

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 22-066)

PROPOSED ORDER

An order of the Chiropractic Examining Board to create Chir 5.01 (1) (i) relating to professional boundaries education requirements.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 440.035 (2) and 446.028, Stats.

Statutory authority: ss. 15.08 (5) (b), 446.02 (2) (b), and 446.02 (3g) (b), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that examining boards, such as the Chiropractic 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 (2) (b), Stats., provides “the examining board shall promulgate rules establishing educational requirements for obtaining a license under par (a).”

Section 446.02 (3g) (b), Stats., provides “the examining board shall promulgate rules establishing additional requirements for obtaining a license under par. (a),...”

Related statute or rule: None.

Plain language analysis:

Wisconsin Administrative Code Chapters Chir 3 and 5 cover the education requirements for licensure and renewal respectively. Neither of these chapters currently includes a requirement of education on the topic of professional boundaries. Other jurisdictions in the US require this topic as part of Chiropractor licensure, and the Board has determined that requiring this education will help protect the health and safety of the public of Wisconsin. The proposed rule adds a requirement that 2 of the 40 hours of continuing education for each biennium for Chiropractors must be on the topic of professional boundaries and ethics .

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: N/A

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 address 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 does not require a certain number of CME hours to be on the topic of professional boundaries or ethics [68 Ill. Adm. Code 1285.110].

Iowa: Rules of the Iowa Board of Chiropractic regulate continuing education (CE) for chiropractors practicing in Iowa. The rules address required CE hours, standards for CE activities, and exemptions from CE requirements. Iowa requires 2 hours per biennium on the topic of “professional boundaries regarding ethical issues related to professional conduct that may include but are not limited to sexual harassment, sensitivity training, and ethics” [645 IAC 44].

Michigan: Rules of the Michigan Department of Licensing and Regulatory Affairs regulate continuing education (CE) for chiropractors practicing in Michigan. The rules address required CE hours, acceptable CE programs and activities, and approval of CE programs. Michigan requires at least one hour of CE on the topic of sexual boundaries and one hour on ethics [Mich Admin Code, R 338.12037 to R 338.12042].

Minnesota: Rules of the Minnesota Board of Chiropractic Examiners regulate continuing education (CE) for chiropractors practicing in Minnesota. The rules address required CE hours, CE program approval and approval criteria, approval of CE sponsors, and the waiver or deferment of CE requirements. Minnesota does not require a certain number of CE hours to be on the topic of professional boundaries or ethics [Minnesota Rules, parts 2500.1200 to 2500.2000].

Summary of factual data and analytical methodologies:

The proposed rule was developed by reviewing the provisions of chapters Chir 3 and 5 to determine where a requirement for professional boundaries education would be appropriate to add for Chiropractors. The Board determined that adding a continuing education requirement to Chir 5 is most appropriate at this time.

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 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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-6795.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4463; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Nilajah Hardin, 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 the public hearing, held on February 2, 2023 at 8:30 a.m., to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chir 5.01 (1) (i) is created to read:

Chir 5.01 (1) (i) The requirements in this paragraph first apply to the renewal period beginning December 16, 2024. Of the 40 continuing education hours required in par. (a), 2 hours shall be on the topic of professional boundaries and ethics approved under s. Chir 5.02. Professional boundaries and ethics courses may include any of the following subjects:

1. Sexual misconduct as defined in s. Chir 6.02 (7).
2. Ethics in billing or business management practices.
3. Risk management.
4. Professional boundaries in clinical practice settings.
5. Any other topic that the Board or the Board’s designee approves as being related to the subject of professional boundaries and ethics.

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