

Report From Agency

**STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD**

IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 18-105
CHIROPRACTIC EXAMINING :
BOARD :

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The proposed rules make the following changes to reflect the provisions of 2017 Wisconsin Act 180, relating to a chiropractor's authority to delegate adjunctive services and x-ray services to certain health care professionals:

- Adds the definition of "health care professional" under s. 446.01 (1v), Stats., to the definitions in ch. Chir 1.
- Revises ss. Chir 4.04 (3) and 10.03 to reflect s. 446.025 (1) (a), Stats., which provides no person may provide x-ray services on behalf of a chiropractor in connection with the practice of chiropractic unless the person is a chiropractic radiological technician and is under the direct supervision of a chiropractor licensed under ch. 446, Stats.
- Creates s. Chir 10.023 to, as required under s. 446.02 (7) (c), Stats., establish standards and procedures a chiropractor must use to verify a health care professional has adequate education, training, and experience to perform a delegated adjunctive service safely.
- As use of the term "health care professionals" in s. Chir 11.02 (4) is no longer appropriate based on its statutory definition, the proposed rules replace it with the term "healthcare providers."

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Chiropractic Examining Board held a public hearing on April 4, 2019. Steven Conway, representing the Chiropractic Society of Wisconsin, registered neither for nor against the proposed rules, but to provide information to the Board. Mr. Conway asked the Board to consider the following:

- The number of hours of the course of study required for certification as a chiropractic technician. As this subject matter is outside the scope of the rulemaking project, the Board could not address this issue in the proposed rules.
- The number of health care professionals to whom a chiropractor may delegate services at any given time. The Board discussed this issue at its June 27, 2019 meeting, and determined changes to the proposed rules are not necessary.
- The extent a health care professional could be held responsible for services performed that are delegated by a chiropractor. The Board discussed this issue at its June 27, 2019 meeting, and determined changes to the proposed rules are not necessary.

The Board also received written comments from the Wisconsin Society of Radiologic Technologists in support of the proposed rules.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 1:

Although under s. 446.02 (7) (d), Stats., a chiropractor may delegate x-ray services to a health care professional, s. 446.025 (1) (a), Stats., prohibits the health care professional from performing the x-ray services unless the health care professional is a chiropractic radiological technician. Under these circumstances, the Board believes specifying a health care professional may be delegated x-ray services would add confusion to the proposed rules.

Comment 5.b:

The intended meaning of the term “healthcare providers” in s. Chir 11.02 (4) is clear from the context and is not more specific than the generally recognized meaning. Therefore, a definition of the term is not necessary.

All other Legislative Council recommendations have been incorporated into the proposed rules.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A