

Clearinghouse Rule 17-059

STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD

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| IN THE MATTER OF RULEMAKING | : | PROPOSED ORDER OF THE |
| PROCEEDINGS BEFORE THE | : | CHIROPRACTIC EXAMINING |
| CHIROPRACTIC EXAMINING | : | BOARD |
| BOARD | : | ADOPTING RULES |
| | : | (CLEARINGHOUSE RULE) |

PROPOSED ORDER

An order of the Chiropractic Examining Board to amend Chir 1.01 and 1.02 (intro.), relating to authority and definitions.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

None.

Statutory authority:

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

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that examining boards, such as the Chiropractic Examining Board, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, . . .”

Section 227.11 (2) (a), Stats., discusses the parameters of an agency’s rule-making authority, stating an agency “may promulgate rules interpreting the provisions of the statute, but a rule is not valid if it exceeds the bounds of correct interpretation. . .” This section allows an agency to promulgate administrative rules that interpret the statutes it enforces or administers as long as the proposed rule does not exceed proper statutory interpretation. Section 227.01 (1), Stats., defines agency as a board. The Chiropractic Examining Board falls within the definition of agency and is therefore allowed to apply s. 227.11 (2) (a), Stats., to statutes it administers.

Related statute or rule:

None.

Plain language analysis:

Sections Chir 1.01 and 1.02 (intro.) incorrectly reference chs. Chir 1 to 11. The proposed rules update these references to chs. Chir 1 to 13.

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

None.

Comparison with rules in adjacent states:

Illinois: Rules of the Illinois Department of Financial and Professional Regulation address chiropractic practice in Illinois (68 Ill. Adm. Code 1285).

Iowa: Rules of the Iowa Board of Chiropractic address chiropractic practice in Iowa (645 IAC 41 to 45).

Michigan: Rules of the Michigan Department of Licensing and Regulatory Affairs address chiropractic practice in Michigan (Mich Admin Code, R 338.12001 to R 338.12015).

Minnesota: Rules of the Minnesota Board of Chiropractic Examiners address chiropractic practice in Minnesota (Minnesota Rules, chapter 2500).

Summary of factual data and analytical methodologies:

The proposed rules update references in ss. Chir 1.01 and 1.02 (intro.). No additional factual data or analytical methodologies were used to develop the proposed rules.

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

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708-8935, or by email to DSPSAdminRules@wisconsin.gov. Comments must be submitted at or before the date and time the public hearing on these proposed rules is conducted. Information as to the place, date, and time of the public hearing will be published on the Department of Safety and Professional Services' website and in the Wisconsin Administrative Register.

TEXT OF RULE

SECTION 1. Chir 1.01 is amended to read:

Chir 1.01 Authority. The rules in chs. Chir 1 to ~~11~~ 13 are adopted under the authority ~~in~~ of ss. 15.08 (5) (b), 227.11 (2) and ch. 446, Stats.

SECTION 2. Chir 1.02 (intro.) is amended to read:

Chir 1.02 (intro.) Definitions. As used in chs. Chir 1 to ~~11~~ 13:

SECTION 3. EFFECTIVE DATE. 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.

(END OF TEXT OF RULE)
