

Clearinghouse Rule 25-066

STATE OF WISCONSIN CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	CHIROPRACTIC EXAMINING
CHIROPRACTIC EXAMINING	:	BOARD
BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Chiropractic Examining Board to **repeal** Chir 5.02 (1) (cm) 1.; to **consolidate, renumber, and amend** Chir 5.05 (1) (b) (intro) and 1.; to **amend** Chir 5.01 (1) (g), and 5.02 (1) (d); and to **create** Chir 5.02 (1) (a) 5., relating to continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 446.028, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), 446.02 (1) (b), 446.025 (3) (b), and 446.026 (3) (b), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats., provides that “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 446.02 (1) (b), Stats., provides that no person may engage in the practice of chiropractic or attempt to do so or hold himself or herself out as authorized to do so, unless such person “[s]ubmits evidence satisfactory to the examining board that the person meets the requirements of continuing education for license renewal as the examining board may require...”

Section 446.025 (3) (b), Stats., provides “[a] chiropractic radiological technician shall, at the time that he or she applies for renewal of a certificate ...submit evidence satisfactory to the examining board that he or she has completed at least 12 continuing educational credit hours in programs established by rules promulgated by the examining board.”

Section 446.026 (3) (b), Stats., provides “[a] chiropractic technician shall, at the time that he or she applies for renewal of a certificate ...submit evidence satisfactory to the examining board that he or she has completed at least 6 continuing educational credit hours in programs established by rules promulgated by the examining board.”

Related statute or rule:

Chapter Chir 3 provides the requirements for license renewal, which include the completion of continuing education.

Plain language analysis:

The Chiropractic Examining board recently completed a comprehensive revision to Chir 5 which became effective on July 1, 2022. As it exists, there are some areas of Chir 5 that conflict with the statute due to the passage of 2021 Wisconsin Act 253. The Board reviewed and updated the requirements for continuing education based on current practice in the chiropractic profession:

1. Clarified the amount of online continuing education hours.
2. Added provision Chir 5.02 (1) (a) 5. to comply with s. 446.028 (1) (a) 5., Stats., regarding a list of organizations who can sponsor a program.
3. Resolved a statutory conflict in Chir 5.02 (1) (d) regarding program sponsors.
4. Clarified Chir. 5.05 (1) (b) to eliminate a list with only one requirement.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

The Chiropractic Examining Board held a preliminary hearing on the scope statement for this rule at its October 31, 2024 meeting. No comments were received.

Comparison with rules in adjacent states:

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation regulate continuing medical education (CME) for chiropractic physicians practicing in Illinois. The rules provide CME hours requirements, acceptable CME programs and activities, requirements for CME sponsors and formal CME programs, certification of compliance with CME requirements, CME earned in other jurisdictions, and the waiver of CME requirements.

Illinois allows for formal and informal CME programs. The formal programs include internet point-of-care learning, which are structured CME activities using online databases to engage in self-directed learning on topics relevant to clinical practice, and live internet webinars. Unstructured online searching and learning is included as an activity among the informal CME programs or activities. [68 IL Admin. Code section 1285.110]

Illinois does not have an equivalent license classification for chiropractic technicians.

Iowa:

Rules of the Iowa Board of Chiropractic regulate continuing education (CE) for chiropractors practicing in Iowa. 481 IAC Chapter 844 is where they specify the required CE hours, standards for CE activities, and exemptions from CE requirements. A chiropractor has to complete 40 hours of CE per biennium of which at least 20 hours are earned by completing a program in which an instructor conducts the class by employing a traditional in-person, classroom-type presentation and the licensee is in attendance in the same room as that instructor. At least 16 hours of CE may be obtained by independent study, which includes any online instruction.

Iowa does not have an equivalent license classification for chiropractic radiological technicians or chiropractic technicians.

Michigan:

The Michigan Department of Licensing and Regulatory Affairs regulate continuing education (CE) for chiropractors practicing in Michigan. The rules specify required CE hours, acceptable CE programs and activities, and approval of CE programs. In this section, the rules establish that no less than 10 hours of CE must be completed by attending a live, in-person program. The rules allow attendance or participation in a CE program or activity held as live in-person programs, interactive or monitored teleconferences, web-based programs, or online programs. [MI Admin. Code R 338.12041]

Michigan does not have an equivalent license classification for chiropractic radiological technicians or chiropractic technicians.

Minnesota:

Rules of the Minnesota Board of Chiropractic Examiners regulate continuing education (CE) for chiropractors practicing in Minnesota. The rules specify required CE hours, CE program approval and approval criteria, approval of CE sponsors, and the waiver or deferment of CE requirements. There is no mention of the requirements for online CE. [MN Admin. Code parts 2500.1200 to 2500.2000]

The Minnesota Department of Health registers chiropractic radiologic technologists [MN Admin. Code R.4732.0570 to 4732.0585]. There are no continuing education requirements for maintaining registration.

Minnesota does not have an equivalent license classification for chiropractic technicians.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of ch. Chir 5 to ensure the rules are consistent with current professional and academic practices and applicable Wisconsin statutes. No additional factual data or analytical methodologies were used to develop the proposed rules.

Analysis and supporting documents used to determine the effect on small business or in preparation of economic impact analysis:

The proposed rule was posted for a period of 14 days to solicit public comments on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Effect on small businesses:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before October 23, 2025, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chir 5.01 (1) (g) is amended to read:

Chir 5.01 (1) (g) No more than 8 of the 40 continuing education credit hours required under par. (a) may be acquired through participation in online continuing education programs approved under s. Chir 5.02. Up to 4 of these online continuing education credit hours may be acquired through asynchronous programs, except that the ethics and boundaries course shall be completed using only synchronous instruction.

SECTION 2. Chir 5.02 (1) (a) 5. is created to read:

Chir 5.02 (1) (a) 5. A member-based state or national chiropractic organization that satisfies all of the following:

- a.** The organization is an entity that is described in section 501 (c) of the Internal Revenue Code and that is exempt from federal income tax under section 501 (a) of the Internal Revenue Code and has existed as an entity that is described in section 501 (c) of the Internal Revenue Code for at least 5 years.
- b.** The purpose of the organization is not solely providing continuing education programs.
- c.** The organization engages in measurable advocacy efforts to promote the chiropractic profession.

SECTION 3. Chir 5.02 (1) (cm) 1. is repealed.

SECTION 4. Chir 5.02 (1) (d) is amended to read:

(d) A program sponsor shall not assign or delegate its responsibilities to monitor or record attendance, provide evidence of attendance, validate course content, or provide information on instructors or other aspects of the program ~~unless the assignment or delegation is specifically identified in the application for approval and approved by the board.~~

SECTION 5. Chir 5.05 (1) (b) (intro) and 1. are consolidated, renumbered Chir 5.05 (1) (b), and amended to read:

Chir 5.05 (1) (b) A review by the board of a random selection of 10 percent of the program sponsor's continuing education programs approved for the previous 2-year registration period found that one or more of the selected programs do not materially meet all of the requirements under s. Chir 5.02 (1) or did not award continuing education credit as provided under s. Chir 5.02 (2) and (5), and ~~all of the following requirements are met: 1.~~ The application is submitted at least 6 months after the beginning date of the current 2-year registration period.

SECTION 6. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
