

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB615)

Received: **03/04/2002**

Received By: **kunkemd**

Wanted: **Today**

Identical to LRB:

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

By/Representing: **Jeff Schoenfeldt**

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:

Pre Topic:

No specific pre topic given

Topic:

Claims by physical therapists and chiropractors

Instructions:

See Attached

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>
/1	kunkemd 03/04/2002	csicilia 03/04/2002	rschluet 03/04/2002	_____	lrb_docadmin 03/04/2002	lrb_docadmin 03/04/2002	

FE Sent For:

<END>

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB615)

Received: 03/04/2002

Received By: **kunkemd**

Wanted: **Today**

Identical to LRB:

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

By/Representing: **Jeff Schoenfeldt**

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:

Pre Topic:

No specific pre topic given

Topic:

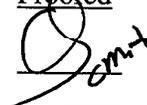
Claims by physical therapists and chiropractors

Instructions:

See Attached

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	1 cjs 3/4 02					
----	---------	-----------------	---	---	--	--	--

3-4-2

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 AB 615 - parts other than diagnosis

AA to AA1 - diagnosis

Same

Moen needs AA1 and asks whether Moen also wants the amendments that Gard wants

Gard, not Moen

Gard one amendment
SFF that accomplishes all changes

i.e. a1428/1 & a1429/1

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
AA1
3-1-02
Jim Tenuta
OK
Rh/e

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, achieves the same results as a chiropractic adjustment.

a1428
 OIL
 ✓

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.

PROVIDED 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 Admin. Code Chir. 4. ~~A chiropractor licensed under ch. 446 claiming to render modality based physical therapy services~~

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

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

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

448.51(2)(c)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)(c)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 T...
 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).



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa1429/1
MDK:Y....

D. NOTE

cjs

Today by
4:30

ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 615

x-refs
SA ✓

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 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.) ~~This subchapter does not require~~ A license under this
10 subchapter for any of the following, if the person does not claim to render physical
11 therapy or physiotherapy services as ~~prohibited under s. 448.51 (2) (b):~~

is not required

History: 1993 a. 107 ss. 51, 52, 59; 1995 a. 166.

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

13 (b).

and

move from p. 2

move to p. 7

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

2 "SECTION 21m. 448.52 (4) of the statutes is renumbered 448.52 (1m) (c) and
3 amended to read:"

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

5 6. Page 10, line 17: after that line insert:

6 SECTION ~~21d~~ 448.52 (2m) of the statutes is created to read: is not required
7 448.52 (2m) This subchapter does not require A license under this subchapter
8 for any of the following:
9 (a) Except as provided in par. (b), a chiropractor licensed under ch. 446 claiming
10 to render physical therapy, if the physical therapy is provided by a physical therapist
11 employed by the chiropractor. ✓
12 (b) A chiropractor licensed under ch. 446 claiming to render modality based
13 physical therapy services. » ✓

19v
B

14 "SECTION 21h. 448.52 (5) of the statutes is renumbered 448.52 (1m) (d). ✓

15 SECTION 21p. 448.522 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 21t. 448.525 of the statutes is repealed." ✓

20 (END) ✓

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

LRBa1429/1dn

MDK:.....

js

Representative Gard:

I'm not sure what "modality based physical therapy services" are. A court might not know either. Also a court might have an interpretation that is different than the meaning that is intended, whatever that is. You could address the issue by providing a definition.

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**

LRBa1429/1dn
MDK:cjs:rs

March 4, 2002

Representative Gard:

I'm not sure what "modality based physical therapy services" are. A court might not know either. Also, a court might have an interpretation that is different than the meaning that is intended, whatever that is. You could address the issue by providing a definition.

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