

STATE OF WISCONSIN
CHIROPRACTIC EXAMINING BOARD

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| IN THE MATTER OF RULEMAKING | : | PROPOSED ORDER OF THE |
| PROCEEDINGS BEFORE THE | : | CHIROPRACTIC EXAMINING |
| CHIROPRACTIC EXAMINING | : | BOARD |
| BOARD | : | ADOPTING RULES |
| | : | (CLEARINGHOUSE RULE 20-084) |

PROPOSED ORDER

An order of the Chiropractic Examining Board to amend Chir 10.02 (3) (g) 6., relating to courses of study for and delegation to chiropractic technicians and chiropractic radiological technicians.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 446.02 (7) (d), 446.025 (2) (a) 3., and 446.026 (2) (a) 3., Stats.

Statutory authority:

Sections 15.08 (5) (b) and 446.02 (7) (c), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 446.02 (7) (c), Stats., provides “[a] chiropractor who delegates the performance of a service that is adjunctive to the practice of chiropractic to a person who is not licensed under this chapter shall verify, according to standards and procedures established by the examining board by rule, that the person has adequate education, training and experience to perform the delegated service safely, and is responsible for that person’s performance of the delegated service.”

Related statute or rule:

Sections Chir 10.023 and 10.03 provide the requirements for delegation of adjunctive and x-ray services to a health care professional, as defined under s. 446.01 (1v), Stats.

Plain language analysis:

The Chiropractic Examining Board conducted a review of the provisions under ch. Chir 10 related to the required course of study for certification as a chiropractic technician, the required course of study for certification as a chiropractic radiological technician, and the requirements for delegation of adjunctive and x-ray services to these technicians. As a result of this review, the length of the didactic and clinical training program required for delegation of mechanical therapy and decompression adjunctive services to a chiropractic technician is being reduced from 4 hours to 3 hours.

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

The Consumer-Patient Radiation Health and Safety Act of 1981, 42 USCS 10001, et seq. establishes federal guidelines for standards of accreditation of educational programs for certain occupations that administer radiologic procedures. The standards are in place to protect the public from excessive exposure to radiation by health care professionals who use radiation in the treatment of disease or other medical conditions. The regulations are directed towards radiologic technologists, dental hygienists, nuclear medicine technologists and radiation therapy technologists.

42 USCS §10003 (5) defines, “persons who administer radiologic procedures means any person, other than a practitioner, who intentionally administers radiation to other persons for medical purposes, and includes medical radiologic technologists (including dental hygienists and assistants), radiation therapy technologists, and nuclear medicine technologists.” 42 CFR 75.2 defines radiation therapy technologist as “a person other than a licensed practitioner who utilizes ionizing radiation-generating equipment for therapeutic purposes on human subjects.” Although chiropractic radiological technicians are not specifically addressed, they could be captured under the broad definition of radiation therapy technologists. The federal statute and regulations are comparable to s. Chir 10.025, which establishes the requirements for a chiropractic radiological technician course of study, in that they both set forth a course of study for persons who administer radiologic procedures.

Comparison with rules in adjacent states:

Illinois: Illinois defines a chiropractic radiographer as a person other than a licensed practitioner who performs medical radiation procedures and applies x-radiation to the human body for diagnostic evaluation of skeletal anatomy, while under the general supervision of a licensed chiropractor [32 Ill. Adm. Code 401.20]. Persons seeking accreditation as a chiropractic radiographer must take the exam administered by the American Chiropractic Registry of Radiologic Technologists (ACRRT) [32 Ill. Adm. Code 401.70 b) 4)].

Illinois does not have a license classification for chiropractic technicians.

Iowa: Iowa does not have a license classification for chiropractic radiological technicians or chiropractic technicians.

Michigan: Michigan does not have a license classification for chiropractic radiological technicians or chiropractic technicians.

Minnesota: Minnesota issues a registration for chiropractic radiologic technologist after the applicant has passed the radiography examination of the American Chiropractic Registry of Radiologic Technologists (ACRRT) [Minn. R. 4732.0585].

Minnesota does not have a license classification for chiropractic technicians.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of ch. Chir 10 related to the required course of study for certification as a chiropractic technician, the required course of study for certification as a chiropractic radiological technician, and the requirements for delegation of adjunctive and x-ray services to these technicians, and obtaining input and feedback from the Chiropractic Examining Board and instructors of courses of study for chiropractic technicians and chiropractic radiological technicians.

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

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

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8306; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 8:30 a.m. on January 28, 2021, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chir 10.02 (3) (g) 6. is amended to read:

Chir 10.02 (3) (g) 6. Instruction in the performance of mechanical therapy and decompression shall comprise 4 3 hours and may not include instruction in manual traction or manipulation.

SECTION 2. 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)

This Proposed Order of the Chiropractic Examining Board is approved for submission to the Governor and Legislature.

Dated _____

Agency _____

Chairperson
Chiropractic Examining Board