

Report From Agency

STATE OF WISCONSIN CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE	:	CR 24-046
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 objective of the proposed rule is to implement the statutory changes from 2021 Wisconsin Act 253. The Chiropractic Examining board recently passed a rule on Chir 12, however, further discussion on the chapter and the passage of 2021 Wisconsin Act 253 has resulted in a need for the chapter to be revised again. The Chiropractic Examining Board has reviewed the Nutritional Counseling Certification program requirements and has determined to:

- Create a definition of “program sponsor” referencing the Statutes.
- Repeal and recreate two outdated notes with current information on how to submit application through the department’s website.
- Repeal subsections in chapter 12 that were creating confusion with stakeholders.
- Remove the nutritional counseling education program application deadline.

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 June 27, 2024. The Chiropractic Society of Wisconsin (CSW) testified and submitted written comments. The Chiropractic Examining Board summarizes the comments as follows:

1. Removal of Chir 12.03 (2) (a) 3. because CSW considers this provision as unnecessary for a certification course and is designed primarily for continuing

education, which would require a specific date and time for the continuing education to be delivered.

2. Modification of Chir 12.03 (2) (a) 4. CSW requested to reduce the filing for a nutritional certification application timeline to zero to mirror the Chiropractic Technician and Chiropractic Radiological Technician, which does not have a time limit. The filing deadline is unnecessary for a certification program.
3. Removal of Chir 12.04 (4). because CSW considers this language to be mirroring continuing education requirements. During a 48-hour nutritional counseling certification program, questions related to specific nutrients will be asked and CSW would like to preempt any potential issues.
4. Clarification and potential removal of Chir. 12.05 (1). CSW requested examples of what kind of financial and personal conflicts the program sponsor could have by providing the program.

The Chiropractic Examining Board summarizes its response to the public comments as follows:

1. Chir 12.03 (2) (a) 3. was amended to include that the application shall identify the time and location of the program if the nutritional counseling program is also seeking approval as continuing education program.
2. Chir 12.03 (2) (a) 4. was modified to repeal the sentence that establishes a deadline for the submission of applications.
3. Chir 12.04 (4) will not be removed because the Board wants to keep the option to review outlines provided by the program sponsors that could potentially abuse the certification program to advertise their products.
4. Chir 12.05 (1). Board Counsel clarified that the provision is for revocation after the fact in case a program sponsor shows a bias to the program material. The Board will keep the provision to exercise discretion in cases where there could be abuse of the certification program to sell products associated with the program sponsor.

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