

WISCONSIN LEGISLATIVE COUNCIL STAFF



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 98-192

AN ORDER to repeal Chir 2.02 (2) and 3.03 (2) (c) and chapter Chir 7; to amend Chir 1.01, 1.02 (intro.), 2.02 (intro.), (1), (3), (4), (5) and (6) (intro.), (a) and (b), 2.025, 2.03 (1) and (2) (title), (intro.) and (b), 2.04, 2.05, 2.07 (2) and (3), 2.08, 2.09 (1), 2.10 (1) (intro.), (a), (b) and (c) and (3), 2.11 (2) and (3), chapter Chir 3 (title), 3.01, 3.02 (1) (b), 3.03 (1) (e) and (f) and (2) (intro.), (b), (e), (f), (g) and (h), 3.035 (1) (intro.) and (b) and (3), 4.05 (1) (a), (b) 1., 2., 3. and (c) and (2) (a) and (b), 6.02 (18) and 9.04 (6); and to create a Note following Chir 2.02 (3), 2.02 (7), a Note following 3.03 (1) (c) 3., 3.03 (2) (k) and 6.02 (30), relating to definitions, applications, examinations, temporary permits and renewal.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

12-01-98 RECEIVED BY LEGISLATIVE COUNCIL.

12-23-98 REPORT SENT TO AGENCY.

RS:PS:jt;kjf

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

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CLEARINGHOUSE RULE 98-192

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.]

4. Adequacy of References to Related Statutes, Rules and Forms

The rule analysis cites, as statutes interpreted, s. 446.04 (1), (4) and (5), Stats. Section 446.04, Stats., generally relates to unprofessional conduct and the three cited subsections pertain, respectively, to: conduct of a character likely to deceive or defraud the public; splitting fees for chiropractic services with persons other than an associate licensed chiropractor; and use of unprofessional advertising. The rule includes three provisions, in SECTIONS 9, 25 and 26, that relate to the conduct of a person taking a chiropractic examination or making material misstatements, omissions or falsifications in applying for or renewing a license. However, the rule does not contain any provisions relating to fee splitting or unprofessional advertising. Therefore, the references to subs. (4) and (5) should be removed. Reference should be made to s. 446.02 (2) (b), Stats., which requires the chiropractic examining board to promulgate rules establishing educational requirements for obtaining a license, including requiring a provision that, beginning July 1, 1998, an application must be accompanied by evidence that the applicant has obtained a bachelor's degree and has graduated from a college of chiropractic approved by the examining board. The board may also wish to cite s. 446.02 (3g) (b), Stats., which directs the board to promulgate rules establishing additional requirements for obtaining a license and s. 446.02 (3r), Stats., which permits the board to promulgate rules providing for the granting of a temporary permit to practice chiropractic to an individual licensed in another state, territory or country and establishing requirements for practicing chiropractic under a temporary permit. Those subjects are covered in the rule.

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

a. The first and third sentences of the analysis are awkwardly worded. For greater clarity, the phrase "is modifying" in the first sentence could be changed to "proposes to change the term" and the phrases "clinical examination" and "practical examination demonstrating clinical competence" should be placed in quotation marks to highlight the proposed change in terminology. A period should be inserted after the word "practice" on line 5. The third sentence is not a complete sentence and does not make sense as written. It should be reviewed and rewritten. On line 10 of the analysis, the word "that" should be inserted after the word "indicating." On line 12, the terms "certificate of education" and "official certified transcript" should be placed in quotation marks.

b. In SECTIONS 2, 15, 18 and 22, what is the rationale for changing the phrase "the fee specified in s. 440.05 (1), Stats." to the fee *required under* s. 440.05 (1), Stats.? Is this intended to be a substantive change? "The fee specified . . ." is used throughout the statutes and administrative rule.

c. In s. Chir 2.02 (3), for consistency with statutory language in s. 446.02 (2) (b), Stats., the phrase "listed as" should be inserted after "accrediting body" on line 2. This comment also pertains to the language in s. Chir 2.02 (6) (a) in SECTION 6.

d. In the Note to SECTION 5, the phrase "federal department of education" should not be capitalized.

e. In the treatment clause to SECTION 6, the comma following "(5)" should be replaced by the word "and."

f. In s. Chir 2.02 (6) (intro.), the word "and" on line 2 should be changed to "or."

g. In the treatment clause to SECTION 8, the first comma should be replaced by the word "and." Also, on the second line of s. Chir 2.025, the phrase "shall be" should be replaced by the word "are," as this is current language.

h. In s. Chir 2.04, the phrase "who violated" on line 4 should be changed to "violates" and the phrase "who otherwise cheated or acted" on line 5 should be changed to "otherwise cheats or acts."

i. Section Chir 2.07 (2) changes the current requirement of a passing grade of 75 on the state law examination to a grade "determined by the board to represent minimum competence to practice." Will the board make this determination for each individual applicant taking the exam, for all applicants taking the exam at a particular sitting or for all applicants taking examinations at any time? How will applicants know what the board has determined to be minimum competence? Will this be included in the administrative rules? The same comment pertains to s. Chir 2.07 (3).

j. In s. Chir 2.09 (1) (intro.), the word "clinical" on line 1 should be stricken-through, the word "practical" should be inserted and underscored following "clinical" and the phrase

“demonstrating clinical competence” should be inserted and underscored following the word “examination.”

k. In the treatment clause to SECTION 12, the comma following the “(b)” should be replaced by the word “and.”

l. In SECTION 14, the title of ch. Chir 3 is changed from “Licensure” to “Licensure Registration and Renewal.” It is suggested the word “Licensure” be changed to “License,” since licensure refers to the act or practice of granting licenses, while a license is the item being registered or renewed. Also, it is suggested that the title to s. Chir 3.01 be changed to read “Registration and Renewal of License.” Finally, in the text of s. Chir 3.01, the phrase “of registration of license” on line 3 could be changed to “of license registration.”

m. In s. Chir 3.03 (2) (e), for consistency with other rule and statutory provisions, the phrase “United States” on line 3 should be replaced by the word “federal.”

n. In the treatment clause to SECTION 22, the comma following “(intro.)” should be replaced by the word “and.” Also, in s. Chir 3.035 (1) (intro.), the word “pay” on line 2 should be changed to “pays” and the word “each” on line 3 should be changed to “all.”

o. In s. Chir 6.02 (18), the comma following “misrepresentation” on line 2 should be deleted and the word “a” should be inserted after the word “for” on line 3.

p. In s. Chir 6.02 (30), where can the rules of conduct of an examination be found? [See also s. Chir 2.04.]

q. In s. Chir 9.04 (6), should semesters be referenced, as well as trimesters and academic quarters?

**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 98-192)**

TO: Senator Judy Robson, Senate Co-Chairperson
Joint Committee for the Review of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the CHIROPRACTIC EXAMINING BOARD is submitting in final draft form proposed rules relating to definitions, applications, examinations, temporary permits and renewal.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

APR 30 1998



Tommy G. Thompson
Governor

State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING



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Administrative Rules in Final Draft Form

Chiropractic Examining Board

Rule: Chs. Chir 1,2,3,4,6,7,9

**Relating to:
Applications, Temporary Permits,
Exams, Renewal**

**Clearinghouse Rule:
No. 98-192**

Regulatory Boards

Accounting; Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors; Professional Geologists, Hydrologists and Soil Scientists; Auctioneer; Barbering and Cosmetology; Chiropractic; Controlled Substances; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Podiatry; Psychology; Real Estate; Real Estate Appraisers; Social Workers, Marriage and Family Therapists and Professional Counselors; and Veterinary.

Committed to Equal Opportunity in Employment and Licensing

**STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 98-192
CHIROPRACTIC EXAMINING : (s. 227.19 (3), Stats.)
BOARD :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

These rules will have no significant impact upon state or local units of government.

IV. STATEMENT EXPLAINING NEED:

The board proposes to change the term "clinical examination" to "practical examination demonstrating clinical competence" to reflect the actual nature of the examination. Rather than having a specific passing grade, which may change, the rule is amended to indicate that to pass the examination each applicant shall receive a grade determined by the board to represent minimum competence to practice. A section is created indicating that an otherwise qualified applicant with disabilities shall be provided with reasonable accommodations to comply with the Americans With Disabilities Act. "Certificate of education" is replaced with "official certified transcript" for consistency. The requirement that an applicant submit a photograph for admission to the examination is repealed as they are not longer a useful check of personal identification. A driver's license is usually requested at the examination site.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on January 7, 1999. There were no appearances at the hearing nor were any written comments received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Response to Comment 5.b. The clearinghouse asked whether the proposed change from the phrase "the fee specified in s. 440.05 (1), Stats." to "the fee required under s. 440.05 (1), Stats." was intended to be a substantive change, as the former phrase is used throughout the statutes and administrative rules. The change is substantive in the sense

that it purposely changes the meaning of the affected rules. Section 440.05(1), Stats., merely authorizes the collection of certain fees; it does not contain the amount of the fee.

Response to Comment 5.i. The clearinghouse asked about the replacement of the phrase "a grade of 75 or above" with "a grade determined by the board to represent minimum competence to practice." The board will determine the passing grade if the examination changes and applicants are informed of the passing grade in the materials sent to candidates.

Response to Comment 5.p. The rules of conduct referred to those given to the applicants orally at the beginning of an examination.

Response to Comment 5.q. The trimester or academic quarter adequately expresses the appropriate time period, which is "every 3 months" in the current rule.

The remaining recommendations suggested in the Clearinghouse Report were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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 98-192)

PROPOSED ORDER

An order of the Chiropractic Examining Board to *repeal* Chir 2.02 (2), 3.03 (2) (c) and chapter Chir 7; to *amend* Chir 1.01, 1.02 (intro.), 2.02 (intro.), (1), (3), (4), (5), (6) (intro.), (a) and (b), 2.025, 2.03 (1), (2) (title), (2) (intro.) and (2) (b), 2.04 (title), 2.04, 2.05, 2.07 (2), (3) (title) and (3), 2.08, 2.09.(1), 2.10 (1) (intro.), (a), (b), (c) and (3), 2.11 (2) (title), (2) and (3), ch. Chir 3 (title), 3.01 (title) and 3.01, 3.02 (1) (b), 3.03 (1) (e), (f), (2) (intro.), (b), (e), (f), (g) and (h), 3.035 (1) (intro.), (b) and (3), 4.05 (1) (a), (b) 1., 2., 3., (c), (2) (a) and (b), 6.02 (18) and 9.04 (6); and to *create* a Note following Chir 2.02 (3), 2.02 (7), a Note following 3.03 (1) (c) 3., 3.03 (2) (k) and 6.02 (30), relating to definitions, applications, examinations, temporary permits and renewal.

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: ss. 446.02 (2) (b), (3g) (b) and (3r) and 446.04 (1), Stats.

In this proposed rule-making order the Chiropractic Examining Board proposes to change the term "clinical examination" to "practical examination demonstrating clinical competence" to reflect the actual nature of the examination. Rather than having a specific passing grade, which may change, the rule is amended to indicate that to pass the examination each applicant shall receive a grade determined by the board to represent minimum competence to practice. If after review of a failed examination the applicant's application shall be deemed incomplete and the applicant may be reexamined. If reexamination is not available within 6 months of the date of the examination the applicant failed, then the applicant may request a hearing. The section on cheating on examinations is expanded to include violation of rules of conduct or otherwise acting dishonestly. A section is created indicating that an otherwise qualified applicant with disabilities shall be provided with reasonable accommodations to comply with the Americans With Disabilities Act. In Chapter Chir 2 "certificate of education" is replaced with "official certified

require a picture ID, usually a driver's license, at the examination site. Requiring that an applicant send a picture also creates unnecessary administrative processing for staff. Chapter Chir 7, access to public records, is repealed as that is addressed in section 19.35, Stats.

TEXT OF RULE

SECTION 1. Chir 1.01 and 1.02 (intro.) are amended to read:

Chir 1.01 Authority. The rules in chs. Chir 1 to ~~10~~ 11 are adopted under authority in ss. 15.08 (5) (b), 227.11 (2) and ch. 446, Stats.

Chir 1.02 Definitions. (intro.) As used in chs. Chir 1 to ~~10~~ 11:

SECTION 2. Chir 2.02 (intro.) and (1) are amended to read:

Chir 2.02 Applications. (intro.) An applicant for the practical examination demonstrating clinical competence for license as a chiropractor shall make application on a form prescribed by the board at least 30 days prior to the date of the next scheduled examination and shall also submit:

- (1) The fee ~~specified in~~ required under s. 440.05 (1), Stats.

SECTION 3. Chir 2.02 (2) is repealed.

SECTION 4. Chir 2.02 (3) is amended to read:

Chir 2.02 (3) ~~A~~ An official certified transcript sent directly to the board from a college or university accredited by an accrediting body listed as nationally recognized by the secretary of the federal department of education, or a post-secondary technical college showing completion by the applicant of a minimum of 60 credits in post-secondary academic education as specified in s. 446.02 (2), Stats.

SECTION 5. A Note following Chir 2.02 (3) is created to read:

Note: Accrediting bodies nationally recognized by the secretary of the federal department of education include the New England Association of Schools and Colleges, the Middle States Association of Colleges and Schools, the North Central Association of Colleges and Schools, the Northwest Association of Schools and Colleges, the Southern Association of Colleges and Schools, and the Western Association of Schools and Colleges.

SECTION 6. Chir 2.02 (4), (5) and (6) (intro.), (a) and (b) are amended to read:

Chir 2.02 (4) ~~A~~ An official certified transcript sent directly to the board from a chiropractic college accredited by the commission on accreditation of the council on chiropractic education, or approved by the board, ~~sent directly to the board by the college.~~

(5) Proof of successful completion of the initial licensure examinations of the national board of chiropractic examiners.

(6) (intro.) Applications for an initial license to practice chiropractic in this state received on ~~and~~ or after July 1, 1998, shall include all of the following:

(a) ~~A certificate of education signed and sealed by the chancellor, dean or registrar of~~ An official certified transcript sent directly to the board from a college or university accredited by an accrediting body listed as nationally recognized by the secretary of the federal department of education, stating that the applicant has graduated from that college or university with a bachelor's degree; and.

(b) ~~A certificate of professional education signed and sealed by the chancellor, dean or registrar of~~ An official certified transcript sent directly to the board from a college of chiropractic accredited by the council on chiropractic education and approved by the board stating that the applicant has graduated from the college with the degree of doctor of chiropractic.

SECTION 7. Chir 2.02 (7) is created to read:

Chir 2.02 (7) An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

SECTION 8. Chir 2.025 and 2.03 (1), (2) (title), (2) (intro.) and (2) (b) are amended to read:

Chir 2.025 Time for completing applications and taking examination. An application is incomplete until all materials described in s. Chir 2.02 ~~shall be~~ are filed with the board. All application materials described in s. Chir 2.02 shall be filed with the board within one year from the date the first item is filed. If an application is incomplete for more than one year, or if an applicant fails to take an examination within one year from the date the application is complete, the applicant shall begin the application process anew in order to take the practical examination demonstrating clinical competence for a license as a chiropractor.

Chir 2.03 (1) STATE LAW EXAMINATION. An applicant shall pass an examination on state laws including but not limited to ch. 446, Stats., and chs. Chir 1 ~~through 7~~ to 11.

(2) (title) PRACTICAL EXAMINATION DEMONSTRATING CLINICAL EXAMINATION COMPETENCE. (intro.) An applicant shall pass each part of a clinical practical examination demonstrating clinical competence which includes the following parts:

(b) X-ray interpretation.

SECTION 9. Chir 2.04 (title), 2.04 and 2.05 are amended to read:

Chir 2.04 (title) Unauthorized assistance or cheating on examinations. The board may withhold the ~~score~~ grade, deny release of grades or deny issuance of a credential of an applicant who gives or receives unauthorized assistance during the state law or ~~clinical~~ practical examination demonstrating clinical competence, violates rules of conduct of an examination, or otherwise cheats or acts dishonestly respecting an examination. The board may consider this applicant for retesting at a future time.

Chir 2.05 Controls. The board chairperson ~~or~~, examiner, or examination provider personnel may announce time limits and other necessary controls prior to the examinations. A valid driver's license bearing the applicant's photograph or an official photo identification card shall be required for admission to all examinations.

SECTION 10. Chir 2.07 (2), (3) (title) and (3) are amended to read:

Chir 2.07 (2) STATE LAW EXAMINATION. To pass the state law examination, each applicant shall receive a grade ~~of 75 or above~~ determined by the board to represent minimum competence to practice.

Chir 2.07 (3) (title) PRACTICAL EXAMINATION DEMONSTRATING CLINICAL EXAMINATION COMPETENCE. To pass the ~~clinical~~ practical examination demonstrating clinical competence, an applicant shall receive a grade ~~of 75 or above~~ determined by the board to represent minimum competence to practice on each part of the examination.

(c) A description of the perceived error, including specific questions or procedures claimed to be in error; ~~and~~.

(3) If the decision does not result in the applicant passing the examination, the applicant's application shall be deemed incomplete, and the applicant may be reexamined. If reexamination is not available within 6 months of the date of the examination which the applicant failed, the applicant may request a hearing under s. RL 1-05 1.07.

SECTION 13. Chir 2.11 (2) (title), (2) and (3) are amended to read:

Chir 2.11 (2) (title) PRACTICAL EXAMINATION DEMONSTRATING CLINICAL EXAMINATION COMPETENCE. An applicant who fails the ~~clinical~~ practical examination demonstrating clinical competence due to the failure of one part of the examination may retake the failed part only. An applicant who fails the ~~clinical~~ practical examination demonstrating clinical competence due to the failure of 2 or more parts of the ~~clinical~~ practical examination shall be required to retake the entire ~~clinical~~ practical examination demonstrating clinical competence.

(3) **LIMITATION ON REEXAMINATION.** If an applicant does not pass all parts of the examinations under subs. (1) and (2) within 2 years of the first attempt, the applicant shall retake and pass the entire ~~clinical~~ practical examination demonstrating clinical competence and state law examination in order to be licensed.

SECTION 14. Chapter Chir 3 (title), 3.01 (title) and 3.01 are amended to read:

Chapter Chir 3 (title)

LICENSURE LICENSE REGISTRATION AND RENEWAL

Chir 3.01 (title) Registration and renewal of license. Every person granted a license as a chiropractor shall be deemed registered for the current registration period. ~~Registrants~~ Licensees shall qualify biennially for certificates of renewal of license registration.

SECTION 15. Chir 3.02 (1) (b) is amended to read:

Chir 3.02 (1) (b) The fee ~~specified in~~ required under 440.08 (2) (a), Stats.

SECTION 16. A Note following Chir 3.03 (1) (c) 3. is created to read:

Note: Accrediting bodies nationally recognized by the secretary of the federal Department of Education include the New England Association of Schools and Colleges, the Middle States Association of Colleges and Schools, the North Central Association of Colleges and Schools, the Northwest Association of Schools and Colleges, the Southern Association of Colleges and Schools, and the Western Association of Schools and Colleges.

SECTION 17. Chir 3.03 (1) (e) and (f) are amended to read:

Chir 3.03 (1) (e) Has successfully completed a ~~clinical practical~~ examination demonstrating clinical competence which, in the board's judgment, is substantially equivalent to the practical examination demonstrating clinical competence administered by the board.

(f) Has successfully completed the special purpose examination in chiropractic, if the applicant has not taken the ~~examination~~ initial licensure examinations of the national board of chiropractic examiners.

SECTION 18. Chir 3.03 (2) (intro.) and (b) are amended to read:

Chir 3.03 (2) APPLICATION PROCEDURE. (intro.) Each applicant shall file a completed, ~~notarized~~ application on forms provided by the board. The application shall include all of the following:

(b) The fee ~~specified in~~ required under s. 440.05 (1), Stats.

SECTION 19. Chir 3.03 (2) (c) is repealed.

SECTION 20. Chir 3.03 (2) (e), (f), (g) and (h) are amended to read:

Chir 3.03 (2) (e) A certified transcript verifying that the applicant has a bachelor's degree from a college or university accredited by an accrediting body nationally recognized by the secretary of the ~~United States federal~~ department of education ~~verifying a bachelor's degree~~ if the applicant first applies for any license to practice chiropractic in any jurisdiction on or after July 1, 1998. The transcript shall be sent directly to the board by the college or university.

(f) Verification of successful completion of a ~~clinical practical~~ examination demonstrating clinical competence. The verification shall be forwarded directly to the board from the state that administered the examination.

(g) Proof of successful completion of the special purpose examination in chiropractic ~~in lieu of~~ or the examination of the national board of chiropractic examiners. The proof of completion shall be forwarded directly to the board from the institution that administered the examination.

(h) Proof of successful completion of the state law examination ~~with a grade of 75 or above~~.

SECTION 21. Chir 3.03 (2) (k) is created to read:

Chir 3.03 (2) (k) An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

SECTION 22. Chir 3.035 (1) (intro.) and (b) and (3) are amended to read:

Chir 3.035 (1) (intro.) The board may grant a temporary permit to practice chiropractic to any chiropractor who files an application prescribed by the board, ~~pay~~ pays the fee ~~specified in required under~~ s. 440.05 (6), Stats., and meets ~~each~~ all of the following conditions:

(b) The applicant will be practicing chiropractic only as a chiropractor for participants in an athletic or ~~artistic~~ performing arts event, or as an instructor in a specific chiropractic education seminar approved for continuing education by the board.

(3) A chiropractor holding a temporary permit to practice chiropractic may not use the temporary permit to provide relief services or practice coverage for the practice of any chiropractor licensed in this state. All temporary permits issued by the board shall bear the legend "limited to sporting or ~~artistic~~ performing arts events and approved educational purposes."

SECTION 23. Chir 4.05 (1) (a), (b) 1., 2., 3. and (c) are amended to read:

Chir 4.05 (1) (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) 1. Surgery;

2. Subcutaneous administration of substances; ~~or~~

3. Acupuncture by needle insertion or laser application;

(c) Colonic irrigation; ~~or~~

SECTION 24. Chir 4.05 (2) (a) and (b) are amended to read:

Chir 4.05 (2) (a) Acuclips;

(b) Pfeiffer technique; ~~and~~

SECTION 25. Chir 6.02 (18) is amended to read:

Chir 6.02 (18) Obtaining or attempting to obtain a license through fraud or misrepresentation or making any material misstatement, omission or falsification in connection with an application for a license, registration or renewal.

SECTION 26. Chir 6.02 (30) is created to read:

Chir 6.02 (30) Giving or receiving unauthorized assistance, violating rules of conduct, or otherwise cheating or acting dishonestly respecting any examination required for the granting of a license or registration to practice chiropractic.

SECTION 27. Chapter Chir 7 is repealed.

SECTION 28. Chir 9.04 (6) is amended to read:

Chir 9.04 (6) Provides a list to the board ~~every three months~~ 45 days prior to every trimester or academic quarter of the chiropractors in Wisconsin who will be acting as preceptors in the program.

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.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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