

Senate Bill 275

Best Practice Guidelines

w/ in own Family
Council on Chiro
Guidelines: Practice
Practice Parameters

HISTORY

- The Senate Committee on Health, Children, Families, Aging and Long Term Care held a public hearing on SB 275 on 10-14-03.
- Russ Leonard (WCA) and Dr. Conway (Allied Health) met for 6 hours days after the hearing and developed a compromise agreement.
- On October 23, 2003, Dr. Conway and Russ Leonard briefed Eileen O'Neil, Laura Rose and myself on the "compromise."
- The Senate Health Committee scheduled an Executive Session on SB 275 on November 11, 2003.
- On November 10, 2003, Senator Roessler was made aware that the "compromise" may not be the agreement we thought it was.
- November 25, 2003, Representative Underheim scheduled a meeting between Russ Leonard, Dr. Conway, Leg Council, Senator Roessler, Pat Essie, etc.

1-
2004

Low
Back

~~etc.~~

✓ Futuristic
PROBLEMS!

4 POTENTIALLY QUESTIONABLE COMPONENTS OF SB 275

1. Nurse

- The proposed substitute amendment allows a Practical Nurse to work under the direction of a chiropractor.
- During the public hearing, you expressed some concern about this.

2. Nutritional Supplements

- The proposed substitute amendment requires a chiropractor to complete 48 hours in a postgraduate course of study in nutrition that is approved by the examining board before the chiropractor can provide counsel, guidance, direction, etc. regarding nutritional supplements.
- Of those who submitted testimony at the public hearing, **Aberle Chiropractic Clinic** (located in Fitchburg) expressed concerns about this language. This group argues the following:

Under current law chiropractors can talk to and suggest nutritional supplements to their patients provided we tell them that it is for overall wellness and not for the purpose of treating a disease.

Chiropractors have educational requirements regarding supplementation and nutritional guidance included in our chiropractic training.

- **Dr. Kimberly Johnson Theil, Johnson Chiropractic (Oshkosh)** is opposed. I talked to her on 11-18-03.
- **Dr. Gerald Henderickson, Hendrickson Pain Relief Center (Oshkosh)** is opposed. Spoke to him on 11-18-03.
- **Erin Tarter, MS, RD, CD (University of WI Hospital and Clinics)** opposes the nutritional language:

It takes years of education to become a registered dietitian, at least 5 when you consider the 4 year bachelor's degree in nutrition plus the year long dietetic internship.

3. Duty to Refer

- The proposed substitute amendment requires a chiropractor to "inform the patient and refer the patient to a physician" if the chiropractor determines that a patient has a condition that is not treatable by chiropractic means.

in 24 states currently

- The **WI State Medical Society** testified in opposition to this language. They argued the following:

"...referral duty would instantly and dramatically broaden chiropractor power with the ability to diagnose specific non-chiropractic medical problems—a power WI.'s judiciary has recognized is distinct to physicians only as currently defined.

Kerkman v. Hintz: "...a requirement that a chiropractor refer a patient to a medical doctor is the imposition on the chiropractor to make a medical determination that the patient needs medical care, such a determination could not be made without employing medical knowledge."

"The 'Duty to Refer' provision is to allow chiropractors to diagnose medial conditions beyond the scope of their current practice."

"The WI Chiropractor newsletter states, 'The addition of a duty to refer...will expand the opportunity of a chiropractor to serve as a primary health care provider, qualify a chiropractor to serve as a managed care gatekeeper, and increase the clinical credibility of the profession.'"

- **Dr. Rosemeyer, Chair of the Chiropractic Examining Board** argued against “duty to refer.”
“Duty to Refer does not allow patient’s liberty to opt out of a referral process to an MD therefore damaging their right to personal privacy and confidentiality.

“ Protection of the public is a good thing. 4-5 years ago, our Board addressed this with a hearing...created duty to inform. It seems silly to have to refer a patient with TMJ or bunions to an MD...increase health care cost and patient costs.”
- **Daniel D. Lyons, DC, LCP (Hon), President of the Alliance of Wisconsin Chiropractors** sent a letter to you with the following argument against “duty to refer.”
“The duty to refer portion will restrict who chiropractors can refer to and destroy the level playing field we have fought so hard to create. As I (Dan Lyons) understand it, if passed this bill will required that chiropractors refer only to medical doctors. Referrals to massage therapists or acupuncturist would not be possible. Currently, Medical doctors can not provide expert testimony to refute a Chiropractor because Chiropractic is a separate and distinct profession.”
- **Dr. Gerald Hendrickson, Hendrickson Pain Relief Center** opposes “duty to refer.” He does not care for Russ Leonard, doesn’t think he is working for the best interests of the practice.
He said that chiropractors are currently taught to refer and do refer when necessary. He does not think it is necessary to make referring a “duty.” He does not think we need to legislative this to death. He is also concerned about the liability that comes with making referring a duty.
- **Dr. Kimberly Johnson Theil, Johnson Chiropractic**, thinks that Chiropractors should refer, however did not object when I told her that you were planning to remove this language.
She did say that she believes that Russ Leonard has the best interest of the Chiropractors in mind and will go along with what he says over Dr. Conway.
- **CR planning to offer an amendment to remove the “duty to refer” language.**

Arguments: Current law is duty to inform, expands scope of practice, chiropractors would not just be recommending that their client see a health care professional, they are building a relationship with the healthcare professional, increases chiropractors' liability...

4. Continuing Education

- The proposed substitute amendment defines many terms under which continuing education credits can be approved.
- I have tabbed page 6 of the sub. where the "continuing education" begins.
- From what DRL has said, it sounds like this language may mirror language in DRL rules, with some additions. I am looking into this.
- **Dr. Gerald Hendrickson, Hendrickson Pain Relief Center** supports the current system, he does not like the language in the bill. He thinks that Russ Leonard and WCA are trying to squeeze out competition.

- **The Department of Regulation and Licensing** testified the following:

"Existing rules define what entities may sponsor continuing education courses as well as requirements for sponsorship. The proposed legislation would essentially codify existing requirements in statute. The legislation would also require the Dept. to deny approval of all courses sponsored by an organization for 90 days, if the sponsor violates any of the specified requirements, regardless of the nature or seriousness of the violation."

"The Dept. opposes this proposal. The Department views the proposal as unnecessary and unduly harsh. This is a solution without a problem. There is no demonstrated need to codify what is essentially already in the administrative rules into statute."

- **Dr. Rosemeyer, Chair of Chiropractic Examining Board** expressed concerns relating to continuing education.

"By law, we (board) will be forced to withdraw approval of all courses offered by an organization for 90 days if they don't cross their t's and dot their I's on the application...i.e. a procedural violation...we will be left with no CE's to approve."

“My (Dr. Rosemeyer) opinion is that this is an issue of free enterprise and ‘show me the money’. The WCA wants more control over the courses offered in the state...it is all about money.”

- **Daniel Lyons DC. LCP (Hon), President of Alliance of WI Chiropractors** expressed concerns about C.E.

By tightening the restrictions on who can sponsor continuing education and how the programs are administered, the WCA is positioning themselves to be the only provider of continuing ed in the state. This is very important to the WCA, as they need that money to cover their operating costs. Mr. Leonard also has a significant financial interest in this portion as he receives 35% of all continuing ed fees.”

- **Dr. Kimberly Johnson Theil, Johnson Chiropractic**, supports the continuing ed language.

- **Alfred Traina, D.C (Northwestern University)** opposes the C.E. language.

“We (Northwestern Health Sciences University) request that SB 275 be amended to include language that allows school and State Associations such as Minnesota Chiropractic Associations that border Wisconsin and have members with dual licenses to offer continuing education courses. Otherwise, Doctors would be prevented from receiving CE classes at a Hospital or Medical Clinic where they may have a working relationship and from receiving CR credits from a Boarder State CE programs outside of WI.”

“We believe the current draft may be flawed with regard to the following:

- *A violation of civil rights under the Interstate Commerce Act pursuant to 42 USC 1983.*
- *The draft is attempting to do indirectly what it cannot do directly under the commerce Clause. See Pike v. Bruce Church, 397 U.S. 137 (1973). Ark Op, Attorney General No. 91-419 (1991).*
- *The proposed law may be challenged on the grounds that it discriminates within a class of continuing education providers, i.e. WCA can provide CE courses but not Minnesota, Illinois, Michigan, or Iowa Chiropractic Associations.*

Lyons

Family Chiropractic

Assemblyman Gregg Underheim
Chair, Health Committee
Room 11N, State Capitol
PO 8953
Madison, WI 53708

November 25, 2003

Dear Mr. Underheim,

Thank you for taking the time to speak with me on the phone last week. I trust that you will see why I oppose this bill from the detailed outline I provided below. Since we are still not solvent, I am writing this not as President of the Alliance of Wisconsin Chiropractors, but as Dan Lyons, one of the many, many chiropractors who will be negatively impacted by this bill if it is passed.

After reviewing the Assembly Substitute Amendment to 2003 Assembly Bill 356 I have come to the conclusion that the best thing for everyone involved would be to let it die. In the following pages I have detailed, point by point, my reasons for recommending that you let this Amendment die. I trust that you will find my conclusions logical and sound.

441.001 (3) (a) and 441.001 (4) (b) are clearly designed to increase the scope of Chiropractic as outlined in Chir 4.03 to encompass 'Practical nursing'. The scope of practice is already defined very adequately and does not need expansion. If there are any procedures that are necessary and vital to the practice of chiropractic that are not covered under Chir 4.02 and that these amendments would correct, I would be happy to listen.

446.01 (2) (b) will immediately halt the evolution and development of Chiropractic's art, the adjustment. The only adjusting technique or system of analysis and adjusting that has been developed in a CCE accredited school or university is New Life Upper Cervical technique, and if this change were in effect, any Life University grad who practiced that technique would have had to change their procedures when Life lost its accreditation. I find this law particularly unconscionable, being that this is Wisconsin, birthplace of the Gonstead System, the second most widely used chiropractic system and the Toftness system, neither of which was developed under the auspices of a CCE accredited school. Newer systems like Torque Release would also be excluded, as it is not taught in any school, but has led to the publication of the largest research paper in the history of peer reviewed medical journals.

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446.02 (1) (b) I see no need to take away the responsibilities and discretion of the Examining Board. I know of no test that accurately determines who will or will not make a good, ethical practitioner. Just because someone has not practiced in 2 years does not make them unfit for practice. I feel that this is just one more attempt, by the WCA, to strip the Examining Board of its authority and power, a trend that you will see throughout this bill.

446.02 (2) (b) This change once again takes power and authority away from the Examining Board and places it in a third parties' control. The CCE has its own problems and we do not know what will replace them, this is why we have an Examining Board.

446.02 (4) I would like to see the word 'clinical' defined, but I understand the idea of wanting to make sure people who are taking x-rays etc. have the proper training. I don't like the idea of attempting to legislate more cont. ed., which this section is trying to do. My primary objection to this section is that the WCA wants to suspend the licenses of doctors whose staffs have not been properly trained or met their cont. ed. requirements, rather than restricting that individual staff member from performing those duties.

446.02 (6m) (a) The verbiage, 'may provide counsel, guidance, direction, advice, or recommendations' is far too ambiguous. This could easily be interpreted to mean that a chiropractor can not tell someone that they need to drink more water or take a multivitamin, unless, they have completed the required training (cont. ed.). Why will this affect only those DCs licensed on or before Jan. 1, 2003? What major education changes took place in our schools after that date?

Section 11 is entirely troublesome. In 446.02 (7s) (a) the authors forgot that the condition that we 'treat' is subluxation, something that no other profession does. So if a chiropractor is correcting subluxations and they patient is not responding, they can not refer them to another chiropractor with a different technique, they must refer them to another profession that does not address subluxation. If enacted, this part would disallow subluxation based wellness care, which is part of the ACC (Association of Chiropractic Colleges) paradigm. Subparagraph (b) will reduce the autonomous status of the chiropractor, placing he or she in a subservient position to the medical physician.

Section 12 446.02 (9) (a) once again strips the power and authority from the Examining Board and places it with an unconcerned third party. This part would necessitate the creation of another bill to address the handling of students or doctors whose schools have acted in such a manner to need to exclude them from such clinical training programs, yet are still accredited by the CCE or its successor.

Section 13 446.025 (2) (a) 1. First and foremost, there is no such association as the International Chiropractic Association. The organization I believe that they are referring to is the International Chiropractors Association. Second, this law borders on the restriction of trade by preventing other legal, ethical and valid organizations from sponsoring seminars. The Examining Board needs the flexibility to determine which

organizations are and are not adequate sponsors of continuing education. If passed, this portion will require a rewrite to add new organizations as they develop and to remove named organizations should they continually act in a manner unfitting a cont. ed. sponsor for the state of Wisconsin

2. As a board member and instructor for a not for profit teaching organization that provides seminars for CE in Wisconsin, I can say that sponsors do not pick the speakers unless they themselves are also putting on the seminar and that is the way it should be.

3. This part especially the 'post course evaluation' sounds like a test and is very similar to the CCEs PACE project, which the WCA opposed. If passed, I foresee the WCA lobbying for new legislation stating that if a chiropractor fails the post-course evaluation that they do not receive those hours.

4. While the WCA feels that having someone clock you in and out of seminars is vital to the status of our profession, most chiropractors do not. Wisconsin statutes are already much stricter on chiropractors than any other profession, especially the medical profession, who need not have any 'hard' hours. This means that they may read a journal or go online to get their CE while chiropractors must spend time at seminars.

(b) Let the sponsor delegate some responsibility to another specified organization, which we all know would be the WCA. (3) Mandates that if there is an infraction by a sponsor, the Examining Board will withdraw approval of all CE sponsored by that organization and it does so without any due process. There is no definition of what 'fail to satisfy in a significant manner' means. This section once again takes away the power and discretion of Examining Board. The last half states that if the organization to whom responsibilities are delegated (the WCA) 'fails to satisfy in a significant manner the requirements, that the original sponsor (not the WCA) shall be punished. This portion is nothing more than

outrageously inappropriate attempt to control and profit from every hour of CE that is sponsored for Wisconsin.

Section 16 446.04 (6) What constitutes 'substandard quality'? This is very important in that this may come down to the issue of a single adjustment and what constitutes an adjustment of substandard quality.

(7) (b) I am not aware that the ICA or ACA have published standards for using CPT codes and this is an issue that I believe caused the Wisconsin Dept of Justice to File complaint a complaint, case no 01CV3568.

Parts 11 (d) 1,2, and 3 once again strip the power and authority of the Board and dictates what their punishment will be. The reason that we have a Board is to let them handle things with discretion because no two situations are exactly the same and I do not see where the Board has does anything to make our profession think them incompetent.

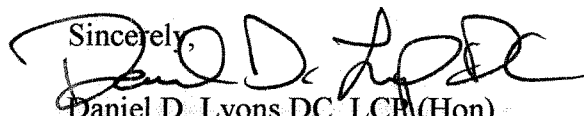
In summary, I find that I even have to write this letter disturbing. I believe this bill is designed partially to raise money for the WCA and Mr. Leonard. Nearly every part of

this bill either creates the need for or at least the potential for more seminars. Those parts that aren't creating more seminars are designed to ensure that the WCA is involved in administering and controlling as many seminars as possible. This bill also manages to insult every member of the Examining Board by insinuating that they are incompetent, thus necessitating the need to remove their power and ability to use their judgement. In

fact, our Examining Board is very competent and dedicated and most chiropractors have full confidence in their judgement.

If you talk to Mr. Leonard you will get the distinct impression that the Chiropractic profession in Wisconsin is filled with criminals and sexual predators. This is not the same profession that I see when I am in public or with my colleagues. If you ask any member of the Examining Board it is not the profession that they know, nor is it the same profession that the public knows. I believe that the WCA and Mr. Leonard suffer from a social self-esteem problem. They feel that chiropractic and chiropractors don't receive the respect and station that they deserve and that by legislating changes they can make people give the profession the respect that they feel it deserves. What they fail to see is that the public doesn't care how many tests, laws or penalties regulate a profession. The public only cares about their ability to receive the service they value and that they have come to expect.

I hope that you agree with the vast majority of chiropractors in the state of Wisconsin and let this bill die.

Sincerely,

Daniel D. Lyons DC, LCP (Hon)
President of the Alliance of Wisconsin Chiropractors



Wisconsin Chiropractic Association

521 E. Washington Avenue
Madison, WI 53703
Tel. (608) 256-7023 • Fax (608) 256-7123

November 19, 2003

To: All WCA Members
From: Sherry Walker, DC, President
Russ Leonard, Executive Director

Re: Allied Health and the WCA Legislation

About a month, ago we sent you a memo indicating that the WCA and Allied Health had reached agreement concerning the WCA legislation. After sending the memo, we heard from several members who questioned our judgment about discussing anything with Allied. After all, Allied's legal counsel was the author of "The Rest of the Story" which was a gross misrepresentation of our legislation. But, as happens from time to time, people forget the purpose of the WCA.

Our job is to protect your future. To do that, we need to involve everyone that has a point of view on every subject that affects you. Our board may agree or disagree with the point of view expressed but, a progressive and responsive organization attacks problems, it does not wait for the problem to attack them. So, Russ Leonard met with Allied's legal counsel, Steve Conway, DC, on behalf of our board. Since the communication with Allied has been a little rocky, to say the least, Leonard made sure that Conway had the authority to act on behalf of Allied and had him sign the notes at the end of the meeting.

We were pretty sure this would be enough of a foundation to build our fledging relationship but, as you are about to learn, it apparently was not. The following is a synopsis of the problems we have had since the "agreement". After you are finished reading about the problems, we want to tell you what we are going to do about them.

The problem

The WCA was unwilling to negotiate the language of the WCA legislative proposal with Allied Health.

Why?

- The overwhelming majority of Allied Health members are WCA members. These doctors are already represented through the board members they elect.
- The legislative proposal was created by the current board plus approximately 80% of those doctors that had served on the WCA board for the past 14 years.
- Allied Health was offered two representatives to the group that created the WCA legislative proposals. The current President of Allied Health declined the opportunity to participate. The other representative of Allied fully participated and supported the unanimous recommendations of this group.

What did the WCA do to resolve this problem?

WCA Executive Director, Russ Leonard, met with Allied's legal counsel, Steve Conway, DC, for 6 1/2 hours on October 17, 2003 at which time both parties signed a written agreement covering all unresolved issues. Initially, Conway stated that he had to check with Allied's President to determine if he had the authority to negotiate on Allied's behalf. After a phone call, Conway stated to Leonard that he had the authority to act on Allied's behalf and signed the agreement.

The problem

Once the agreement was signed, Allied sought to change the provisions regarding peer review.

Why?

Conway called Leonard and informed him that, after thinking about it, "Allied" was not comfortable with the revisions to the peer review language and wanted the peer review language removed. The fact that Allied had already agreed in writing did not seem to matter.

What did the WCA do to resolve this problem?

During the October 17th negotiations with Allied, Leonard had offered to delete the peer review section and address the issue of peer review through rulemaking only if the Department of Regulation & Licensing (DRL) had any problems with the language changes agreed to by the WCA and Allied. DRL had not raised an objection; yet, Allied wanted a change. In good faith and, despite the fact that there was a written agreement, the WCA agreed to drop the peer review language and address this issue through rulemaking even though DRL had raised no objection.

The problem

Senator Carol Roessler had set up a meeting for October 23rd between Allied, the WCA, and other interested parties to attempt to resolve the outstanding issues. Allied agreed to come to Madison early in the week of October 20th to do a "walk-around" with WCA lobbyist Pat Essie to announce the agreement to legislative leaders and to inform Sen. Carol Roessler that, for the purposes of Allied and the WCA, the meeting scheduled for October 23rd was not necessary. Allied did not keep their agreement to do the "walk-around" prior to the October 23rd meeting.

Why?

Conway would not explain his failure to keep this promise; however, an indication may be found in the next problem.

What did the WCA do to resolve this problem?

The WCA kept its commitment to attend the October 23rd meeting.

The problem

Lobbyist Tony Varda appeared at the October 23rd meeting representing "the chiropractic colleges and the ACA" on the "duty to refer" and the continuing education (CE) issues.

Why?

When Varda appeared at the meeting, he stated he was representing "the chiropractic colleges and the ACA" on the "duty to refer" and the CE issues. When pressed on who exactly he represented, he named 3 colleges and the ACA. The WCA contacted the named colleges and the ACA and learned that Varda did not represent any of them. Moreover, those that had a position on "duty to refer" explicitly rejected what Varda had stated was their position on the "duty to refer" issue.

"Coincidentally," the position that Varda represented on the "duty to refer" issue was nearly identical to that of Allied's before their agreement with the WCA (in which they agreed to support the WCA's position). It appears that after signing a written agreement with the WCA, Conway found a way to have Varda represent Allied's point of view on the "duty to refer" and the CE issues - thus getting around their agreement with the WCA.

What did the WCA do to resolve this problem?

The WCA called Conway to discuss what had occurred. There has been no response. The WCA continued to keep their end of the agreement.

The problem

this is very troubling

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The problem

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Have Assoc.
more cake stephnie

Senate Draft of the Proposed Chiropractic Bill

Section 16: Peer review

- Senate Bill Creates Barriers to Patient's ability to file complaints
 - Patient required to pay \$275.00 to file complaint to peer review panel (page 12 line 20)
- Senate Bill creates language to protect chiropractors that perform inappropriate services.
- Proposed peer review panel creates two separate and distinct disciplinary systems for chiropractors. (see attached flow chart)
- There have been no specific statistics presented by the proponents of this bill that the current Board of Examiners has failed to protect the public making this provision totally unnecessary.

Section 13: Continuing Education

- Proposed Senate language could discourage Chiropractic Colleges or Universities from applying for CE in Wisconsin.

Wking
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Section 11: Duty to Refer

- Proposed language is difficult if not impossible to enforce due to the subjective nature of the legislative wording. (page 8 lines 6-9)

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Section 17: listing of misconduct and penalties

- Proposed language takes away Board of Examiners ability to match the discipline to the misconduct by the chiropractor.

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It makes it cookie cutter
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Financial Barriers

Person Dale's Dist. Jim Rosemeyer Plattville

Senate Draft of the Proposed Chiropractic Bill

Section 16: Peer review

- **Senate Bill Creates Barriers to Patient's ability to file complaints**
 - Patient's bill must be over \$500.00 before patient can file complaint (page 12 line 10)
 - **Patient required to pay \$275.00 to file complaint** and is never reimbursed for the money even if complaint is correct. (page 12 line 20)
 - Patient required to pay \$750.00 to appeal initial paper review determination. (page 14 line 4)
- **Senate Bill creates language to protect chiropractors that perform inappropriate services.**
 - Proposed language includes a 50% standard. (page 13 line 19)
 - The chiropractor must have 50% or more of the services provided be inappropriate, unnecessary or of substandard quality before the reviewer, by statute, can find the chiropractor acted unprofessionally. *Thus, if a chiropractor bills inappropriately, but does this under 50% of the services, by statute, there is no action taken against the chiropractor.*
 - Proposed language limits who can report a chiropractor
 - Statute limits who can report to only a patient, chiropractor, insurer or the examining board (page 12 line 8)
 - This eliminates other persons or entities from the ability to report discovered misconduct by chiropractors.
- **Proposed peer review panel creates two separate and distinct disciplinary systems for chiropractors. (see attached flow chart)**
 - Proponents of the bill state that the patient may still submit complaints to the current Board of Examiners with no payment requirements
 - This analysis is flawed in that it creates two separate and distinct tracts of discipline similar to having two separate judicial systems.
 - Thus two chiropractors performing the exact same misconduct could receive vastly different disciplines based solely on which system they are placed in.
- **There have been no specific statistics presented by the proponents of this bill that the current Board of Examiners has failed to protect the public making this provision totally unnecessary.**

Section 13: Continuing Education

- **Proposed Senate language could discourage Chiropractic Colleges or Universities from applying for CE in Wisconsin.**
 - Please review attached letters from Palmer, Logan and NWCC which outline the problems and concerns with this proposed legislation.
 - The two major issues are the mandatory withdrawal or withhold of all CE course sponsored by the organization for 90 days (page 10 line 12) and delegation of responsibilities.
 - Modifications from Assembly version do not correct the major issues or concerns presented by the schools.

Section 11: Duty to Refer

- Current "duty to inform" adequately protects the public
- Proposed language is difficult if not impossible to enforce due to the subjective nature of the legislative wording. (page 8 lines 6-9)

Section 17: listing of misconduct and penalties

- Proposed language takes away Board of Examiners ability to match the discipline to the misconduct by the chiropractor.

Suppose to have mtg. on the 20th.

Patients can appeal

Now Patients can appeal 3 paper reviews

wk camp

Paper review 50% or more < = none inappropriate not

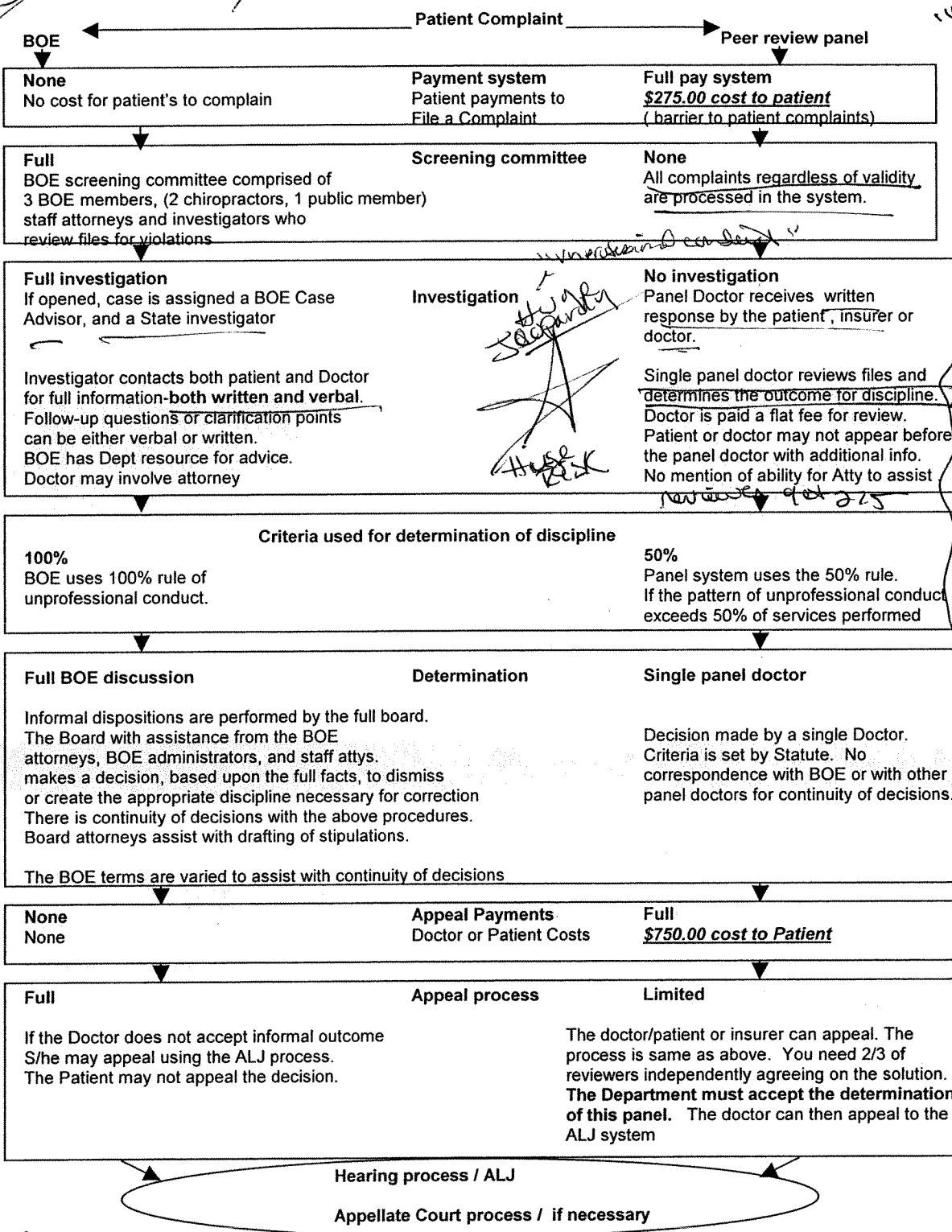
even into 60's dual industry < 50 = ok // < 275 = ok // through

U can't set up 2 diff sets of Chiro Practice who can report to pay...

dual process
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Peer Review Panel System



Issues:

- Multiple financial Barriers to reporting doctors for unprofessional conduct.
- Two different sets or tracks of regs that prevents due process for accused doctors. Two doctors doing the same complaint could receive vastly different discipline based solely upon which track they are on.
- Paper review does not properly work for discipline matters. 50% standard is flawed.
- Payment of the \$275.00 and \$750.00 per case goes to the review panel doctors. BOE appointees are paid \$25 per month for attendance at the BOE meetings.

"moved too slow"
 something bad fast track

no continuity different treatment

Ins will go through way "target" "not fair"

Ins to review has then decision in favor of Ins @

1 Dr. Thunders Inspector Dr. of Complaints

BAD

Eval unnecessary procedure who consults appters puts every chiro in jeopardy again.

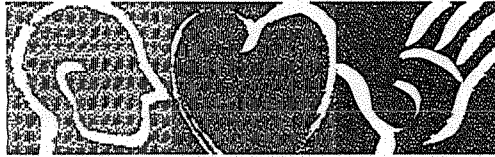
Some's level of reputation

pass same way

Investigation huge jeopardy huge risk

reviewed per 275

Howey? Both on way comp reviewed - paid per hr. X to review same w/ \$275. for ea case requires (13% - 2 hrs)



the Palmer Institute for Professional Advancement

Assemblyman Gregg Underheim
Chair, Health Committee
Room 11N, State Capitol
POB 8953
Madison, WI 53708

August 19, 2003

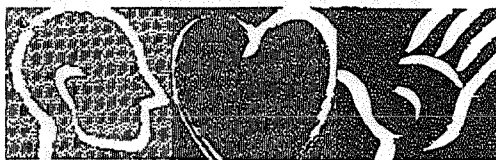
Re: Proposed changes to Wisconsin Statute Section 115.446.025 and 115.446.035
concerning the approval of providers of continuing education for chiropractors

Dear Mr. Underheim:

Thank you for your review of this matter. We are, once again, writing on behalf of the Palmer Institute for Professional Advancement (PIPA), a provider/sponsor of continuing education for chiropractors nationwide. PIPA represents the Continuing Education Division of the Palmer Chiropractic University System (PCUS), which also includes Palmer College of Chiropractic Davenport, Palmer College of Chiropractic West, Palmer College of Chiropractic Florida, Palmer Center for Chiropractic Research and the Palmer Foundation for Chiropractic History. As the fountainhead of chiropractic, a recognized leader in the profession, and a well-respected, CCE-accredited institution, PCUS is committed to do whatever it can to promote fair and reasonable regulation of our profession to ensure the continuing quality of chiropractic practitioners and protect public safety both on the national and state levels. It is from this commitment that we write to you today.

After it was brought to our attention that the Wisconsin Chiropractic Association (WCA) had proposed significant changes to the content and wording of the Wisconsin statutes regarding the regulation and approval of continuing education providers we submitted a letter with our concerns. We'd like to reiterate that we work closely with the Wisconsin Board of Chiropractic Examiners as a provider and sponsor of other providers of chiropractic continuing education. We do continue to foresee some potentially harmful outcomes if these proposed changes are implemented, even with some of the rewording proposed in the August 6, 2003 document.

Our concerns stem from the possible perception that, as written, this proposal seems to exhibit a blatant favoritism toward in-state organizations (predominately the WCA) and that subsection (2) (a) may have been written in a fashion that may border on restraint of trade. This would create an increased and inappropriate burden on the chiropractic colleges, already established providers of high quality continuing education



the Palmer Institute for Professional Advancement

Mr. Greg Underheim
 May 30, 2003
 Page 2

programs for doctors in the field. Since the current laws regarding CE seem to have served the state and the profession well for many years, we first question why the WCA feels the need to try to change them at all. We have every confidence that the Wisconsin Board of Chiropractic Examiners has, in the past, applied appropriate standards of excellence in their approval of continuing education courses for chiropractors, and that they would continue to do so in the future.

We respectfully request that your office work to reject the proposed changes to this statute, or at the very least, consider modifications to the bill that are of specific and deep concern to us. In each case, we have included the wording as it appears in the bill, why we feel it is unacceptable, and a rewording option for each section in question.

Section 13 446.025

As proposed:

#2(a) The examining board may not approve a continuing education course unless the organization that sponsors the course satisfies all of the following:

1. The organization is the Wisconsin, American, or International Chiropractic Association or its successor, a college or university

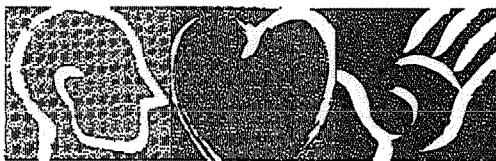
Again, our concerns stem from the perception that, as written, this wording seems to exhibit a blatant favoritism toward the WCA and excludes any new organizations or other state organizations, and is also limiting to which national organizations will be accepted. To fully embrace excellence in our profession we should not discriminate against other chiropractic organizations that could have quality programming to offer. The WI Board should be empowered to make that judgment call, not a state association with self serving interests at the root of these proposed changes.

We suggest the following rewording:

#2 (a) 1 The organization is a state, national or international chiropractic organization that is approved by the board or that the board chooses to consider and approve, a college or university

As proposed:

#3 If an organization that sponsors a course approved under sub. (2) fails to satisfy any requirement under sub. (2) (a) 2-5 the examining board shall, for a period of 90 days, withdraw or withhold approval of all continuing education courses sponsored by the organization. If an organization to whom satisfaction of any requirement under sub. (2) (a) 2-5 is delegated under sub. (2) (b) fails to satisfy the requirement, the examining board shall, for a period of 90 days, withdraw or



the Palmer Institute for Professional Advancement

Mr. Greg Underheim
May 30, 2003
Page 3

withhold approval of all continuing education courses sponsored by the organization that made the delegation.

This section has only diminished the last proposal from 2 years to 90 days. It might still be considered draconian in its present wording. It would seem to deny due process and to strip the board of having the authority to make reasonable exceptions, and/or allow organizations to remedy a situation without an automatic 90 day suspension.

To our knowledge, no other state board is statutorily required to invoke such an automatic, punitive response to problems that might arise in the normal conduct of continuing education programs. Typically boards are granted the power to revoke approval of an organization as they deem appropriate, for example, in a case where a provider/organization is not willing to remedy whatever concern the board has with a particular course. Furthermore, a state board must give an organization or provider a fair opportunity to work out any possible problems before such sanctions are applied.

We suggest the following rewording:

#3 If an organization that sponsors and/or delegates requirements for a course approved under sub. (2) fails to satisfy any requirement under sub. (2) (a) 2-5, the examining board will work with the organization through due process to correct the situation. If the organization fails to correct the situation in a reasonable period of time, the board may then withdraw or withhold approval of all continuing education courses sponsored by the organization for a time period to be determined by the board.

Thank you for your time and consideration in this important matter. Please don't hesitate to contact us if we can provide any clarifications or answer any additional questions regarding Palmer's stance on this issue.

Respectfully submitted,

David B. Koch DC

David B. Koch, D.C.
Vice President of Professional Affairs
Palmer Chiropractic University System

&

Laurie L. Hogard

Laurie L. Hogard, D.C.
Director of Continuing Education
Palmer Institute for Professional
Advancement



NORTHWESTERN
HEALTH SCIENCES
UNIVERSITY

22 May 2003

Assemblyman Gregg Underheim
Chair, Health Committee
Room 11N, State Capitol
POB 8953
Madison, WI 53708

In reference to proposed legislation to amend Wisconsin Statute Section 115.446025

Dear Mr. Underheim,

Northwestern Health Sciences University is a small non-profit natural healthcare educational institution in the Twin Cities area of Minnesota. We provide professional training programs for doctors of chiropractic, acupuncture and Oriental medicine providers, and professional massage therapists.

In the course of fulfilling our institutional mission element of education, we offer a broad series of continuing and post-doctoral professional education programs, lectures, seminars, diplomat (board certification) training in distinct specialties, and other opportunities for natural healthcare professionals to maintain and upgrade their clinical skills. We offer these programs in Wisconsin a number of times a year, and cooperate with the Wisconsin Board of Chiropractic Examiners to ensure that a quality experience is provided and appropriately accounted for as the Board seeks to ensure that Wisconsin doctors of chiropractic meet their professional and ethical obligations within the public trust. In the last biennium (2002-03) over 600 Wisconsin doctors of chiropractic took continuing education seminars through Northwestern's auspices or co-sponsorship.

We frequently co-sponsor or contract to offer these programs with other parties: other chiropractic institutions, professional associations, state associations, and the like. These relationships are important to Northwestern and important to the profession.

We have become aware of proposed changes to the Wisconsin statutes that govern the ability of organizations to provide continuing education in Wisconsin. We have not been made aware of any shortcomings in the current language. We do, however, have some significant concerns about these proposed changes we would like to raise with you and your committee.

Under Sub. (2), we believe that a new standard for providing faculty to teach these seminars is unnecessary, and that restrictions on appropriate delegation of proctoring duties is an unreasonable restraint of trade. We believe the effect would be to deter any organization other than the Wisconsin Chiropractic Association from offering seminars within the state. Northwestern takes its responsibilities very seriously in these matters, and we believe our current monitoring practices

provide more than adequate assurance to the Board of Examiners that our transcripts that certify attendance reflect actual attendance records.

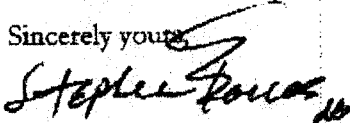
Further, two-year penalty for violation of this provision is excessive and unfair. Provisions for remediation do not exist.

Proposed section 446.035 offers revisions of the peer review process. In this section, we believe that an open selection managed by the Wisconsin Board of Chiropractic Examiners offers the most fair selection process, as well as the only appropriate source of peer review control.

In summary, we believe that current Wisconsin statutes offer an appropriate and adequate structure to ensure that the safety and trust of the public is preserved.

Please let us know if we can provide any further assistance or information to you.

Sincerely yours,



Stephen Bolles, DC

Vice President for Institutional Advancement

Cc: Ms. Diana Berg, *Director, Continuing Education*
Dr. Alfred Traina, *President*
Wisconsin Board of Chiropractic Examiners

American
Chiropractic
Association

DEDICATED TO IMPROVING THE HEALTH AND WELLNESS OF AMERICA, NATURALLY.

June 18, 2003

Terrance K Freitag, DC
ACA State Delegate
714 4th Ave W
Monroe WI 53566-1039

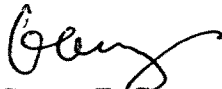
Re: Section 115 – Continuing Education

Dear Terry:

This is in response to your recent request for ACA's commentary on the above-referenced portion of proposed Wisconsin legislation affecting continuing education. We are concerned that the proposed legislation would hamper our ability to co-sponsor continuing education programs with organizations that are not listed as an organization in par. 446.025(2)(a)1. While we understand that the ACA may sponsor programs for our Wisconsin members and may delegate certain responsibilities under the proposal (as outlined in par. (a) 2 to 5), it is unclear to us whether those responsibilities may be delegated to any "organization" other than those identified in par. (a)1. For this reason, we believe the proposal as currently drafted would hamper our ability to provide continuing education programs to our members in Wisconsin.

Thank you for your inquiry and the opportunity to voice the concern of this Association.

Sincerely,



Garrett F. Cuneo
Executive Vice President

GFC/sw

Cc: ACA Board of Governors



American Chiropractic Association

DEDICATED TO IMPROVING THE HEALTH AND WELLNESS OF AMERICA, NATURALLY.

July 7, 2003

Terrance K Freitag, DC
714 4th Ave W
Monroe WI 53566-1039

Dear Terry:

Thanks for sending me a copy of Russ Leonard's letter of June 27th responding to ACA's position regarding proposed legislation on continuing education. You asked me to comment on the closing paragraph of his letter.


He states: "We are very disappointed that some who are in position of great authority would prefer to use the integrity of chiropractic post graduate education to be further eroded rather than accept their institutional responsibility. AB 356 strengthens the credibility of chiropractic post graduate education and we hope that, upon reflection, the ACA will reconsider its position."

Before I respond to this issue, let me comment on some of his earlier allegations where he seems to imply that financial considerations are behind our position on this legislation. This statement is particularly disconcerting because of my understanding that the Wisconsin Chiropractic Association makes a significant profit in continuing education. Yet we aren't questioning the motives of the Wisconsin Association in promoting this legislation. We would appreciate it if Mr. Leonard does not question ours.

For the record, we cosponsor with the Michigan Chiropractic Society a continuing education program annually when they hold their seminar in the peninsula area of the state. We understand that a number of Wisconsin doctors attend this program. We have been doing this cosponsorship for at least eight years, and at no time have we received compensation from the Society. There has been at least one occasion when we have required that the Society change its speaker before we would approve it. We take our responsibilities seriously. The proposed legislation, unless it is amended to reflect our position, would not allow us to continue cosponsoring the program with the Michigan Society. We don't think this would be fair to the Michigan Society or to the doctors from Wisconsin who decide to take this seminar.

Thanks for the opportunity to comment.

Sincerely,

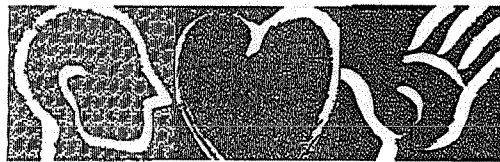


Garrett F. Curleo
Executive Vice President

GFC/sw



1701 Clarendon Boulevard, Arlington, VA 22209
(703) 276-8800 Fax: (703) 243-2593 www.acatoday.com Email: memberinfo@amerchiro.org



the Palmer Institute *for* Professional Advancement

Assemblyman Gregg Underheim
Chair, Health Committee
Room 11N, State Capitol
POB 8953
Madison, WI 53708

May 29, 2003

Re: Proposed changes to Wisconsin Statute Section 115.446.025 and 115.446.035
concerning the approval of providers of continuing education for chiropractors

Dear Mr. Underheim:

We are writing on behalf of the Palmer Institute for Professional Advancement (PIPA), a provider/sponsor of continuing education for chiropractors nationwide. PIPA represents the Continuing Education Division of the Palmer Chiropractic University System (PCUS), which also includes Palmer College of Chiropractic Davenport, Palmer College of Chiropractic West, Palmer College of Chiropractic Florida, Palmer Center for Chiropractic Research and the Palmer Foundation for Chiropractic History. As the fountainhead of chiropractic, a recognized leader in the profession, and a well-respected, CCE-accredited institution, PCUS is committed to do whatever it can to promote fair and reasonable regulation of our profession to ensure the continuing quality of chiropractic practitioners and protect public safety both on the national and state levels. It is from this commitment that we write to you today.

It has been brought to our attention that the Wisconsin Chiropractic Association (WCA) has proposed significant changes to the content and wording of the Wisconsin statutes regarding the regulation and approval of continuing education providers. We have worked with the Wisconsin Board of Chiropractic Examiners as a provider and sponsor of other providers of chiropractic continuing education, and are not aware of any shortcomings of the current statute. We do, however, foresee some potentially harmful outcomes if these proposed changes are implemented.

Our concerns stem from the possible perception that, as written, this proposal seems to exhibit a blatant favoritism toward in-state organizations (predominately the WCA) and that subsections (2) (a) and (b) have been written in a fashion that may border on restraint of trade. This would create an increased and inappropriate burden on the chiropractic colleges, already established providers of high quality continuing education programs for doctors in the field. Since the current laws regarding CE seem to have served the state and the profession well for many years, we first question why the WCA

Mr. Greg Underheim
May 30, 2003
Page 2

feels the need to try to change them at all. We have every confidence that the Wisconsin Board of Chiropractic Examiners has, in the past, applied appropriate standards of excellence in their approval of continuing education courses for chiropractors, and that they would continue to do so in the future.

We respectfully request that your office work to reject the proposed changes to this statute, or at the very least, consider modifications to the following sections that are of specific and deep concern to us. In each case, we have included the proposed statute, why we feel it is unacceptable, and a rewording option for each section in question.

Section 115 446.025

As proposed:

#2(a) 2 The organization selects the instructor for the course. If the instructor is a member of the undergraduate or postgraduate faculty of a college or university of chiropractic, the organization shall provide a written statement to the examining board verifying that the instructor has been appointed by the college or university in accordance with the accreditation standards of the Council on Chiropractic Education or its successor.

This wording is confusing and does not address the colleges themselves, or how colleges who partner with other organizations would handle the request. It also doesn't address if a chosen instructor is not a member of the post-graduate faculty of a college and what steps would have to be taken to gain approval in such instance. The rule as written also strips the board of any reasonable decision-making power concerning special circumstances.

We suggest the following rewording:

#2 (a) 2 State, national, or international chiropractic associations (or their successors) must provide proof to the board that a chosen instructor holds current post-graduate faculty status at a college or university of chiropractic approved by the examining board, a college or university of medicine or osteopathy accredited by an accrediting body listed as nationally recognized by the secretary of the federal department of education, or other entity as approved by the board to certify the speakers credentials. Programs presented by, or in partnership with, a CCE-accredited chiropractic college do not have to submit proof of instructor status unless specifically requested to do so by the board.

As proposed:

#2(a) 3 The organization establishes objectives of the course, prepares course materials, evaluates the subject matter prepared by the instructor, conducts a post-course evaluation, maintains course transcripts, and performs financial administration necessary for the course.

Mr. Greg Underheim
May 30, 2003
Page 3

Almost all colleges engage in professional co-sponsorships. Palmer has co-sponsorships with such organizations as Gonstead, Activator, Footlevelers, and other well-respected entities in our profession. The way this is worded will negate these relationships. In many cases, PIPA doesn't physically take the registrations, or money, nor do we print the notes in-house. Also, it is often a partner/content expert that prepares the course materials, and not staff at the college. We require the submission of a detailed syllabus, which allows us to review course content.

We suggest the following rewording:

The organization must evaluate and approve the objectives and syllabi of all submitted courses, maintain course transcripts for attendees, conduct a post-course evaluation, and perform financial administration necessary for the course, or delegate one or more of those responsibilities to a partnering organization.

As proposed:

#2(a) 4 The organization proctors course attendance through the instructor or an officer, director, or employee of the organization.

PCUS fully agrees that adequate monitoring must be present, but this wording is very limiting. Also, it is not feasible, nor reasonable, to ask an instructor to monitor a class when he/she is trying to teach. It is also not reasonable to ask schools to give up staff time and expense to supply a monitor for co-sponsorships held across the country (these can number over 100 per year!). Currently we give our co-sponsoring groups specific guidelines for monitoring attendance that they must follow, and allow them to provide the staff to oversee it. For our own programs that are held out-of-area, we ask one of our trusted area alumni or an attending doctor to oversee attendance, following our guidelines. This has worked effectively for years.

We suggest the following rewording:

The organization must ensure that the course has an adequate monitoring system in place to proctor course attendance.

As proposed:

#2(b) Notwithstanding par. (a), the examining board may approve a continuing education course sponsored by an organization that does not satisfy a requirement under par. (a) 2-5 if the organization delegates satisfaction of the requirement to another organization and the other organization satisfies the requirement.

This section is both unnecessary and confusing. This entire section should be deleted. Stipulations can be adequately covered in 2(a). *See rewording in 2(a) 3.*

We suggest deleting this section entirely.

Mr. Greg Underheim
May 30, 2003
Page 4

As proposed:

#3 If an organization that sponsors a course approved under sub. (2) (b) fails to satisfy any requirement under sub. (2) (a) 2-5 the examining board shall, for a period of 2 years, withdraw or withhold approval of all continuing education courses sponsored by the organization. If an organization to whom satisfaction of any requirement under sub. (2) (a) 2-5 is delegated under sub. (2) (b) fails to satisfy the requirement, the examining board shall, for a period of 2 years, withdraw or withhold approval of all continuing education courses sponsored by the organization that made the delegation.

This section might be considered draconian in its present wording. It would seem to deny due process and to strip the board of having the authority to make reasonable exceptions, and/or allow organizations to remedy a situation without an automatic 2 year suspension. To our knowledge, no other state board is statutorily required to invoke such an automatic, punitive response to problems that might arise in the normal conduct of continuing education programs. Typically boards are granted the power to revoke approval of an organization as they deem appropriate, for example, in a case where a provider/organization is not willing to remedy whatever concern the board has with a particular course. Furthermore, a state board must give an organization or provider a fair opportunity to work out any possible problems before such sanctions are applied.

We suggest the following rewording:

#3 If an organization that sponsors and/or delegates requirements for a course approved under sub. (2) (b) fails to satisfy any requirement under sub. (2) (a) 2-5, the examining board will work with the organization through due process to correct the situation. If the organization fails to correct the situation in a reasonable period of time, the board may then withdraw or withhold approval of all continuing education courses sponsored by the organization for a time period to be determined by the board.

Section 115 446.035 Peer Review

As proposed:

#1(a) Appointment of a peer review panel. (a) The examining board shall appoint a peer review panel of no fewer than 6 nor more than 12 members, pursuant to par.

(b).

(b) A peer review panel may be selected from a list of nominees that is submitted every 24 months by the Wisconsin Chiropractic Association. If the WCA fails to submit a list of nominees, the examining board may solicit nominations for the peer review panel pursuant to a process developed by the department.

(c) A nominee under par. (b) shall meet all of the following requirements;

1. Possess a valid license to practice chiropractic in this state.

Mr. Greg Underheim
May 30, 2003
Page 5

2. Have no less than 10 years in practice for a minimum of 20 hours per week within the preceding 2 years of his or her nomination for the peer review panel or, if the nominee is not in active practice at the time of his or her nomination...

This section may expose the Wisconsin Board of Chiropractic Examiners to possible accusations of inappropriate collusion with a private, professional organization, and we are concerned that it won't stand up to legal review. It may appear to exclude doctors who are not WCA members from peer review opportunity, which in turn gives the appearance of bias to the board. The board should retain the right to choose a panel from the pool of all qualified chiropractic practitioners. The WCA (and any other state organizations) should be allowed to submit recommendations, but those recommendations should not constitute either the final or the favored slate from which the board can choose.

We suggest the following rewording:

Peer Review (1) Appointment of peer review panel. (a) The examining board shall appoint a peer review panel of no fewer than 6 or more than 12 members, pursuant to par. (b).

(b) The examining board shall solicit nominations for the peer review panel pursuant to a process developed by the department. This may include, at the discretion of the board, selections from a list of nominees that may be submitted by any state association.

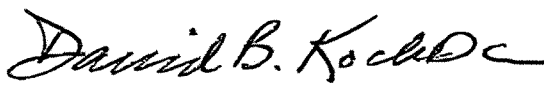
(c) A nominee under par. (b) shall meet all of the following requirements;


- 1. Possess a valid license to practice chiropractic in this state.**
- 2. Have no less than 10 years in practice for a minimum of 20 hours per week within the preceding 2 years of his or her nomination for the peer review panel or, if the nominee is not in active practice at the time of his or her nomination...**

ADD- OR possess qualities or experience deemed appropriate by the board to grant appointment.

Thank you for your time and consideration in this important matter. Please don't hesitate to contact us if we can provide any clarifications or answer any additional questions regarding Palmer's stance on this issue.

Respectfully submitted,


David B. Koch, D.C.
Vice President of Professional Affairs
Palmer Chiropractic University System


& Laurie L. Hogard, D.C.
Director of Continuing Education
Palmer Institute for Professional
Advancement

②

● Rather trust attorneys than.

Not a professional

Have no standards guidelines serving
Cases.

Can't be done in

Harvey -

No IDing imp of Doctor or Patient
taken all out - unbiased Peer review.

Balance = 30 mo sunset. 2 1/2 yr.

we have problems; do nothing.

Dept Unp take too long.

● How can we determine.

By don't lead our prof will die.

People aren't honest about their concerns

OUR Institutions will not dev.

Standards or protocols —

1st of guidelines — 10 yr. ago

Russell - 13 yrs

35 former mbrs —

Family solve dept.

● Dales Draft = changed status —

Have to tick people.

③

Chris lack of discipline - Nothing happens -

Reasons - give a legal - they'd do it

Chris Co's - taking some
Sleep an uncredited and X reg.

↳ being - sex abuse case

Patient abused -

↳ 2 yrs later when
patient finally moved on - justice
Serial abused.

↳

↳ Doctor reviews - ? Determines
allow fully trained & qualified.
12 doctors said you're wrong.

allied - 13 members happy to
refer to all.
allow members

~~parent~~ largest group chiro. Mgmt is
opposed continuing educ portals = stave

479 contact
292

C E D

joined
rules

↳ Chris W. 9 yrs ago
Colleges lectures using this med / other pathic
newly responsible
Trade group
Colleges
I can get pay for a
less reputable,
55 offices - new grads

Dr. Rosemary

Steve Conway - allied health

1175 - 95% Chiro

Must take ~~cost~~ effective measures.

Fired from Walmart last year.

~~as a~~ Fraud; Abuse / sexual assaults - 2-3x
wk - sexual abuse.

Things Chiro's do to ~~beat~~ the system
20% on a regular basis billing improperly

Our colleges -
not trust us

interprofessionals vs Med Doc.

Last yr convened strategic planning
people (ever venue their board)

35
unanimously
including
some
from
allied
health

No other State Assoc. will do
25% of mbrs might be lost

~~current~~ board agreed w/ bit into

CRIS
CRIS
CRIS

~~not~~ ^{over} Soc members. - our membership
trustees - our profession is bad

Do u know any Chiro who ~~is~~ ^{is} ~~not~~ ^{not} ~~pro~~ ^{pro}
Unanimous - they did

85 Chiro - unattribably opposed.

Harvey Storm - IME's

Dissate
Prices

Halbur, Jennifer

From: Asbjornson, Karen
Sent: Monday, October 13, 2003 8:23 AM
To: Halbur, Jennifer; Halbur, Jennifer
Subject: New Forward Contact Ownership and Assignment

Constituent: Dr. Kimberly Johnson Thiel (44934)
4566 Island View Dr
Oshkosh, WI 54901-1309

Home: 920-426-0524
Office: 920-426-4200

Owner: Halbur, Jennifer
Assigned: Halbur, Jennifer
Summary: Chiro bill comments

Issue:
Position:
Status: Pending
Contact Type: Phone Call
Description: Sund 1:22 V-Mail:

Kim Johnson Thiel - Got your letter dated Oct. 6 regarding upcoming chiropractic bill in your committee. She has been out of town and out of the office. You asked for her input and most of the bill she likes but she specifies what exactly she likes and dislikes below. Director Russ Leonard is really pushing it.

Things she likes:

1. Unprofessional conduct
2. Technique limitations and continuing education like
3. Take delegation and referral

Item she is iffy on:

4. Not crazy about delegating to LPN etc.

Item she does NOT like:

5. Do not like nutritional supplements - She feels she spent a lot of time on chiro education and doesn't feel this is necessary

The last two items of the five caused the most uproar when there were meetings held on the bill.

Halbur, Jennifer

From: Asbjornson, Karen
Sent: Monday, October 13, 2003 8:23 AM
To: Halbur, Jennifer; Halbur, Jennifer
Subject: New Forward Contact Ownership and Assignment

Constituent: Dr. Kimberly Johnson Thiel (44934)
4566 Island View Dr
Oshkosh, WI 54901-1309

Home: 920-426-0524
Office: 920-426-4200

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Item she does NOT like:

5. Do not like nutritional supplements - She feels she spent a lot of time on chiro education and doesn't feel this is necessary

The last two items of the five caused the most uproar when there were meetings held on the bill.

*my
conclusion*
Russ has best interest - Go w/ him over
Dr. Conway.

She was agreeable to removing "duty to refer"

NOV 20 2003



KENNY CHIROPRACTIC HEALTH CENTER

*D.G. Kenny, D.C.
Kay K. Secrest, D.C.*

1421 Lake Street
Algoma, WI 54201-1497
Telephone: (920) 487-3832
FAX: (920) 487-5809

November 16, 2003

Senator Carol Roessler
8 South, State Capitol
PO Box 7882
Madison WI 53707-7882

Dear Senator Roessler:

I am voicing my concern about Russ Leonard. I am a member of the Wisconsin Chiropractic Association and I believe Mr. Leonard has gone beyond proper boundaries and is usurping the legal representation of the people of Wisconsin and the Wisconsin Board of Chiropractic Examiners.

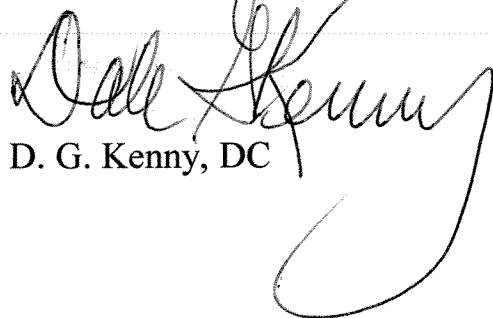
Chiropractors already refer out to other providers as necessary. It's our moral and ethical responsibility to do so. To force another law would require chiropractors to perform a medical diagnosis instead of a chiropractic one.

The Wisconsin Supreme Court and Appeals Court both established case law that is to make a medical diagnosis, such as in the Grayson, Hintz and Morikubo and other cases are illegal for chiropractors. Chiropractors are only to make chiropractic diagnosis. This would muddy the waters. I think this is better left alone.

Please Vote against this arbitrary and capricious action of Mr. Leonard.

Sincerely,

KENNY CHIROPRACTIC HEALTH CENTER


D. G. Kenny, DC

Halbur, Jennifer

From: Kurtz, Hunter
Sent: Monday, November 10, 2003 5:47 PM
To: Halbur, Jennifer

Dr. Ostrov from Madison, director Group Health Cooperative fro South Central Wisconsin. Encouraging Sen. Roessler to vote no 275 until duty to refer section is removed. 251-4156

Don Wik, M.D. (also a chiropractor)
221 S. High Pt Rd # 332-E
Madison, WI
53717
Cell: 608-358-1961

Opposed to
Duty to
Refer
Language

Halbur, Jennifer

SB275

From: michael.heifetz@deancare.com
Sent: Monday, November 10, 2003 10:48 AM
To: jennifer.halbur@legis.state.wi.us
Subject: Senate Committee on Health, Children, Aging and Long Term Care Committee Hearing

Good morning. Thanks for the notice. Any plans you can share on this bill? Particularly, we share the concerns of the WI Medical Society regarding the "duty to refer". We oppose provisions in the bill that would give chiros the duty to refer. As discussed in the WI Supreme Court decision in Kerkman v. Hintz, "Because a chiropractor is not licensed to make such a determination, we hold that a chiropractor does not have a duty to refer a patient who is not treatable through chiropractic means to a medical doctor."

The WI Court of Appeals also ruled that chiropractors have no duty to recognize medical problems. To do so "would require chiropractors to make medical determinations which, under Wisconsin law, they are not licensed to make."

This information is from the WI Medical Society testimony on this bill, which is far more eloquent this email.

Thanks. And no, I am not trying to be a pain on every bill in your committee!

Michael Heifetz
Director of Governmental Affairs
Dean Health System/SSM Health Care of Wisconsin
Phone: (608) 250-1225
Fax: (608) 250-1020
Email: michael.heifetz@deancare.com
----- Forwarded by Heifetz_Michael_G/DBO/ADM/DHS on 11/10/2003 10:33 AM

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To: *Legislative All Assembly
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cc: "'pessie@patrickessie.com'"
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Subject: Senate Committee on

Senate

EXECUTIVE SESSION

Committee on Health, Children, Families, Aging and Long Term Care

The committee will hold an executive session on the following items at the time specified below:

Tuesday, November 11, 2003

9:00 AM

411 South

Senate Bill 275

Relating to: the definition of the practice of chiropractic; chiropractic evaluations, treatments, and referrals to physicians; unprofessional conduct

by chiropractors; delegations by chiropractors; continuing education for chiropractors; nutritional guidance provided by chiropractors to patients; granting rule-making authority, and providing penalties.

By Senators Schultz, Breske, Carpenter, Plale and M. Meyer; cosponsored by Representatives Freese, Hines, Vrakas, LeMahieu, Kreibich, Kestell, Musser, Van Roy and Hahn.

Senator Carol Roessler
Chair

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Thank you.

SB 275

• **Senate Bill 275...chiropractor bill**

- As you know, when you were in Caucus the week of the 20th, I met with Laura Rose, Eileen (Schultz's office), Russ Leonard, Pat Essie, Dr. Conway and Tony Varda.
- The WCA (Russ Leonard) and Allied Health (Dr. Conway) worked out a compromise. Senator Schultz is going to have this drafted.
- Most of the discussion at this meeting centered around concerns raised by Tony Varda (he was representing, I think unofficially, the American Chiropractic Institute and a few chiropractic colleges).
- Tony has concerns about the "duty to refer" language in the bill and the continuing education section of the bill. Laura Rose and I both thought you may share Tony's concerns regarding the "duty to refer" language.
- Tony has requested a meeting with you. I suggested to Sarah that Pat Essie, Russ Leonard and Eileen (Schultz's office) also be there so that you can hear both sides at once.

I am

If you are comfortable with the WCA/Allied Health compromise - it would not be necessary to meet with Tony.

WCA would like the bill to be executed on floor next week.

11/5/03!
Told CE that
Duty to Refer is
a comp

Jennifer
"duty to refer" is out in
the compromise -
leave it out. JSD