

**Jim Doyle**  
Governor

**Donsia Strong Hill**  
Secretary

**WISCONSIN DEPARTMENT OF  
REGULATION & LICENSING**



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**Testimony on AB 356**

**Before The  
ASSEMBLY COMMITTEE ON HEALTH  
Representative Gregg Underheim, Chair  
417 North, State Capitol  
May 27, 2003**

**Statement of Deputy Secretary Mary Woolsey Schlaefter  
Representing  
The Department of Regulation and Licensing**

Good afternoon, Chairman Underheim and members of the Committee. Thank you for the opportunity to appear today. I am the Deputy Secretary for the Department of Regulation and Licensing ("Department"). I appear on behalf of the Department to comment on AB 356, regarding the regulation of the chiropractic profession in Wisconsin.

As you are aware, the Department is an umbrella agency, which, among other things, provides administrative services and support for 25 professional regulatory boards, including the Chiropractic Examining Board ("Board").

AB 356 is ambitious in scope. The legislation proposes changes in ten significant areas, including adding another administrative layer to the determination of whether a chiropractor has engaged in professional misconduct and adding more requirements relating to continuing education for chiropractors.

The proposed legislation was initiated by the Wisconsin Chiropractic Association ("WCA"), without input from either the Board or the Department. The Chairman of the Board has appeared before the Committee to provide the Board's comments on the proposal. I am here to comment on behalf of the Department. I will focus my comments on the impact the proposal would have on the Department's role in the regulation of the chiropractic profession.

Although the proposal contains a few items that the Department, as well as the Board, agree would benefit consumers of chiropractic services in Wisconsin, there are other provisions that the Department, as well as the Board, oppose as merely serving the interests of the WCA; not the interests of public protection.

I am prepared to answer questions about each of the items in the proposed legislation. However, in the interest of communicating the Department's key points efficiently, I would like to focus my comments on the two items in the proposed legislation that most concern the Department.

### Peer Review Panel

The first item of concern is the proposal to establish a system of peer review for complaints against chiropractors. The proposal would create another procedural layer in the processing of complaints against chiropractors, which would require significant additional staff resources in the Department that are not now available and are not adequately provided for in the proposal.

The Department strongly opposes the peer review proposal for a number of reasons. **First**, it is duplicative. The peer review panel would be charged with determining essentially the same issues as the existing Board, *i.e.*, whether a chiropractor has engaged in professional misconduct. **Second**, the proposal would give the WCA unprecedented and unwarranted influence over the disciplinary process by limiting membership on the peer review panel to chiropractors who are nominated by the WCA and making the determination of the panel binding on the Department. **Third**, the proposed process, which is limited to a paper review, is inadequate to fully and fairly decide issues of professional misconduct and disadvantages complainants who do not write well or have access to essential documents. **Fourth**, access to the process would be limited to complainants who could afford the initial \$250 filing fee and \$750 appeal fee. (Out of the initial \$250 filing fee, \$235 would be paid to the person designated as the peer reviewer. By contrast, members of the Board are reimbursed just \$25 per day. The remaining \$15 would go to the Department for administrative support). **Finally**, the proposal would place significant burdens on the Department without providing the resources necessary to meet those burdens. The added responsibilities would include advising complainants and respondents about the process, collecting and processing the initial complaint, notifying each patient, chiropractor and insurer named in the complaint, collecting responses from each person named in the complaint,

redacting information from the documents, disseminating the documents to the peer review panel member and disseminating the decision to all patients and parties named in the complaint. The costs of providing these and other required services would far exceed the \$15 fee provided to the Department under the proposal.

### **Continuing Education Requirements**

The proposed legislation also includes a number of additional requirements relating to continuing education. The WCA is a major provider of continuing education for chiropractors in Wisconsin. As such, the WCA has a vested interest in tightening the requirements for continuing education to increase demand for their services.

Chiropractors are currently required to complete 40 hours of continuing education every two years. Existing rules define what entities may sponsor continuing education courses and requirements of sponsorship. The proposed legislation would codify existing requirements in statute. The legislation would also require the Department to deny approval of all courses sponsored by an organization for two years, if the sponsor violates any of the specified requirements, regardless of the nature or seriousness of the violation. The Department opposes this proposal. The Department views the proposal as unnecessary and unduly harsh. The Department believes this is self-serving legislation aimed at limiting competitors of WCA in the provision of continuing education.

The proposed legislation also includes various training and reporting requirements, including forty-eight hours of postgraduate education for chiropractors wishing to provide nutritional advice and a requirement that chiropractors list the continuing education courses they have completed on their license renewal form. In general, the Department supports continuing education requirements as an effective, pro-active means to prevent public harm. The Board and Department currently conduct an audit of a random sample of chiropractors to determine and enforce compliance with existing continuing education requirements. The Department would like to increase its efforts to enforce continuing education requirements for chiropractors as well as the other 20 professions that have continuing education requirements. However, we are unable to do so with existing resources. We currently have a staff of 23.5 FTE employees available for processing an average of approximately 170,294 license applications and renewals

each year, as well as to answer literally thousands of calls regarding the process and regulations affecting the professions. The applications and renewals for many professions require extensive information gathering and review, including but not limited to, determining compliance with initial degree and/or coursework requirements, work experience requirements that necessitate verifying the hours and nature of work conducted, tabulating and tracking exam scores on a series of tests taken over a period of time, reviewing building floor plans to confirm compliance with regulatory requirements, and verifying and investigating license status in other states. Given the limited resources currently available, the Department is not able to undertake additional information tracking and review responsibilities. The proposal that chiropractors list their continuing education programs on their renewal forms would be of marginal value at best, without resources to undertake efforts to confirm that the information provided is accurate and complete. The continuing education reporting proposal is one that the Department would support, if it had the resources to meaningfully enforce the requirement. However, because the proposed legislation does not provide the necessary resources, the Department must oppose the proposal as an empty reporting requirement.

In sum, the proposed legislation includes some items that would advance public protection. The proposal includes other items that either would not be in the public interest or cannot be enforced effectively with existing resources. We respectfully ask the Committee to review the current proposal carefully in light of the concerns expressed above. The Department welcomes the opportunity to work with the Committee and interested parties to design proposed legislation that would effectively promote public protection. However, the Department opposes the proposed legislation as currently written because portions of it are not in the public interest and other portions do not provide the resources necessary to enable the Department to administer the proposed law effectively.

Thank you for your time. I would be happy to respond to your questions.

**Appendix:**

- A.) Limit the scope of chiropractic to techniques taught in accredited schools at the undergraduate or postgraduate level.
- B.) Create a duty to refer patients to a medical doctor when the patient's condition is not treatable through chiropractic means.
- C.) Create a peer review panel to be attached to the Examining Board with members chosen from nominees from the WCA.
- D.) Mandate certain disciplinary outcomes for certain types of unprofessional conduct.
- E.) Create new categories of misconduct, including inappropriate billing and over utilization.
- F.) Allow delegation to physician assistants, nurses, physical therapists, and athletic trainers, and require chiropractors to verify and submit the qualifications of other persons to whom the chiropractor delegates tasks.
- G.) Require chiropractors to list CE programs on license renewal forms.
- H.) Define the sponsorship of CE programs by statute, and deny CE to programs in which sponsors do not fulfill their responsibilities.
- I.) Permit chiropractors to give advice in the area of nutrition and nutritional supplements, and require 48 hours of education for those chiropractors that wish to provide specific advice on nutritional supplements, herbs and vitamins.
- J.) Permit chiropractors to use the title "physician".

06/24/03 11:29 WI CHIROPRACTIC ASSOC-&gt;Barge, Berkley &amp; Rusak Chiropractic (

Dr. Berk Jennifer - I'm not  
which**WCA**Wisconsin Chiropractic Association  
521 E. Washington Avenue  
Madison, WI 53703  
Tel. (608) 256-7023 | Fax (608) 256-7123

June 24, 2003

To: All WCA Members  
From: Russ Leonard, Executive Director**Urgent - Letters Needed for AB 356**

About two weeks ago, you received a letter from me asking for your help in passing AB 356. We have reached a stage where this help is now critical in the State Assembly. We need you, your staff, and your patients to fax, e-mail or call your state Assembly Representative (their name was in my June 8 letter to you) and ask them to request a vote on AB 356 in the Assembly Health Committee. Even if you have contacted your representative once, we need you to do it again.

The Assembly Health Committee has had weeks to consider this bill. It deserves a vote and that vote is being delayed. The reason for the delay is not by the insurance industry or other health care professions. The delay is based on objections by chiropractors who do not want to see AB 356 passed. Some of these chiropractors want to continue "business as usual" - the kind of business that brings constant embarrassment to our profession. Other chiropractors do not want any changes in the law for the self interests of their business or corporation - which hurts the ability of the WCA to do its work.

In addition to contacting your state Assembly Representative, we also need to contact the Chair of the Assembly Health Committee, Gregg Underheim. We need Representative Underheim to know that this legislation is important for the growth and development of the chiropractic profession in Wisconsin. The contact information for Representative Underheim is:

Representative Gregg Underheim, Chair  
Assembly Health Committee  
Fax: 608-282-3654  
E-mail: [Rep.Underheim@legis.state.wi.us](mailto:Rep.Underheim@legis.state.wi.us)  
Phone: 608-266-2254

Your message to both Representative Underheim and your State Representative can be brief and may include any of these points:

- AB 356 is the recognition by the chiropractic profession in Wisconsin that we fully accept our responsibilities as health care providers.
- The chiropractors that do not support AB 356 are hurting the entire profession in order to continue with conduct that hurts the profession.
- AB 356 deserves an immediate vote by the Assembly Health Committee.

"Business as usual" in Wisconsin is costing your patients and the profession its credibility. We need the Assembly Health Committee to vote on AB 356 but that will not happen unless we energize you, your staff, and your patients. Please continue these faxes and contacts until July 3<sup>rd</sup>.

**You are the key to the future of chiropractic in Wisconsin!**

P.S. Please discontinue contact with your State Senator for the time being. Our focus must be on the Assembly.



August 15, 2003

To: All WCA Members  
From: Russ Leonard, Executive Director

Re: Legislative Update

I wrote to you about a month ago and told you that the Chair of the Assembly Health Committee, Rep. Gregg Underheim, had decided to postpone action on AB 356 until he felt he had a compromise that was acceptable to move the bill forward. Over the last couple of months, WCA lobbyists have had many discussions with legislators that were opposed to different parts of our legislation to determine what changes would be necessary to win their support.

When the WCA Board of Directors met last week, they reviewed their goals for this bill and approved changes that will address many of the concerns that have been raised. I would like to explain the changes made by the board and the next step in the legislative process.

#### **The Title of Physician**

The board decided to drop the provision that would allow chiropractors to use the title of "physician" when it learned that the bill would not be able to get enough votes from the Assembly Health Committee if this provision were included. The committee has a number of members that have close ties to the medical community. While they are supportive of much of our bill, they were willing to let the entire bill die if this provision was included.

The board decided that a "win-win" strategy would be to drop this provision from the bill and to draft a separate bill dealing with the title of "chiropractic physician". In this way, we can separately lay out the case for Wisconsin chiropractors to use a title that is permitted in 30 other states without holding the other provisions in the bill hostage.

#### **CE Sponsorship**

This part of the bill was not opposed most members of the committee. However, the opposition from some chiropractic colleges and chiropractic organizations has made this the most contentious part of the bill.

To deal with the secondary concerns of these colleges and organizations, the board approved changes that would greatly reduce the penalties for CE sponsors that did not follow the law and also changed provisions that simplified the administration of CE programs. The board, however, voted unanimously to make no changes to the primary provision of the law that defines which organizations may sponsor CE in Wisconsin.

The WCA legislation allows the every chiropractic college and university, the ACA, ICA, WCA, medical schools, and osteopathic schools to sponsor CE in Wisconsin. It is important to note that all of these groups are *non-profit organizations*.

These organizations bear the burden of instructing chiropractors on their clinical and administrative responsibilities, insuring that the chiropractors are professionally integrated into all facets of the health care delivery system, and that the profession complies with all applicable state, federal, and administrative agency statutes and regulations. Other groups do not have *any institutional responsibilities* in these areas.

There is nothing in the bill that would prohibit any sponsor from having a working relationship with any other group. We obviously have no interest in what the schools or national trade groups do with their money. If they wish to donate the entire proceeds of a CE program to a particular organization that is their right – as long as they legitimately perform all of the sponsor's responsibilities.

This portion of the bill is critical to work of the WCA and strengthens the credibility of chiropractic post graduate education. The WCA board will not allow any changes to something that is this important to our long term viability as an organization.

### **Unprofessional Conduct**

Most members of the Assembly Health Committee were very complimentary of the WCA's leadership to improve chiropractic professionalism. Unfortunately, several very influential members of the committee did not feel that the penalties called for in the bill were strict enough to deal with the profession's problems. These members of the committee will not allow the bill to pass unless the penalties were increased.

After determining the absolute minimum penalties that would be acceptable, the board approved changes that would add a fine of \$750 - \$3,000 for a chiropractor found guilty of a second occurrence of fraudulent billing and a mandatory 2 year suspension of a chiropractor's license who is found guilty of a fourth offense of fraudulent billing. In addition, a chiropractor would not be allowed to date a patient until six months after the patient's discharge from care.

The board also approved a change that would clarify that if a chiropractor makes a reasonable attempt to collect a patient's deductible or co-payment or documents the patient's financial hardship, they would not be guilty of violating the "no out-of-pocket expense" provision of the bill.

### **Peer Review**

The Department of Regulation and Licensing (DRL) and the examining board opposed our proposal that would allow discipline cases to get a prompt and fair hearing from chiropractic peers instead of DRL attorneys and lay staff.

In order to address the major concerns of DRL, the WCA board approved "sun setting" the peer review system after 30 months. This will give the profession and the state the opportunity to test the disciplinary process and make any changes that might be necessary after the system has had an opportunity to function for a couple of years. In addition, the WCA board approved changes that allows the examining board to directly choose the peer review members after considering the recommendations of the WCA, allows a doctor or patient to make a personal appearance before a peer reviewer, increases the initial filing fee by \$25, and simplifies the administration of the peer review system.



### **Delegation**

The Wisconsin Academy of Physician Assistants does not want to be the first PA group in the country that allows chiropractors to delegate portions of their work to them. Therefore, the board reluctantly dropped delegation to them from the bill. The bill continues to retain delegation to RNs and LPNs.

### **Nutritional Supplements**

No changes were necessary

### **Techniques**

No changes were necessary.

### **Duty to refer**

No changes were necessary.

We expect Senator Dale Schultz to introduce these changes as a new bill in the Senate this September. When the bill is introduced it will be assigned to a committee and scheduled for a hearing. We will keep you informed as to the bill's progress and let you know when it is time for your voice to be heard. In the meantime, we will continue to work with Representative Underheim and hope that he will allow a vote on our bill in the Assembly Health Committee.

05-23-2003 03:32PM FROM

TO

7171584822255328

P.02

**LOGAN****COLLEGE OF CHIROPRACTIC***Postdoctoral & Related Professional Education*Ralph Barrale, DC  
DeanBarb Cronin  
Administrative AssistantCyndi McIntire  
Secretary

May 23, 2003

Representative Gregg Underheim  
Chair, Health Committee  
Room 11N, State Capital  
PO Box 8953  
Madison Wisconsin 53708

Re:

Proposed legislation changes to Wisconsin Statute Section 115.446025

Dear Mr. Underheim:

Logan College of Chiropractic is a well-respected CCE-approved teaching institution located in Chesterfield, Missouri. Logan College's educational credentials are outstanding. We have received the highest accreditation rating that the Commission on Higher Learning of the North Central Association of Colleges and Schools can award, ten years. We also have the highest accreditation that the Council on Chiropractic Education can award, seven years. Our School of Postdoctoral and Related Professional Education is recognized profession-wide as presenting excellent continuing education and certification programs to doctors of chiropractic throughout the United States and internationally. We have a large number of alumni who live and practice in the state of Wisconsin. They along with many of their Wisconsin colleagues who have graduated from other chiropractic colleges look to our institution for their continuing education needs.

Our postgraduate programs provide education to enhance the doctor of chiropractic's clinical skills thereby assuring the kind of competence and cutting edge information that will ensure the public safety. In the process of this delivery of education we often develop and present our own seminars. We also deliver important knowledge to the practicing D.C. by co-sponsoring seminars with organizations that we believe provide the same quality of service as we do. If our investigation of those partner organizations indicates that they meet our criteria then we co-sponsor their seminar. We believe that this is important to the chiropractors of Wisconsin because it gives them a choice of educational delivery systems and venues while at the same time assuring them that the quality and integrity of Logan College of Chiropractic stands behind their choice.

With that as background I am writing this letter out of concern for proposed changes in the statutes that govern continuing education in the state of Wisconsin. It seems that the language of the current statute has served the chiropractic profession in Wisconsin well and that the proposed changes may not do so.

There are a number of conditions under Subsection (2) (a) and (b) that relate to faculty, monitoring, and financial administration that seem unnecessarily restrictive and border on restraint of trade. It appears that all of these restrictions are designed to favor only presentations presented by in-state organizations, primarily if not exclusively, the Wisconsin Chiropractic Association thereby effectively eliminating the right of the practicing Wisconsin doctor of chiropractic to have a choice in his or her selection of high quality continuing education courses.

Most unfair of all is the extremely punitive section relating to failure to satisfy the various requirements. This seems to be a dangerous provision that will ultimately be based on someone's subjective determination and would leave no recourse for the presenter or the doctor in attendance.

We believe that the Wisconsin Board of Chiropractic Examiners has done an admirable job in reviewing the courses submitted for continuing education and in safeguarding the public as a result of their acceptance or rejection of courses. The proposed changes to the statute do not seem to be an improvement on the current system, but rather a diminution in the authority of the Wisconsin Board of Chiropractic Examiners and an increased restriction on continuing education for Wisconsin chiropractors. It does not bode well for the safety of the citizens of Wisconsin when that one group might control the delivery of continuing chiropractic education, especially when that group's primary function is not chiropractic education.

Thank you very much for taking the time to read this letter. It is our sincere belief that the current statute is a good one and serves the chiropractors and the public in Wisconsin well. We respectfully ask that you and your committee consider the points raised in this letter as you deliberate on the proposed changes to Wisconsin Statute Section 115.446025. Thank you again, Mr. Underheim.

Sincerely



Ralph Barrale, D.C.

C: Dr. George Goodman, President Logan College  
Wisconsin Board of Chiropractic Examiners

Financial Barriers

Person Dale's Dist. Jim Rosemeyer  
Platteville

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.**

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Now Patients can appeal  
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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.

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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)

all colleges  
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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.

Don't

Suppose to have mtg. on the 20th.

September 10, 2003

To: Carol

From: Jennifer

Re: Chiropractor Bill

Dr. Conway stopped in on 9-9-03 to give me an update on the Chiropractor Bill. He told me the following:

- The Board of Directors of the State Medical Society, the chair of the Board of Examiners and Dr. Conway met with Senator Schultz.
- WI Chiropractors Association (WCA) was supposed to be at the meeting but did not show up.
- Dr. Conway could not get a good read as to whether or not Sen. Schultz was willing to address his concerns with the bill.
- Dr. Conway does have a few potential solutions to a few of the issues raised by Senator Schultz. He is more than willing to meet with you for 15 min or so to discuss these if you are interested.

Sara said that Eileen from Senator Schultz's office would like to meet with you and Pat Essie (representing WCA) regarding this issue. I think you and Senator Schultz should talk directly about this. It does not sound like WCA is willing to sway from the original version of this bill, AB 356. Let Sara know if you want to meet with Eileen and Pat.

9/11  
gave SS  
request

Schultz  
Roerster  
Dr. Conway  
Essie

Conway

# Senate Draft of the Proposed Chiropractic Bill

Callaway  
Nate Assoc.  
more catastrophic

## Section 1

- Senate Bill Creates Barriers
  - Patient required to pay panel (page 12 line 20)
- Senate Bill creates language to perform inappropriate services
- Proposed peer review panel disciplinary systems for chiropractors (chart)
- There have been no specific proponents of this bill that has failed to protect the public totally unnecessary.

Carol -  
I can type up separate points for you to use in your discussion with Sen. Schultz but I think that Dr. Conway did a good job summarizing the problems in the attached pages. Let me know if you think these are helpful or if you want me to type something up.

Jennifer

## Section 13:

- Proposed Senate language Colleges or Universities

## Section 11

- Proposed language is directed 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.

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Reg: Licensing Agencies against



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*something bad fast track*

**Peer Review Panel System**

Patient Complaint

BOE

Peer review panel

<b>None</b> No cost for patient's to complain	<b>Payment system</b> Patient payments to File a Complaint	<b>Full pay system</b> \$275.00 cost to patient (barrier to patient complaints)
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<b>Full</b> BOE screening committee comprised of 3 BOE members, (2 chiropractors, 1 public member) staff attorneys and investigators who review files for violations	<b>Screening committee</b>	<b>None</b> All complaints regardless of validity are processed in the system.
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<b>Full investigation</b> If opened, case is assigned a BOE Case Advisor, and a State investigator  Investigator contacts both patient and Doctor for full information-both written and verbal. Follow-up questions or clarification points can be either verbal or written. BOE has Dept resource for advice. Doctor may involve attorney	<b>Investigation</b>	<b>No investigation</b> Panel Doctor receives written response by the patient, insurer or doctor.  Single panel doctor reviews files and determines the outcome for discipline. Doctor is paid a flat fee for review. Patient or doctor may not appear before the panel doctor with additional info. No mention of ability for Atty to assist
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<b>100%</b> BOE uses 100% rule of unprofessional conduct.	<b>Criteria used for determination of discipline</b>	<b>50%</b> Panel system uses the 50% rule. If the pattern of unprofessional conduct exceeds 50% of services performed
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<b>Full BOE discussion</b> Informal dispositions are performed by the full board. The Board with assistance from the BOE attorneys, BOE administrators, and staff attys. makes a decision, based upon the full facts, to dismiss or create the appropriate discipline necessary for correction. There is continuity of decisions with the above procedures. Board attorneys assist with drafting of stipulations.  The BOE terms are varied to assist with continuity of decisions	<b>Determination</b>	<b>Single panel doctor</b> Decision made by a single Doctor. Criteria is set by Statute. No correspondence with BOE or with other panel doctors for continuity of decisions.
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<b>None</b> None	<b>Appeal Payments</b> Doctor or Patient Costs	<b>Full</b> \$750.00 cost to Patient
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<b>Full</b> If the Doctor does not accept informal outcome S/he may appeal using the ALJ process. The Patient may not appeal the decision.	<b>Appeal process</b>	<b>Limited</b> The doctor/patient or insurer can appeal. The process is same as above. You need 2/3 of reviewers independently agreeing on the solution. <b>The Department must accept the determination of this panel.</b> The doctor can then appeal to the ALJ system
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Hearing process / ALJ  
 Appellate Court process / if necessary

- 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.

*no continuity different treatment diff.*

*Ends will as through this way "target" "not fair"*

*Ends to review then decision in favor of Ins Co*

*1 Dr. Thunders Inspector Dr. of Complaints*

*BAD*

*Eval unnecessary procedure w/o consultation of other puts every chiro in jeopardy again.*

*Some's level of reputation*

*Pass same notes*

*These are separate*  
*These are risk*

*Harvey, both on way comp review - paid per hr. \$275. for ea case regardless of X to review same w/ (1 3/4 - 3 hrs)*

1650 S Main Street  
Oshkosh, WI 54902  
Phone: 920-651-1400  
Fax: 920-231-3859

**Jungenberg  
Chiropractic Office**

# Fax

<b>To:</b> Senator Roessler	<b>From:</b> James Jungenberg, D.C.
<b>Fax:</b> 608-266-0423	<b>Date:</b> June 11, 2003
<b>Phone:</b>	<b>Pages:</b> 2 including cover sheet
<b>Re:</b>	<b>CC:</b>
<input type="checkbox"/> <b>Urgent</b> <input checked="" type="checkbox"/> <b>For Review</b> <input type="checkbox"/> <b>Please Comment</b> <input type="checkbox"/> <b>Please Reply</b> <input type="checkbox"/> <b>Please Recycle</b>	



**JUNGENBERG CHIROPRACTIC OFFICE**

1650 SOUTH MAIN STREET  
OSHKOSH, WISCONSIN 54902

OFFICE (920) 231-3700  
FAX (920) 231-3859

June 11, 2003

Dear Senator Roessler:

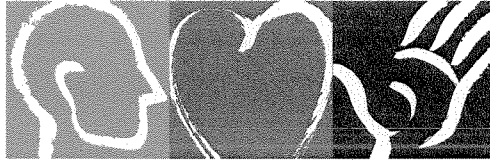
I have known you before your political career and have watched it all these years with appreciation for your abilities.

I ask that that you support and vote for AB356. It is a potential improvement for the chiropractic profession and the patients that we serve.

Thank you,



James Jungenberg, D.C.



*the Palmer Institute for Professional Advancement*

**ISEP 03 2003**

Senator Carol A. Roessler 18<sup>th</sup> Senate District  
PO Box 7882 Room 18 South  
Madison, WI 53707-7882

August 25, 2003

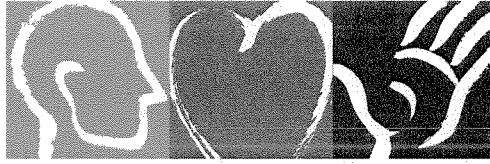
Re: Proposed changes to Wisconsin Statute Section 115.446.025 and 115.446.035  
concerning the approval of providers of continuing education for chiropractors

Dear Senator Roessler:

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

August 25, 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 ....**

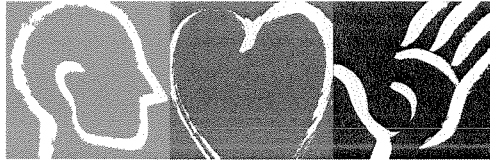
Again, our concerns stem from the perception that, as written, this wording seems to exhibit a blatant favoritism toward the WCA and excludes any new organizations or other state organizations, and is also limiting to which national organizations will be accepted. To fully embrace excellence in our profession 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

August 25, 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, 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

Walmart decision nationally no longer ever chiro. Cost afford fraud  
addresses it through peer review  $\star$  = intent. Raise bar for chiro  
physicians not  $\pm$  worse.

Committee members - deleted **2003 - 2004 LEGISLATURE** various revisions.

- 1- Physician
- 2- Peer review - was hot issue  
30 mo trial
- 3- How cost ed? Who teaches
- 4- Reg. Chiro

MDK&PJH:wlj:cph  
element chiro's - me  
of allied health  
Wausau =

### 2003 ASSEMBLY BILL 356

who sell not supp.  
48 hrs. cont. educ  
courses B4 do.

Big issue them  
controlling continuity  
educ. Teach cont ed  
Chiro Ass - + nat'l colleges - other  
must teach.  
Examining Bd =  
facts Exam  
Bd

McCare to not  
Part of TRADE  
ASSOC.

Apply to Refer  
Injunctive not refer.  
Should there  
new technique  
unless taught at  
college can use  
in WI  
Broadening  
unprof conduct.

May 22, 2003 - Introduced by Representatives UNDERHEIM, OTT, KESTELL, FREESE, MUSSER, HINES, SERATTI, BIES, J. LEHMAN, HUNDERTMARK, GRONEMUS, BERCEAU, WEBER, ALBERS, TURNER, KREIBICH, PETTIS, LOEFFELHOLZ, KREUSER, HAHN, LADWIG, OLSEN, NASS, STASKUNAS, TRAVIS and PLOUFF, cosponsored by Senators SCHULTZ, REYNOLDS, BRESKE, CHVALA, CARPENTER and HANSEN. Referred to Committee on Health.

Increase penalties  
Chiro delegate everything  
at now chiro  
chiro can delegate now.  
can delegate to another.

affiliate of Palmer  
Palmer must come teach  
otherwise selling  
100 or 1,000 per course

- 1 AN ACT to repeal 16.009 (1) (h), 655.001 (10m) and 948.70 (1) (a); to renumber
- 2 146.31 (1), 146.815 (1), 185.983 (1) and 804.10 (1); to renumber and amend
- 3 148.01, 446.02 (7) (b) and 975.001; to consolidate, renumber and amend
- 4 948.70 (1) (intro.); to amend 15.165 (5) (a) 7., 15.197 (25) (a) 1., 15.405
- (2) (b), 20.927 (1m), 29.193 (3) (a), 30.67 (6) (b), 36.25
- 39.16 (2) (d), 46.18 (10), 46.19 (4), 46.21 (2) (m), 46.21
- (a), 46.298, 46.56 (3) (b) 3., 46.87 (5) (a) 1., 49.148
- 49.26 (1) (g) 11., 49.43 (9), 50.09 (1) (a) (intro.), 50.36
- (b) (intro.), 59.53 (13) (a), 59.64 (1) (a), 60.23 (9),
- 94.70 (3) (b), 97.18 (5), 97.48 (2), 100.43 (3) (c),
- 115.53 (4) (a), 115.777 (1) (a), 118.135 (3), 118.29
- 146.55 (2), 146.15, 146.17, 146.58 (1), 146.82 (2) (a) 5.,
- 146.89 (1), 146.89 (2) (b), 150.85 (4) (c) 2., 155.05 (2), 157.05, 157.06 (1) (h),
- 165.765 (2) (a), 180.1903 (4), 231.01 (7) (a) 2., 233.04 (3b) (a) 2., 252.23 (1) (a),

Schultz will be  
doing his own chiro  
bill but he will  
be consulting w/  
CR before he introduces  
it

**Jermstad, Sara**

---

**From:** Asbjornson, Karen  
**Sent:** Friday, June 13, 2003 8:13 AM  
**To:** Jermstad, Sara; Jermstad, Sara  
**Subject:** New Forward Contact Ownership and Assignment

Constituent: Dr. Kent L. Belville (918)  
1424 Country Meadow Ct  
Oshkosh, WI 54904-9316

Home: 920-233-4581

Owner: Jermstad, Sara  
Assigned: Jermstad, Sara  
Summary: Support chiro legislation AB 356

Issue:  
Position:  
Status: Pending  
Contact Type: Phone Call  
Description: Wed 7:26 pm 920-233-2888  
Kent Bellville from OSH

715-238-7714

In support of AB 356 legislation for chiropractors - a lot of important stuff in this  
Like to speak with you as soon as we can

Walmart decision nationally no longer ever chiro. Can't afford grace  
addresses it through peer review \* = intent. Raise bar for chiro  
physicians not  
 LRB-2381/5

- 2003 - 2004 LEGISLATURE  
 Various provisions  
 1- Physician  
 2- Peer review - was hot issue  
30 months  
 3- How cert ed? Who teaches  
 4- Rec. Chiro

Chiro  
 Chiro

MDK&PJH:wjl:cph  
 element chiro's mg  
 of allied health now  
 was an =

who sell not supp.  
 48 hrs. cont. educ  
 courses to do.

**2003 ASSEMBLY BILL 356**

Big issue them  
 = continuing continuing  
 Educ. Teach cont ed  
 Chiro Ass - + Nat'l colleges - other  
 must teach.

McCare no not  
 Part of TRADE  
 ASSOC.

Info to Regs -  
 Inform chiro not reg.  
 should have  
 new techniques  
 also taught at  
 college cert use  
 in WI  
 - Broadening  
 impug conduct.

May 22, 2003 - Introduced by Representatives UNDERHEIM, OTT, KESTELL, FREESE,  
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 Committee on Health.

Examining Bd =  
 Examine  
 Bd

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- 5 (7m), 15.407 (1m), 15.915 (2) (b), 20.927 (1m), 29.193 (3) (a), 30.67 (6) (b), 36.25
- 6 (11) (b), 36.25 (13g) (b) 2., 39.16 (2) (d), 46.18 (10), 46.19 (4), 46.21 (2) (m), 46.21
- 7 (4m) (a), 46.245, 46.297 (2) (a), 46.298, 46.56 (3) (b) 3., 46.87 (5) (a) 1., 49.148
- 8 (1m) (b), 49.19 (11s) (b) 2., 49.26 (1) (g) 11., 49.43 (9), 50.09 (1) (a) (intro.), 50.36
- 9 (3g) (c), 50.90 (3), 55.043 (1) (b) (intro.), 59.53 (13) (a), 59.64 (1) (a), 60.23 (9),
- 10 66.0601 (1) (b), 70.11 (25), 94.70 (3) (b), 97.18 (5), 97.48 (2), 100.43 (3) (c),
- 11 102.565 (2), 106.50 (2r) (bm) 2., 115.53 (4) (a), 115.777 (1) (a), 118.135 (3), 118.29
- 12 (1) (e), 118.291 (1) (b), 146.0255 (2), 146.15, 146.17, 146.58 (1), 146.82 (2) (a) 5.,
- 13 146.89 (1), 146.89 (2) (b), 150.85 (4) (c) 2., 155.05 (2), 157.05, 157.06 (1) (h),
- 14 165.765 (2) (a), 180.1903 (4), 231.01 (7) (a) 2., 233.04 (3b) (a) 2., 252.23 (1) (a),

Steve Conway - Cont Educ  
 - Peer review

Letter - NW  
 - Palmer  
 - Logan

Russ Leonard  
 exec.  
 Dr.  
 W.C.H.