

## Clearinghouse Rule 18-103

### 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 )

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#### PROPOSED ORDER

An order of the Chiropractic Examining Board to **repeal** Chir 9.03 (5), 9.04, and 9.05 (1) (intro.); to **renumber and amend** Chir 9.03 (1) and (4) and 9.05 (1) (a) to (f); to **amend** Chir 9.01 (2), 9.02, 9.03 (intro.), (2), (3) (intro.), (a), and (b), (Note), and (6), 9.05 (intro.) and (Note), and 9.06 (2); and to **create** Chir 9.03 (1) (a) to (c) and (3) (am) and 9.05 (7), relating to chiropractic preceptorship.

Analysis prepared by the Department of Safety and Professional Services.

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#### ANALYSIS

##### **Statutes interpreted:**

Section 446.02 (9) (a), Stats.

##### **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 an examining board, 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., sets forth the parameters of an agency’s rule-making authority, stating an agency “may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

##### **Related statute or rule:**

None.

##### **Plain language analysis:**

The Board conducted an evaluation and update of ch. Chir 9 to ensure consistency with current professional and academic practices and applicable Wisconsin statutes. As a result, the following updates have been made:

- Section Chir 9.03 (1) is revised to include the Councils on Chiropractic Education International as an approved accreditor of chiropractic colleges.
- As most of the criteria for approval of chiropractic college preceptorship programs under s. Chir 9.03 and postgraduate preceptorship programs under s. Chir 9.04 are identical, the sections have been consolidated.
- Other provisions throughout ch. Chir 9 have been revised to update notes, provide clarity, and conform to current drafting standards.

**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 relating to chiropractic physician preceptorship were repealed effective February 15, 2000. (68 Ill. Adm. Code 1285.105, repealed at 24 Ill. Reg. 3620).

**Iowa:** Rules of the Iowa Board of Chiropractic administer chiropractic preceptorship programs (645 IAC 42.1 to 42.6). A program is established by a Board-approved chiropractic college and allows a chiropractic intern or resident from the college to practice under the supervision of a chiropractic preceptor (a chiropractic physician licensed and practicing in Iowa). The rules specify the criteria for Board approval of chiropractic colleges, preceptorship programs, and chiropractic preceptors, and the conditions under which a preceptorship program must be terminated.

**Michigan:** Michigan statutes permit a chiropractic student to apply for a limited license to engage in the practice of chiropractic under the supervision of a licensed chiropractor (MCL 333.16412). The applicant must have successfully completed 2 years of education in a college of arts and sciences and 2 years, 4 semesters, or 6 quarter terms in a chiropractic college approved by the Michigan Board of Chiropractic. The limited license is valid for not more than 6 months and is nonrenewable.

**Minnesota:** Rules of the Minnesota Board of Chiropractic Examiners administer graduate preceptorship programs (Minnesota Rules, parts 2500.2500 to 2500.2530). A program allows an extern (a graduate of an accredited chiropractic college) to work under the supervision of a preceptor (a chiropractic physician licensed and in active private practice in Minnesota) for a period of up to 12 months. The rules specify the role of the preceptor, the eligibility and responsibilities of the preceptor and the extern, the minimum requirements of a preceptorship training program, and the conditions under which a preceptorship program must be terminated.

**Summary of factual data and analytical methodologies:**

The rules were developed by reviewing the provisions of ch. Chir 9 to ensure the rules are consistent with current practices and applicable Wisconsin statutes. 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, P.O. Box 8366, Madison, Wisconsin 53708-8366; 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, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 8:30 a.m. on January 31, 2019, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. Chir 9.01 (2) is amended to read:

**Chir 9.01 (2)** "Chiropractor preceptor" means a chiropractor licensed and practicing in Wisconsin pursuant to ch. 446, Stats., who accepts a chiropractic student into ~~his or her~~ the chiropractor's practice for the purpose of providing the chiropractic student with a clinical experience ~~of~~ in the practice of chiropractic.

SECTION 2. Chir 9.02 is amended to read:

**Chir 9.02 Unlicensed practice by chiropractic students and graduate chiropractors.** ~~The board may approve the unlicensed practice of chiropractic in this state by a bona fide~~ As provided under s. 446.02 (9) (a), Stats., a chiropractic student of a chiropractic college which offers an approved or graduate chiropractor participating in a preceptorship program approved under s. Chir 9.03, if the chiropractic college preceptorship program, under the direct, on-premises supervision of a chiropractor preceptor and the practice of chiropractic by the student meet the criteria established by the board approved under s. Chir 9.05 is not required to hold a license under ch. 446, Stats. The board may approve the unlicensed practice of chiropractic in this state by a

~~graduate chiropractor in an approved postgraduate chiropractic preceptorship program, if the postgraduate chiropractic preceptorship program, the chiropractor preceptor and the practice of chiropractic by the graduate chiropractor meet the criteria established by the board.~~

SECTION 3. Chir 9.03 (intro.) is amended to read:

**Chir 9.03 (intro.) Approved chiropractic college and postgraduate preceptorship programs.** The board shall approve a chiropractic college preceptorship program ~~which includes~~ or postgraduate preceptorship program that meets all of the following ~~criteria~~ requirements:

SECTION 4. Chir 9.03 (1) is renumbered Chir 9.03 (1) (intro.) and amended to read:

**Chir 9.03 (1) (intro.)** ~~Is~~ The program is operated by a chiropractic college approved by the board. ~~The~~ When making a determination as to whether to approve a chiropractic college, the board shall consider ~~whether the college is accredited by the council on chiropractic education, and shall also consider the degree of consumer protection provided by the defined standards and practices of the chiropractic college's preceptor program, as well as degree of consumer protection demonstrated by the actual operation of the chiropractic college's preceptor program.~~ all of the following:

SECTION 5. Chir 9.03 (1) (a) to (c) are created to read:

**Chir 9.03 (1) (a)** Whether the chiropractic college is accredited by one of the following:

1. The Council on Chiropractic Education or a successor organization.
2. The Councils on Chiropractic Education International or a successor organization.

(b) The degree of consumer protection provided by the defined standards and practices of the program.

(c) The degree of consumer protection demonstrated by the actual operation of the program.

SECTION 6. Chir 9.03 (2) and (3) (intro.) and (a) are amended to read:

**Chir 9.03 (2)** ~~Is~~ The program is an established component of the curriculum of the chiropractic college.

**(3) (intro.)** ~~Certifies~~ An authorized representative of the program certifies to the board, on forms supplied by the department, all of the following:

(a) ~~That all students who participate in the~~ If the program is a chiropractic college preceptorship program, ~~are in the last semester, trimester, or quarter of their education, and have met~~ prior to participating in the program students shall have met all requirements for graduation from the chiropractic college except for completion of the preceptorship period; ~~and~~

SECTION 7. Chir 9.03 (3) (am) is created to read:

**Chir 9.03 (3) (am)** If the program is a postgraduate preceptorship program, graduate chiropractors shall have graduated from a college of chiropractic approved by the board.

SECTION 8. Chir 9.03 (3) (b) is amended to read:

**Chir 9.03 (3) (b)** ~~That no~~ No chiropractor ~~who is a~~ preceptor shall supervise more than one chiropractic student or graduate chiropractor at any one time.

SECTION 9. Chir 9.03 (4) is renumbered Chir 9.03 (3) (c) and amended to read:

**Chir 9.03 (3) (c)** ~~Certifies to the board, on forms supplied by the department, that all chiropractors~~ Chiropractors who participate as chiropractor preceptors ~~are~~ shall be faculty of the chiropractic college.

SECTION 10. Chir 9.03 (5) is repealed.

SECTION 11. Chir 9.03 (Note) and (6) are amended to read:

**Chir 9.03 (Note)** Forms may be obtained ~~upon request from the Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708~~ from the department of safety and professional services' website at dsps.wi.gov.

**(6)** Provides An authorized representative of the program provides a list to the board at least 45 days prior to every trimester or academic quarter of the chiropractors ~~in Wisconsin~~ this state who will be acting as preceptors in the program.

SECTION 12. Chir 9.04 is repealed.

SECTION 13. Chir 9.05 (intro.) is amended to read:

**Chir 9.05 (intro.)** **Approved chiropractor preceptors.** The board shall approve a chiropractor to be a chiropractor preceptor if the chiropractor ~~meets~~ certifies to the board, on forms supplied by the department, all of the following ~~conditions:~~

SECTION 14. Chir 9.05 (1) (intro.) is repealed.

SECTION 15. Chir 9.05 (1) (a) to (f) are renumbered Chir 9.05 (1) to (6) and amended to read:

**Chir 9.05 (1)** The chiropractor ~~preceptor~~ has been continuously licensed in Wisconsin for the previous 5 years, and ~~that~~ there are no pending disciplinary actions or malpractice claims against the chiropractor ~~preceptor~~ in any ~~state or country~~ jurisdiction. If ~~any~~ discipline has ever been imposed in any ~~state or country~~ jurisdiction on any professional license held by the ~~preceptor~~ chiropractor, the ~~preceptor~~ chiropractor shall provide details of the discipline for the board's review.

(2) The chiropractor ~~preceptor~~ is a member of the faculty of the chiropractic college from which the chiropractor ~~preceptor~~ will accept a chiropractic student or graduate chiropractor into a preceptorship practice.

(3) The chiropractor ~~preceptor~~ is responsible for the practice of the chiropractic student or graduate chiropractor the chiropractor ~~preceptor~~ accepts into a preceptorship practice.

(4) The chiropractor ~~preceptor~~ will identify the chiropractic student or graduate chiropractor to the patients of the preceptorship practice in such a way that no patient will tend to be misled as to the status of the chiropractic student or graduate chiropractor, and that each patient or parent or guardian of each patient will be required to provide informed consent to treatment of that patient by the chiropractic student or graduate chiropractor.

(5) The chiropractor ~~preceptor~~ will supervise no more than one chiropractic student or graduate chiropractor at any one time.

(6) The chiropractor ~~preceptor~~ will exercise direct, on-premises supervision of the chiropractic student or graduate chiropractor at all times during which the chiropractic student or graduate chiropractor is engaged in any facet of patient care in the ~~chiropractor preceptor's~~ chiropractor's clinic.

SECTION 16. Chir 9.05 (7) is created to read:

**Chir 9.05 (7)** The chiropractor and the chiropractic student or graduate chiropractor have agreed on the goals of the preceptor program to be completed by the chiropractic student or graduate chiropractor.

SECTION 17. Chir 9.05 (Note) is amended to read:

**Chir 9.05 (Note)** Forms may be obtained ~~upon request from the Department of Safety and Professional Services, Chiropractic Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708~~ from the department of safety and professional services' website at dsps.wi.gov.

SECTION 18. Chir 9.06 (2) is amended to read:

**Chir 9.06 (2)** If a preceptorship is terminated under sub. (1) (d), (e), or (f), the board may approve a replacement chiropractor preceptor proposed by the chiropractic student or graduate chiropractor, ~~who satisfies~~ To be approved by the board, the proposed replacement chiropractor preceptor shall satisfy the requirements ~~in~~ under s. Chir 9.05 ~~(4) (a) and (e) to (f)~~. The proposed chiropractor preceptor ~~need is not required to~~ is not required to have been ~~listed~~ named by the chiropractic college operating the preceptorship program on the most recent list provided to the board under s. Chir 9.03 (6).

SECTION 19. 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.

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(END OF TEXT OF RULE)  
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