

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_98-141
-
- Committee Hearings ... CH
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- Committee Reports ... CR
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- Executive Sessions ... ES
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- Hearing Records ... HR
-
-
- Miscellaneous ... Misc
-
-
- Record of Comm. Proceedings ... RCP
-

98-1411 (R²L) CHIR. 405 - PROCEDURE
REACTIVES - CHIRO REACTIVE

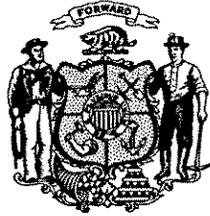
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

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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 98-141

AN ORDER to amend Chir 4.05 (2) (f), (g) and (h), relating to techniques, ancillary procedures or instruments prohibited in the practice of chiropractic.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

09-16-98 RECEIVED BY LEGISLATIVE COUNCIL.
10-13-98 REPORT SENT TO AGENCY.

RS:DD:jal

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

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 98-)

PROPOSED 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 _____ 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.

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9/16/98