

SB275

**Halbur, Jennifer**

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**From:** Kurtz, Hunter  
**Sent:** Monday, February 02, 2004 11:18  
**To:** Halbur, Jennifer  
**Subject:** FW: WCA

-----Original Message-----

**From:** Patrick Essie [mailto:pessie@patrickessie.com]  
**Sent:** Monday, February 02, 2004 9:43 AM  
**To:** Sen. Carol Roessler (E-mail)  
**Subject:** WCA

Essie Consulting Group will no longer represent the Wisconsin Chiropractic Association. Friday afternoon I notified Russ Leonard, the association's executive director, that my colleagues and I at ECG have determined that after 12 years it's time for a change in direction for us and the association.

I wish Mr. Leonard, the members of WCA and its board nothing but the very best.

Patrick Essie  
Essie Consulting Group  
16 N. Carroll St., Suite 900  
Madison WI 53703  
608-256-7701

## Halbur, Jennifer

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**From:** Roessler, Carol  
**Sent:** Tuesday, December 16, 2003 9:27 AM  
**To:** Travis, Leslie; Halbur, Jennifer  
**Subject:** FW: FW: Senate Bill 275

Leslie - fyi - constituent from Fred's district

Jennifer - bill in Health Committee

Karen Asbjornson  
Office of Senator Carol Roessler  
(608) 266-5300/1-888-736-8720  
Karen.Asbjornson@legis.state.wi.us

-----Original Message-----

From: emwford@juno.com [mailto:emwford@juno.com]  
Sent: Tuesday, December 16, 2003 7:02 AM  
To: Carol.Roessler@legis.state.wi.us  
Subject: Re: FW: Senate Bill 275

Sen. Roessler:

My address is 918 Eagle Heights - D, Madison, WI 53705. While this is important to your office, what is more important to me is my concern that the passage of Senate Bill 275. Allowing chiropractors the right and privilege of providing nutrition counseling after a meager 48 hours of educational credentialing is appalling. Especially given that I am a nutrition professional, certified by the state of Wisconsin as a registered dietitian. I completed six years of intensive nutrition training, a one-year internship and six months of a residency program in pediatrics and have served for over 18 years in this field completing over 235 hours of continuing education.

So I again encourage you to please do what you can to protect and retain the high stands of care provided by certified dietitians of this great state. A vote against Senate Bill 275 will ensure that the delivery of quality healthcare to the citizens of Wisconsin not lobbyists dictate who can provide nutrition counseling in Wisconsin.

Sincerely,

Amy J. Ford MS, RD, CD

On Mon, 15 Dec 2003 07:35:15 -0600 "Roessler, Carol"  
<Carol.Roessler@legis.state.wi.us> writes:

>  
> Thank you for your email. Due to the volume of emails I am currently  
> receiving, I ask that all emails contain a home mailing address.  
> This  
> ensures constituents receive the highest priority. Thank you for  
> your  
> assistance. I look forward to hearing from you.  
>  
> Sincerely,  
>  
> CAROL ROESSLER  
>  
> State Senator, 18th Senate District

>  
>  
>  
> -----Original Message-----  
> From: emwford@juno.com [mailto:emwford@juno.com]  
> Sent: Sunday, December 14, 2003 9:30 PM  
> To: sen.roessler@legis.state.wi.us  
> Subject: Senate Bill 275  
>  
>  
> Dear Senator Roessler:  
>  
> I am writing to express my concern over Section Ten of Senate Bill  
> 275,  
> which is currently under consideration. I am a nutrition  
> professional,  
> certified by the state of Wisconsin as a registered dietitian. I  
> currently provide services in this state through the rural Dane  
> County  
> Birth-Three early intervention program. I have completed six years  
> of  
> intensive nutrition training, a one-year internship and six months  
> of a  
> residency program in pediatrics. I have served for over 18 years in  
> this  
> field completing over 235 hours of continuing education. I think it  
> appalling that you are considering granting chiropractors the right  
> and  
> privilege of providing nutrition counseling after a meager 48 hours  
> of  
> educational credentialing. Authorizing chiropractors to provide  
> nutrition counseling while selling nutritional supplements creates  
> an  
> inherent conflict of interest, which is forbidden by both the  
> American  
> Medical Association and the American Dietetics Association. I have  
> been  
> around long enough to know that money talks, but I urge you to  
> listen  
> closely to the voice of those trained in this field who put the  
> public,  
> their patients and professional ethics above and beyond their  
> concern for  
> an increased profit margin. Please do what you can to protect and  
> retain  
> the high stands of care provided by certified dietitians of this  
> great  
> state and vote this bill down.  
> I greatly appreciate your prompt attention to this matter.  
> Sincerely,  
>  
> Amy J. Ford MS, RD, CD  
>  
>

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## Halbur, Jennifer

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**From:** Asbjornson, Karen  
**Sent:** Tuesday, December 16, 2003 8:31 AM  
**To:** Tormey, Jessica; Halbur, Jennifer  
**Subject:** FW: Senate Bill 275

Jessica - fyi...constituent from Alberta's district  
Jennifer - Bill in Health Committee

Karen Asbjornson  
Office of Senator Carol Roessler  
(608) 266-5300/1-888-736-8720  
Karen.Asbjornson@legis.state.wi.us

-----Original Message-----

From: Barb Taggart [mailto:btaggart@communitymemorial.com]  
Sent: Monday, December 15, 2003 4:42 PM  
To: 'sen.roessler@legis.state.wi.us'  
Subject: Re: Senate Bill 275

Dear Senator Roessler,

I am writing to urge you to delete Section 10 of Senate Bill 275. This section expands the scope of practice for chiropractors to include nutritional counseling. Chiropractors are not qualified to provide nutritional counseling!

The use of supplements, vitamins and herbs can be beneficial, but if improperly done, can cause harm to patients. For this reason Wisconsin has recognized the unique knowledge and skills involved in nutritional counseling by requiring certification of dietitians, thus guaranteeing expertise in those who provide nutrition services.

Section 10 of SB 275 permits chiropractors licensed before January 1, 2003 to engage in nutritional counseling after completing only 48 hours of study in nutrition. Chiropractors licensed after January 1, 2003 are presumed to have received the proper training through their doctor of chiropractic degree program. However, the extent of nutrition training is left up to the individual degree program. The proposed nutrition training for chiropractors is clearly inadequate when compared to that required of dietetic professionals.

Please, please delete Section 10 of Senate Bill 275.

Barb Taggart RD, CD  
Clinical Dietetics Supervisor  
Community Memorial Hospital  
P.O. Box 408  
W180 N8085 Town Hall Road  
Menomonee Falls, WI 53052  
phone: 262/257-3137  
fax: 262/257-5323

Halbur, Jennifer

SB  
275

**From:** Seaquist, Sara  
**Sent:** Wednesday, December 17, 2003 3:48 PM  
**To:** Halbur, Jennifer  
**Subject:** FW: Senate Bill 275

CR email...

-----Original Message-----

**From:** Claire and Steve Letourneaux [mailto:sunrise@pitnet.net]  
**Sent:** Tuesday, December 16, 2003 11:53 PM  
**To:** Roessler, Carol  
**Subject:** Re: Senate Bill 275

**Claire Letourneaux**  
**453 Sunrise Circle**  
**Brillion, WI 54110**  
 Claire Letourneaux  
[sunrise@pitnet.net](mailto:sunrise@pitnet.net)

----- Original Message -----

**From:** Roessler, Carol  
**To:** 'Claire and Steve Letourneaux'  
**Sent:** Tuesday, December 16, 2003 8:26 AM  
**Subject:** RE: Senate Bill 275

Thank you for your email. Due to the volume of emails I am currently receiving, I ask that all emails contain a home mailing address. This ensures constituents receive the highest priority. Thank you for your assistance. I look forward to hearing from you.

Sincerely,

CAROL ROESSLER

State Senator, 18th Senate District

-----Original Message-----

**From:** Claire and Steve Letourneaux [mailto:sunrise@pitnet.net]  
**Sent:** Monday, December 15, 2003 8:47 PM  
**To:** sen.roessler@legis.state.wi.us  
**Subject:** Senate Bill 275

Dear Carol, As a registered dietitian, I strongly urge you to *not* support senate bill 275. I feel there is a huge conflict of interest should chiropractors have the right to provide nutrition counseling. As registered and licensed dietitians, we do not prescribe and sell products, why should chiropractors be allowed to do this?

Chiropractors would be compromised in their service to clients with the interest in selling products. Please feel free to contact me should you like to discuss. I worked with you at Mercy Medical Center when I was just starting out as a dietitian and you were involved with Advocap. Take care.

Claire Herres-Letourneaux

[sunrise@pitnet.net](mailto:sunrise@pitnet.net)

SB  
275

**Date:** November 24, 2003

**Re:** Chiropractic Bill

**To:** Senator Carol Roessler  
Representative Greg Underheim

**From:** James A Rosemeyer, D.C.  
Wisconsin Chiropractic Examining Board Chair

Our position has not changed since the public hearing concerning this legislation. We do NOT feel that this Bill will improve our ability to protect the public.

**Section 11** will result in an increase in health care cost.

- There are no changes to this section that could be made so we would support it.

**Section 13** will create a monopoly for the WCA in respect to offering CE.

- Change the 'shall' to 'may' in section 13, pg 10, line 11 and we could support this part of the Bill.

**Section 16** needs to completely be rewritten so to expedite the reporting, investigation and resolution of patient complaints.

- Put minimal penalties in the Bill and allow the Board to decide the appropriate discipline.
- Allow the Board to increase fees and apply these fees towards improvement in the Department's resources for discipline issues.

Halbur, Jennifer

SB  
275

**From:** Asbjornson, Karen  
**Sent:** Thursday, December 11, 2003 3:47 PM  
**To:** Manley, Scott; Halbur, Jennifer  
**Subject:** FW: section 10 of SB 275

Hi Scott and Jennifer,

Scott - I sent you a copy of the attached email because it's Cathy's district and Jennifer - bill in Health committee...

Happy Holidays!

Karen Asbjornson  
Office of Senator Carol Roessler  
(608) 266-5300/1-888-736-8720  
Karen.Asbjornson@legis.state.wi.us

-----Original Message-----

From: Vincent P. Hart [mailto:bavhart@wi.net]  
Sent: Thursday, December 11, 2003 3:43 PM  
To: sen.roessler@legis.state.wi.us; sen.brown@legis.state.wi.us;  
sen.kanavas@legis.state.wi.us; sen.schultz@legis.state.wi.us;  
sen.welch@legis.state.wi.us; sen.robson@legis.state.wi.us;  
sen.chvala@legis.state.wi.us; sen.carpenter@legis.state.wi.us;  
sen.jauch@legis.state.wi.us; sen.meyer@legis.state.wi.us;  
sen.breske@legis.state.wi.us; sen.plale@legis.state.wi.us  
Subject: section 10 of SB 275

As a dietetics professional ( Registered Dietitian) and long time member of the American Dietetics Association, I urge you to delete section 10 of SB 275 which would allow chiroprators to do nutritional counseling.

They do not and will not have adequate nutrition training. It is a conflict of interest to be able to sell nutritional supplements as well as giving nutrition counseling. I feel this would not be in the best interest of providing the best health care to the citizens of Wisconsin.

Barbara P. Hart, RD  
3821 Pine Hill Blvd.  
Racine, WI 53403

SB 275

**Halbur, Jennifer**

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**From:** Asbjornson, Karen  
**Sent:** Monday, December 15, 2003 7:23 AM  
**To:** Jablonski, Jack; Halbur, Jennifer  
**Subject:** FW: Senate Bill 275

Jack - Someone from Sheila's district...  
Jennifer - Bill in Health Committee...

Happy Holidays!

Karen Asbjornson  
Office of Senator Carol Roessler  
(608) 266-5300/1-888-736-8720  
Karen.Asbjornson@legis.state.wi.us

-----Original Message-----

**From:** Zasoski, Elizabeth A [mailto:zasoskie@uwstout.edu]  
**Sent:** Saturday, December 13, 2003 6:40 PM  
**To:** sen.roessler@legis.state.wi.us  
**Subject:** Senate Bill 275

Dear Senator Roessler,

I am writing to you regarding SB 275; a bill that would allow chiropractors to provide nutritional counseling to patients. Section 10 of this senate bill should be eliminated!

As a UW-Stout student graduate student in Food and Nutrition, I have spent the past 6 years of my life studying human nutritional sciences. I am currently a dietetic intern and I am dedicating this school year to practicing my nutrition therapy skills. The state of Wisconsin has recognized the profession of dietetics as a unique skill and knowledge base and thus requires dietitians to be certified. Information provided to patients by certified dietitians is guaranteed to be accurate and without any bias.

Section 10 of SB 275 would allow chiropractors to provide nutritional counseling regarding supplements, vitamins and herbs to their patients after only 48 hours of training if licensed before January 1, 2003 or would be qualified based upon coursework deemed appropriate by their individual program. If dietitians are required to attend 4 years of specialized classes, required to complete a dietetic internship, pass a national exam and maintain a current certification to be considered knowledgeable in the field of nutrition; how would chiropractors be considered nutrition experts after only 48 hours of training?

In addition, chiropractors already sell and provide general information on vitamins and nutritional supplements. If this bill passes chiropractors would be authorized to provide counseling on the products they sell. This would create a conflict of interest, as the chiropractor would be providing biased information about the products they sell. The professional codes of ethics for the American Medical Association and the American Dietetic Association forbid the practice of selling supplemental products and providing information about them. According to SB 275, this practice would be allowed for chiropractors.

Senator Roessler, I urge you to reconsider this bill. I am concerned about the quality of information that would be available to patients if Section 10 of this bill were not eliminated. As a dietetics student, I have studied very hard to become an expert in the field of nutrition. Please do not disregard my hard work and expertise by allowing Section 10 to remain in SB 275.

Sincerely,

Elizabeth Zasoski

425 Cedar Ave E

Menomonie, WI 54751

zasoskie@uwstout.edu

SB  
275**Halbur, Jennifer**

**From:** Asbjornson, Karen  
**Sent:** Monday, December 15, 2003 7:43 AM  
**To:** Travis, Leslie; Halbur, Jennifer  
**Subject:** FW: SB 275 Concern, w/ Address

Leslie...fyi - constituent email from Senator Risser's district.  
Jennifer - Health Committee bill.

Happy Holidays!

Karen Asbjornson  
Office of Senator Carol Roessler  
(608) 266-5300/1-888-736-8720  
Karen.Asbjornson@legis.state.wi.us

-----Original Message-----

**From:** R.A. Lemon and C.C. Lemon [mailto:rlemon@wisc.edu]  
**Sent:** Friday, December 12, 2003 7:40 PM  
**To:** sen.roessler@legis.state.wi.us  
**Subject:** SB 275 Concern, w/ Address

Dear Senator Roessler:

I am writing to call your attention to **Section 10 of Senate Bill 275**, which **expands chiropractors' scope of practice to include nutrition counseling** related to nutritional supplements, herbs, and vitamins.

As Chairperson of the Senate Health Committee to which this bill has been referred, please consider the following problems with this legislation:

\* While the use of supplements, vitamins and herbs and the associated nutritional counseling can certainly be beneficial, they can also cause great harm to the patient when administered or prescribed by an untrained professional.

\* Chiropractors are not qualified to provide nutritional counseling. Section 10 of SB 275 permits chiropractors licensed before January 1, 2003, to engage in nutritional counseling after completing only 48 hours study in nutrition. Chiropractors licensed after January 1, 2003 are presumed to have received the proper training through their doctor of chiropractic degree program. However, the extent of nutrition training is left up to the individual degree program. The proposed nutrition training for chiropractors is clearly inadequate when compared to that required of dietetic professionals.

\* Chiropractors already sell and provide general information on vitamins and nutritional supplements. Authorizing chiropractors to engage in nutritional counseling, as would be allowed under SB 275, creates an inherent conflict of interest between chiropractors' sales of nutritional supplements and their ability to give fully unbiased counseling to a patient who may need nutritional therapy. To avoid such a conflict of interest, it has become standard legal and ethical practice in the health care professions to minimize or eliminate any financial incentives for a health care provider to steer patients toward a service or a course of treatment. The professional codes of ethics of the American Medical Association and the American Dietetic Association, for example, forbid this practice, which would be allowed for

12/15/2003

chiropractors under SB 275.

Section 10 of SB 275 is of particular concern to the 1,700 dietetic professionals practicing in Wisconsin. Thanks, in part, to your support, Wisconsin has recognized the **unique knowledge and skills involved in nutritional counseling** by requiring the certification of dietitians, thus guaranteeing expertise in those who provide nutrition services.

Thank you for carefully considering the negative impact this bill could have on the health and safety of patients seeking nutrition counseling.

Sincerely,

Christina C. Lemon, MS, RD, CD  
2519 Middleton Beach Rd.  
Middleton, WI 53562  
Phone: 608-238-6715

WISCONSIN STATE SENATE



**Carol Roessler**  
STATE SENATOR

December 11, 2003

Ellen Humleker  
165 Fifth Street  
Fond du Lac, WI 54935-5978

SB  
275

Dear Ellen,

Thank you for your contact on 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 and nutritional guidance provided by chiropractors to patients.

I understand your concerns relating to the proposed nutrition education requirements for chiropractors. I have been working with legislators and other interested parties on SB 275 to resolve several outstanding issues. The nutritional education requirement is one of the issue areas that need to be addressed. I agree with you and do not support the nutritional language that is in the bill.

SB 275 is currently in the Senate Committee on Health, Children, Aging and Long Term Care, which I chair. On October 14, 2003, a public hearing was held on the bill. I do not anticipate having the Committee vote on the bill until the problem areas have been resolved.

Thank you again for sharing your views with me. I will keep you informed as this bill moves forward.

Sincerely,

A handwritten signature in cursive script that reads "Carol".

CAROL ROESSLER  
State Senator  
18th Senate District

CR:/jhs:\DOCS\Jennifer\12-11-03 sb 275 nutrition ltr..doc

DEC 09 2003 JH

Ellen B. Humleker

165 Fifteenth Street, Fond du Lac, Wisconsin 54935-5978

Dec. 8, 2003

Dear Carol,

Please delete section 10 of SB 275. Chiropractors are not qualified to provide nutritional counseling. Chiropractors do not have the professional knowledge required to do nutritional counseling. Section 10 permits them to engage in nutritional counseling if they complete 48 hours in nutrition. That is clearly inadequate compared to the many years of education and training nutritionists and dietetic professionals have. Furthermore, chiropractors already see nutrition and supplements to their clients as the primary incentive to attract clients. That is a course of treatment would be a conflict of interest and extremely wrong.

Please delete section 10,  
 sincerely,  
 Ellen Humleker

**Halbur, Jennifer**

---

**From:** Seaquist, Sara  
**Sent:** Wednesday, December 10, 2003 4:39 PM  
**To:** Halbur, Jennifer  
**Subject:** FW: SB 275  
CR email...

-----Original Message-----

**From:** CRNRC [mailto:crnrc@core.com]  
**Sent:** Wednesday, December 10, 2003 1:38 PM  
**To:** sen.roessler@legis.state.wi.us  
**Subject:** SB 275

Dear Senator Roessler,

It has come to my attention that SB 275 is a bill that gives chiropractors the right to provide nutritional counseling. Please do not give the chiropractors the right to educate their clients when they may not have nutritional knowledge or education to provide nutritional counseling.

I am a Registered Dietitian, certified with the State of Wisconsin. I received my undergraduate degree in Food Science and Dietetics from the University of Wisconsin-Madison. This is a four year degree which has provided me with the knowledge and skills to practice nutrition counseling. I also must maintain educational credits to keep my registration and certification viable. In SB 275, it is allowing chiropractors with only 48 hours of study to engage in nutritional counseling.

Chiropractors are allowed to sell and provide general information on vitamins and supplements. Authorizing chiropractors to engage in nutritional counseling, as would be allowed under SB 275, creates an inherent conflict of interest between chiropractors' sales of supplements and their ability to give fully unbiased counseling to a patient who may need nutritional therapy.

Please feel free to contact me regarding this issue @ 715-258-9772 (after 6pm) or e-mail [KNKTECH@EXECPC.COM](mailto:KNKTECH@EXECPC.COM). I feel the chiropractors have a much greater financial lobbying power than the Wisconsin Dietetic professionals but I hope you will agree nutritional counseling should not be given by chiropractors.

Thank you,

Nancy E. Derkowski, RDCD  
N3579 Wood Field Court  
Waupaca, WI 54981

SB 275

**Halbur, Jennifer**

---

**From:** PAULA KERR [pkerr2748@prodigy.net]  
**Sent:** Wednesday, December 10, 2003 10:44  
**To:** Roessler, Carol  
**Subject:** RE: senate bill 275

Paula Kerr  
303 Weston Ave.  
Wausau, WI 54403

**"Roessler, Carol"** <Carol.Roessler@legis.state.wi.us> wrote:

Thank you for your email. Due to the volume of emails I am currently receiving, I ask that all emails contain a home mailing address. This ensures constituents receive the highest priority. Thank you for your assistance. I look forward to hearing from you.

Sincerely,

CAROL ROESSLER

State Senator

18th Senate District

-----Original Message-----

**From:** PAULA KERR [mailto:pkerr2748@prodigy.net]  
**Sent:** Tuesday, December 09, 2003 8:34 PM  
**To:** sen.roessler@legis.state.wi.us  
**Subject:** senate bill 275

Senator Roessler,

Please work to delete section 10 of SB 275. I am a Registered Dietitian who knows of chiropractors in my community who take advantage of vulnreable patients by selling them expensive nutritional "supplements" which serve no purpose whatsoever. Such "supplements" have included CNS stimulants, and metabolic stimulants. I also have knowledge of chairopractors who purposely fail to coordinate their so-called "nutritional supplements" with the patients' primary physicians for fear that the physician will not approve. This is dangerous practice. Please do not give chairopractors the right to provide nutritional counseling.

Please work to delete section 10 of SB 275.

Thank You, Paula Kerr M.S. R.D. C.D.

SB275

**Halbur, Jennifer**

---

**From:** Seaquist, Sara  
**Sent:** Tuesday, December 09, 2003 11:57 AM  
**To:** Halbur, Jennifer  
**Subject:** phone call

273-0296  
Dr. Greenwald called- wants to know what's going on w/ chiro bill

12/9/03

JH called to update Dr. Greenwald. I told him that there has not been any activity. WCA + Allied are supposed to be working together.

DEC 08 2003

7130 Scalbom Drive  
Hazelhurst, WI 54531

December 2, 2003

Senator Carol Roessler  
State Senate  
P.O. Box 7882  
Madison, WI 53707-7882

Dear Senator Roessler:

I am writing in regard to Senate Bill 275, the bill that gives chiropractors the right to provide nutritional counseling. I don't agree with expanding this scope of practice for chiropractors and at a minimum, I would like to see Section 10 of SB 275 deleted. Chiropractors do not have an adequate knowledge and skill base to provide nutrition counseling.

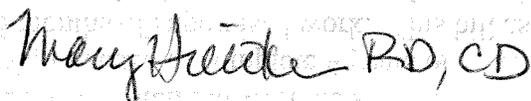
Section 10 of SB 275 permits chiropractors licensed before January 1, 2003 to engage in nutritional counseling after only 48 hours of study in nutrition. To obtain my credentials as a registered dietitian with the American Dietetic Association and certified dietitian in the state of WI, I needed to complete 4 years of undergraduate study and an internship that was equivalent to 6 months of supervised work. This bill assumes that chiropractors licensed after January 1, 2003 have received proper training to be nutrition experts. Schools that train chiropractors vary in the amount of time students are trained in nutrition and I doubt that any of these schools require 4+ years of study – the minimum I need to be certified as a dietitian in Wisconsin.

Chiropractors already sell, and provide general information on vitamins and nutritional supplements. Authorizing chiropractors to engage in nutritional counseling, as would be allowed under SB 275, creates an inherent conflict of interest between their sale of nutritional supplements and their ability to give fully unbiased counseling to a patient who may need nutritional therapy. Every year, many elderly and medically vulnerable patients are taken in by unsavory health professionals who recommend therapies that line their own pockets but may not be effective.

As a registered dietitian, I follow a code of ethics to eliminate any financial incentive to steer patients toward a service or course of treatment. Physicians follow a similar code in their practice. I would like to see our state expect the same from chiropractors by eliminating Section 10 of SB 275.

In your capacity as chair of the Senate Health Committee, I appreciate your consideration of my concerns.

Sincerely,



Mary Hilliker, R.D., C.D.

SB 275

**Halbur, Jennifer**

**From:** Seaquist, Sara  
**Sent:** Monday, December 01, 2003 10:39 AM  
**To:** Halbur, Jennifer  
**Subject:** FW: SB 275, section 10

CR email...not a constituent

-----Original Message-----

From: Lindmark, Christina [mailto:CLindmark@RENALCAREGROUP.COM]  
Sent: Friday, November 28, 2003 7:45 AM  
To: 'sen.roessler@legis.state.wi.us'  
Subject: SB 275, section 10

> Dear Senator Roessler,  
>  
> My name is Christina Lindmark. I'm a registered dietitian in Milwaukee.  
> I'm contacting you in regards to the newly proposed Senate Bill 275  
> regarding chiropractic scope of practice. Although you are not my district  
> senator, I felt it necessary to contact you directly to state my  
> opposition to section 10 of this bill given your position as the  
> chairperson of the Senate Health Committee. Please take a moment to read  
> my comments below and discuss with your committee, the concerns of  
> Registered Dietitians in this state.  
>  
> Section 10 of SB 275, adds a nutritional counseling component to the scope  
> of practice for Wisconsin Chiropractors with regard to nutritional  
> supplements, herbs and vitamins. Bulleted are my concerns with this  
> proposed bill:  
> \* Most importantly, SB 275 permits chiropractors licensed before  
> January 1, 2003 to engage in nutritional counseling after completing only  
> 48 hours post-graduate work in nutritional training. Those individuals  
> graduating from their degree program after January 2003 are presumed to  
> have enough nutritional training to provide nutritional counseling. This  
> is in stark contrast to the rigorous training that Registered Dietitians  
> must perform with a 4 year degree and internship following. In fact, the  
> state of WI has noted this in certifying Registered Dietitians completing  
> this course work. In addition, 40% of Registered Dietitians hold advanced  
> degrees.  
>  
> \* Nutritional counseling in relation to use of herbal or dietary  
> supplements can be both highly beneficial and highly harmful. The unique  
> skills and knowledge necessary to provide this type of counseling was  
> recognized when WI legislature passed the certification of Registered  
> Dietitians.  
>  
> \* Thirdly, as other health care professions require code of ethics, it  
> would seem this is particularly necessary for chiropractors as well. This  
> bill could in a sense create a conflict of interest between chiropractors'  
> sales of nutritional supplements and their ability to provide fully  
> unbiased counseling to a patient in need of nutritional therapy, if they  
> can profit from the sale.  
>  
> I thank you for your time in reading these comments, and hope that in  
> representing the health issues of the constituents in this state that you  
> would discuss the points I have brought to your attention. I look forward  
> to your reply.  
>  
> Thanks and have a Happy Thanksgiving.  
>  
> Christina Lindmark RD, CD

> Wisconsin Renal Care Group- Centre Point  
> 11340 W. Theodore Trecker Way  
> West Allis, WI 53214  
> P: (414) 774.1244  
> F: (414) 774.8130  
> clindmark@renalcaregroup.com  
>  
>



**Carol Roessler**  
STATE SENATOR

December 4, 2003

Amy Reuter  
1278 Wheatfield Way  
Oshkosh, WI 54904-7419

Dear Amy,

Thank you for your contact on 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 and nutritional guidance provided by chiropractors to patients.

I understand your concerns relating to the proposed nutrition education requirements for chiropractors. I have been working with legislators and other interested parties on SB 275 to resolve several outstanding issues. The nutritional education requirement is one of the issue areas that need to be addressed. I agree with you and do not support the nutritional language that is in the bill.

SB 275 is currently in the Senate Committee on Health, Children, Aging and Long Term Care, which I chair. On October 14, 2003, a public hearing was held on the bill. I do not anticipate having the Committee vote on the bill until the problem areas have been resolved.

Thank you again for sharing your views with me. I will keep you informed as this bill moves forward.

Sincerely,

CAROL ROESSLER  
State Senator  
18th Senate District

CR:/jhs\DOCS\Jennifer\11-26-03 chiro reuter sb 275 ltr.doc

**Reuter, Amy**  
1278 Wheatfield Way  
Oshkosh, WI 54904-7419

**Contact Date:** 11/21/2003

**Contact Type:**

**Summary:** SB 275

**Issue:**

**Position:**

**Description:** Is there a Tag for this one???

-----Original Message-----

From: Amy Reuter [mailto:Acreuter@fmlh.edu]  
Sent: Friday, November 21, 2003 3:48 PM  
To: sen.roessler@legis.state.wi.us  
Subject: Senate Bill

Senator Roessler,

As a nutrition professional, I am writing in opposition of SB 275.  
I am a state certified registered dietitian with six years of college education.

In order to maintain my RD status, I am required to have 75 hours of approved continuing education credits over a 5 year period.

The proposed nutrition education for chiropractors (under section 10 of SB 275) is clearly inadequate when compared to the requirements of a RD.

Please consider voting against this bill.

Sincerely,  
Amy Reuter RD,CD

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

**Status:** Done

**Closed Date:** 12/04/2003

**Assigned:** Halbur, Jennifer

**Owner:** Halbur, Jennifer

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**Note**      **Note Date:** 11/26/2003

**Summary:** JH gave response letter to cr for her review

**Contact Type:**

**Description:**

**Note**    **Note Date:** 12/04/2003

**Summary:** JH sent letter

**Contact Type:**

**Description:**

**File:** S:\DOCS\Jennifer\11-26-03 chiro reuter sb 275 ltr.doc

12-1-2

Logan College  
- Cont. education language.  
- delegation provision (S)



The Association of  
Chiropractic  
Colleges

EDUCATION  
RESEARCH SERVICE

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## Halbur, Jennifer

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**From:** Seaquist, Sara  
**Sent:** Monday, December 01, 2003 11:20 AM  
**To:** Halbur, Jennifer  
**Subject:** FW: SB 275

CR email...not a constituent

-----Original Message-----

**From:** Schmidt, Charlene [mailto:schmidtcha@uwstout.edu]  
**Sent:** Friday, November 28, 2003 7:29 PM  
**To:** sen.roessler@legis.state.wi.us  
**Subject:** SB 275

Dear Senator Carol Roessler:

Please vote against SB 275 which would allow chiropractors to perform nutritional counseling in their practice. Chiropractors are not properly trained in the area of nutrition and coupled with the fact that they can sell supplements in their practice, many of them without scientific advocacy, it seems a conflict of interest to me. The area of expertise belongs with the Registered Dietitian with a minimum of 5 years of higher education courses who dedicate their careers and lives to staying abreast of the changes in the field as well as Registered Dietetic Technicians. I am currently teaching Dietetic Students at UW-Stout, counseling skills is one of my courses, and none of us could imagine any other medical professionals sharing in this role of expertise other than in an adjunct manner. Chiropractors have 48 hours of study in nutrition! Hardly enough to qualify them to provide informed and professional advice. Dietitians must also pass a qualifying exam that emphasizes the domains of clinical nutrition, management and community nutrition which further denotes them as expert in nutrition.

Thank you for your time and consideration.

Sincerely,

Charlene Schmidt, PhD, RD, CD  
Internship Director

UW-Stout

Home address:

805 19th Street  
Mosinee, WI 54455

SB275

**Halbur, Jennifer**

---

**From:** DRBILLYAL@aol.com  
**Sent:** Monday, November 03, 2003 8:01 PM  
**To:** sen.roessler@legis.state.wi.us  
**Subject:** Chiropractic

I'm writing to ask you to vote against the Chiropractic legislation that is currently before the Wisconsin Legislature. As a practicing chiropractor I strongly feel it will be detrimental to the chiropractic patients and the chiropractic profession in this state.

Thank you for your consideration in this matter.

W. Alex Cox, D.C.  
P.O. Box 23  
Mt. Horeb, WI 53572

# Senate Bill 275

## 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.

## 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.*

Underheim  
said -  
still  
in.

*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.
- 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* - **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* - **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.

OSY

- **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.*

# Chiropractic Mtg.

11-25-03

YOONE.

## Continuing Education

### Peer Review

— out

◦ No technique used today was taught in a college

◦ Penalties: what is substd. care

◦ Nutrition - too ambiguous

◦ Clinical work - delegation 446.02 paragraph 4: quest: what is clinical

- Do you penalize chiro? or reprimand perm.

◦ No such org as the International Practors Assoc.

\* If bill passed as written, you would end up w/ an educational monopoly.

◦ Penalty issue - on sponsors.

◦ Duty to Refer - CR / Med Soc. Concerns.

## Peer Review & enhanced penalties

dots

• Russ wants unprof. conduct back in. ~~Did~~ not think that this is part of Peer Review. Supports increased penalties for substandard care.

• Dr. Conway - no def. of substandard care.

Underham also concerned. Need to know what substandard care is before penalties can be imposed.

• Dick Sweet - unusual for the enhanced penalties are mandatory.

U: not req. enhanced penalties but

Examining Brd. could impose enhanced penalties if it thought appropriate.

Dr. Conway - okay / Russ - no.

JH left  
from 11:00  
1:15 ish

\* change model

- Russ compromises: p. 11, line 11 change shall to may.

\* Withholding LIC for delegation of care to untrained personnel

- Misunderstanding - resolved

Duty to Refer

Assoc  
Chro  
Colleges  
present

## Call to Action Family Planning

- ~~meet with groups to work through the Laura Rose memo + draft.~~

## \* Nutrition NO Resolution

- no complaints related to nutrition ever brought before the board.
- CR - wants WCA to issue a letter of information to encourage members to take C.E. on nutrition versus what the bill requires.  
Russ - no - not viable option.

## Cont. education \* NO Resolution

U: are people who are offering C.E. now, that will not be able to under the sub.

Russ: Diff from rule:

- ① lists only people that can provide C.E.
- ② 90 days.

\* Change agreed upon on: <sup>#15</sup> 2, 3, 5 can be delegated only to listed organizations  
#4 - delegated to everyone.

U: Content of courses ~~is~~ not who puts on the seminars.

Dick Sweet - modify rule to not allow sale of products etc.

~~XXXXXXXXXX~~

- If ~~the~~ person delegates + that group makes a mistake, the person delegating gets penalized.

~~CR~~ Wants group to come up w/ alternatives relating to delegation.