

REVISED STATEMENT OF SCOPE

Chiropractic Examining Board

Rule No.: Chapter Chir 4

Relating to: Chiropractic Practice

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The Chiropractic Examining Board will conduct an evaluation and update of ch. Chir 4 to ensure the definition of “chiropractic science” under s. Chir 4.02 (1) and the provisions of s. Chir 4.05 relating to prohibited practice are consistent with current professional practices and standards and applicable Wisconsin statutes.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The Board has identified the need for an evaluation and update of ch. Chir 4 as identified above to ensure it is consistent with current professional practices and standards and applicable Wisconsin statutes. The alternatives of either partially updating or not updating these rules would be less beneficial to affected entities.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides that examining boards, such as the Chiropractic Examining Board, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, . . .”

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency’s rule-making authority, stating an agency, “may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 446.02 (7d) (a), Stats., provides “[a] chiropractor shall evaluate each patient before commencing treatment of the patient to determine whether the patient has a condition that is treatable by the practice of chiropractic. The evaluation shall be based upon an examination that is appropriate to the patient. To conduct the evaluation, the chiropractor shall utilize chiropractic science, as defined by the examining board by rule, and the principles of education and training of the chiropractic profession.”

Section 446.04, Stats., provides unprofessional conduct includes without limitation because of enumeration, all of the following:

- Any conduct of a character likely to deceive or defraud the public.
- Loaning of a chiropractic license or certificate to anyone.

- Splitting or dividing any fee for chiropractic service with any person except an associate licensed chiropractor.
- Use of unprofessional advertising which includes, without limitation because of enumeration, any advertising statement of a character tending to deceive or mislead the public and advertising professional superiority or performance of professional services in a superior manner.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

70 hours

6. List with description of all entities that may be affected by the proposed rule :

Wisconsin licensed chiropractors and their patients.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

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