



2013 ASSEMBLY BILL 765

February 14, 2014 - Introduced by Representatives WEININGER, SPIROS, KOOYENGA, KRUG, PETRYK and STRACHOTA, cosponsored by Senators LASEE and SCHULTZ. Referred to Committee on Health.

1 **AN ACT to amend** 446.01 (2) (a), 446.03 (intro.), 446.03 (1), 446.04 (2), 446.04 (4),
2 446.05 (1) and 451.02 (1); and **to create** 440.08 (2) (a) 24a., 446.01 (1a), 446.01
3 (1b), 446.023, 446.04 (6) and 632.87 (3) (d) of the statutes; **relating to:**
4 chiropractor registration to practice acupuncture, fee-splitting with a
5 nonchiropractor acupuncturist, and granting the exercise of rule-making
6 authority.

Analysis by the Legislative Reference Bureau

Under current law, a person generally may not practice acupuncture in Wisconsin unless the person is an acupuncturist certified by the Department of Safety and Professional Services (DSPS). Under this bill, a chiropractor who is licensed for the practice of chiropractic by the Chiropractic Examining Board (board) may practice acupuncture without being certified by DSPS if the board registers the licensed chiropractor to practice acupuncture. Under the bill, the board may register a licensed chiropractor to practice acupuncture if the chiropractor does all of the following:

1. Applies to the board for registration to practice acupuncture.
2. Submits evidence satisfactory to the board that the licensed chiropractor has completed at least 100 hours of instruction in acupuncture at a college of chiropractic approved by the board or at an accredited college or university.
3. Successfully completes the acupuncture examination administered by the National Board of Chiropractic Examiners.

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4. Pays a one-time registration fee of \$100.

Under the bill, once registered by the board to practice acupuncture, a licensed chiropractor must complete at least two hours of continuing education in acupuncture annually.

Also under current law, a licensed chiropractor may not split a fee for a chiropractic service with another person unless that person is also a licensed chiropractor. The bill authorizes a chiropractor to split a fee for a chiropractic service with an acupuncturist certified by DSPS.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 440.08 (2) (a) 24a. of the statutes is created to read:

2 440.08 **(2)** (a) 24a. Chiropractor registration to practice acupuncture:
3 December 15 of each even-numbered year.

4 **SECTION 2.** 446.01 (1a) of the statutes is created to read:

5 446.01 **(1a)** "Acupuncture" has the meaning given in s. 451.01 (1).

6 **SECTION 3.** 446.01 (1b) of the statutes is created to read:

7 446.01 **(1b)** "Acupuncturist" has the meaning given in s. 451.01 (2).

8 **SECTION 4.** 446.01 (2) (a) of the statutes is amended to read:

9 446.01 **(2)** (a) To examine into the fact, condition, or cause of departure from
10 complete health and proper condition of the human; to treat without the use of drugs
11 as defined in s. 450.01 (10) or surgery; to counsel; to practice acupuncture if the
12 acupuncturist is registered under s. 446.023; to advise for the same for the
13 restoration and preservation of health or to undertake, offer, advertise, announce,
14 or hold out in any manner to do any of the aforementioned acts, for compensation,
15 direct or indirect or in expectation thereof; and

16 **SECTION 5.** 446.023 of the statutes is created to read:

ASSEMBLY BILL 765**446.023 Chiropractor registration to practice acupuncture. (1)**

DEFINITION. In this section, "licensed chiropractor" means a person who is licensed by the examining board to engage in the practice of chiropractic.

(2) REGISTRATION REQUIRED. (a) Except as provided under par. (b), no licensed chiropractor may practice acupuncture unless he or she is registered by the examining board under this section.

(b) No registration is required under this section for any of the following:

1. A licensed chiropractor who is an acupuncturist certified under ch. 451.

2. A licensed chiropractor who practices acupuncture as part of a supervised course of study or residency program in acupuncture that is approved by the examining board.

(c) The examining board shall register a licensed chiropractor under this section who does all of the following:

1. Submits an application for registration to the examining board on a form provided by the examining board.

2. Submits evidence satisfactory to the examining board that the licensed chiropractor has completed at least 100 hours of instruction in acupuncture at a college of chiropractic approved by the examining board or at a college or university accredited by an accrediting agency that is recognized by the secretary of the federal department of education.

3. Successfully completes the acupuncture examination administered by the National Board of Chiropractic Examiners.

4. Pays a registration fee of \$100.

(3) REGISTRATION RENEWAL. (a) The renewal date for a registration under this section is specified under s. 440.08 (2) (a). There is no renewal fee.

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1 (b) A licensed chiropractor registered under this section shall, at the time that
2 he or she applies for renewal of a registration under par. (a), submit evidence
3 satisfactory to the examining board that he or she has completed at least 2 hours
4 annually of continuing education in an acupuncture-related program approved by
5 the examining board under s. 446.028.

6 (4) RULES. The examining board shall promulgate rules to implement this
7 section. The rules promulgated under this subsection shall incorporate the rules of
8 the department promulgated under s. 451.12.

9 **SECTION 6.** 446.03 (intro.) of the statutes is amended to read:

10 **446.03 Reprimand; revocation, limitation, or suspension of a license or**
11 **certificate.** (intro.) The examining board, by order, may reprimand a licensee,
12 certificate holder, or registrant and may deny, limit, suspend or revoke any license,
13 certificate, or ~~certificate~~ of registration if the licensee, certificate holder, or registrant
14 does any of the following:

15 **SECTION 7.** 446.03 (1) of the statutes is amended to read:

16 446.03 (1) Obtains the license, certificate, or ~~certificate~~ of registration through
17 error or fraud.

18 **SECTION 8.** 446.04 (2) of the statutes is amended to read:

19 446.04 (2) Loaning of a chiropractic license or certificate, or of a registration
20 issued under s. 446.023, to anyone.

21 **SECTION 9.** 446.04 (4) of the statutes is amended to read:

22 446.04 (4) Splitting or dividing any fee for chiropractic service with any person
23 except an associate licensed chiropractor or an acupuncturist certified under ch. 451.

24 **SECTION 10.** 446.04 (6) of the statutes is created to read:

