

STATE OF WISCONSIN)
) SS
CHIROPRACTIC EXAMINING BOARD)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Michele Radosevich, acting director of the Bureau of Health Professions in the Department of Regulation and Licensing, and custodian of the official records of the Chiropractic Examining Board, do hereby certify that the annexed rules relating to regulation and licensing of chiropractors were duly approved and adopted by the board on November 15, 1984.

I further certify that the attached copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin, this 15th day of November, A.D. 1984.

Michele Radosevich

Michele Radosevich, Acting Director
Bureau of Health Professions
Department of Regulation and Licensing

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STATE OF WISCONSIN
BEFORE THE
CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF RULEMAKING : ORDER OF THE CHIROPRACTIC
PROCEEDINGS BEFORE THE : EXAMINING BOARD REPEALING,
CHIROPRACTIC EXAMINING BOARD : AMENDING OR ADOPTING RULES

ORDER

Pursuant to authority vested in the Chiropractic Examining Board in ss. 15.08(5)(b), 227.014 and ch. 446, Stats., the Chiropractic Examining Board hereby repeals and recreates and creates rules, interpreting ss. 19.34(1), 440.03(1), 446.01(2), 446.02(1) and (3), 446.03, 446.04 and 446.05, Stats., as follows:

SECTION 1. Chapter Chir 1 is repealed and recreated to read:

Chapter Chir 1

AUTHORITY AND DEFINITIONS

Chir 1.01 AUTHORITY. The rules in chs. Chir 1 through 8 are adopted under authority in ss. 15.08(5)(b), 227.014 and ch. 446, Stats.

Chir 1.02 DEFINITIONS. As used in chs. Chir 1 through 8:

- (1) "Board" means the chiropractic examining board.
- (2) "Department" means the department of regulation and licensing.

SECTION 2. Chapter Chir 2 is created to read:

Chapter Chir 2

EXAMINATIONS

Chir 2.01 SCHEDULING OF EXAMINATION. (1) The board shall determine the subjects for examination of applicants for license as a chiropractor. The scope, content, form and character of the examination shall be the same for all applicants.

(2) Examinations shall be held at least twice a year at a time and place designated by the board.

Chir 2.02 APPLICATION FOR EXAMINATION. An applicant for examination for license as a chiropractor shall make application on a form prescribed by the board at least 30 days prior to the date of the next scheduled examination and shall also submit:

Note: Applications are available upon request to the board office, 1400 East Washington Avenue, Madison, Wisconsin 53702.

- (1) The fee specified in s. 440.05(1), Stats.
- (2) A current passport-type photograph of the applicant.
- (3) A certified transcript of a minimum of 60 credits in post-secondary academic education as specified in s. 446.02(2), Stats.
- (4) A certified transcript from an approved chiropractic college as specified in s. 446.02(2), Stats.
- (5) Proof of successful completion of the examinations of the national board of chiropractic examiners.

Chir 2.03 FORM OF EXAMINATION. (1) WRITTEN EXAMINATION. An applicant shall complete successfully a written examination which includes the following parts:

(a) Principles of chiropractic practice, including examination on provisions in ch. 446, Stats., and chs. Chir 1 through 8.

- (b) Spinography and x-ray.
- (c) Subluxation visualization.
- (d) Physical and clinical diagnosis.

(2) CLINICAL EXAMINATION. An applicant shall complete successfully a comprehensive clinical examination which includes the following parts:

- (a) Physical and clinical diagnosis.
- (b) X-ray interpretation
- (c) Adjustment and technique.

Chir 2.04 SCORING. (1) The score required to pass the examination shall be based on the board's determination of the level of examination performance required for minimum acceptable competence in the profession. The passing score shall be designated by a grade of 75. The score of any part of the examination may be no less than 70. An applicant shall obtain an average score of all parts of no less than 75 to successfully complete the examination. Any applicant who fails no more than two parts may retake and shall pass only the parts failed. Any applicant who fails three or more parts shall retake and pass the entire examination.

(2) An unsuccessful applicant may request in writing that his or her answer sheet be rescored by hand to verify the accuracy of scoring.

(3) If an applicant fails an examination and does not pass the parts failed within one year from the date the applicant first failed any or all

parts of the examination, the applicant shall revert to the status of an original applicant and shall be required to pay the full application fee and take and pass all parts of the examination.

SECTION 3. Chapter Chir 3 is repealed and recreated to read:

Chapter Chir 3

LICENSURE

Chir 3.01 REGISTRATION OF LICENSE. Every person granted a license as a chiropractor shall be deemed registered for the current registration period. Registrants shall qualify biennially for certificates of renewal.

Chir 3.02 BIENNIAL REGISTRATION. (1) REQUIREMENTS FOR RENEWAL. To renew and obtain a new certificate of registration a licensee shall, by December 31 of the even-numbered year following initial licensure and every 2 years thereafter, file with the board:

(a) An application for renewal on a form prescribed by the board.

(b) The fee specified in s. 440.05(3), Stats.

(c) Evidence that the licensee has, during the biennial period immediately preceding application, completed the continuing education requirement specified in s. 446.02(1)(b), Stats., except that the requirement may be waived if the licensee was not practicing in Wisconsin during that period.

(2) REQUIREMENTS FOR LATE RENEWAL. A licensee who fails to meet the requirements in sub. (1) by the renewal date shall cease and desist from practice as a chiropractor. Within 60 days following the renewal date, a licensee may renew and obtain a new certificate of registration by filing with the board requirements specified in sub. (1) and a late renewal fee specified in s. 440.05(4) or (5), Stats.

(3) REQUIREMENTS FOR REINSTATEMENT. (a) Reinstatement following failure to renew. A licensee who fails to renew within one year of the renewal date may be reinstated by meeting requirements in sub. (2), and may be required to take an examination as specified in s. 446.03(8), Stats.

(b) Reinstatement following disciplinary action. An applicant for reinstatement of license following disciplinary action shall meet requirements in sub. (1) and may be required to successfully complete an examination as the board prescribes.

Chir 3.03 ENDORSEMENT. An applicant for Wisconsin licensure who holds a license to practice chiropractic in another jurisdiction shall meet requirements specified in ss. Chir 2.02 and 2.03.

Chir 3.04 DISPLAY OF LICENSE. The license and certificate of biennial registration shall be displayed in a prominent place by every person licensed and currently registered by the board.

Chir 3.05 CHANGE OF ADDRESS. Every licensee shall report his or her address to the department and shall notify the board of a change of address within 15 days of the change.

Chir 3.06 PROFESSIONAL TITLE. A licensee shall use the suffix, "D.C." or "Chiropractor" immediately following his or her surname for proper identification if the prefix, "Dr." is used as a professional title.

SECTION 4. Chapter Chir 4 to 8 are created to read:

Chapter Chir 4

PRACTICE

Chir 4.01 AUTHORITY. This chapter is adopted under authority in ss. 15.08(5)(b), 227.014 and ch. 446, Stats., to interpret the statutory definition of chiropractic practice specified in s. 446.01(2), Stats.

Chir 4.02 DEFINITIONS. As used in this chapter, "chiropractic science" means that body of systematic and organized knowledge relating primarily to the identification, location, removal or reduction of any interference to nervous system integrity or nerve energy expression and the resulting change in biomechanical or physiological homeostasis. It is based on the major premise that disease or abnormal function may be caused by abnormal nerve impulse transmission or expression due to biochemical factors, compression, traction, pressure or irritation upon nerves as a result of bony segments, especially of the spine or contiguous structures, either deviating from normal juxtaposition or function which irritates nerves, their receptors or effectors.

Chir 4.03 PRACTICE. The practice of chiropractic is the application of chiropractic science in the adjustment of the spinal column, skeletal articulations and adjacent tissue which includes diagnosis and analysis to determine the existence of spinal subluxations and associated nerve energy expression and the use of procedures and instruments preparatory and complementary to treatment of the spinal column, skeletal articulations and adjacent tissue. Diagnosis and analysis may include physical examination, specimen analysis, drawing of blood, blood-analysis and the use of x-ray and other instruments.

Chir 4.04 X-RAY. (1) X-ray may be used only for diagnostic or analytical purposes in the practice of chiropractic.

(2) A chiropractor may employ a technician to operate x-ray equipment only upon submitting proof satisfactory to the board that the technician has successfully completed a course of instruction approved by the board. Any technician employed may work only under the general supervision and direction of a licensee.

Chir 4.05 PROHIBITED PRACTICE, PROCEDURE AND INSTRUMENT. The use of the following practices, procedures and instruments or their substantially similar counterparts, regardless of name, is prohibited in the practice of chiropractic:

(1) A chiropractor may not practice obstetrics, except nothing in this section may be construed to prevent the practice of chiropractic as described in s. Chir 4.03 during a patient's pregnancy.

(2) A chiropractor may not perform:

- (a) Abortions;
- (b) Surgery;
- (c) Hair analysis, if it is used as the only determinant for recommending chiropractic treatment or nutritional supplementation;
- (d) Acupuncture, by needle insertion or lazer application; or,
- (e) Colonic irrigation.

(3) A chiropractor may not use:

- (a) X-ray procedures that require introduction of drugs, clinical dyes or radioactive substances;
- (b) Therapeutic x-ray;
- (c) Therapeutic ultrasound;
- (d) Galvanic therapy;
- (e) Acuclips; or,
- (f) Pfeiffer technique.

(4) A chiropractor may not administer substances subcutaneously.

(5) A chiropractor may not prescribe, dispense, deliver or administer drugs, as defined in s. 450.06, Stats., except nothing in this subsection may be construed to prevent the sale of vitamins, herbs or nutritional supplements.

Chapter Chir 5

EDUCATIONAL PROGRAMS MEETING CONTINUING EDUCATION REQUIREMENTS

Chir 5.01 CONTINUING EDUCATION. (1) Every chiropractor shall complete at least 24 contact hours in approved continuing education programs in each biennial registration period, except as specified in s. Chir 3.02(1)(c).

(2) Continuing education contact hours may apply only to the biennial registration period in which the contact hours are acquired.

(3) To obtain credit for completion of continuing education programs, a chiropractor shall submit to the board a certificate of attendance issued by the provider or other evidence of attendance satisfactory to the board.

Chir 5.02 APPROVED CONTINUING EDUCATION PROGRAM PROVIDERS. The board approves continuing education programs provided by the Wisconsin chiropractic association, the American chiropractic association, the international chiropractors association and board-approved chiropractic colleges, which meet requirements in s. Chir 5.03.

Chir 5.03 APPROVAL OF CONTINUING EDUCATION PROGRAMS. (1) To obtain approval of a continuing education program, an application on forms provided by the board shall be submitted to the board office, 1400 East Washington Avenue, Madison, Wisconsin 53702, and shall include a general description of the subject matter, the time and location, and the name and title of the instructor of the program.

(2) An application for a continuing education program shall be approved if:

(a) The program relates to the general subject areas of the practice of chiropractic.

(b) The provider of the continuing education program agrees to monitor the attendance and furnish to each participant evidence of having attended the program.

(3) A separate application shall be submitted for each continuing education program approval request.

(4) Continuing education programs may include subject matter other than that related to the practice of chiropractic; however, only the parts of the program which relate to the practice of chiropractic shall be eligible for credit, if approved by the board.

(5) Home study programs and courses taken for academic credit may be approved by the board.

Chapter Chir 6

STANDARDS OF CONDUCT

Chir 6.01 AUTHORITY. The rules in ch. Chir 6 are adopted under authority in ss. 15.08(5)(b), 227.014 and 446.04, Stats.

Chir 6.02 UNPROFESSIONAL CONDUCT. Unprofessional conduct by a chiropractor includes:

(1) Engaging in any practice which constitutes a substantial danger to the health, welfare or safety of a patient or the public.

(2) Practicing or attempting to practice when unable to do so with reasonable skill and safety to patients.

(3) Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a chiropractor.

(4) Practicing or attempting to practice beyond the scope of a license issued by the board.

(5) Practicing or attempting to practice while the ability to perform is impaired by physical, mental or emotional disorder, drugs or alcohol.

(6) Performing professional services inconsistent with training, education or experience.

(7) Engaging in sexual intimacies with patients in the office.

(8) Engaging in excessive evaluation or treatment of a patient.

(9) Failing to conduct a competent assessment, evaluation or diagnosis as a basis for treatment or consultation.

(10) Revealing confidential patient information without consent of a patient, except that information shall be revealed to the board or its representatives pursuant to investigation of a licensee or as otherwise authorized by law.

(11) Refusing to render services to a person because of race, color, sex or religion.

(12) Knowingly falsifying patient records.

(13) Impersonating another chiropractor.

(14) Obtaining or attempting to obtain any compensation for chiropractic services by fraud.

(15) Advertising in a manner which is false, deceptive or misleading.

(16) Aiding or abetting or permitting unlicensed persons in the practice of chiropractic.

(17) Failing to exercise a reasonable degree of supervision over subordinate employees.

(18) Obtaining or attempting to obtain a license through fraud or misrepresentation.

(19) Refusing upon request to cooperate in a timely manner with the board's investigation of a complaint lodged against a licensee. Licensees taking longer than 30 days to respond shall have the burden of demonstrating that they have acted in a timely manner.

(20) Knowingly providing false information to the board or its representative.

(21) Failing to notify the board of having a chiropractic license, certificate, permit or registration granted by any other jurisdiction subject to disciplinary action.

(22) Having a license, certificate, permit or registration granted by another jurisdiction to practice as a chiropractor limited, suspended or revoked, or subject to any other disciplinary action.

(23) Failing to notify the board of any criminal conviction, the circumstances of which relate substantially to the practice of chiropractic.

(24) Being convicted of a crime substantially related to the practice of chiropractic.

(25) Violating any provision of ch. 446, Stats., or any rule or order of the board.

(26) Violating a law, or aiding or abetting the violation of any law substantially related to the practice of chiropractic.

Chapter Chir 7

ACCESS TO PUBLIC RECORDS

Chir 7.01 AUTHORITY. The rules in ch. Chir 7 are adopted under authority in ss. 15.08(5)(b) and 227.014, Stats., to implement ss. 19.21 and 19.34(1), Stats.

Chir 7.02 NOTICE. Notice of the records of the chiropractic examining board which are available or not available for inspection is posted in the board office, 1400 East Washington Avenue, Madison, Wisconsin.

Chir 7.03 RECORDS AVAILABLE; EXCEPTION. All records of the board are available for inspection and copying except:

(1) Records which, if released for public inspection, would cause harm to the public interest which outweighs any benefit that would result from granting inspection. These records may include information which, if disclosed, would unduly damage the reputaton of any person referred to in the record.

(2) Trade secrets, which are unpatented, secret, commercially valuable plans, appliances, formulas, or processes used for making, preparing, compounding, treating or processing articles or materials which are generally recognized as confidential.

(3) Records which concern advice from legal cōnsel concerning strategy, opinions, conclusions or legal theories with respect to litigation in which the board is or is likely to become involved.

(4) Records obtained as the result of a clear pledge of confidentiality if the pledge was made in order to obtain the record.

(5) Records of board deliberations on quasi-judicial proceedings.

(6) Material specifically exempted from disclosure by statute, judicial decision or an attorney general's opinion.

(7) Examinations, grades and materials used in preparing examinations, unless examination records are required by law to be made available for review by an applicant who has failed an examination and in such case the records may not be copied and may be inspected only in accordance with procedures sufficient to insure the security of the examination.

(8) Transcripts of high school or college courses received as part of an application for a permit, certificate or registration or other license.

(9) Records of or relating to an active investigation if release of the record would impede the investigation.

Chapter Chir 8


RULES OF PROCEDURE

Note: Rules of procedure for disciplinary proceedings are set forth in ch. RL 2, Wis. Adm. Code.

The rules repealed, recreated and created in this order shall become effective on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.026, Stats.

Dated this 15TH day of November, 1984.

By:


Carl Webster, D.C., Chairman
Chiropractic Examining Board

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