

CERTIFICATE

**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Alfred J. Hall, Jr., Director, Bureau of Health Service Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Chiropractic Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Chiropractic Examining Board on the 10th day of November, 1994.

I further certify that said copy has been compared by 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.

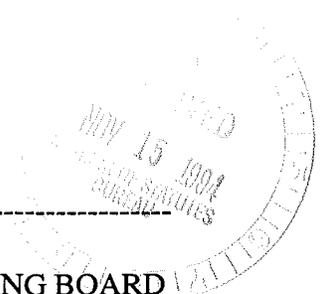


IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 10th day of November, 1994.



**Alfred J. Hall, Jr., Director
Chiropractic Examining Board,
Department of Regulation and
Licensing**

STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD



IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : CHIROPRACTIC EXAMINING BOARD
CHIROPRACTIC EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 94-69)

ORDER

An order of the Chiropractic Examining Board amend Chir 1.01, 1.02 (intro.) and 4.04 (3); and to create Chir 1.02 (3) and chapter Chir 10 relating to delegation of adjunctive chiropractic practices to unlicensed persons.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats., and s. 446.02 (7), Stats., as created by 1993 Wisconsin Act 31.

Statutes interpreted: s. 446.02 (7), Stats.

In this proposed rule-making order the Chiropractic Examining Board creates chapter Chir 10 setting forth the guidelines by which a chiropractor may delegate adjunctive chiropractic functions to a person who is not licensed to practice chiropractic. The rules created in this proposed rule-making order implement s. 446.02 (7), Stats., created by 1993 Wisconsin Act 31, effective April 1, 1994.

The order defines "direct supervision" by a chiropractor to require that the chiropractor remain on the premises while the person to whom the chiropractor has delegated the performance of some task carries out the task in conformity with the chiropractor's direction. The definition is required to fully describe the concept, which may otherwise be confused with either greater or lesser degrees of supervision.

The order amends s. Chir 4.04 (3) to require direct supervision by a chiropractor of x-ray procedures delegated to a technician. The rule previously required only general supervision, a lesser level of supervision. The change is required for conformity with s. 446.07 (2), Stats., as amended by 1993 Wisconsin Act 31.

The order defines "adjunctive services" to include services which are preparatory or complementary to chiropractic adjustments, including the completion of a preliminary patient history, but not including any portion of a chiropractic diagnosis or adjustment. The order also defines "preliminary patient history" to mean the process of gathering baseline information about a patient and the patient's condition at the time the patient presents at the chiropractor's office for

services, but the definition specifically provides that the history to be gathered is the initial information which provides the chiropractor with a starting point for further inquiry.

The rule provides that a chiropractor may delegate the performance of adjunctive services to an unlicensed person only if the unlicensed person has sufficient training, education and experience to perform the services with safety to the patient, in accordance with minimum chiropractic standards. The unlicensed person must have demonstrated minimal chiropractic competence in a test of the knowledge and skills required to provide the service to be delegated, and the chiropractor must maintain verifiable records of the unlicensed person's training and successful performance of the pertinent examinations.

The rule spells out specific standards of training which the chiropractor must ensure the unlicensed person has completed before the chiropractor may delegate x-ray services to the person. The standards set forth are standards which meet the minimal standards of x-ray practice in the chiropractic profession. The Chiropractic Examining Board has been requiring chiropractors to maintain these standards in delegating x-ray services to non-chiropractors for several years. This portion of the rule is not a change to current standards in the profession, but merely a restatement of the existing practice standards in rule form.

The rule permits a chiropractor to delegate chiropractic services in two additional major categories, patient history and examinations, and physiological therapeutics. The rule states that the delegation must meet the standards of minimal chiropractic competence in the performance of the function, and anticipates that an unlicensed person may be able to perform some services within each category without being competent to perform all the services in that category.

Finally, the rule provides that the chiropractor who delegates the performance of the services remains responsible for the performance of the services.

TEXT OF RULE

SECTION 1. Chir 1.01 and 1.02 (intro.) are amended to read:

Chir 1.01 AUTHORITY. The rules in chs. Chir 1 ~~through 8~~ to 10 are adopted under authority in ss. 15.08 (5) (b), 227.11 and ch. 446, Stats.

Chir 1.02 DEFINITIONS. (intro.) As used in chs. Chir 1 ~~through 8~~ to 10:

SECTION 2. Chir 1.02 (3) is created to read:

Chir 1.02 (3) "Direct supervision" means that the treating chiropractor has ordered a specific patient care function to be performed by a specific person, and is present in the treatment facility while the patient care function is being performed, and is immediately available to exercise personal supervision of the patient care function if the person performing the function requests.

SECTION 3. Chir 4.04 (3) is amended to read:

Chir 4.04 (3) 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~~ direct supervision and direction of a licensee.

SECTION 4. Chapter Chir 10 is created to read:

Chir 10

DELEGATION TO UNLICENSED PERSONS

Chir 10.01 DEFINITIONS. In this chapter:

(1) "Adjunctive services" means services which are preparatory or complementary to chiropractic adjustments of the spine or skeletal articulations, or both. "Adjunctive services" does not include making a chiropractic diagnosis or performing a chiropractic adjustment.

(2) "Preliminary patient history" means the process of gathering baseline data regarding a patient, including the nature of the chief complaint, family history, and medical history.

Note: The "preliminary patient history" is intended to provide a starting point for further inquiry by the chiropractor into the patient's condition.

(3) "Unlicensed person" means a person who does not possess a valid license to practice chiropractic in this state pursuant to ch. 446, Stats.

Chir 10.02 DELEGATION OF ADJUNCTIVE SERVICES TO UNLICENSED PERSONS. A chiropractor licensed under ch. 446, Stats., may delegate the performance of adjunctive services to an unlicensed person only if all of the following conditions are met:

(1) The chiropractor maintains records by which the chiropractor has verified that the unlicensed person has successfully completed a didactic and clinical training program approved by the board and covering the performance of the delegated service. Successful completion of a training program is demonstrated by attaining proficiency in the delivery of that service to minimally competent chiropractic practice standards as measured by objective knowledge and skills testing.

(2) The chiropractor exercises direct supervision of the unlicensed person performing the delegated service.

Chir 10.03 X-RAY SERVICES. A chiropractor may delegate x-ray examination procedures to an unlicensed person only if the delegation is consistent with s. Chir 10.02 and the unlicensed person has successfully completed a course of instruction comprising at least 48 hours and including the following components: introduction to x-ray examination; physics of x-ray examination; anatomy; patient positioning; safety measures; machine operation; exposure techniques and accessories; processing and dark room techniques; film critique and quality assurance; professionalism; recordkeeping; emergency procedures, summary; and successful completion of an examination on the content of the course of instruction. The chiropractor shall comply with s. Chir 4.04 before delegating the performance of x-ray services to an unlicensed person.

Note: The coursework specified in s. Chir 10.03 provides the training required by s. Chir 4.04. The board annually reviews for approval programs offered or approved by the council on chiropractic education, American chiropractic registry of radiographic technicians, the university of Wisconsin, the Wisconsin vocational, technical and adult education system, hospital training and other programs. A list of board-approved programs is available upon request from the board office.

Chir 10.04 PATIENT HISTORY. A chiropractor may delegate the completion of a preliminary patient history to an unlicensed person only if the delegation is consistent with s. Chir 10.02 and the unlicensed person has adequate training, education and experience to perform the delegated function to minimally acceptable chiropractic standards.

Chir 10.05 PHYSIOLOGICAL THERAPEUTICS. A chiropractor may delegate the performance of patient services through physiological therapeutics that include but are not limited to heat, cold, light, air, water, sound, electricity, massage, and physical exercise with and without assistive devices to an unlicensed person only if the delegation is consistent with s. Chir 10.02 and the unlicensed person has adequate training, education and experience to perform the delegated function to minimally acceptable chiropractic standards.

Chir 10.06 CHIROPRACTOR RESPONSIBILITY. A chiropractor who delegates the performance of any adjunctive service to any unlicensed person retains ultimate responsibility for the manner and quality of the service.

(END OF TEXT OF RULE)

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 11/10/94

Agency *Michael J. Balcer DC*
Chairperson
Chiropractic Examining Board

10/31/94



CORRESPONDENCE/MEMORANDUM

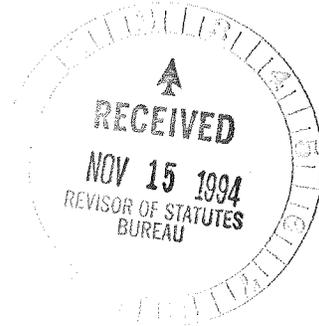
STATE OF WISCONSIN

DATE: November 15, 1994

TO: Gary Poulson
Assistant Revisor of Statutes

FROM: Pamela A. Haack, Administrative Assistant
Department of Regulation and Licensing
Office of Administrative Rules

SUBJECT: Final Rule-Making Order



Agency: CHIROPRACTIC EXAMINING BOARD

Clearinghouse Rule: 94-69

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

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.