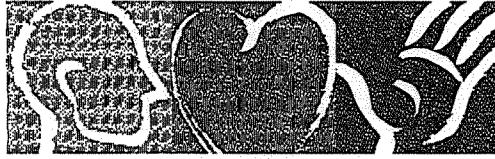
Approx \$235.00 of the \$275.00 goes to the single panel doctor reviewing files.

Should not be reviewed by one doctor.

Takes about 1 3/4 to 3 hrs to review cases.

- Issues:
1. Multiple financial Barriers to reporting doctors for unprofessional conduct.
 2. Two different sets or tracks of regs that prevents due process for accused doctors. Two doctors doing the same complaint could receive vastly different discipline based solely upon which track they are on.
 3. Paper review does not properly work for discipline matters. 50% standard is flawed.
 4. Payment of the \$275.00 and \$750.00 per case goes to the review panel doctors. BOE appointees are paid \$25 per month for attendance at the BOE meetings.

* Doesn't make sense to have a dual system.



the Palmer Institute for Professional Advancement

Assemblyman Gregg Underheim
Chair, Health Committee
Room 11N, State Capitol
POB 8953
Madison, WI 53708

August 19, 2003

Re: Proposed changes to Wisconsin Statute Section 115.446.025 and 115.446.035
concerning the approval of providers of continuing education for chiropractors

Dear Mr. Underheim:

Thank you for your review of this matter. We are, once again, writing on behalf of the Palmer Institute for Professional Advancement (PIPA), a provider/sponsor of continuing education for chiropractors nationwide. PIPA represents the Continuing Education Division of the Palmer Chiropractic University System (PCUS), which also includes Palmer College of Chiropractic Davenport, Palmer College of Chiropractic West, Palmer College of Chiropractic Florida, Palmer Center for Chiropractic Research and the Palmer Foundation for Chiropractic History. As the fountainhead of chiropractic, a recognized leader in the profession, and a well-respected, CCE-accredited institution, PCUS is committed to do whatever it can to promote fair and reasonable regulation of our profession to ensure the continuing quality of chiropractic practitioners and protect public safety both on the national and state levels. It is from this commitment that we write to you today.

After it was brought to our attention that the Wisconsin Chiropractic Association (WCA) had proposed significant changes to the content and wording of the Wisconsin statutes regarding the regulation and approval of continuing education providers we submitted a letter with our concerns. We'd like to reiterate that we work closely with the Wisconsin Board of Chiropractic Examiners as a provider and sponsor of other providers of chiropractic continuing education. We do continue to foresee some potentially harmful outcomes if these proposed changes are implemented, even with some of the rewording proposed in the August 6, 2003 document.

Our concerns stem from the possible perception that, as written, this proposal seems to exhibit a blatant favoritism toward in-state organizations (predominately the WCA) and that subsection (2) (a) may have been written in a fashion that may border on restraint of trade. This would create an increased and inappropriate burden on the chiropractic colleges, already established providers of high quality continuing education



the Palmer Institute for Professional Advancement

Mr. Greg Underheim
 May 30, 2003
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programs for doctors in the field. Since the current laws regarding CE seem to have served the state and the profession well for many years, we first question why the WCA feels the need to try to change them at all. We have every confidence that the Wisconsin Board of Chiropractic Examiners has, in the past, applied appropriate standards of excellence in their approval of continuing education courses for chiropractors, and that they would continue to do so in the future.

We respectfully request that your office work to reject the proposed changes to this statute, or at the very least, consider modifications to the bill that are of specific and deep concern to us. In each case, we have included the wording as it appears in the bill, why we feel it is unacceptable, and a rewording option for each section in question.

Section 13 446.025

As proposed:

#2(a) The examining board may not approve a continuing education course unless the organization that sponsors the course satisfies all of the following:

1. The organization is the Wisconsin, American, or International Chiropractic Association or its successor, a college or university

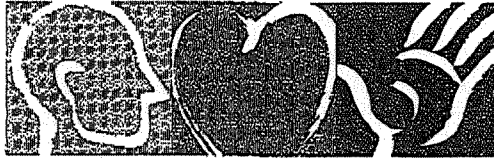
Again, our concerns stem from the perception that, as written, this wording seems to exhibit a blatant favoritism toward the WCA and excludes any new organizations or other state organizations, and is also limiting to which national organizations will be accepted. To fully embrace excellence in our profession we should not discriminate against other chiropractic organizations that could have quality programming to offer. The WI Board should be empowered to make that judgment call, not a state association with self serving interests at the root of these proposed changes.

We suggest the following rewording:

#2 (a) 1 The organization is a state, national or international chiropractic organization that is approved by the board or that the board chooses to consider and approve, a college or university

As proposed:

#3 If an organization that sponsors a course approved under sub. (2) fails to satisfy any requirement under sub. (2) (a) 2-5 the examining board shall, for a period of 90 days, withdraw or withhold approval of all continuing education courses sponsored by the organization. If an organization to whom satisfaction of any requirement under sub. (2) (a) 2-5 is delegated under sub. (2) (b) fails to satisfy the requirement, the examining board shall, for a period of 90 days, withdraw or



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withhold approval of all continuing education courses sponsored by the organization that made the delegation.

This section has only diminished the last proposal from 2 years to 90 days. It might still be considered draconian in its present wording. It would seem to deny due process and to strip the board of having the authority to make reasonable exceptions, and/or allow organizations to remedy a situation without an automatic 90 day suspension.

To our knowledge, no other state board is statutorily required to invoke such an automatic, punitive response to problems that might arise in the normal conduct of continuing education programs. Typically boards are granted the power to revoke approval of an organization as they deem appropriate, for example, in a case where a provider/organization is not willing to remedy whatever concern the board has with a particular course. Furthermore, a state board must give an organization or provider a fair opportunity to work out any possible problems before such sanctions are applied.

We suggest the following rewording:

#3 If an organization that sponsors and/or delegates requirements for a course approved under sub. (2) fails to satisfy any requirement under sub. (2) (a) 2-5, the examining board will work with the organization through due process to correct the situation. If the organization fails to correct the situation in a reasonable period of time, the board may then withdraw or withhold approval of all continuing education courses sponsored by the organization for a time period to be determined by the board.

Thank you for your time and consideration in this important matter. Please don't hesitate to contact us if we can provide any clarifications or answer any additional questions regarding Palmer's stance on this issue.

Respectfully submitted,

David B. Koch D.C.

David B. Koch, D.C.
 Vice President of Professional Affairs
 Palmer Chiropractic University System

&

Laurie L. Hogard

Laurie L. Hogard, D.C.
 Director of Continuing Education
 Palmer Institute for Professional
 Advancement



NORTHWESTERN
HEALTH SCIENCES
UNIVERSITY

22 May 2003

Assemblyman Gregg Underheim
Chair, Health Committee
Room 11N, State Capitol
POB 8953
Madison, WI 53708

In reference to proposed legislation to amend Wisconsin Statute Section 115.446025

Dear Mr. Underheim,

Northwestern Health Sciences University is a small non-profit natural healthcare educational institution in the Twin Cities area of Minnesota. We provide professional training programs for doctors of chiropractic, acupuncture and Oriental medicine providers, and professional massage therapists.

In the course of fulfilling our institutional mission element of education, we offer a broad series of continuing and post-doctoral professional education programs, lectures, seminars, diplomat (board certification) training in distinct specialties, and other opportunities for natural healthcare professionals to maintain and upgrade their clinical skills. We offer these programs in Wisconsin a number of times a year, and cooperate with the Wisconsin Board of Chiropractic Examiners to ensure that a quality experience is provided and appropriately accounted for as the Board seeks to ensure that Wisconsin doctors of chiropractic meet their professional and ethical obligations within the public trust. In the last biennium (2002-03) over 600 Wisconsin doctors of chiropractic took continuing education seminars through Northwestern's auspices or co-sponsorship.

We frequently co-sponsor or contract to offer these programs with other parties: other chiropractic institutions, professional associations, state associations, and the like. These relationships are important to Northwestern and important to the profession.

We have become aware of proposed changes to the Wisconsin statutes that govern the ability of organizations to provide continuing education in Wisconsin. We have not been made aware of any shortcomings in the current language. We do, however, have some significant concerns about these proposed changes we would like to raise with you and your committee.

Under Sub. (2), we believe that a new standard for providing faculty to teach these seminars is unnecessary, and that restrictions on appropriate delegation of proctoring duties is an unreasonable restraint of trade. We believe the effect would be to deter any organization other than the Wisconsin Chiropractic Association from offering seminars within the state. Northwestern takes its responsibilities very seriously in these matters, and we believe our current monitoring practices

provide more than adequate assurance to the Board of Examiners that our transcripts that certify attendance reflect actual attendance records.

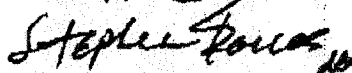
Further, two-year penalty for violation of this provision is excessive and unfair. Provisions for remediation do not exist.

Proposed section 446.035 offers revisions of the peer review process. In this section, we believe that an open selection managed by the Wisconsin Board of Chiropractic Examiners offers the most fair selection process, as well as the only appropriate source of peer review control.

In summary, we believe that current Wisconsin statutes offer an appropriate and adequate structure to ensure that the safety and trust of the public is preserved.

Please let us know if we can provide any further assistance or information to you.

Sincerely yours,



Stephen Bolles, DC

Vice President for Institutional Advancement

Cc: Ms. Diana Berg, *Director, Continuing Education*
Dr. Alfred Traina, *President*
Wisconsin Board of Chiropractic Examiners

American
Chiropractic
Association

DEDICATED TO IMPROVING THE HEALTH AND WELLNESS OF AMERICA, NATURALLY.

June 18, 2003

Terrance K Freitag, DC
ACA State Delegate
714 4th Ave W
Monroe WI 53566-1039

Re: Section 115 – Continuing Education

Dear Terry:

This is in response to your recent request for ACA's commentary on the above-referenced portion of proposed Wisconsin legislation affecting continuing education. We are concerned that the proposed legislation would hamper our ability to co-sponsor continuing education programs with organizations that are not listed as an organization in par. 446.025(2)(a)1. While we understand that the ACA may sponsor programs for our Wisconsin members and may delegate certain responsibilities under the proposal (as outlined in par. (a) 2 to 5), it is unclear to us whether those responsibilities may be delegated to any "organization" other than those identified in par. (a)1. For this reason, we believe the proposal as currently drafted would hamper our ability to provide continuing education programs to our members in Wisconsin.

Thank you for your inquiry and the opportunity to voice the concern of this Association.

Sincerely,



Garrett F. Cuneo
Executive Vice President

GFC/sw

Cc: ACA Board of Governors



American
Chiropractic
Association

DEDICATED TO IMPROVING THE HEALTH AND WELLNESS OF AMERICA, NATURALLY.

July 7, 2003

Terrance K Freitag, DC
714 4th Ave W
Monroe WI 53566-1039

Dear Terry:

Thanks for sending me a copy of Russ Leonard's letter of June 27th responding to ACA's position regarding proposed legislation on continuing education. You asked me to comment on the closing paragraph of his letter.

He states: "We are very disappointed that some who are in position of great authority would prefer to use the integrity of chiropractic post graduate education to be further eroded rather than accept their institutional responsibility. AB 356 strengthens the credibility of chiropractic post graduate education and we hope that, upon reflection, the ACA will reconsider its position."

Before I respond to this issue, let me comment on some of his earlier allegations where he seems to imply that financial considerations are behind our position on this legislation. This statement is particularly disconcerting because of my understanding that the Wisconsin Chiropractic Association makes a significant profit in continuing education. Yet we aren't questioning the motives of the Wisconsin Association in promoting this legislation. We would appreciate it if Mr. Leonard does not question ours.

For the record, we cosponsor with the Michigan Chiropractic Society a continuing education program annually when they hold their seminar in the peninsula area of the state. We understand that a number of Wisconsin doctors attend this program. We have been doing this cosponsorship for at least eight years, and at no time have we received compensation from the Society. There has been at least one occasion when we have required that the Society change its speaker before we would approve it. We take our responsibilities seriously. The proposed legislation, unless it is amended to reflect our position, would not allow us to continue cosponsoring the program with the Michigan Society. We don't think this would be fair to the Michigan Society or to the doctors from Wisconsin who decide to take this seminar.

Thanks for the opportunity to comment.

Sincerely,

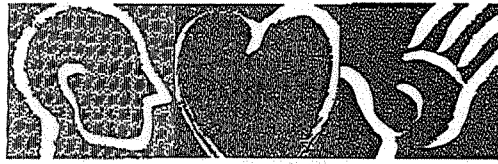


Garrett F. Curleo
Executive Vice President

GFC/sw



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the Palmer Institute *for* Professional Advancement

Assemblyman Gregg Underheim
Chair, Health Committee
Room 11N, State Capitol
POB 8953
Madison, WI 53708

May 29, 2003

Re: Proposed changes to Wisconsin Statute Section 115.446.025 and 115.446.035
concerning the approval of providers of continuing education for chiropractors

Dear Mr. Underheim:

We are writing on behalf of the Palmer Institute for Professional Advancement (PIPA), a provider/sponsor of continuing education for chiropractors nationwide. PIPA represents the Continuing Education Division of the Palmer Chiropractic University System (PCUS), which also includes Palmer College of Chiropractic Davenport, Palmer College of Chiropractic West, Palmer College of Chiropractic Florida, Palmer Center for Chiropractic Research and the Palmer Foundation for Chiropractic History. As the fountainhead of chiropractic, a recognized leader in the profession, and a well-respected, CCE-accredited institution, PCUS is committed to do whatever it can to promote fair and reasonable regulation of our profession to ensure the continuing quality of chiropractic practitioners and protect public safety both on the national and state levels. It is from this commitment that we write to you today.

It has been brought to our attention that the Wisconsin Chiropractic Association (WCA) has proposed significant changes to the content and wording of the Wisconsin statutes regarding the regulation and approval of continuing education providers. We have worked with the Wisconsin Board of Chiropractic Examiners as a provider and sponsor of other providers of chiropractic continuing education, and are not aware of any shortcomings of the current statute. We do, however, foresee some potentially harmful outcomes if these proposed changes are implemented.

Our concerns stem from the possible perception that, as written, this proposal seems to exhibit a blatant favoritism toward in-state organizations (predominately the WCA) and that subsections (2) (a) and (b) have been written in a fashion that may border on restraint of trade. This would create an increased and inappropriate burden on the chiropractic colleges, already established providers of high quality continuing education programs for doctors in the field. Since the current laws regarding CE seem to have served the state and the profession well for many years, we first question why the WCA

Mr. Greg Underheim
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feels the need to try to change them at all. We have every confidence that the Wisconsin Board of Chiropractic Examiners has, in the past, applied appropriate standards of excellence in their approval of continuing education courses for chiropractors, and that they would continue to do so in the future.

We respectfully request that your office work to reject the proposed changes to this statute, or at the very least, consider modifications to the following sections that are of specific and deep concern to us. In each case, we have included the proposed statute, why we feel it is unacceptable, and a rewording option for each section in question.

Section 115 446.025

As proposed:

#2(a) 2 The organization selects the instructor for the course. If the instructor is a member of the undergraduate or postgraduate faculty of a college or university of chiropractic, the organization shall provide a written statement to the examining board verifying that the instructor has been appointed by the college or university in accordance with the accreditation standards of the Council on Chiropractic Education or its successor.

This wording is confusing and does not address the colleges themselves, or how colleges who partner with other organizations would handle the request. It also doesn't address if a chosen instructor is not a member of the post-graduate faculty of a college and what steps would be have to be taken to gain approval in such instance. The rule as written also strips the board of any reasonable decision-making power concerning special circumstances.

We suggest the following rewording:

#2 (a) 2 State, national, or international chiropractic associations (or their successors) must provide proof to the board that a chosen instructor holds current post-graduate faculty status at a college or university of chiropractic approved by the examining board, a college or university of medicine or osteopathy accredited by an accrediting body listed as nationally recognized by the secretary of the federal department of education, or other entity as approved by the board to certify the speakers credentials. Programs presented by, or in partnership with, a CCE-accredited chiropractic college do not have to submit proof of instructor status unless specifically requested to do so by the board.

As proposed:

#2(a) 3 The organization establishes objectives of the course, prepares course materials, evaluates the subject matter prepared by the instructor, conducts a post-course evaluation, maintains course transcripts, and performs financial administration necessary for the course.

Mr. Greg Underheim
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Almost all colleges engage in professional co-sponsorships. Palmer has co-sponsorships with such organizations as Gonstead, Activator, Footlevelers, and other well-respected entities in our profession. The way this is worded will negate these relationships. In many cases, PIPA doesn't physically take the registrations, or money, nor do we print the notes in-house. Also, it is often a partner/content expert that prepares the course materials, and not staff at the college. We require the submission of a detailed syllabus, which allows us to review course content.

We suggest the following rewording:

The organization must evaluate and approve the objectives and syllabi of all submitted courses, maintain course transcripts for attendees, conduct a post-course evaluation, and perform financial administration necessary for the course, or delegate one or more of those responsibilities to a partnering organization.

As proposed:

#2(a) 4 The organization proctors course attendance through the instructor or an officer, director, or employee of the organization.

PCUS fully agrees that adequate monitoring must be present, but this wording is very limiting. Also, it is not feasible, nor reasonable, to ask an instructor to monitor a class when he/she is trying to teach. It is also not reasonable to ask schools to give up staff time and expense to supply a monitor for co-sponsorships held across the country (these can number over 100 per year!). Currently we give our co-sponsoring groups specific guidelines for monitoring attendance that they must follow, and allow them to provide the staff to oversee it. For our own programs that are held out-of-area, we ask one of our trusted area alumni or an attending doctor to oversee attendance, following our guidelines. This has worked effectively for years.

We suggest the following rewording:

The organization must ensure that the course has an adequate monitoring system in place to proctor course attendance.

As proposed:

#2(b) Notwithstanding par. (a), the examining board may approve a continuing education course sponsored by an organization that does not satisfy a requirement under par. (a) 2-5 if the organization delegates satisfaction of the requirement to another organization and the other organization satisfies the requirement.

This section is both unnecessary and confusing. This entire section should be deleted. Stipulations can be adequately covered in 2(a). *See rewording in 2(a) 3.*

We suggest deleting this section entirely.

Mr. Greg Underheim
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As proposed:

#3 If an organization that sponsors a course approved under sub. (2) (b) fails to satisfy any requirement under sub. (2) (a) 2-5 the examining board shall, for a period of 2 years, withdraw or withhold approval of all continuing education courses sponsored by the organization. If an organization to whom satisfaction of any requirement under sub. (2) (a) 2-5 is delegated under sub. (2) (b) fails to satisfy the requirement, the examining board shall, for a period of 2 years, withdraw or withhold approval of all continuing education courses sponsored by the organization that made the delegation.

This section might be considered draconian in its present wording. It would seem to deny due process and to strip the board of having the authority to make reasonable exceptions, and/or allow organizations to remedy a situation without an automatic 2 year suspension. To our knowledge, no other state board is statutorily required to invoke such an automatic, punitive response to problems that might arise in the normal conduct of continuing education programs. Typically boards are granted the power to revoke approval of an organization as they deem appropriate, for example, in a case where a provider/organization is not willing to remedy whatever concern the board has with a particular course. Furthermore, a state board must give an organization or provider a fair opportunity to work out any possible problems before such sanctions are applied.

We suggest the following rewording:

#3 If an organization that sponsors and/or delegates requirements for a course approved under sub. (2) (b) fails to satisfy any requirement under sub. (2) (a) 2-5, the examining board will work with the organization through due process to correct the situation. If the organization fails to correct the situation in a reasonable period of time, the board may then withdraw or withhold approval of all continuing education courses sponsored by the organization for a time period to be determined by the board.

Section 115 446.035 Peer Review

As proposed:

#1(a) Appointment of a peer review panel. (a) The examining board shall appoint a peer review panel of no fewer than 6 nor more than 12 members, pursuant to par.

(b).

(b) A peer review panel may be selected from a list of nominees that is submitted every 24 months by the Wisconsin Chiropractic Association. If the WCA fails to submit a list of nominees, the examining board may solicit nominations for the peer review panel pursuant to a process developed by the department.

(c) A nominee under par. (b) shall meet all of the following requirements;

1. Possess a valid license to practice chiropractic in this state.

Mr. Greg Underheim
May 30, 2003
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2. Have no less than 10 years in practice for a minimum of 20 hours per week within the preceding 2 years of his or her nomination for the peer review panel or, if the nominee is not in active practice at the time of his or her nomination...

This section may expose the Wisconsin Board of Chiropractic Examiners to possible accusations of inappropriate collusion with a private, professional organization, and we are concerned that it won't stand up to legal review. It may appear to exclude doctors who are not WCA members from peer review opportunity, which in turn gives the appearance of bias to the board. The board should retain the right to choose a panel from the pool of all qualified chiropractic practitioners. The WCA (and any other state organizations) should be allowed to submit recommendations, but those recommendations should not constitute either the final or the favored slate from which the board can choose.

We suggest the following rewording:

Peer Review (1) Appointment of peer review panel. (a) The examining board shall appoint a peer review panel of no fewer than 6 or more than 12 members, pursuant to par. (b).

(b) The examining board shall solicit nominations for the peer review panel pursuant to a process developed by the department. This may include, at the discretion of the board, selections from a list of nominees that may be submitted by any state association.


(c) A nominee under par. (b) shall meet all of the following requirements;


- 1. Possess a valid license to practice chiropractic in this state.**
- 2. Have no less than 10 years in practice for a minimum of 20 hours per week within the preceding 2 years of his or her nomination for the peer review panel or, if the nominee is not in active practice at the time of his or her nomination...**

ADD- OR possess qualities or experience deemed appropriate by the board to grant appointment.

Thank you for your time and consideration in this important matter. Please don't hesitate to contact us if we can provide any clarifications or answer any additional questions regarding Palmer's stance on this issue.

Respectfully submitted,


David B. Koch, D.C.
Vice President of Professional Affairs
Palmer Chiropractic University System


& Laurie L. Hogard, D.C.
Director of Continuing Education
Palmer Institute for Professional
Advancement

Wischnewski, Marne

From: Halbur, Jennifer
Sent: Friday, August 29, 2003 5:59 PM
To: Wischnewski, Marne
Subject: Chiropractors (ab 356)

Hi,

Carol met with Dr. Conway regarding AB 356, chiropractor bill. He mentioned that you have a copy of a Logan letter, WI Chiropractic Association letter and Dept. of Reg and Lic. testimony on the bill. Would it be possible for us to get a copy of those? I can come over and make copies...whatever works best for you.

Thanks!!

Jennifer