

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SB305)**

Received: **03/04/2002**

Received By: **kunkemd**

Wanted: **Today**

Identical to LRB:

For: **John Gard (608) 266-2343**

By/Representing: **Jim Tenuta**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact: **Jim Tenuta**

Addl. Drafters:

Subject: **Occupational Reg. - misc**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gard@legis.state.wi.us** ✓

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

---

**Topic:**

Claims by physical therapists and chiropractors; definition of "diagnosis" and "physical therapy"; practice of physical therapy assistants

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kunkemd 03/04/2002	gilfokm 03/04/2002		_____			
/1			jfrantze 03/05/2002	_____	lrb_docadmin 03/05/2002	lrb_docadmin 03/05/2002	

03/05/2002 09:47:25 AM

Page 2

***LRBa1447***

FE Sent For:

<END>

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/?	kunkemd	1-3/4 KMG	23/5	7/1/0 3/5			

FE Sent For:

<END>

**Kunkel, Mark**

**From:** Schoenfeldt, Jeff  
**Sent:** Monday, March 04, 2002 8:54 AM  
**To:** Kunkel, Mark  
**Subject:** AB 615 Amendments

Mark,

Thanks for working on the PT bill amendments. I appreciate what pressure and time constraints you and your office are under.

In addition to the message I left on Friday regarding the amendment we would like to offer on the Floor on Wednesday, I have also been made aware that the Senate Health Committee will be considering the bill on Wednesday as well. Can I ask that the amendment we passed in the Assembly Health Committee be drafted as a Senate amendment? Moen's office and John Gard will need the language of both amendments by tomorrow if at all possible.

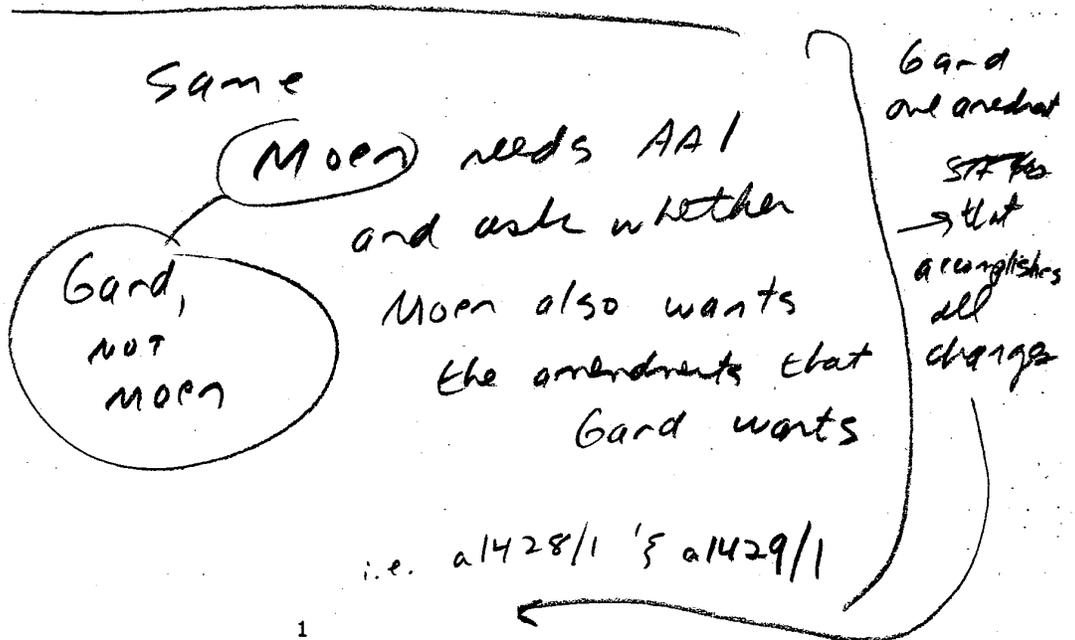
Should you have any questions, always feel free to contact me. Again, I appreciate your help on this.

**Jeff Schoenfeldt**

*Office of State Representative John Gard*  
Room 308 East, State Capitol Building  
Madison, Wisconsin 53708  
Telephone: 608-266-2343

AA to AB615 - parts other than diagnosis

AA to AA1 - diagnosis



**Subj:** RE: PT Bill  
**Date:** 2/27/2002 10:59:58 AM Central Standard Time  
**From:** jim@tenuta-hermes.com  
**To:** RLeonard@aol.com  
**CC:** Jeff.Schoenfeldt@legis.state.wi.us, rkroll@milwpc.com, boiss@surgery.wisc.edu, mthorman@execpc.com, PBALIK@msn.com, ron@tenuta-hermes.com  
*Sent from the Internet (Details)*

Russ:

First of all, let me thank you on behalf of the WPTA for your proposals for amending Senate Bill 305/AB615. We do regard them as a good faith effort to resolve our differences. After a great deal of discussion, we have come to the following conclusions. Let me address each of your proposals separately:

*no amendments*  
*471*  
*3-1-02*  
*Jim Tenuta*  
*OK*  
*Rh*

Item number one: We understand your intent, but feel the language you propose can be clarified further. We would suggest the following:

"A physical therapist may not claim that the manipulation services they provide in any manner represents a chiropractic adjustment employed to achieve the result of correcting a chiropractic spinal subluxation."

Item number two: We are OK with the language you propose.

Item number three: While we recognize that the language you propose is a good faith effort, the WPTA must remain consistent in maintaining that these bills are not the proper venue to address this issue. This is an extremely sensitive issue with the entire WPTA membership. I would note that the rules you cited use the term "physiologic therapeutics," and not physical therapy services. I could find no reference to "physical therapy services" in your rules. In the final analysis, we believe use of the term "physical therapy services" in advertising would confuse the public who would not be able to readily discern the differences in the type of care provided by chiropractors and physical therapists. Russ, I think we all would agree that this is a difficult issue. It would be unfortunate to have it alone prevent passage of revisions to the practice act which is in desperate need of updating. We hope you would recognize that our acceptance of item one, with the changes we proposed above, and item two as you propose, along with significant revisions which were made previously, does constitute significant compromise on our part. We hope you will take this into consideration and remove your objections to the bill and defer resolution of the advertising issue to another time and venue. The WPTA leadership has assured me they would continue to explore a solution outside the context of this legislation. One final question: Would use of the term "physiologic therapeutics" accomplish your goals?

Let me know what you think and, again, thanks.

Jim Tenuta

-----Original Message-----  
**From:** RLeonard@aol.com [mailto:RLeonard@aol.com]  
**Sent:** Tuesday, February 26, 2002 9:05 AM  
**To:** jim@tenuta-hermes.com  
**Subject:** Re: PT Bill

In a message dated 2/25/2002 4:33:28 PM Central Standard Time, jim@tenuta-hermes.com writes:

| On item # 1: I could not find a definition of chiropractic adjustment in your rules.

A chiropractic adjustment is not defined in statute or rule.

1) A physical therapist may not claim in any manner that they provide a chiropractic adjustment, or that the manipulation services they provide to a patient are similar to a chiropractic adjustment or, achieve the same results as a chiropractic adjustment.

a1428  
OIL  
②  
✓

2) "Diagnosis" means a judgment that is made after examining the neuromusculoskeletal system or evaluating or studying its symptoms and that utilizes the techniques and science of physical therapy for the purpose of establishing a plan of therapeutic intervention. This does not include the making of a chiropractic or medical diagnosis.

Permitted by a physical therapist employed by a chiropractor licensed under ch. 446

Mechanical Equipment

3) A chiropractor licensed under ch. 446 may not claim to render physical therapy unless the chiropractor employs a physical therapist licensed under Ch. 448. A chiropractor may claim to render generic physical therapy services or generic physiotherapy services in accordance with Wi. Admin. Code Chm. 4. ~~A chiropractor licensed under ch. 446 claiming to render modality based physical therapy services~~

448.51(2)(e) A chiropractor licensed under ch. 446 may claim to render physical therapy or physiotherapy services only as follows:

448.51(2)(e)1. In accordance with the rules promulgated under ss. 446.02 (10) and 448.525.

448.51(2)(e)2. If the rules under ss. 446.02 (10) and 448.525 have not taken effect, as follows:

448.51(2)(e)2.a. If, anytime before October 17, 1995, the chiropractor claimed in an advertisement to render physical therapy or physiotherapy services, the chiropractor may continue to claim to render physical therapy or physiotherapy services in an advertisement until the rules promulgated under ss. 446.02 (10) and 448.525 take effect.

448.51(2)(e)2.b. The chiropractor may claim to render physical therapy or physiotherapy services in private communications with an individual who is a patient or prospective patient until the rules promulgated under ss. 446.02 (10) and 448.525 take effect. This subd. 2. b. also applies to an employee or agent of the chiropractor who claims that the chiropractor renders physical therapy or physiotherapy services.

Jim Penick  
3-1-02  
Ruff

448.525(1) The affiliated credentialing board and the chiropractic examining board acting under s. 446.02 (10) shall jointly promulgate rules that establish the circumstances under which and the extent to which a chiropractor licensed under ch. 446 may claim to render physical therapy or physiotherapy services within the scope of the practice of chiropractic.

448.525(2) The affiliated credentialing board may promulgate rules relating to the circumstances under which and the extent to which a chiropractor licensed under ch. 446 may claim to render physical therapy or physiotherapy services within the scope of the practice of chiropractic only as provided under sub. (1).

446.02(10)(a) The examining board and the physical therapists affiliated credentialing board acting under s. 448.525 shall jointly promulgate rules that establish the circumstances under which and the extent to which a chiropractor licensed under this chapter may claim to render physical therapy or physiotherapy services within the scope of the practice of chiropractic.

446.02(10)(b) The examining board may promulgate rules relating to the circumstances under which and the extent to which a chiropractor licensed under this chapter may claim to render physical therapy or physiotherapy services within the scope of the practice of chiropractic only as provided under par. (a).

D-NOTE

2001 - 2002 LEGISLATURE

LRBa1230/1  
MDK:kmg/jf

Tomorrow  
3/5  
NOON

SA to SB 305

ASSEMBLY AMENDMENT 1,  
TO 2001 ASSEMBLY BILL 615

a. 1447/1

RM NOT  
RUN

February 11, 2002 - Offered by Representative GARD.

INSERT 1-1

but does not include  
a chiropractic  
or medical  
diagnosis

- 1 At the locations indicated, amend the bill as follows:
- 2 ✓ 1. Page 7, line 9: delete lines 9 to 11 and substitute:
- 3 "448.50 (1r) "Diagnosis" means a judgment that is made after examining the
- 4 neuromusculoskeletal system or evaluating or studying its symptoms and that
- 5 utilizes the techniques and science of physical therapy for the purpose of establishing
- 6 a plan of therapeutic intervention."
- 7 ✓ 2. Page 7, line 16: before "(intro.)" insert "(a)".
- 8 ✓ 3. Page 7, line 18: before "(intro.)" insert "(a)".
- 9 ✓ 4. Page 7, line 23: before "any" insert "except as provided in par. (b).".
- 10 ✓ 5. Page 7, line 24: delete "(a) to (d)" and substitute "(a) 1. to 4.".
- 11 ✓ 6. Page 8, line 1: after "(a)" insert "1.".
- 12 ✓ 7. Page 8, line 5: delete "paragraph" and substitute "subdivision".



INSERT 2-9 (cont'd):

1 SECTION 19v. 448.52 (2m) of the statutes is created to read:

2 448.52 (2m) A license is not required under this subchapter for any of the  
3 following:

4 (a) Except as provided in par. (b), a chiropractor licensed under ch. 446 claiming  
5 to render physical therapy, if the physical therapy is provided by a physical therapist  
6 employed by the chiropractor.

7 (b) A chiropractor licensed under ch. 446 claiming to render modality based  
8 physical therapy services.”

9 ✓ 4. Page 10, line 13: delete that line and substitute:

10 (10) “SECTION 21~~a~~<sup>b</sup>. 448.52 (4) of the statutes is renumbered 448.52 (1m) (c) and  
11 amended to read:”

12 ✓ 5. Page 10, line 14: delete “448.52 (4)” and substitute “448.52 (1m) (c)”.

13 ✓ 6. Page 10, line 17: after that line insert:

14 (14) “SECTION 21~~k~~<sup>m</sup>. 448.52 (5) of the statutes is renumbered 448.52 (1m) (d).

15 SECTION 21~~p~~<sup>v</sup>. 448.52<sup>v</sup> of the statutes is created to read:

16 448.522 Manipulation services. A physical therapist may not claim that any  
17 manipulation service that he or she provides is in any manner a chiropractic  
18 adjustment that is employed to correct a chiropractic spinal subluxation.

19 SECTION 21~~t~~<sup>v</sup>. 448.52<sup>v</sup> of the statutes is repealed.”

20

END OF INSERT 2-9  
(END)

**ASSEMBLY AMENDMENT ,  
TO 2001 ASSEMBLY BILL 615**

*Inserts*

*INSERT 1-1:*

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 7, line 5: after that line insert:

3 "SECTION 7m. 446.02 (10) of the statutes is repealed."

4 *INSERT 2-9:* ✓ 2. Page 10, line 9: delete "par. (c)" and substitute "par. (e) s. 448.52 (2m)".

5 ✓ 3. Page 10, line 11: after that line insert:

6 "SECTION 19e. 448.51 (2) (c) of the statutes is repealed.

7 SECTION 19m. 448.52 (intro.) of the statutes is renumbered 448.52 (1m) (intro.)

8 and amended to read:

9 448.52 (1m) (intro.) A license is not required under this subchapter for any of  
10 the following, if the person does not claim to render physical therapy or  
11 physiotherapy services as prohibited under s. 448.51 (2) (b):

12 SECTION 19s. 448.52 (1) and (2) of the statutes are renumbered 448.52 (1m) (a)

13 and (b).

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa1447/1dn

MDK.....

*kmq*

Representative Gard:

This amendment to ~~the~~ Senate bill <sup>305</sup> incorporates AA1 to AB-615, LRBa1428/1, and LRBa1429/1. ✓

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa1447/1dn  
MDK:kmg:jf

March 5, 2002

Representative Gard:

This amendment to Senate Bill 305 incorporates AA1 to AB-615, LRBa1428/1, and LRBa1429/1.

Mark D. Kunkel  
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