

2001 SENATE BILL 401

January 29, 2002 – Introduced by Senators BRESKE and BURKE, cosponsored by Representatives SKINDRUD, PLOUFF and BERCEAU. Referred to Committee on Labor and Agriculture.

1 **AN ACT to amend** 446.03 (intro.), 446.03 (3), 446.03 (4), 446.03 (7), 446.05 (1),
2 446.05 (2) and 889.18 (1); and **to create** 440.08 (2) (a) 24m., 446.01 (1m),
3 446.025 and 453.05 (2) (i) of the statutes; **relating to:** certification of animal
4 chiropractors, providing an exemption from emergency rule procedures, and
5 granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, a person may not engage in the practice of chiropractic unless he or she is issued a license by the chiropractic examining board (board). The “practice of chiropractic” is defined to include examining into the fact, condition, or cause of departure from complete human health, treating without the use of drugs or surgery, and employing or applying chiropractic adjustments and the principles or techniques of chiropractic science in treating the sick. To obtain a license, a person must satisfy certain requirements, including education and examination requirements established in rules promulgated by the board. A person who is issued a license must have in effect professional liability insurance in a minimum amount specified in rules promulgated by the board. In addition, he or she must renew the license every 2 years. Also, a person who is issued a license is subject to the disciplinary authority of the board, which may limit, suspend, or revoke a license if the person engages in prohibited conduct, including engaging in unprofessional conduct.

This bill prohibits a person from engaging in the practice of animal chiropractic unless he or she is issued a certificate by the board. The “practice of animal

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chiropractic” has the same meaning as the “practice of chiropractic,” except that it involves treating nonhuman vertebrates rather than humans. Only a person who is licensed by the board is eligible for a certificate. In addition, an applicant for a certificate must satisfy certain requirements, including education, training, or competency requirements established in rules promulgated by the board. The rules must require an applicant for a certificate to successfully complete a certification program in animal chiropractic offered by the American Veterinary Chiropractic Association or a substantially equivalent program. Also, an applicant for a certificate must have in effect malpractice liability insurance coverage of at least \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

A certificate to engage in animal chiropractic must be renewed every 2 years. An applicant for renewal must submit evidence that he or she has in effect insurance in the amounts described above. Also, like a person who is licensed, a person who holds a certificate is subject to the disciplinary authority of the board that is described above.

Finally, the bill provides that a person who is issued a certificate by the chiropractic examining board, and who acts within the scope of that certificate, does not have to obtain a license from the veterinary examining board.

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) 24m. of the statutes is created to read:

2 440.08 (2) (a) 24m. Chiropractor, animal chiropractic certificate: January 1 of
3 each odd-numbered year; \$53.

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

5 446.01 (1m) “Practice of animal chiropractic” means the practice of
6 chiropractic, except that it involves the treatment of nonhuman vertebrates instead
7 of humans.

8 **SECTION 3.** 446.025 of the statutes is created to read:

9 **446.025 Animal chiropractic. (1) PROHIBITION.** No person may do any of the
10 following unless he or she is licensed by the examining board under s. 446.02 (2) or
11 (3g) and granted a certificate by the examining board under sub. (2):

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1 (a) Engage in the practice of animal chiropractic.

2 (b) Use any title or description that implies that he or she is authorized to
3 engage in the practice of animal chiropractic or represent that he or she is authorized
4 to engage in the practice of animal chiropractic.

5 **(2) CERTIFICATE.** The examining board shall grant a certificate to engage in the
6 practice of animal chiropractic to a person licensed under s. 446.02 (2) or (3g) who
7 does all of the following:

8 (a) Submits an application to the examining board on a form provided by the
9 department.

10 (b) Pays the fee specified in s. 440.05 (1).

11 (c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory
12 to the examining board that he or she does not have an arrest or conviction record.

13 (d) Submits evidence satisfactory to the examining board that he or she
14 satisfies the requirements established in rules promulgated under sub. (3).

15 (e) Submits evidence satisfactory to the examining board that he or she has in
16 effect malpractice liability insurance coverage in an amount that is not less than
17 \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

18 **(3) RULES.** The examining board shall promulgate rules establishing the
19 education, training, or competency requirements that an applicant must satisfy in
20 order to be granted a certificate under sub. (2), including the requirement that an
21 applicant successfully complete a certification program in animal chiropractic
22 offered by the American Veterinary Chiropractic Association or a substantially
23 equivalent program.

24 **(4) RENEWAL.** The renewal dates for certificates granted under sub. (2) are
25 specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the

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1 examining board on a form provided by the department and shall include all of the
2 following:

3 (a) The renewal fee specified in s. 440.08 (2) (a).

4 (b) Evidence satisfactory to the examining board that the applicant has in effect
5 malpractice liability insurance coverage in an amount that is not less than
6 \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

7 **SECTION 4.** 446.03 (intro.) of the statutes is amended to read:

8 **446.03 Reprimand; license revocation, limitation, or suspension.**

9 (intro.) The examining board, by order, may reprimand a licensee, certificate holder,
10 or registrant and may deny, limit, suspend, or revoke any license, certificate, or
11 certificate of registration if the licensee, certificate holder, or registrant:

12 **SECTION 5.** 446.03 (3) of the statutes is amended to read:

13 446.03 (3) Is hereafter convicted in a court of competent jurisdiction, either
14 within or without this state, or in federal court, of any violation of any law governing
15 the practice of chiropractic or animal chiropractic or of any felony, subject to ss.
16 111.321, 111.322, and 111.335, a certified copy of the record of conviction to be
17 conclusive evidence of such conviction;

18 **SECTION 6.** 446.03 (4) of the statutes is amended to read:

19 446.03 (4) Has obtained or sought to obtain anything of value by fraudulent
20 representation in the practice of chiropractic or animal chiropractic;

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

22 446.03 (7) If the applicant, licensee, certificate holder, or registrant maintains
23 a professional connection or association with any other person continuing to violate
24 this chapter after 10 days' notice in writing by the department.

25 **SECTION 8.** 446.05 (1) of the statutes is amended to read:

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1 446.05 (1) Subject to the rules promulgated under s. 440.03 (1), the examining
2 board may make investigations and conduct hearings in regard to the conduct of any
3 licensed chiropractor who, it has reason to believe, violated s. 446.02, 446.025, or
4 446.03. The person complained against may proceed to review any action of the
5 examining board under ch. 227.

6 **SECTION 9.** 446.05 (2) of the statutes is amended to read:

7 446.05 (2) Upon application and satisfactory proof that the cause of such
8 revocation or suspension no longer exists, the examining board may reinstate any
9 license, certificate, or registration suspended or revoked by it. This subsection does
10 not apply to a license, certificate, or registration that is suspended under s. 440.13
11 (2) (c) or that is revoked under s. 440.12.

12 **SECTION 10.** 453.05 (2) (i) of the statutes is created to read:

13 453.05 (2) (i) Persons granted a certificate to engage in the practice of animal
14 chiropractic under s. 446.025 (2) while acting within the scope of that certificate.

15 **SECTION 11.** 889.18 (1) of the statutes is amended to read:

16 889.18 (1) CHIROPRACTORS. The record by the county clerk of license or
17 certificate under s. 446.02 or 446.025 shall not be evidence on behalf of the licensee
18 or certificate holder without production of the license or certificate or competent
19 evidence from the board or body that issued the same.

20 **SECTION 12. Nonstatutory provisions.**

21 (1) The chiropractic examining board shall submit in proposed form the rules
22 required under section 446.025 (3) of the statutes, as created by this act, to the
23 legislative council staff under section 227.15 (1) of the statutes no later than the first
24 day of the 10th month beginning after the effective date of this subsection.

