

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number

Chir 4

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3. Subject

Chiropractic practice

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4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

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5. Chapter 20, Stats. Appropriations Affected

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6. Fiscal Effect of Implementing the Rule

No Fiscal Effect    Increase Existing Revenues    Increase Costs  
 Indeterminate    Decrease Existing Revenues    Could Absorb Within Agency's Budget  
 Decrease Cost

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7. The Rule Will Impact the Following (Check All That Apply)

State's Economy    Specific Businesses/Sectors  
 Local Government Units    Public Utility Rate Payers  
 Small Businesses **(if checked, complete Attachment A)**

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

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9. Policy Problem Addressed by the Rule

The Board conducted an evaluation and update of ch. Chir 4 to ensure consistency with current professional practices and standards and applicable Wisconsin statutes. As a result, the following updates have been made:

- Section Chir 4.01 is revised to accurately describe the purpose of ch. Chir 4 as revised.
- The definition of "chiropractic science" under s. Chir 4.02 (1) was created in 1985 and has not been substantively revised since that time. The proposed rules revise the definition to reflect current chiropractic practice.
- Definitions of "examination," "physiotherapy," and "treatment" are created to achieve consistency and clarity of that terminology as it is used in ch. Chir 4.
- The meaning of "practice of chiropractic" under s. Chir 4.03 is replaced with the meaning given in s. 446.01 (2), Stats.
- The proposed rules remove the references under s. Chir 4.05 (1) and (2) to specific techniques, procedures, and instruments that are beyond the scope of chiropractic or prohibited. The section as revised provides criteria for determining if the use of an instrument or a practice system, analysis, method, or protocol is beyond the scope of the practice of chiropractic.

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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.

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11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units participated in the development of this EIA.

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12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit to implementing the rule is providing updated references and terminology and reflecting current chiropractic practice. If the rule is not implemented, it will continue to provide outdated references and terminology and reflect practices that are no longer current.

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14. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is updated references and terminology and reflecting current chiropractic practice.

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15. Compare With Approaches Being Used by Federal Government

None

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

**Illinois:** The Illinois Medical Practice Act specifies the scope of chiropractic practice through a definition of “chiropractic physician” (225 ILCS 60/2). The Act defines a chiropractic physician as “a person licensed to treat human ailments without the use of drugs and without operative surgery. Nothing in this Act shall be construed to prohibit a chiropractic physician from providing advice regarding the use of non-prescription products or from administering atmospheric oxygen. Nothing in this Act shall be construed to authorize a chiropractic physician to prescribe drugs.”

**Iowa:** Iowa statutes specify the scope of chiropractic practice through a definition of “chiropractic” (Iowa Code 2017, section 151.1). The following activities are identified:

- Treating human ailments by the adjustment of the neuromusculoskeletal structures, primarily, by hand or instrument, through spinal care.
- Utilizing differential diagnosis and related procedures.
- Withdrawing or ordering withdrawal of a patient’s blood for diagnostic purposes.
- Performing or utilizing routine laboratory tests.
- Performing physical examinations.
- Rendering nutritional advice.
- Utilizing chiropractic physiotherapy procedures.

A license to practice chiropractic does not authorize the licensee to practice operative surgery or administer or prescribe prescription drugs or controlled substances (Iowa Code 2017, section 151.5).

Rules of the Iowa Board of Chiropractic include acupuncture in the scope of chiropractic practice. A chiropractic physician who engages in the practice of acupuncture must maintain documentation that shows successful completion of a course in acupuncture consisting of at least 100 hours of traditional, in-person classroom instruction with the instructor on site (645 IAC 43.5).

**Michigan:** Michigan statutes specify the scope of chiropractic practice through a definition of “practice of chiropractic” (MCL 333.16401). The following activities are identified:

- The diagnosis of human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions.
  - The evaluation of conditions or symptoms related to subluxations, misalignments, and joint dysfunction.
  - The chiropractic adjustment of subluxations, misalignments, and joint dysfunction and the treatment of related bones and tissues for the establishment of neural integrity and structural stability.
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- The use of physical measures, analytical instruments, nutritional advice, rehabilitative exercise, and adjustment apparatus.

The practice of chiropractic does not include any of the following:

- The performance of any procedure that cuts or punctures the skin.
- The dispensing or prescribing of drugs or medicine.
- Except for diagnostic purposes only, the use of x-ray.
- The performance of an invasive procedure involving a body orifice or cavity unless allowed by rule and limited to examinations involving the ears, nose, and throat.
- The treatment of fractures or dislocations.

Rules of the Michigan Department of Licensing and Regulatory Affairs specify the criteria and requirements for adjustment apparatus, analytical instruments, performance or ordering of tests, and performance of invasive procedure (Mich Admin Code, R 338.12010, R 338.12011, R 338.12011a, and R 338.12011b).

**Minnesota:** Minnesota statutes address the scope of chiropractic practice through a definition of “chiropractic services” (Minnesota Statutes 2016, subdivision 1 of section 148.01). Chiropractic services are defined as “the evaluation and facilitation of structural, biomechanical, and neurological function and integrity through the use of adjustment, manipulation, mobilization, or other procedures accomplished by manual or mechanical forces applied to bones or joints and their related soft tissues for correction of vertebral subluxation, other abnormal articulations, neurological disturbances, structural alterations, or biomechanical alterations, and includes, but is not limited to, manual therapy and mechanical therapy as defined in section 146.23.”

An individual licensed to practice chiropractic is authorized to perform chiropractic services, acupuncture, and therapeutic services, and to provide diagnosis and to render opinions pertaining to those services for the purpose of determining a course of action in the best interests of the patient, such as a treatment plan, appropriate referral, or both. The practice of chiropractic is not the practice of medicine, surgery, osteopathic medicine, or physical therapy. (Minnesota Statutes 2016, subdivisions 3 and 4 of section 148.01).

Rules of the Minnesota Board of Chiropractic Examiners provide a chiropractor is engaged in the practice of chiropractic when the chiropractor provides examination or treatment services and the patient, or a person authorized to act for the patient, accepts the services provided (Minnesota Rules, part 2500.6000).

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