

CR 87-176

CERTIFICATE

STATE OF WISCONSIN

DEPARTMENT OF REGULATION AND LICENSING)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Ramona Weakland Warden, Director, Bureau of Health Service Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of Chiropractic Examining Board do hereby certify that the annexed rules were duly approved and adopted by the Chiropractic Examining Board on the 18th day of August, 1988.

I further certify that said copy has been compared to me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

RECEIVED

SEP 6 1988
2:00 pm
Revisor of Statutes
Bureau

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 31st day of Aug., 1988.

Ramona Weakland Warden
**Ramona Weakland Warden, Director
Bureau of Health Service Professions
Department of Regulation and
Licensing**

WLD
RULES-18

11-1-88

IN THE MATTER OF RULEMAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : CHIROPRACTIC EXAMINING BOARD
CHIROPRACTIC EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 87-176)

ORDER

The Chiropractic Examining Board adopts an order to amend Chir 2.03 and 3.05; to repeal and create Chir 2.04; and to create Chir 2.05 to 2.11 relating to examination of chiropractic applicants.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutory authority: ss. 15.08(5)(b), 227.11(2)(a), Stats.
Statute interpreted: s. 440.11, Stats., as created by 1987 Wisconsin Act 27, as well as s. 446.02(3), Stats.

In this order the Chiropractic Examining Board revises and adds to its rules on examination of applicants for licensure as chiropractors. Under s. Chir 2.03, it identifies a state law examination as one form of examination for applicants, and deletes reference to a formerly required written examination on clinical competency. These areas are now tested by a written clinical competency examination administered by the national board of chiropractic examiners. Under s. Chir 2.03(2) the board clarifies that an applicant must pass each part of the listed parts of the clinical examination.

The board repeals its current section on scoring, and replaces it with ss. Chir 2.07, 2.09, 2.10 and 2.11 relating to passing grade, failure and review, claim of examination error and re-examination respectively. In these provisions the board clarifies the passing grade for each of the required examinations: national, state law and clinical. It specifies its policy on review by two board members of all failures on the clinical exam. The re-examination policy is clarified for the state law and clinical examination. Under the proposed rule, an applicant who fails two or more parts of the clinical exam is required to retake the entire clinical exam. Under the current rules an applicant who fails no more than two parts may retake only the parts failed.

Provisions are added under ss. Chir 2.04, 2.05, 2.06 and 2.08 dealing with unauthorized assistance and controls at the examination, as well as announcement of results.

The board believes the changes are needed to reflect its current policies on examination scoring, review and retakes, and to clarify procedures on the administration of the examination.

The board also proposes to review s. Chir 3.05 to require that a change of name as well as address be reported to the department within thirty days of the change, in conformance with a new statutory provision in s. 440.11, Stats., as created by 1987 Wisconsin Act 27, as well as s. 446.02(3), Stats.

TEXT OF RULE

The Wisconsin Chiropractic Examining Board orders as follows:

SECTION 1. Chir 2.03 is amended to read:

Chir 2.03 FORM OF EXAMINATION. (1) (title) STATE LAW EXAMINATION. An applicant shall ~~complete-successfully-a-written~~ pass an examination which ~~includes-the-following-parts+~~ on state laws including but not limited to ch. 446, Stats., and chs. Chir 1 through Chir 7.

~~(a) Principles of chiropractic practice, including examination on provisions in ch. 446, Stats., and 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~~ pass each part of a clinical examination which includes the following parts:

(a) Physical and clinical diagnosis.

(b) X-ray interpretation.

(c) Adjustment and technique.

SECTION 2. Chir 2.04 is repealed and recreated to read:

Chir 2.04 UNAUTHORIZED ASSISTANCE. The board may withhold the score of an applicant who gives or receives unauthorized assistance during the state law or clinical examination. The board may consider this applicant for retesting at a future time.

SECTION 3. Chir 2.05 to 2.10 are created to read:

Chir 2.05 CONTROLS. The board chairperson or examiner may announce time limits and other necessary controls prior to the examinations.

Chir 2.06 INSTRUCTIONS TO BE FOLLOWED. The board may deny credit on any question if examination instructions are not followed.

Chir 2.07 PASSING GRADE. (1) NATIONAL EXAMINATION. To pass the examination of the national board of chiropractic examiners, each applicant shall receive a grade determined by the board to represent minimum competence to practice. The board may adopt the passing grade recommended by the national board of chiropractic examiners.

(2) STATE LAW EXAMINATION. To pass the state law examination, each applicant shall receive a grade of 75 or above.

(3) CLINICAL EXAMINATION. To pass the clinical examination, an applicant shall receive a grade of 75 or above on each part of the examination.

Chir 2.08 ANNOUNCEMENT OF RESULTS. Examination results shall be released to the candidate after all papers are graded and the results have been approved by the board.

Chir 2.09 FAILURE AND REVIEW. (1) In case of failure of an applicant on the clinical examination, all grades below 75 shall be reviewed by the board or by 2 members designated by the chairperson.

(2) An applicant who fails the state board examination may request a review of that examination. The applicant must file a written request to the board within 30 days of the date on which examination results were mailed.

(3) The time for review shall be limited to 4 hours.

(4) The examination shall be reviewed only by the applicant and in the presence of the proctor.

(5) The proctor shall not respond to inquiries by the applicant regarding allegations of examination error.

(6) Any comments or claims of error regarding specific questions or procedures in the examination may be placed in writing on the provided form. These comments shall be retained and made available to the applicant for use at a subsequent hearing.

(7) An applicant shall be permitted to review the examination only once.

Chir 2.10 CLAIM OF EXAMINATION ERROR. (1) An applicant wishing to claim examination error must file a written request for board review in the board office within 30 days of the date the examination was reviewed. The request shall include:

(a) The applicant's name and address;

(b) The type of license applied for;

(c) A description of the perceived error; including specific questions or procedures claimed to be in error; and

(d) The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

(2) The board shall review the claim and notify the applicant in writing of the board's decision and any resulting grade changes.

(3) If the decision does not result in the applicant passing the examination, the applicant may request a hearing under s. RL 1.05.

Chir 2.11 RE-EXAMINATION. (1) STATE LAW EXAMINATION. An applicant who fails the state law examination shall be required to re-take that examination.

(2) CLINICAL EXAMINATION. An applicant who fails the clinical examination due to the failure of one part of the examination may retake the failed part only. An applicant who fails the clinical examination due to the failure of 2 or more parts of the clinical examination shall be required to retake the entire clinical examination. The fee for re-examination shall be as specified in s. RL 4.04(3).

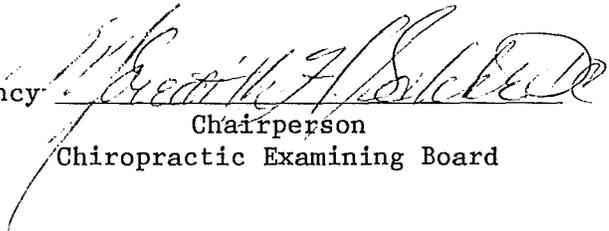
(3) LIMITATION ON RE-EXAMINATION. If an applicant does not pass all parts of the examinations under subs. (1) and (2) within 2 years of the first attempt, the applicant shall retake and pass the entire clinical and state law examination in order to be licensed.

SECTION 4. Chir 3.05 is amended to read:

Chir 3.05 (title) CHANGE OF NAME AND ADDRESS. Every licensee shall report his or her address to the department and shall notify the board of a change of name or address within ~~±5~~ 30 days of the change.

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.

Dated 8-18-85

Agency: 
Chairperson
Chiropractic Examining Board

WLD
RULES-65

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

DATE: August 31, 1988

FILE REF:

TO: Gary Poulson,
Assistant Revisor of Statutes

FROM: William Dusso
Department of Regulation and Licensing

SUBJECT: Final Rulemaking Order

Agency: CHIROPRACTIC EXAMINING BOARD

Clearinghouse Rule: 87-176

Attached is a copy and a certified copy of a final order adopting rules. Would you please publish these rules in the code. Thanks, Gary.

RECEIVED

SEP 6 1988

Revisor of Statutes
Bureau

RULES-115
WLD