

CR 87-177

RECEIVED

SEP 13 1989
4:05 pm

Revisor of Statutes
Bureau

CERTIFICATE

STATE OF WISCONSIN

DEPARTMENT OF REGULATION AND LICENSING

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Ramona Weakland Warden, 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 10th day of August, 1989.

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 11th day of Aug., 1989.

Ramona Weakland Warden
Ramona Weakland Warden, Director
Bureau of Health Service Professions
Department of Regulation and
Licensing

11-1-89

SEP 13 1989

STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD

Revisor of Statutes
Bureau

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	CHIROPRACTIC EXAMINING BOARD
CHIROPRACTIC EXAMINING BOARD	:	ADOPTING RULES
	:	(Clearinghouse Rule 87-177)

ORDER

An order of the Chiropractic Examining Board under ss. 227.11 (2) (a) and in ss. 15.08 (5) (b) and 227.11 (2) (a), Stats., interpreting s. 446.01 (2), Stats., to renumber Chir 4.04 (2); to create Chir 4.04 (2); to repeal and recreate Chir 4.05; and to amend Chir 6.02 (4), relating to prohibited practices for chiropractors.

ANALYSIS

Statutory authority: ss. 15.08 (5) (b), 227.11 (2) (a), Stats.
Statute interpreted: s. 446.01 (2), Stats.

In this order the Chiropractic Examining Board reorganizes and revises its rules on prohibited practice.

It rennumbers two forms of prohibited x-ray under its rule section on x-ray s. Chir 4.04.

In this proposal, therapeutic ultrasound and galvanic therapy, currently prohibited under the board's rules, are allowed usage given certain conditions of training. The board believes these changes are necessary because these specific procedures are now commonly taught in chiropractic colleges, and are allowed in most states.

The board repeals and recreates s. Chir 4.05, Prohibited Practice. It organizes under s. Chir 4.05 (1) practices prohibited for chiropractors because they exceed the legal scope of practice. Under s. Chir 4.05 (2) the board groups together techniques, ancillary procedures or instruments that are prohibited because they are unsafe or ineffective. The items listed under subsecs. (1) and (2) are not new but currently appear in a different format under s. Chir 4.05 (1) to (5).

The Chiropractic Examining Board believes the organizational changes to s. Chir 4.05 were needed to provide better notice and guidance to chiropractors as to what practices are prohibited and the reasons for the restrictions.

Under s. Chir 6.02 (4) language is added to the unprofessional conduct rules to reference the list of prohibited practices proposed under s. Chir 4.05 (1).

TEXT OF RULE

SECTION 1. Chir 4.04 (2) is renumbered Chir 4.04 (3).

SECTION 2. Chir 4.04 (2) is created to read:

Chir 4.04 (2) A chiropractor may not use the following forms of x-ray:

(a) X-ray procedures that require introduction of drugs, clinical dyes or radioactive substances;

(b) Therapeutic x-ray.

SECTION 3. Chir 4.05 is repealed and recreated to read:

Chir 4.05 PROHIBITED PRACTICE. (1) SCOPE OF PRACTICE. A person who holds a license to practice chiropractic may engage in the practice of chiropractic, as described in s. Chir 4.03. A license to practice chiropractic does not authorize the license holder to engage in practice beyond the scope of chiropractic practice, as described in s. Chir 4.03. Practice beyond the scope of chiropractic includes, but is not limited to, the following:

(a) Obstetrics and abortions, except nothing in this paragraph may be construed to prevent the practice of chiropractic as described in s. Chir 4.03 during a patient's pregnancy;

(b) Invasive procedures, such as:

1. Surgery;
2. Subcutaneous administration of substances; or
3. Acupuncture by needle insertion or laser application;

(c) Colonic irrigation; or

(d) The prescribing, dispensing, delivery or administration of drugs as defined in s. 450.01 (10), Stats., except nothing in this paragraph may be construed to prevent the sale of vitamins, herbs or nutritional supplements.

(2) TECHNIQUES, ANCILLARY PROCEDURES OR INSTRUMENTS. The use of techniques, ancillary procedures or instruments which are unsafe or ineffective, including but not limited to the following or their substantially similar counterparts, are prohibited in the practice of chiropractic:

(a) Acuclips;

(b) Pfeiffer technique, and

(c) Hair analysis if it is used as the only determinant for recommending chiropractic treatment or nutritional supplementation.

(d) Therapeutic ultrasound and galvanic therapy may be used by a licensee only if:

1. The licensee has completed the physiologic therapeutics portion of the examinations of the national board of examiners; or,

2. The licensee has completed a course of instruction in therapeutic ultrasound and galvanic therapy approved by the board, submits proof of completion to the board and receives acknowledgement of submittal; and,

3. The use of therapeutic ultrasound and galvanic therapy is limited to neurological and musculoskeletal conditions that are amenable to treatment, are not contra-indicated, and are within the scope of chiropractic practice as described in s. 446.01 (2) (a) and (b), Stats.

Note: A list of courses of instruction in therapeutic ultrasound and galvanic therapy approved by the board is available upon request from the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 4. Chir. 6.02 (4) is amended to read:

Chir 6.02 (4) Practicing or attempting to practice beyond the ~~scope~~ scope of a license issued by the board, including but not limited to acts prohibited under s. Chir 4.05 (1).

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

August 10, 1989

Agency

Meredith Hughes Burke D.C.
Chairperson, Chiropractic Examining Board

RULES-112

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

DATE: September 12, 1989 **FILE REF:**

TO: Gary Poulson,
Assistant Revisor of Statutes

FROM: Pamela Haack
Department of Regulation and Licensing

SUBJECT: Final Rulemaking Order

RECEIVED
SEP 13 1989
Revisor of Statutes
Bureau

Agency: CHIROPRACTIC EXAMINING BOARD
Clearinghouse Rule: 87-177

Attached is a copy and a certified copy of a final order adopting rules.

Would you please publish these rules in the code. Thanks, Gary.