

Wisconsin Chiropractic Association Sues State Over Testing Change

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MADISON, Wisc. - Claiming it could open the state to chiropractors who aren't "even minimally competent," the Wisconsin Chiropractic Association (WCA) has filed a civil suit against the Wisconsin Chiropractic Examining Board (CEB) in Dane County Circuit Court. The suit challenges a decision made by the CEB last year to replace a portion of Wisconsin's licensing exam with a similar test developed by the National Board of Chiropractic Examiners (NBCE).

The CEB is a component of the Wisconsin Department of Regulation & Licensing. For years, the state has used the first three parts of the NBCE exam in its licensing procedure for doctors of chiropractic, but not Part IV.

Parts I, II and III of the NBCE exam are written tests that evaluate candidates' knowledge of anatomy, physiology and other areas of importance. Part IV, on the other hand, is a practical exam that tests competency in areas such as X-ray interpretation, diagnosis, chiropractic technique and case management.¹ The CEB did not officially recognize Part IV, and instead administered its own practical exam.

On Dec. 19, 2002, the CEB changed its stance and voted to accept a score of 375 (the minimum passing score) on Part IV of the NBCE exam, in lieu of the practical exam given by the state.² The decision to accept the NBCE exam also meant the end of the state-administered exam. As a result of the decision, in February 2003, the WCA board of directors passed a motion requesting that the examining board reconsider its vote.³ When the board failed to act, the WCA decided to take the case to court.

The lawsuit asks that licenses issued by the board and granted to those who have not taken or have failed the Wisconsin exam be declared in violation of state law. Among the allegations put forth by WCA in the suit is that NBCE's practical exam isn't stringent enough: Because the NBCE's test scores are graded cumulatively, an applicant could fail one section of the exam but do well enough on the others to earn a passing grade overall. The state test, on the other hand, requires that applicants pass each exam section.

"The Wisconsin test is designed to determine minimal competency, so [now] we have people not even minimally competent to practice being licensed by the state,"⁴ commented Russ Leonard, executive director of the WCA.

According to the association's complaint, approximately 40 percent of those who took Wisconsin's practical exam over the past three-and-a-half years failed; the failure rate on the NBCE exam was much lower (13 percent).

Not everyone agrees with the WCA's contentions, however. Barbara Showers, director of the Department of Regulation & Licensing's Office of Education and Examination, said failure rates are

not a good indicator of the relative worth of an exam, and that the high failure rate associated with the state's practical exam could be due to its being obsolete. According to Ms. Showers, the NBCE's practical exam was developed with input from several colleges of chiropractic, which brings it more in line with what is being taught at chiropractic schools across the U.S.

"It's not as up-to-date on current teaching," said Ms. Showers of Wisconsin's exam. She added that the NBCE's test is much broader in scope than the state test.⁴

The WCA also contends that the examining board did not go through the proper channels before casting its vote: at the very least, a public hearing should have been held, and a legislative committee should have examined what effect the change in regulations would have on the chiropractic profession before the examining board made its decision.

"The Department of Regulation & Licensing did not follow the rules in making this change," commented Mr. Leonard.⁴

The WCA's complaint was filed May 16. The suit is *Wisconsin Chiropractic Association vs. Wisconsin Chiropractic Examining Board*, case number 2003CV001491.

References

1. Exam information. Written exams and practical exams. National Board of Chiropractic Examiners Web site (www.nbce.org/examinations/exam_main.html).
2. Notice from the State of Wisconsin Chiropractic Board. Wisconsin Department of Regulation & Licensing notice, Dec. 20, 2002.
3. Minutes of the Wisconsin Chiropractic Association Board of Directors meeting, Feb. 6, 2003.
4. Elbow S. Chiropractors sue state, want to use tougher test. *Wisconsin Capital Times*, May 20, 2003.

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