

2003 DRAFTING REQUEST

Bill

Received: **04/04/2003**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - misc**

Extra Copies: **MDK**

Submit via email: **YES**

Requester's email: **Rep.Albers@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Chelation therapy

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 04/14/2003	jdyer 04/14/2003 jdyer 04/14/2003		_____			
/1			rschluet 04/14/2003	_____	sbasford 04/14/2003	lemery 05/19/2003	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

↳ Not Needed

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For
Assembly
per Ryan

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/?	phurley	1 4/14 jld					

4-14-3
<END>

FE Sent For:

1 **AN ACT** to renumber and amend 448.06 (2); and to create 448.015 (1c), 448.02 (3)
 2 (am), 448.02 (8m) and 448.06 (2) (b) of the statutes; relating to: the practice of
 3 chelation therapy.

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

4 **SECTION 1.** 448.015 (1c) of the statutes is created to read:

5 448.015 (1c) "Chelation therapy" means a medical treatment in which a chemical is
 6 introduced into the body for the purpose of binding and either removing or rearranging
 7 metallic elements such as lead, cadmium, aluminum, mercury, arsenic, iron, or copper.

8 **SECTION 2.** 448.02 (3) (am) of the statutes is created to read:

9 448.02 (3) (am) As part of an investigation under par. (a) of an allegation of
 10 unprofessional conduct or negligence in practicing chelation therapy, the board shall consult
 11 with at least one physician who devotes a significant portion of his or her practice to chelation
 12 therapy.

Handwritten notes: "if he receives" above par. (a); "change" below "practicing"; "investigate" below "consult"

13 **SECTION 3.** 448.02 (8m) of the statutes is created to read:

14 448.02 (8m) CHELATION THERAPY PERMITTED. The board may not investigate or take
 15 disciplinary action against a physician solely because the physician practices chelation
 16 therapy, attempts to practice chelation therapy, proposes to practice chelation therapy, or holds
 17 himself or herself out to the public as practicing chelation therapy.

Handwritten note: "check usage" above "practicing"; "or holds" circled

18 **SECTION 4.** 448.06 (2) of the statutes is renumbered 448.06 (2) (a) and amended to read:

19 448.06 (2) (a) The Except as provided in par. (b), the board may deny an application
 20 for any class of license or certificate and refuse to grant such license or certificate on the basis

1 of unprofessional conduct on the part of the applicant, failure to possess the education and
2 training required for that class of license or certificate for which application is made, or failure
3 to achieve a passing grade in the required examinations.

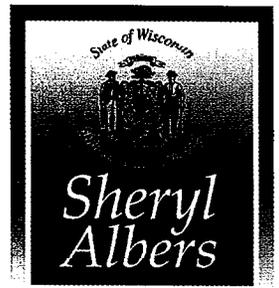
4 **SECTION 5.** 448.06 (2) (b) of the statutes is created to read:

5 448.06 (2) (b) The board may not deny an application for a physician's license and may
6 not refuse to grant a physician's license solely because the applicant practices chelation
7 therapy, attempts to practice chelation therapy, proposes to practice chelation therapy, or holds
8 himself or herself out to the public) as practicing chelation therapy.

9 **SECTION 6. Applicability.**

10 Sections 448.02 (8m) and 448.06 (2) (b) of the statutes, as created by this act, apply
11 regardless of whether the practice of chelation therapy, attempt to practice chelation therapy,
12 proposal to practice chelation therapy, or holding oneself out to the public as practicing
13 chelation therapy, occurs before, on, or after the effective date of the SECTION [revisor inserts
14 date]. Any disciplinary action taken by the medical examining board before the effective date
15 of this SECTION [revisor inserts date] on the basis of any of those activities is void.

16 (END)



To: LRB – Drafting
From: Representative Sheryl K. Albers

Date: March 4, 2003
Subject: Permitting the Practice of Chelation Therapy

Please prepare a 2003 bill using the attached draft from Legislative Council that would permit the practice of chelation therapy under Wisconsin law.

Feel free to direct any questions to me or my staff attorney, Scott Harold Southworth, at 266-8531. Thank you.



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jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1

AN ACT ...; relating to: chelation therapy

Analysis by the Legislative Reference Bureau

* Under current law, the medical examining board licenses physicians to practice, investigates allegations of malpractice or unprofessional behavior by a physician, and imposes discipline on a physician who commits malpractice or acts unprofessionally.

* This bill permits a physician to practice chelation therapy. Chelation therapy is a medical treatment in which a chemical is introduced into a patient's body for the purpose of binding and either removing or rearranging metallic elements. Under the bill, the medical examining board may not deny a license, investigate, or take disciplinary action against a physician solely because he or she practices, or wishes to practice, chelation therapy.

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

2
3
4
5

SECTION 1. 448.015 (1c) ✓ of the statutes is created to read:

448.015 (1c) "Chelation therapy" ✓ means a medical treatment in which a chemical is introduced into the body for the purpose of binding, and removing or rearranging, metallic elements in the body.

1 **SECTION 2.** 448.02 (3) (am) of the statutes is created to read:

2 448.02 (3) (am) If the board receives an allegation of unprofessional conduct
3 or negligence involving the practice of chelation therapy, the board shall consult, as
4 part of its investigation under par. (a), with at least one physical who devotes a
5 significant portion of his or her practice to chelation therapy.

6 **SECTION 3.** 448.02 (3) (i) of the statutes is created to read:

7 448.02 (3) (i) The board may not investigate or take disciplinary action against
8 a physician solely because the physician practices, attempts to practice, proposes to
9 practice, or holds himself or herself out to the public as one who practices, chelation
10 therapy.

11 **SECTION 4.** 448.06 (2) of the statutes is amended to read:

12 448.06 (2) DENIAL OF LICENSE OR CERTIFICATE. The board may deny an
13 application for any class of license or certificate and refuse to grant such license or
14 certificate on the basis of unprofessional conduct on the part of the applicant, failure
15 to possess the education and training required for that class of license or certificate
16 for which application is made, or failure to achieve a passing grade in the required
17 examinations. The board may not deny an application for a physician's license and
18 may not refuse to grant a physician's license solely because the applicant practices,
19 attempts to practice, proposes to practice, or holds himself or herself out to the public
20 as one who practices, chelation therapy.

21 History: 1975 c. 383, 421; 1985 a. 340; 1987 a. 399; 1999 a. 180.

22 **SECTION 5. Nonstatutory provisions.**

23 (1) The medical examining board may not investigate or take disciplinary
action against a physician solely because the physician practices, attempts to

1 practice, proposes to practice, or holds himself or herself out to the public as one who
2 practices, chelation therapy before the effective date of this subsection. ✓

3 (END)