

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
 Original Updated Corrected

2. Administrative Rule Chapter, Title and Number
Chir 5

3. Subject
Continuing education

4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
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6. Fiscal Effect of Implementing the Rule

<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Could Absorb Within Agency's Budget
		<input type="checkbox"/> Decrease Cost

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

<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors
<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers
	<input type="checkbox"/> 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 5 to ensure consistency with current practices and applicable Wisconsin statutes. As a result, the following updates have been made:

- The date referenced in s. Chir 5.01 (1) (a), (1g) (a), (1r) (a), and (2) (b) is revised from December 14 to December 15 to align with the renewal date under s. 440.08 (2) (a) 24., Stats.
- Section Chir 5.01 (1) (g), (1g) (c), and (1r) (c) are created to allow a chiropractor, chiropractic radiological technician, or chiropractic technician to acquire a portion of their required continuing education credit hours by participating in online continuing education programs approved by the Board. This provision first applies to the renewal period ending on December 15, 2022.
- Section Chir 5.01 (3) is revised and s. Chir 5.01 (5) is created to comply with s. 440.03 (4m), Stats., as created by 2017 Wisconsin Act 59. Under this provision, the Board may require a credential holder to submit proof of completing continuing education programs or courses only if a complaint is made against the credential holder.
- Section Chir 5.02 (1) (a) is revised to remove the American Chiropractic Association (ACA) as an approved program sponsor, as the ACA is not included in the definition of "program sponsor" under s. 446.028, Stats.
- The requirement under s. Chir 5.02 (1) (b) and (2) (a) that program subject matter relates to improving the clinical skills of a chiropractor and is generally taught at the undergraduate or postgraduate level of a chiropractic college meeting the requirements of s. Chir 2.02 (6) (b) is revised. The revised requirement is that program subject matter contributes to the advancement, extension, and enhancement of the clinical skills of a chiropractor and fosters the enhancement of general or specialized practice and values.
- Section Chir 5.02 (1) (i) is created to require an online continuing education program to include a written assessment instrument that is designed to ensure active participation in the program and that a measurable benefit was derived from participation, and also include means to furnish each participant with evidence of having attended the program.

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- Section Chir 5.03 is revised to require the Board to deny approval of a continuing education program for any of the enumerated reasons. Current rules allow the Board to exercise discretionary authority in issuing a denial.
- Other provisions throughout ch. Chir 5 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.

The Department estimates one-time administrative costs of \$3,023.08, and ongoing annual costs of \$371.56. 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 practices and applicable Wisconsin statutes. If the rule is not implemented, it will continue to not allow online continuing education courses.

14. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is consistency with current practices 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: Rules of the Illinois Department of Financial and Professional Regulation address continuing medical education (CME) for persons licensed to practice chiropractic in Illinois (68 Ill. Adm. Code 1285.110). A CME program must be sponsored by one of the following:

- The Accreditation Council on Continuing Medical Education (ACCME) and organizations accredited by ACCME as sponsors of CME.
- The Illinois State Medical Society or its affiliates.
- The Illinois Chiropractic Society or its affiliates.
- The Illinois Prairie State Chiropractic Association or its affiliates.
- The International Chiropractic Association or its affiliates.
- The American Chiropractic Association or its affiliates.
- Any other accredited school, college or university, state agency, or any other person, firm, or association that has been approved and authorized by the Department.

A CME program must meet all of the following requirements:

- Contributes to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee.
 - Fosters the enhancement of general or specialized practice and values.
 - Is developed and presented by persons with education, experience, or both in the subject matter of the program.
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- Specifies the course objectives, course content and teaching methods to be used.
- Specifies the number of CME hours that may be applied to fulfilling the Illinois CME requirements for license renewal.
- Provides a mechanism for evaluation of the program and instructor by the participants.
- Provides each participant in the program with a certificate of attendance or participation.

As the rules do not expressly allow or prohibit online CME programs, an online CME program meeting the above requirements may be used to satisfy the CME requirement.

Iowa: Rules of the Iowa Board of Chiropractic address continuing education for chiropractic physicians (645 IAC 44.1 to 44.11). A continuing education program must meet all of the following requirements:

- Constitutes an organized program of learning which contributes directly to the professional competency of the licensee.
- Pertains to subject matters which integrally relate to the practice of the profession.
- Is conducted by individuals who have specialized education, training and experience by reason of which said individuals should be considered qualified concerning the subject matter of the program.
- Fulfills stated program goals, objectives, or both.
- Provides proof of attendance to licensees in attendance.

Of the 60 hours of continuing education during a renewal period, 20 hours relating to clinical case management of chiropractic patients must be earned by completing a program in which an instructor conducts the class employing a traditional in-person, classroom-type presentation and the licensee is in attendance in the same room as the instructor.

Michigan: Rules of the Michigan Department of Licensing and Regulatory Affairs address continuing education for persons licensed to practice chiropractic in Michigan (Mich Admin Code, R 338.12006 to R 338.12008a). A continuing education program must be accredited by the Commission on Accreditation of the Council on Chiropractic Education or approved by another state's board of chiropractic.

Fifteen of the 30 required hours of continuing education may be from online programs, excluding the required 2 hours of continuing education on physical measures, the 2 required hours of continuing education on the performance and ordering of tests, and any continuing education program in which a participant performs a chiropractic manipulation or adjustment on another individual.

Minnesota: Rules of the Minnesota Board of Chiropractic Examiners address continuing education for persons licensed to practice chiropractic in Minnesota (Minnesota Rules, parts 2500.1100 to 2500.2000). The Board registers and approves continuing education sponsors. A program sponsor must use the following criteria to determine if a continuing education program is approved and the number of continuing education units for which approval is granted:

- Whether the material to be presented is likely to enhance the practitioner's knowledge and skill in the practice of chiropractic.
- Whether the instructors or speakers presenting the program, and those persons preparing the program, are sufficiently qualified in the field of their instruction, either by practical or academic experience or both.
- Whether the classes will be held in a suitable setting, or under suitable conditions, that are considered by the Board to be conducive to the learning process.
- Whether the program may improve the practitioner's ability to keep records necessary to substantiate the need for chiropractic care.

A chiropractor may obtain the annual continuing education requirement through alternatives to traditional classroom presentations. The programs must be approved by the Board or a Board-approved sponsor. An online program approved for continuing education credit must include a written assessment instrument, designed to ensure that the chiropractor actively participated in the presentation of material and derived a measurable benefit from participation.

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