

Report From Agency

**STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
CHIROPRACTIC EXAMINING : CR 21-065
BOARD :
:**

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS: None.

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 Chiropractic Examining Board conducted a comprehensive review and updated ch. Chir 5, including 1) the requirements for approval of continuing education programs, 2) circumstances under which online continuing education may be permitted, and 3) the process of reviewing and approving continuing education programs.

The Board also updated ch. Chir 5 to reflect s. 440.035 (2), Stats., as created by 2017 Wisconsin Act 59, which specifies that, except as otherwise permitted in chs. 440 to 480, Stats., an examining board may require a credential holder to submit proof of completion of continuing education programs or courses only if a complaint is made against the credential holder.

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 October 28, 2021. The following people either testified at the hearing, or submitted written comments:

Dr. Steven Conway, Esq., Chiropractic Society of Wisconsin Executive Director
Dr. Wade Anunson, Chiropractic Society of Wisconsin President
Wisconsin Chiropractic Association
Dr. Terry Ziegler, Chiropractor Licensee

The Chiropractic Examining Board summarizes the comments received either by hearing testimony or by written submission as follows:

Dr. Steven Conway, Esq. and Dr. Wade Anunson submitted written testimony on behalf of the Chiropractic Society of Wisconsin (CSW). Dr. Anunson read the comments at the hearing. Their testimony included the following points:

- Chir 5.01(1)(a): request for the Board to develop a grace period for licensees that have completed their Continuing Education (CE) hours, but did not properly file with the DSPS by the December 15th renewal deadline
- Chir 5.01(1)(f): Request for CE credit for the cardiopulmonary resuscitation (CPR) course in addition to the automated external defibrillator (AED) credit and that the Board clarify that these certifications can be through an online program
- Chir 5.02(1)(cm): Request that the Board eliminate the “synchronous” format for online CE courses. If the Board chooses to keep the synchronous requirement, to remove the written assessment at the end of the program.
- Chir 5.04(1)(e): Request that Board review the term “postgraduate faculty member” with the chiropractic colleges to ensure it is still an applicable term
- Chir 5.04(2): Request language be included that prohibits board member abuse of the 75-day deadline for education program approvals
- Chir 5.05: The CSW is in opposition to the language in this new section

The Wisconsin Chiropractic Association submitted a written comment during the hearing indicating their support of the proposed rule and urged the Board to finalize the rule as soon as possible so that chiropractors can take online CE in 2022.

Dr. Terry Ziegler submitted written comments prior to the hearing that urged the Board to expedite the discussion on online CE. They also believe that all 40 required hours of annual CE should be allowed to be taken online.

The Chiropractic Examining Board explains modifications to its rule-making proposal prompted by public comments as follows:

- Chir 5.01(1)(f) and (1r)(d): Updated the language to reflect that up to two credits for Chiropractors and one credit for Chiropractic Technicians on becoming proficient in CPR and use of an AED may count for two or one continuing education hours respectively.
- Chir 5.02(1)(cm): Updated the language to reflect that an online education program must be at least 50 percent synchronous and an instrument that is designed to ensure active participation with the material must be used.
- Chir 5.04(2) and (4): Updated the language to reflect that an application for continuing education program approval is considered complete when all information has been received by the Board. If the Board does not take action

within 50 days of submission of a completed application, the course shall be approved and remain approved unless the Board takes further action.

- Chir 5.05(1)(b)(1): Language removed after Board discussion.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

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