

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

Chir 6

3. Subject

Standards of conduct

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165(1)(g)

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

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)**

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

Yes No

9. Policy Problem Addressed by the Rule

The Board conducted an evaluation and update of ch. Chir 6 to ensure consistency with current professional practices and standards and applicable Wisconsin statutes. As a result, the following updates have been made:

- The definition of "advertisement" under s. Chir 6.015 (1) is revised to remove references to specific advertising medium. The definition as revised specifies an advertisement may be in any public medium.
- A definition of "patient" is added to the definitions under s. Chir 6.015.
- A provision is created under s. Chir 6.02 (15) (f) (intro.) and (g) (intro.) that permits a chiropractor to advertise specialization or advanced training if the chiropractor has a postgraduate degree in the area of specialty or advanced training conferred by an institution accredited by either the Council on Chiropractic Education or an accrediting agency recognized by the United States department of education.
- Other provisions throughout ch. Chir 6 have been revised to provide clarity and conform to current drafting standards.

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.

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.

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)

The 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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The Department estimates one-time administrative costs of \$3,406.75. These costs may be absorbed in the agency budget.

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

The benefit to implementing the rule is providing consistency with current professional practices and standards and applicable Wisconsin statutes. If the rule is not implemented, it will continue to reflect outdated practices and standards.

14. Long Range Implications of Implementing the Rule

The long-range implication of implementing the rule is consistency with current professional practices and standards and applicable Wisconsin statutes.

15. Compare With Approaches Being Used by Federal Government

None

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

Illinois: Illinois statutes specify conduct that may subject a chiropractor to disciplinary action (225 ILCS 60/22). Rules of the Illinois Department of Financial and Professional Regulation (68 Ill. Adm. Code 1285.240) set forth standards to be used in determining:

- What constitutes dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.
- What constitutes immoral conduct in the commission of any act, including commission of an act of sexual misconduct related to a licensee's practice.
- What constitutes gross negligence in the practice of medicine.

Iowa: Iowa statutes specify conduct that may lead to the suspension or revocation of a chiropractic license, or may subject the licensee to discipline (Iowa Code 2017, sections 147.55 and 151.9). The following are identified:

- Fraud in procuring a license.
- Professional incompetency.
- Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful or detrimental to the public.
- Habitual intoxication or addiction to the use of drugs.
- Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect the licensee's ability to practice as a professional chiropractor.
- Fraud in representations as to skill or ability.
- Use of untruthful or improbable statements in advertisements.
- Willful or repeated violations of the provisions of chapter 1088 or 272C of the Iowa statutes.
- Other acts or offenses as specified by board rule.

Rules of the Iowa Board of Chiropractic specify acts and offenses that may subject a chiropractor to disciplinary action (645 IAC 45.2). The Board has also by rule adopted 10 principles of chiropractic ethics relative to the practice of chiropractic in Iowa (645 IAC 43.2).

Michigan: Michigan statutes specify conduct that may subject a chiropractor to disciplinary action (MCL 333.16221). The statutes also provide an individual may not perform or order tests or use analytical instruments or adjustment apparatus that do not meet nationally recognized standards or that are not approved by the Michigan Board of Chiropractic (MCL 333.16423).

Rules of the Michigan Department of Licensing and Regulatory Affairs specify what is considered fraudulent, false, deceptive, or misleading advertising (Mich Admin Code, R 338.12014).

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Minnesota: Minnesota statutes specify conduct that may subject a chiropractor to disciplinary action (Minnesota Statutes 2016, section 148.10).

Rules of the Minnesota Board of Chiropractic Examiners specify standards for advertising, including prohibited advertisements and the use of professional designations (Minnesota Rules, parts 2500.0200 to 2500.0600).

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