

STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : NOTICE OF PUBLIC HEARING
CHIROPRACTIC EXAMINING BOARD :

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Chiropractic Examining Board in ss. 15.08 (5) (b), 227.11 (2) and 446.02 (2) (b), Stats., and interpreting s. 446.02 (1) (b) and (2) (a), Stats., the Chiropractic Examining Board will hold a public hearing at the time and place indicated below to consider an order to repeal Chir 5.01 (1) (c) and (d) and 5.02 (3); to renumber and amend Chir 5.01 (3); and to create Chir 5.01 (3) (b) to (e), 5.02 (1) (i), (4) (a) 8., a. and b., and (7), relating to continuing education credit and approval of continuing education programs.

Hearing Date, Time and Location

Date: February 23, 2006
Time: 8:15 a.m.
Location: 1400 East Washington Avenue
Room 121A
Madison, Wisconsin

APPEARANCES AT THE HEARING:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email at pamela.haack@drl.state.wi.us. Comments must be received on or before March 6, 2006 to be included in the record of rule-making proceedings.

ANALYSIS

Statutes interpreted:

Section 446.02 (1) (b) and (2) (a), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) and 446.02 (2) (b), Stats.

Explanation of agency authority:

The Chiropractic Examining Board has the authority under s. 446.02, Stats., to establish the requirements of continuing education for license renewal. Presently, those requirements are set

forth in Chapter Chir 5. The proposed rule removes references to outdated requirements and provides for approval of non-classroom technology based educational opportunities. This proposal is intended to allow chiropractors to take advantage of educational opportunities that are or will become available in non-classroom settings by advances in technology while maintaining the value of active participation and the assurances of assessment tools.

Related statute or rule:

There are no related statutes or rules other than those listed above.

Plain language analysis:

SECTION 1 repeals one time ethics and radiology education requirements that were required for the 2003 to 2004 biennium.

SECTION 2 repeals language that requires the student to be physically present in the room in which the program is presented. The removal of this restriction is necessary to facilitate distance learning alternatives.

SECTION 3 establishes a limitation of 12 continuing education hours that may be obtained from technology based non-classroom education programs. This SECTION requires that such programs must have a written assessment instrument to assure that the student actively participated and derived a benefit. This SECTION also allows in the case of extreme hardship for accumulation of more than 12 hours of non-classroom continuing education.

SECTION 4 sets forth the requirements of technology based non-classroom continuing educational programs in addition to the requirements common to all continuing educational programs. These additional requirements include that the student must take a written assessment instrument and demonstrate that they actively participated in the program and demonstrate that they received a measurable benefit from their participation. These programs must also contain a reasonable security measure to assure that the enrolled student is the actual participant.

SECTION 5 repeals language authorizing non-classroom education in cases of extreme hardship because the language was recreated in SECTION 3.

SECTION 6 creates a requirement that the application for approval of technology based, non-classroom continuing education programs must contain information stating how the program will conduct the written assessment and what type of security measures are being used to fulfill the requirements of SECTION 4.

SECTION 7 restricts the approval period of continuing education programs for the biennium in which they are approved. Such a restriction assures that the information conveyed and is current and the topic timely.

Summary of, and comparison with, existing or proposed federal regulation:

No proposed or existing federal regulation authorizing or restricting technology based, non-classroom continuing education programs for chiropractors exist.

Comparison with rules in adjacent states:

Illinois:

Continuing medical education utilizing materials such as CD-ROMs, printed educational materials, audiotapes, video cassettes, films, slides and computer assisted instruction that provide a clear, concise statement of the educational objectives and indicate the intended audience. These programs shall also have a method of verifying physicians' participation.

Iowa:

Iowa is currently promulgating a rule change to 645 IAC 44.03 that would allow continuing education credit for completing electronically transmitted programs/activities or INDEPENDENT study programs/activities that have a certificate of completion.

Michigan:

The state of Michigan does not address the setting in which continuing education programs may take place.

Minnesota:

2500.1550 ALTERNATIVES TO TRADITIONAL CLASSROOM PRESENTATION.

A chiropractor may obtain up to six units of the 20-unit annual requirement through alternatives to traditional classroom presentations. The programs must be approved by the board or a board-approved sponsor according to parts 2500.1200 to 2500.2000. The programs approved for continuing education credit under this part must include a written assessment instrument, designed to ensure that the chiropractor actively participated in the presentation of material and derived a measurable benefit from participation. For the purposes of this part, an instrument that provides a minimum of two questions from each unit of instruction, and of which 75 percent or more are correctly answered, satisfies this requirement.

Summary of factual data and analytical methodologies:

No study resulting in the collection of factual data was used in reference to this rule-making effort. The primary methodology for revising the rule is the board's ongoing analysis and determination that a rules change is necessary.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

The Department of Regulation and Licensing has a small business review advisory committee (SBRAC) which consists of representatives of a variety of small business and geographic

locations. This proposed rule was reviewed by the SBRAC and found that the rule would not have a significant economic impact on small business.

This conclusion is supported by an analysis by department staff. Licensed chiropractors are required to complete 40 hours of continuing education (CE) each biennium. Continuing education hours have traditionally only been available at locations near urban (higher population density) areas. The economics of hosting and presenting all day or multi-day presentations requires that CE providers attract a large number of attendees. This may cause significant financial burden in terms of travel expenses and lost income due to time away from the practice.

The use of modern technology (an example would be Internet-based CE courses) will offer chiropractors more educational opportunities while reducing travel and time away from office related costs.

This rule does not mandate that any CE provider offer non-traditional or technology-based CE, therefore, there would be no additional mandated expenses to CE providers.

Anticipated costs incurred by private sector/fiscal estimate:

The department finds that this rule has no significant fiscal effect on the private sector.

Effect on small business:

These proposed rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935. Telephone: (608) 266-0495. Email: pamela.haack@drl.state.wi.us.

TEXT OF RULE

SECTION 1. Chir 5.01 (1) (c) and (d) are repealed.

SECTION 2. Chir 5.01 (3) is renumbered Chir 5.01 (3) (a) and is amended to read:

Chir 5.01 (3) (a) To obtain credit for completion of continuing education programs, a chiropractor shall certify on his or her application for renewal of license registration that he or she has completed all continuing education credits as required in this section for the previous 2 year license registration period. A chiropractor shall retain for a minimum period of 4 years, and shall make available to the board or its agent upon request, certificates of attendance issued by the program sponsor for all continuing education programs for which he or she claims credit for

purposes of renewal of his or her license registration. ~~Chiropractors attending a program for credit shall be present in the room where a program is being presented in order to claim credit. A chiropractor may claim credit hours for continuing education for which he or she was in actual attendance in the room, except for authorized break periods or to attend to personal hygiene needs.~~

SECTION 3. Chir 5.01 (3) (b) to (e) are created to read:

Chir 5.01 (3) (b) Except as provided in par. (c), chiropractors attending a program for credit shall be present in the room where a program is being presented in order to claim credit. A chiropractor may claim credit hours for continuing education for which he or she was in actual attendance in the room, except for authorized break periods or to attend to personal hygiene needs.

(c) Chiropractors may obtain up to 12 continuing education credit hours through alternative based, non-classroom programs. The programs shall be approved by the board under the provisions of s. Chir 5.02. The chiropractor shall have completed all parts of the course for which credit is awarded by the provider.

(d) The programs shall include a written assessment instrument, designed to ensure that the chiropractor actively participated in the presentation of material and derived a measurable benefit from participation.

(e) Home study programs and other technology based, non-classroom presentations may be approved for credit in excess of 12 credit hours only in cases of extreme hardship, as determined by the board.

SECTION 4. Chir 5.02 (1) (i) is created to read:

Chir 5.02 (1) (i) A technology based, non-classroom program shall meet these additional requirements:

1. The program shall include a written assessment instrument, designed to ensure that the chiropractor actively participated in the presentation of material and derived a measurable benefit from participation.

2. The program shall contain a reasonable security procedure to assure that the chiropractor enrolled is the actual participant.

SECTION 5. Chir 5.02 (3) is repealed.

SECTION 6. Chir 5.02 (4) (a) 8., a. and b. are created to read:

Chir 5.02 (4) (a) 8. If the course is a technology based, non-classroom program, a description of the methods employed to fulfill the following requirements:

a. The program shall include a written assessment instrument, designed to ensure that the chiropractor actively participated in the presentation of material and derived a measurable benefit from participation.

b. The program shall contain a reasonable security procedure to assure that the chiropractor enrolled is the actual participant.

SECTION 7. Chir 5.02 (7) is created to read:

Chir 5.02 (7) The approval of a course shall be effective only for the biennium in which it is approved.

(END OF TEXT OF RULE)

Chir 5.01, 5.02 (CE-distance learning) Hearing Notice 1-17-06