

STATEMENT OF SCOPE

CHIROPRACTIC EXAMINING BOARD

Rule No.: Chir 12

Relating to: Nutritional Counseling Certification

Rule Type: Permanent

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

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

The objective of the proposed rule is to implement the statutory changes from 2021 Wisconsin Act 253. Additionally, the Chiropractic Examining Board will review and potentially update the Nutritional Counseling Certification program requirements to ensure they are consistent with current professional and academic practice for Chiropractic.

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 Chiropractic Examining board recently sent a rule on Chir 12 to the Legislature for review. Further discussion on the chapter and the passage of 2021 Wisconsin Act 253 has resulted in a need for the chapter to be revised again. The Board would like to resolve language that conflicts with the statute, if any, as well as update the requirements for nutritional counseling certification if needed based on current practice in the Chiropractic profession. The alternatives to updating these rules would be potential lack of clarity between the requirements in the administrative code and those in statute.

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 (2) (c), Stats., provides "[t]he examining board shall issue a certificate to a chiropractor who is licensed under this chapter, who submits satisfactory evidence that the chiropractor has completed 48 hours of postgraduate study in nutrition that is approved by the examining board, and who pays a one-time certification fee of \$25, except that no certificate fee is required under this paragraph for an individual who is eligible for the veterans fee waiver program under s. 45.44."

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

90 hours

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

Wisconsin licensed chiropractors and nutritional counseling certification program education providers.

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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