

1 254.39 (1) Nothing in this subchapter may be interpreted as limiting
2 intentional exposure of persons to radiation for the purpose of analysis, diagnosis,
3 therapy, and medical, chiropractic medicine, chiropractic, or dental research as
4 authorized by law.

History: 1977 c. 29; 1991 a. 178; 1993 a. 27 s. 233; Stats. 1993 s. 254.39; 1999 a. 9.

5 **SECTION 61.** 255.06 (1) (d) of the statutes is amended to read:

6 255.06 (1) (d) “Nurse practitioner” means a registered nurse licensed under ch.
7 441 or in a party state, as defined in s. 441.50 (2) (j), whose practice of professional
8 nursing under s. 441.001 (4) includes performance of delegated medical services
9 under the supervision of a physician, dentist, ~~or~~ podiatrist, or doctor of chiropractic
10 medicine.

History: 1991 a. 39 s. 3709, 3710, 3711; Stats. 1991 s. 146.0275; 1991 a. 269; 1993 a. 16; 1993 a. 27 s. 345; Stats. 1993 s. 255.06; 1995 a. 27; 1997 a. 27,
79; 2001 a. 16, 107, 109; 2003 a. 33; 2005 a. 25; 2007 a. 20/130; 2009 a. 28.

11 **SECTION 62.** 257.01 (5) (a) of the statutes, as affected by 2015 Wisconsin Act 55,

12 is amended to read:

13 257.01 (5) (a) An individual who is licensed as a physician, a physician
14 assistant, ~~or~~ a podiatrist, or a doctor of chiropractic medicine under ch. 448, licensed
15 as a registered nurse, licensed practical nurse, or nurse–midwife under ch. 441,
16 licensed as a dentist under ch. 447, licensed as a pharmacist under ch. 450, licensed
17 as a veterinarian or certified as a veterinary technician under ch. 89, or certified as
18 a respiratory care practitioner under ch. 448.

History: 2009 a. 42 ss. 245 to 250, 258 to 267; Stats. 2009 s. 257.01; 2009 a. 42; 2013 a. 357; 2015 a. 55.

19 **SECTION 63.** 257.01 (5) (b) of the statutes, as affected by 2015 Wisconsin Act 55,

20 is amended to read:

21 257.01 (5) (b) An individual who was at any time within the previous 10 years,
22 but is not currently, licensed as a physician, a physician assistant, ~~or~~ a podiatrist, or
23 a doctor of chiropractic medicine under ch. 448, licensed as a registered nurse,

1 licensed practical nurse or nurse–midwife, under ch. 441, licensed as a dentist under
2 ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified
3 as a veterinary technician under ch. 89, or certified as a respiratory care practitioner
4 under ch. 448, if the individual’s license or certification was never revoked, limited,
5 suspended, or denied renewal.

6 **History:** 2009 a. 42 ss. 245 to 250, 258 to 267; Stats. 2009 s. 257.01; 2009 a. 42; 2013 a. 357; 2015 a. 55.

6 **SECTION 64.** 287.07 (7) (c) 1. a. of the statutes is amended to read:

7 287.07 (7) (c) 1. a. “Clinic” means a place, other than a residence, that is used
8 primarily for the provision of nursing, medical, podiatric, chiropractic medicine,
9 dental, chiropractic, optometric or veterinary care and treatment.

10 **History:** 1989 a. 335 ss. 66c, 76; 1991 a. 32, 269, 300; 1993 a. 245, 419; 1995 a. 27, 142; 1995 a. 227 s. 889; Stats. 1995 s. 287.07; 1997 a. 27; 2009 a.
50, 55, 86; 2011 a. 32, 152; 2013 a. 168.

10 **SECTION 65.** 341.14 (1a) of the statutes is amended to read:

11 341.14 (1a) If any resident of this state, who is registering or has registered an
12 automobile, or a motor truck, dual purpose motor home or dual purpose farm truck
13 which has a gross weight of not more than 8,000 pounds, a farm truck which has a
14 gross weight of not more than 12,000 pounds or a motor home, submits a statement
15 once every 4 years, as determined by the department, from a physician licensed to
16 practice medicine in any state, from an advanced practice nurse licensed to practice
17 nursing in any state, from a public health nurse certified or licensed to practice in
18 any state, from a physician assistant licensed or certified to practice in any state,
19 from a podiatrist licensed to practice in any state, from a doctor of chiropractic
20 medicine licensed to practice chiropractic medicine in any state, from a chiropractor
21 licensed to practice chiropractic in any state, or from a Christian Science practitioner
22 residing in this state and listed in the Christian Science journal certifying to the
23 department that the resident is a person with a disability that limits or impairs the
24 ability to walk, the department shall procure, issue and deliver to the disabled

1 person plates of a special design in lieu of plates which ordinarily would be issued
2 for the vehicle, and shall renew the plates. The plates shall be so designed as to
3 readily apprise law enforcement officers of the fact that the vehicle is owned by a
4 nonveteran disabled person and is entitled to the parking privileges specified in s.
5 346.50 (2a). No charge in addition to the registration fee shall be made for the
6 issuance or renewal of such plates.

History: 1971 c. 164 s. 83; 1971 c. 299; 1975 c. 384, 417; 1977 c. 16; 1977 c. 29 ss. 1417, 1418, 1654 (7) (a), (e); 1977 c. 43, 183, 292, 418, 447; 1979 c. 236; 1981 c. 255; 1983 a. 227, 430, 511; 1985 a. 29, 55; 1985 a. 87 ss. 1, 5; 1985 a. 124, 202; 1985 a. 332 ss. 191, 251 (4); 1987 a. 19, 64, 112, 145, 315, 399, 403; 1989 a. 31, 54, 56, 137, 302, 304, 312, 359; 1991 a. 2, 39, 100, 240; 1993 a. 16, 291, 303, 415, 491; 1995 a. 147, 253, 255, 445; 1997 a. 27, 67, 252, 255; 1999 a. 9, 32, 80, 92, 167, 186; 2001 a. 16, 38, 103, 109; 2003 a. 83, 184; 2005 a. 22, 25, 109, 199, 260, 319, 472; 2007 a. 38, 97, 107, 120, 160, 194; 2009 a. 28, 135, 159, 182, 195, 224, 226, 230, 246, 340; 2011 a. 32; 2011 a. 260 ss. 50 to 52, 80; 2013 a. 29, 163, 188, 266, 275; s. 13.92 (1) (bm) 2. and (2) (i).

7 **SECTION 66.** 341.14 (1e) (a) of the statutes is amended to read:

8 341.14 (1e) (a) If any resident of this state, who is registering or has registered
9 a motorcycle, submits a statement once every 4 years, as determined by the
10 department, from a physician licensed to practice medicine in any state, from an
11 advanced practice nurse licensed to practice nursing in any state, from a public
12 health nurse certified or licensed to practice in any state, from a physician assistant
13 licensed or certified to practice in any state, from a podiatrist licensed to practice in
14 any state, from a doctor of chiropractic medicine licensed to practice chiropractic
15 medicine in any state, from a chiropractor licensed to practice chiropractic in any
16 state, from a Christian Science practitioner residing in this state and listed in the
17 Christian Science journal, or from the U.S. department of veterans affairs certifying
18 to the department that the resident is a person with a disability that limits or impairs
19 the ability to walk, the department shall procure, issue and deliver to the disabled
20 person a plate of a special design in lieu of the plate which ordinarily would be issued
21 for the motorcycle, and shall renew the plate. The statement shall state whether the
22 disability is permanent or temporary and, if temporary, the opinion of the physician,
23 advanced practice nurse, public health nurse, physician assistant, podiatrist, doctor

1 of chiropractic medicine, chiropractor, practitioner, or U.S. department of veterans
2 affairs as to the duration of the disability. The plate shall be so designed as to readily
3 apprise law enforcement officers of the fact that the motorcycle is owned by a
4 disabled person and is entitled to the parking privileges specified in s. 346.50 (2a).
5 No charge in addition to the registration fee may be made for the issuance or renewal
6 of the plate.

History: 1971 c. 164 s. 83; 1971 c. 299; 1975 c. 384, 417; 1977 c. 16; 1977 c. 29 ss. 1417, 1418, 1654 (7) (a), (e); 1977 c. 43, 183, 292, 418, 447; 1979 c. 236; 1981 c. 255; 1983 a. 227, 430, 511; 1985 a. 29, 55; 1985 a. 87 ss. 1, 5; 1985 a. 124, 202; 1985 a. 332 ss. 191, 251 (4); 1987 a. 19, 64, 112, 145, 315, 399, 403; 1989 a. 31, 54, 56, 137, 302, 304, 312, 359; 1991 a. 2, 39, 100, 240; 1993 a. 16, 291, 303, 415, 491; 1995 a. 147, 253, 255, 445; 1997 a. 27, 67, 252, 255; 1999 a. 9, 32, 80, 92, 167, 186; 2001 a. 16, 38, 103, 109; 2003 a. 83, 184; 2005 a. 22, 25, 109, 199, 260, 319, 472; 2007 a. 38, 97, 107, 120, 160, 194; 2009 a. 28, 135, 159, 182, 195, 224, 226, 230, 246, 340; 2011 a. 32; 2011 a. 260 ss. 50 to 52, 80; 2013 a. 29, 163, 188, 266, 275; s. 13.92 (1) (bm) 2. and (2) (i).

7 **SECTION 67.** 341.14 (1m) of the statutes is amended to read:

8 341.14 (1m) If any licensed driver submits to the department a statement once
9 every 4 years, as determined by the department, from a physician licensed to practice
10 medicine in any state, from a public health nurse certified or licensed to practice in
11 any state, from an advanced practice nurse licensed to practice nursing in any state,
12 from a physician assistant licensed or certified to practice in any state, from a
13 podiatrist licensed to practice in any state, from a doctor of chiropractic medicine
14 licensed to practice chiropractic medicine in any state, from a chiropractor licensed
15 to practice chiropractic in any state, or from a Christian Science practitioner residing
16 in this state and listed in the Christian Science journal certifying that another
17 person who is regularly dependent on the licensed driver for transportation is a
18 person with a disability that limits or impairs the ability to walk, the department
19 shall issue and deliver to the licensed driver plates of a special design in lieu of the
20 plates which ordinarily would be issued for the automobile or motor truck, dual
21 purpose motor home or dual purpose farm truck having a gross weight of not more
22 than 8,000 pounds, farm truck having a gross weight of not more than 12,000 pounds
23 or motor home, and shall renew the plates. The plates shall be so designed as to

1 readily apprise law enforcement officers of the fact that the vehicle is operated by a
2 licensed driver on whom a disabled person is regularly dependent and is entitled to
3 the parking privileges specified in s. 346.50 (2a). No charge in addition to the
4 registration fee may be made for the issuance or renewal of the plates. The plates
5 shall conform to the plates required in sub. (1a).

History: 1971 c. 164 s. 83; 1971 c. 299; 1975 c. 384, 417; 1977 c. 16; 1977 c. 29 ss. 1417, 1418, 1654 (7) (a), (e); 1977 c. 43, 183, 292, 418, 447; 1979 c. 236; 1981 c. 255; 1983 a. 227, 430, 511; 1985 a. 29, 55; 1985 a. 87 ss. 1, 5; 1985 a. 124, 202; 1985 a. 332 ss. 191, 251 (4); 1987 a. 19, 64, 112, 145, 315, 399, 403; 1989 a. 31, 54, 56, 137, 302, 304, 312, 359; 1991 a. 2, 39, 100, 240; 1993 a. 16, 291, 303, 415, 491; 1995 a. 147, 253, 255, 445; 1997 a. 27, 67, 252, 255; 1999 a. 9, 32, 80, 92, 167, 186; 2001 a. 16, 38, 103, 109; 2003 a. 83, 184; 2005 a. 22, 25, 109, 199, 260, 319, 472; 2007 a. 38, 97, 107, 120, 160, 194; 2009 a. 28, 135, 159, 182, 195, 224, 226, 230, 246, 340; 2011 a. 32; 2011 a. 260 ss. 50 to 52, 80; 2013 a. 29, 163, 188, 266, 275; s. 13.92 (1) (bm) 2. and (2) (i).

6 **SECTION 68.** 341.14 (1q) of the statutes is amended to read:

7 341.14 (1q) If any employer who provides an automobile, or a motor truck, dual
8 purpose motor home or dual purpose farm truck which has a gross weight of not more
9 than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000
10 pounds or a motor home, for an employee's use submits to the department a
11 statement once every 4 years, as determined by the department, from a physician
12 licensed to practice medicine in any state, from an advanced practice nurse licensed
13 to practice nursing in any state, from a public health nurse certified or licensed to
14 practice in any state, from a physician assistant licensed or certified to practice in
15 any state, from a podiatrist licensed to practice in any state, from a doctor of
16 chiropractic medicine licensed to practice chiropractic medicine in any state, from a
17 chiropractor licensed to practice chiropractic in any state, or from a Christian
18 Science practitioner residing in this state and listed in the Christian Science journal
19 certifying that the employee is a person with a disability that limits or impairs the
20 ability to walk, the department shall issue and deliver to such employer plates of a
21 special design in lieu of the plates which ordinarily would be issued for the vehicle,
22 and shall renew the plates. The plates shall be so designed as to readily apprise law
23 enforcement officers of the fact that the vehicle is operated by a disabled person and

1 is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition
2 to the registration fee may be made for the issuance or renewal of the plates. The
3 plates shall conform to the plates required in sub. (1a).

History: 1971 c. 164 s. 83; 1971 c. 299; 1975 c. 384, 417; 1977 c. 16; 1977 c. 29 ss. 1417, 1418, 1654 (7) (a), (e); 1977 c. 43, 183, 292, 418, 447; 1979 c. 236; 1981 c. 255; 1983 a. 227, 430, 511; 1985 a. 29, 55; 1985 a. 87 ss. 1, 5; 1985 a. 124, 202; 1985 a. 332 ss. 191, 251 (4); 1987 a. 19, 64, 112, 145, 315, 399, 403; 1989 a. 31, 54, 56, 137, 302, 304, 312, 359; 1991 a. 2, 39, 100, 240; 1993 a. 16, 291, 303, 415, 491; 1995 a. 147, 253, 255, 445; 1997 a. 27, 67, 252, 255; 1999 a. 9, 32, 80, 92, 167, 186; 2001 a. 16, 38, 103, 109; 2003 a. 83, 184; 2005 a. 22, 25, 109, 199, 260, 319, 472; 2007 a. 38, 97, 107, 120, 160, 194; 2009 a. 28, 135, 159, 182, 195, 224, 226, 230, 246, 340; 2011 a. 32; 2011 a. 260 ss. 50 to 52, 80; 2013 a. 29, 163, 188, 266, 275; s. 13.92 (1) (bm) 2. and (2) (i).

4 **SECTION 69.** 343.51 (1) of the statutes is amended to read:

5 343.51 (1) Any person who qualifies for registration plates of a special design
6 under s. 341.14 (1), (1a), (1m), or (1q) or any other person with a disability that limits
7 or impairs the ability to walk may request from the department a special
8 identification card that will entitle any motor vehicle parked by, or under the
9 direction of, the person, or a motor vehicle operated by or on behalf of the
10 organization when used to transport such a person, to parking privileges under s.
11 346.50 (2), (2a), and (3). The department shall issue the card at a fee to be determined
12 by the department, upon submission by the applicant, if the applicant is an
13 individual rather than an organization, of a statement from a physician licensed to
14 practice medicine in any state, from an advanced practice nurse licensed to practice
15 nursing in any state, from a public health nurse certified or licensed to practice in
16 any state, from a physician assistant licensed or certified to practice in any state,
17 from a podiatrist licensed to practice in any state, from a doctor of chiropractic
18 medicine licensed to practice chiropractic medicine in any state, from a chiropractor
19 licensed to practice chiropractic in any state, or from a Christian Science practitioner
20 residing in this state and listed in the Christian Science journal that the person is
21 a person with a disability that limits or impairs the ability to walk. The statement
22 shall state whether the disability is permanent or temporary and, if temporary, the
23 opinion of the physician, advanced practice nurse, public health nurse, physician

1 assistant, podiatrist, doctor of chiropractic medicine, chiropractor, or practitioner as
2 to the duration of the disability. The department shall issue the card upon
3 application by an organization on a form prescribed by the department if the
4 department believes that the organization meets the requirements under this
5 subsection.

History: 1979 c. 276; 1981 c. 119, 255; 1985 a. 87 s. 5; 1985 a. 202, 332; 1987 a. 19; 1989 a. 304; 1991 a. 240, 269; 1993 a. 16; 1995 a. 147; 1997 a. 27, 67, 252; 1999 a. 88; 2005 a. 455; 2007 a. 120; 2013 a. 359.

6 **SECTION 70.** 343.62 (4) (a) 4. of the statutes is amended to read:

7 343.62 (4) (a) 4. The applicant submits with the application a statement
8 completed within the immediately preceding 24 months, except as provided by rule,
9 by a physician licensed to practice medicine in any state, from an advanced practice
10 nurse licensed to practice nursing in any state, from a physician assistant licensed
11 or certified to practice in any state, from a podiatrist licensed to practice in any state,
12 from a doctor of chiropractic medicine licensed to practice chiropractic medicine in
13 any state, from a chiropractor licensed to practice chiropractic in any state, or from
14 a Christian Science practitioner residing in this state, and listed in the Christian
15 Science journal certifying that, in the medical care provider's judgment, the
16 applicant is physically fit to teach driving.

History: 1977 c. 29 s. 1654 (7) (e); 1989 a. 31; 1997 a. 27, 191, 237; 1999 a. 9; 2005 a. 397 ss. 19 to 25, 27, 29, 41 and 42; 2007 a. 20; 2009 a. 113; 2011 a. 209; 2013 a. 36; 2015 a. 70.

17 **SECTION 71.** 440.03 (13) (b) 23m. of the statutes is created to read:

18 440.03 (13) (b) 23m. Doctor of chiropractic medicine.

19 **SECTION 72.** 440.08 (2) (a) 28. of the statutes is created to read:

20 440.08 (2) (a) 28. Doctor of chiropractic medicine: December 15 of each
21 even-numbered year.

22 **SECTION 73.** 441.001 (3) (a) of the statutes is amended to read:

1 441.001 (3) (a) “Practical nursing” means the performance for compensation
2 of any simple acts in the care of convalescent, subacutely or chronically ill, injured
3 or infirm persons, or of any act or procedure in the care of the more acutely ill, injured
4 or infirm under the specific direction of a nurse, physician, podiatrist or doctor of
5 chiropractic medicine licensed under ch. 448, dentist licensed under ch. 447 or
6 optometrist licensed under ch. 449, or under an order of a person who is licensed to
7 practice medicine, podiatry, chiropractic medicine, dentistry or optometry in another
8 state if that person prepared the order after examining the patient in that other state
9 and directs that the order be carried out in this state.

History: 1975 c. 303; 1977 c. 86; 1981 c. 314, 317; 1983 a. 189; 1983 a. 273 s. 8; 1987 a. 264; 1991 a. 181; 1997 a. 62; 1999 a. 22; 2001 a. 107 ss. 72, 75 to 80; Stats. 2001 s. 441.001; 2003 a. 321; 2005 a. 149.

10 **SECTION 74.** 441.001 (4) (b) of the statutes is amended to read:

11 441.001 (4) (b) The execution of procedures and techniques in the treatment
12 of the sick under the general or special supervision or direction of a physician,
13 podiatrist, or doctor of chiropractic medicine licensed under ch. 448, dentist licensed
14 under ch. 447, or optometrist licensed under ch. 449, or under an order of a person
15 who is licensed to practice medicine, podiatry, chiropractic medicine, dentistry, or
16 optometry in another state if the person making the order prepared the order after
17 examining the patient in that other state and directs that the order be carried out
18 in this state.

History: 1975 c. 303; 1977 c. 86; 1981 c. 314, 317; 1983 a. 189; 1983 a. 273 s. 8; 1987 a. 264; 1991 a. 181; 1997 a. 62; 1999 a. 22; 2001 a. 107 ss. 72, 75 to 80; Stats. 2001 s. 441.001; 2003 a. 321; 2005 a. 149.

19 **SECTION 75.** 446.02 (6m) of the statutes is amended to read:

20 446.02 (6m) No chiropractor may provide counsel, direction, guidance, advice,
21 or a recommendation to a patient regarding the health effects of vitamins, herbs, or
22 nutritional supplements unless the chiropractor has been issued a certificate under
23 sub. (2) (c). This subsection does not apply to a chiropractor licensed under this

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1 chapter who is certified as a dietician under subch. V of ch. 448 or who is a doctor of
2 chiropractic licensed under s. 448.983.

History: 1975 c. 39, 199, 383; 1977 c. 29, 418; 1979 c. 98, 162, 337; 1981 c. 380; 1991 a. 39; 1993 a. 31; 1995 a. 94, 166; 2001 a. 70; 2005 a. 25; 2007 a. 20, 104; 2009 a. 28; 2011 a. 32, 209; 2013 a. 20, 345.

3 **SECTION 76.** 448.03 (2) (a) of the statutes is amended to read:

4 448.03 (2) (a) Any person lawfully practicing within the scope of a license,
5 permit, registration, certificate or certification granted to practice midwifery under
6 subch. XIII of ch. 440, to practice professional or practical nursing or
7 nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice
8 dentistry or dental hygiene under ch. 447, to practice chiropractic medicine under
9 subch. VIII, to practice optometry under ch. 449, to practice acupuncture under ch.
10 451 or under any other statutory provision, or as otherwise provided by statute.

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History: 1975 c. 383, 421; 1977 c. 164; 1979 c. 317; 1985 a. 29; 1987 a. 40, 399; 1989 a. 31, 229; 1991 a. 23; 1993 a. 105, 107, 490; 1995 a. 27, 201; 1997 a. 67, 175, 311; 1999 a. 32, 180; 2001 a. 89; 2005 a. 96, 292; 2007 a. 97; 2009 a. 42, 282; 2011 a. 160, 161; 2013 a. 239; 2015 a. 35.

11 **SECTION 77.** 448.21 (1) (f) of the statutes is created to read:

12 448.21 (1) (f) The practice of chiropractic medicine within the meaning of s.
13 448.98 (3).

14 **SECTION 78.** 448.50 (1r) of the statutes is amended to read:

15 448.50 (1r) "Diagnosis" means a judgment that is made after examining the
16 neuromusculoskeletal system or evaluating or studying its symptoms and that
17 utilizes the techniques and science of physical therapy for the purpose of establishing
18 a plan of therapeutic intervention, but does not include a chiropractic, chiropractic
19 medicine, or medical diagnosis.

History: 1993 a. 107; 2001 a. 70; 2009 a. 149.

20 **SECTION 79.** 448.52 (2m) (a) of the statutes is amended to read:

21 448.52 (2m) (a) Except as provided in par. (b), a chiropractor licensed under ch.
22 446 or a doctor of chiropractic medicine under subch. VIII claiming to render physical

1 therapy, if the physical therapy is provided by a physical therapist employed by the
2 chiropractor or doctor of chiropractic medicine.

3 **History:** 1993 a. 107 ss. 51, 52, 59; 1995 a. 166; 2001 a. 70, 105.

3 **SECTION 80.** 448.52 (2m) (b) of the statutes is amended to read:

4 448.52 (2m) (b) A chiropractor licensed under ch. 446 or a doctor of chiropractic
5 licensed under subch. VIII claiming to render physical therapy modality services.

6 **History:** 1993 a. 107 ss. 51, 52, 59; 1995 a. 166; 2001 a. 70, 105.

6 **SECTION 81.** 448.56 (1) of the statutes is amended to read:

7 448.56 (1) WRITTEN REFERRAL. Except as provided in this subsection and s.
8 448.52, a person may practice physical therapy only upon the written referral of a
9 physician, physician assistant, chiropractor, dentist, podiatrist, doctor of
10 chiropractic medicine, or advanced practice nurse prescriber certified under s.
11 441.16 (2). Written referral is not required if a physical therapist provides services
12 in schools to children with disabilities, as defined in s. 115.76 (5), pursuant to rules
13 promulgated by the department of public instruction; provides services as part of a
14 home health care agency; provides services to a patient in a nursing home pursuant
15 to the patient's plan of care; provides services related to athletic activities,
16 conditioning, or injury prevention; or provides services to an individual for a
17 previously diagnosed medical condition after informing the individual's physician,
18 physician assistant, chiropractor, dentist, podiatrist, doctor of chiropractic medicine,
19 or advanced practice nurse prescriber certified under s. 441.16 (2) who made the
20 diagnosis. The examining board may promulgate rules establishing additional
21 services that are excepted from the written referral requirements of this subsection.

22 **History:** 1993 a. 107 ss. 54, 59; 1995 a. 27 s. 9145 (1); 1997 a. 27, 164; 2001 a. 70; 2003 a. 154; 2005 a. 187; 2009 a. 149; 2011 a. 161.

22 **SECTION 82.** 448.56 (1m) (b) of the statutes is amended to read:

23 448.56 (1m) (b) The examining board shall promulgate rules establishing the
24 requirements that a physical therapist must satisfy if a physician, physician

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1 assistant, chiropractor, dentist, podiatrist, doctor of chiropractic medicine, or
2 advanced practice nurse prescriber makes a written referral under sub. (1). The
3 purpose of the rules shall be to ensure continuity of care between the physical
4 therapist and the health care practitioner.

5 **History:** 1993 a. 107 ss. 54, 59; 1995 a. 27 s. 9145 (1); 1997 a. 27, 164; 2001 a. 70; 2003 a. 154; 2005 a. 187; 2009 a. 149; 2011 a. 161.

SECTION 83. Subchapter VIII of chapter 448 [precedes 448.98] of the statutes

6 is created to read:

7 **CHAPTER 448**

8 **SUBCHAPTER VIII**

9 **CHIROPRACTIC MEDICINE AFFILIATED CREDENTIALING BOARD**

10 **448.98 Definitions.** In this subchapter:

11 (1) "Affiliated credentialing board" means the chiropractic medicine affiliated
12 credentialing board.

13 (2) "Doctor of ~~Chiropractic Medicine~~" means an individual possessing the
14 degree of doctor of chiropractic medicine and surgery.

15 (3) "Chiropractic medicine" or "chiropractic medicine and surgery" means the
16 integration and application of the practice of chiropractic and the practice of
17 medicine and surgery that is limited to musculoskeletal conditions and
18 spine-related disorders, but does not include the use of a general anesthetic unless
19 administered by or under the direction of a person licensed to practice medicine and
20 surgery under subch. II.

***NOTE: What is the "application" of the practice of chiropractic and the practice of medicine and surgery? If it essentially means practicing, the definition would be clearer if we were to say the following:

"Chiropractic medicine" or "chiropractic medicine and surgery" means the practice of medicine and surgery that is limited to musculoskeletal conditions and spine-related disorders, but does not include the use of a general anesthetic unless administered by or under the direction of a person licensed to practice medicine and surgery under subch. II.

or equivalent degree as determined by the affiliated credentialing board

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Please let me know if you want me to make the above changes to the definition. In either case, note that this definition assumes that, except for the use of a general anesthetic, a person licensed to practice chiropractic medicine can perform any task covered by the definition of the practice of medicine and surgery under s. 448.01 (9) if limited to musculoskeletal conditions and spine-related disorders, including back surgery, etc. Please ensure that “musculoskeletal conditions and spine-related disorders” captures the proper scope of the practice of chiropractic medicine.

1 (4) “Licensee” means a person who is licensed under s. 448.983.

2 (5) “Practice of chiropractic” has the meaning given in s. 446.01. (2)

3 **448.981 License required.** Except as provided in ss. 257.03 and 448.982, no
4 person may practice chiropractic medicine, designate himself or herself as a doctor
5 of chiropractic medicine, use or assume the title “doctor of chiropractic medicine,” or
6 append to the person’s name the letters “D.C.M.,” or any other title, letters, or
7 designation that represents or may tend to represent the person as a doctor of
8 chiropractic medicine unless the person is a licensee.

9 **448.982 Applicability.** This subchapter does not require a license for any of
10 the following:

11 (1) A person lawfully practicing within the scope of a license, permit,
12 registration, or certification granted by this state or the federal government.

13 (2) A person assisting a doctor of chiropractic medicine under the direct,
14 on-premises supervision of the doctor of chiropractic medicine.

15 (3) A student enrolled in a doctor of chiropractic medicine and surgery program
16 approved by the affiliated credentialing board under s. 448.984 if the student is
17 engaged in activities required under that program.

18 (4) A person performing the gratuitous domestic administration of family
19 remedies.

20 (5) A person furnishing medical assistance or first aid at the scene of an
21 emergency.

1 **448.983 Licensure of doctors of chiropractic medicine.** (1) Subject to
2 sub. (4), the affiliated credentialing board shall grant a license as a doctor of
3 chiropractic medicine to a person who does all of the following:

4 (a) Submits an application for the license to the department on a form provided
5 by the department.

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

7 (c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory
8 to the affiliated credentialing board that the applicant does not have an arrest or
9 conviction record.

10 (d) Submits evidence satisfactory to the affiliated credentialing board
11 establishing all of the following:

12 1. That the applicant has practiced as a licensed chiropractor in good standing
13 with the chiropractic examining board for at least two years and remains a licensed
14 chiropractor in good standing with the chiropractic examining board under ch. 446.

15 2. That the applicant is a graduate of a master of science degree program in
16 chiropractic medicine and surgery approved by the affiliated credentialing board
17 under s. 448.984 and possesses a diploma from that program conferring the degree
18 of doctor of chiropractic medicine. *and surgery*

19 (2) The affiliated credentialing board may waive the requirements under sub.
20 (1) (d) if the applicant is a physician, advanced practice nurse prescriber certified
21 under s. 441.16, *or* physician assistant. *(2)*

22 (3) The affiliated credentialing board may waive the requirements under sub.
23 (1) (d) for an applicant who establishes, to the satisfaction of the affiliated
24 credentialing board, all of the following:

~~That the applicant has a master of science degree in chiropractic medicine or equivalent degree as determined by the affiliated~~

1 (a) That the applicant is a graduate of a chiropractic medicine school or
2 program.

3 (b) That the applicant is licensed as a doctor of chiropractic medicine by another
4 licensing jurisdiction in the United States.

5 (c) That the jurisdiction in which the applicant is licensed required the
6 applicant to be a graduate of a school or program approved by the licensing
7 jurisdiction or of a school or program that the licensing jurisdiction evaluated for
8 education equivalency.

9 (d) That the applicant has actively practiced chiropractic medicine, under the
10 license issued by the other licensing jurisdiction in the United States, for at least 3
11 years immediately preceding the date of his or her application for a license under this

12 chapter.

sub

13 (4) The affiliated credentialing board may promulgate rules providing for
14 various classes of temporary licenses to practice chiropractic medicine.

15 (5) If the affiliated credentialing board finds, based upon considerations of
16 public health and safety, that an applicant has not demonstrated adequate
17 education, training, or performance on examinations or in past practice, if any, to
18 qualify for full licensure under sub. (1), the board may grant the applicant a limited
19 license and shall so notify the applicant.

20 **448.984 Education.** The affiliated credentialing board shall approve a master
21 of science degree program in chiropractic medicine and surgery that is accredited by
22 the Higher Learning Commission or an equivalent accrediting body, as determined
23 by the affiliated credentialing board, and that includes all of the following:

24 (1) At least 2 years of instruction, including classroom instruction, in the
25 following subjects:

****NOTE: It is not clear how many credit hours are being required. Do you want to specify what constitutes two years of instruction?

- 1 (a) Causes of spinal pain and differential diagnosis.
- 2 (b) Case management and coordination of care in spinal pain patients.
- 3 (c) Spinal injuries, correlated with diagnostic imaging.
- 4 (d) Public health issues and epidemiology of spinal pain conditions.
- 5 (e) Pharmacology.

****NOTE: I did not include "I and II" because it is not clear what that would require. Do you want to include a minimum number of hours of instruction in pharmacology?

- 6 (f) Nutrition for musculoskeletal health.
- 7 (g) Interpreting research and applying evidence in spine care practice.
- 8 (2) At least 500 clinical rotation hours under the supervision of a physician.
- 9 (3) An examination in chiropractic medicine and surgery approved by the
10 affiliated credentialing board.

11 **448.985 Issuance of license; expiration and renewal; duplicate license.**

12 (1) The department shall issue a certificate of licensure to each person who is
13 licensed under this subchapter.

14 (2) (a) The renewal date for a license granted under this subchapter, other than
15 a temporary license granted under rules promulgated under s. 448.983 (3), is
16 specified under s. 440.08 (2) (a). 2 4

17 (b) Renewal applications shall be submitted to the department on a form
18 provided by the department and shall be accompanied by all of the following:

- 19 1. The renewal fee determined by the department under s. 440.03 (9) (a).
- 20 2. Proof of completion of continuing education requirements in s. 448.989.

88

1 3. Proof of current licensure by the chiropractic examining board under ch. 446,
2 unless the affiliated credentialing board waives that requirement under s. 448.983
3 (2) or (3).

4 (3) A licensee whose license is lost, stolen, or destroyed may apply to the
5 department for a duplicate license. Duplicate license applications shall be submitted
6 to the department on a form provided by the department and shall be accompanied
7 by the fee specified under s. 440.05 (7) and an affidavit describing the circumstances
8 of the loss, theft, or destruction of the license. Upon receipt of an application under
9 this subsection, the department shall issue a duplicate license bearing on its face the
10 word "duplicate".

11 **448.986 Malpractice liability insurance.** (1) Each licensee shall annually
12 submit to the affiliated credentialing board evidence satisfactory to the affiliated
13 credentialing board that the licensee satisfies any of the following:

14 (a) The licensee has in effect malpractice liability insurance coverage in the
15 amount of at least \$1,000,000 per occurrence and \$1,000,000 for all occurrences in
16 one year.

17 (b) The licensee meets all of the following conditions:

18 1. The licensee's principal place of practice is not in this state.

19 2. The licensee will not be engaged in the practice of chiropractic medicine in
20 this state for more than 240 hours during the following 12 months.

21 3. The licensee has in effect malpractice liability insurance coverage that
22 covers services provided by the licensee to patients in this state and that is in any
23 of the following amounts:

1 a. At least the minimum amount of malpractice liability insurance coverage
2 that is required under the laws of the state in which the affiliated credentialing board
3 determines that the licensee's principal place of practice is located.

4 b. If the licensee is not required under the laws of the state in which the
5 affiliated credentialing board determines that the licensee's principal place of
6 practice is located to have in effect a minimum amount of malpractice liability
7 insurance coverage, at least the minimum amount of malpractice liability insurance
8 coverage that the affiliated credentialing board determines is necessary to protect
9 the public.

10 (2) A licensee's principal place of practice is not in this state for purposes of sub.
11 (1) (b) if the affiliated credentialing board determines that, during the following 12
12 months, any of the following applies:

13 (a) More than 50 percent of the licensee's practice will be performed outside this
14 state.

15 (b) More than 50 percent of the income from the licensee's practice will be
16 derived from outside this state.

17 (c) More than 50 percent of the licensee's patients will be treated by the licensee
18 outside this state.

19 (3) The affiliated credentialing board may suspend, revoke, or refuse to issue
20 or renew the license of a person who fails to procure or to submit proof of the
21 malpractice liability insurance coverage required under sub. (1).

22 **448.987 Malpractice.** Except as provided in s. 257.03, a person who practices
23 chiropractic medicine without a license under s. 448.983 may be liable for
24 malpractice, and the person's ignorance of a duty ordinarily performed by a doctor

1 of chiropractic medicine shall not limit his or her liability for an injury arising from
2 his or her practice of chiropractic medicine.

3 **448.988 Continuing education.** (1) (a) 1. The affiliated credentialing board
4 shall promulgate rules establishing requirements and procedures for licensees to
5 complete continuing education programs or courses of study in order to qualify for
6 renewal of a license granted under this subchapter.

7 2. The rules shall allow for program sponsors, as defined in s. 446.028, to
8 conduct continuing education programs.

9 3. The rules shall require each licensee to complete at least 50 hours of
10 approved continuing education within each 2-year period immediately preceding
11 the renewal date specified under s. 440.08 (2) (a).

12 (b) 1. A licensee may apply up to 40 of the 50 continuing education hours
13 required under par. (a) toward the continuing education requirements for
14 chiropractors under ch. 446, as determined by the chiropractic examining board.

15 2. At least 25 of the 50 continuing education hours required under par. (a) shall
16 include evidence-based pharmacology and procedure-based training.

17 (2) The affiliated credentialing board may waive all or part of the requirements
18 under sub. (1) if the affiliated credentialing board determines that prolonged illness,
19 disability, or other exceptional circumstances prevented a licensee from completing
20 the requirements.

21 **448.989 Fee splitting and billing requirements.** (1) FEE SPLITTING. No
22 licensee may give or receive, directly or indirectly, to or from any other person any
23 fee, commission, rebate, or other form of compensation or anything of value for
24 sending, referring, or otherwise inducing a person to communicate with a licensee

doctor of chiropractic
medicine

1 in a professional capacity, or for any professional services not actually rendered
2 personally by the licensee or at the licensee's direction.

3 (2) SEPARATE BILLING REQUIRED. Except as provided in sub. (4), a licensee who
4 renders any chiropractic medicine service or assistance, or gives any chiropractic
5 medicine advice or any similar advice or assistance, to any patient, chiropractor,
6 physician, physician assistant, advanced practice nurse prescriber certified under s.
7 441.16 (2), partnership, or corporation, or to any other institution or organization,
8 including a hospital, for which a charge is made to a patient, shall, except as
9 authorized by Title 18 or Title 19 of the federal Social Security Act, render an
10 individual statement or account of the charge directly to the patient, distinct and
11 separate from any statement or account by any other chiropractor, physician,
12 physician assistant, advanced practice nurse prescriber, or other person.

13 (3) BILLING FOR TESTS PERFORMED BY THE STATE LABORATORY OF HYGIENE. A
14 licensee who charges a patient, other person, or 3rd-party payer for services
15 performed by the state laboratory of hygiene shall identify the actual amount
16 charged by the state laboratory of hygiene and shall restrict charges for those
17 services to that amount.

18 (4) BILLING BY ENTITY. If 2 or more licensees form an entity for the practice of
19 chiropractic medicine, the entity may not render a single bill for health care services
20 provided in the name of the entity unless each individual licensed, registered, or
21 certified under this chapter or ch. 446, 449, 450, 455, 457, or 459, who provides
22 services is individually identified on the bill as having rendered those services.

***NOTE: How does this interact with s. 446.04 (4)?

23 **448.990 Disciplinary proceedings and actions.** (1) In this section,
24 "unprofessional conduct" means an act or attempted act of commission or omission,

otherwise in violation of this subchapter or

1 as defined by the affiliated credentialing board by rule, or an act by a doctor of
2 chiropractic medicine in violation of ch. 446, 450, or 961.

3 (2) INVESTIGATION; HEARING; ACTION. (a) 1. The affiliated credentialing board
4 shall investigate allegations of unprofessional conduct and negligence in the practice
5 of chiropractic medicine, except that the affiliated credentialing board shall refer an
6 allegation of a violation of ch. 446 to the chiropractic examining board unless the
7 alleged conduct also involves a violation of this ^{Sub}chapter or ch. 450 or 961.

8 2. The affiliated credentialing board shall investigate information contained
9 in reports filed with the affiliated credentialing board under s. 49.45 (2) (a) 12r., 50.36
10 (3) (b), 609.17, or 632.715, or under 42 CFR 1001.2005.

11 3. The affiliated credentialing board may use information contained in a report
12 filed with the affiliated credentialing board under s. 50.36 (3) (c) as the basis of an
13 investigation of a person named in the report.

14 4. The affiliated credentialing board may require a person to undergo and may
15 consider the results of a physical, mental, or professional competency examination
16 if the affiliated credentialing board believes that the results of the examination may
17 be useful to the affiliated credentialing board in conducting an investigation under
18 this paragraph.

19 (b) 1. After an investigation, if the affiliated credentialing board finds that
20 there is probable cause to believe that a person is guilty of unprofessional conduct
21 or negligence in the practice of chiropractic medicine, the affiliated credentialing
22 board shall hold a hearing.

23 2. The affiliated credentialing board may require a person to undergo and may
24 consider the results of a physical, mental, or professional competency examination
25 if the affiliated credentialing board believes that the results of the examination may

1 be useful to the affiliated credentialing board in conducting a hearing under subd.
2 1.

3 3. A finding by a court that a person has acted negligently in the practice of
4 chiropractic medicine is conclusive evidence that the person is guilty of that
5 negligence. A certified copy of the order of a court is presumptive evidence that the
6 finding of negligence was made.

7 4. The affiliated credentialing board shall render a decision within 90 days
8 after the date on which a hearing is held under subd. 1. or, if subsequent proceedings
9 are conducted under s. 227.46 (2), within 90 days after the date on which those
10 proceedings are completed.

11 (c) 1. After a disciplinary hearing under par. (b), the affiliated credentialing
12 board may, when it determines that a court has found that a person has been
13 negligent in the practice of chiropractic medicine or when it finds a person guilty of
14 unprofessional conduct or negligence in the practice of chiropractic medicine, warn
15 or reprimand that person, or limit, suspend, or revoke the person's license granted
16 by the affiliated credentialing board.

17 2. The affiliated credentialing board may condition the removal of limitations
18 on a license, or the restoration of a suspended or revoked license, upon obtaining
19 minimum results specified by the affiliated credentialing board on a physical,
20 mental, or professional competency examination if the affiliated credentialing board
21 believes that obtaining the minimum results is related to correcting one or more of
22 the bases upon which the limitation, suspension, or revocation was imposed.

23 (d) A person whose license under this subchapter is limited shall be permitted
24 to continue practice if the he or she agrees to do all of the following:

25 1. Refrain from engaging in unprofessional conduct.

1 2. Appear before the affiliated credentialing board or its officers or agents at
2 such times and places designated by the affiliated credentialing board.

3 3. Fully disclose to the affiliated credentialing board or its officers or agents the
4 nature of the person’s practice and conduct.

5 4. Fully comply with the limits placed on the person’s practice and conduct by
6 the affiliated credentialing board.

7 5. Obtain additional training, education or supervision required by the
8 affiliated credentialing board.

9 6. Cooperate with the affiliated credentialing board.

10 (e) Unless a suspended license is revoked during the period of suspension, upon
11 expiration of the period of suspension the affiliated credentialing board shall
12 reinstate the person’s license, except that the affiliated credentialing board may, as
13 a condition precedent to the reinstatement of the license, require the person to pass
14 any examination required for the original grant of the license.

15 (f) The affiliated credentialing board shall comply with rules of procedure for
16 the investigation, hearing, and action promulgated by the department under s.
17 440.03 (1).

18 ~~(g) Nothing in this subsection prohibits the affiliated credentialing board from
19 investigating and conducting disciplinary proceedings on allegations of
20 unprofessional conduct when the allegations of unprofessional conduct may also
21 constitute allegations of negligence in the practice of chiropractic medicine.~~

22 **(3) SUSPENSION PENDING HEARING.** (a) The affiliated credentialing board may
23 summarily suspend a license granted by the affiliated credentialing board for a
24 period not to exceed 30 days pending hearing if the affiliated credentialing board has
25 in its possession evidence establishing probable cause to believe that the licensee has

1 violated the provisions of this subchapter and that it is necessary to suspend the
2 license immediately to protect the public health, safety, or welfare. The licensee shall
3 be granted an opportunity to be heard before the affiliated credentialing board
4 decides whether probable cause exists.

5 (b) The affiliated credentialing board may designate any of its officers to
6 exercise the authority to suspend summarily a license, for a period not exceeding 72
7 hours.

8 (c) If a license has been summarily suspended under par. (a) or (b), the affiliated
9 credentialing board may, while the hearing is in progress, extend the initial period
10 of suspension for not more than an additional 30 days, except that if the licensee has
11 caused a delay in the hearing process, the affiliated credentialing board may suspend
12 the license from the time the hearing is commenced until a final decision is issued
13 or may delegate such authority to the hearing examiner.

14 (4) VOLUNTARY SURRENDER. The affiliated credentialing board may negotiate
15 stipulations in consideration for accepting the surrender of a license under s. 440.19.

16 (5) RESTORATION OF A LICENSE. The affiliated credentialing board may restore
17 a license that has been voluntarily surrendered or revoked on such terms and
18 conditions as it considers appropriate.

19 **448.991 Hospital reports.** (1) Within 30 days after receipt of a report under
20 s. 50.36 (3) (c), the affiliated credentialing board shall notify the licensee, in writing,
21 of the substance of the report. The licensee and the licensee's authorized
22 representative may examine the report and may place into the record a statement,
23 of reasonable length, of the licensee's view of the correctness or relevance of any
24 information in the report. The licensee may institute an action in circuit court to
25 amend or expunge any part of the licensee's record related to the report.

1 (2) If the affiliated credentialing board determines that a report submitted
2 under s. 50.36 (3) (c) is without merit or that the licensee has sufficiently improved
3 his or her conduct, the affiliated credentialing board shall remove the report from the
4 licensee's record. If no report about a licensee is filed under s. 50.36 (3) (c) for 2
5 consecutive years, the licensee may petition the affiliated credentialing board to
6 remove any prior reports not resulting in disciplinary action from his or her record.

7 (3) (a) In this subsection, "hospital" has the meaning specified in s. 50.33 (2).

8 (b) Upon the request of a hospital, the affiliated credentialing board shall
9 provide the hospital with all information relating to a licensee's loss, reduction, or
10 suspension of staff privileges from other hospitals and all information relating to the
11 licensee's being found guilty of unprofessional conduct under s. 448.990.

12 **448.992 Injunctive relief.** If the affiliated credentialing board has reason to
13 believe that a person is violating this subchapter or a rule promulgated under this
14 subchapter, the affiliated credentialing board, the department, the attorney general,
15 or the district attorney of the proper county may investigate and may, in addition to
16 all other remedies, bring an action in the name and on behalf of this state to enjoin
17 the person from the violation.

18 **448.993 Penalties; appeal.**

19 (1) PENALTIES. (a) Except as provided in par. (b), a person who violates a
20 provision of this subchapter or a rule promulgated under this subchapter may be
21 fined not more than \$10,000 or imprisoned for not more than 9 months or both.

22 (b) A person who violates s. 448.989 (3) may be fined not more than \$250.

23 (2) APPEAL. A person aggrieved by an action taken under this subchapter by
24 the affiliated credentialing board, its officers, or its agents may apply for judicial
25 review as provided in ch. 227, and shall file notice of such appeal with the affiliated

or negligence in the practice of chiropractic medicine

1 credentialing board within 30 days. No court of this state may enter an ex parte stay
2 of an action taken by the affiliated credentialing board under this subchapter.

3 **448.994 Rules.** The affiliated credentialing board shall promulgate all of the
4 following rules:

5 (1) Rules defining the acts or attempted acts of commission or omission that
6 constitute unprofessional conduct under s. 448.98 (6). *990(1)*

7 (2) Rules implementing s. 448.996. *5*

8 (3) ~~The affiliated credentialing board shall promulgate~~ *R* rules specifying the
9 requirements for a course of instruction related to X-ray examinations by persons
10 under the direct supervision of a podiatrist under s. 462.02 (2) (g). In promulgating
11 the rules, the affiliated credentialing board shall consult with the radiography
12 examining board and shall examine laws and rules in other states. The affiliated
13 credentialing board shall approve courses that meet the requirements set forth in the
14 rules. *e doctor of chiropractic medicine*

****NOTE: Subdivision (3) is identical to the rules promulgation requirement for the Podiatry Affiliated Credentialing Board related to X-ray examinations. Please let me know if this should be removed from the draft as it was not specifically included in the drafting instructions. See also s. 462.02 (2) (g), created in the draft.

****NOTE: Also, there is no need to authorize the Chiropractic Medicine Affiliated Credentialing Board to promulgate rules implementing the subchapter. The affiliated credentialing board already has that authority under ch. 227.

15 **448.995 Informed consent.** Any doctor of chiropractic medicine who treats
16 a patient shall inform the patient about the availability of reasonable alternate
17 modes of treatment and about the benefits and risks of these treatments. The
18 reasonable doctor of chiropractic medicine standard is the standard for informing a
19 patient under this section. The reasonable doctor of chiropractic medicine standard
20 requires disclosure only of information that a reasonable doctor of chiropractic
21 medicine would know and disclose under the circumstances. The doctor of

1 chiropractic medicine's duty to inform the patient under this section does not require
2 disclosure of any of the following:

3 (1) Detailed technical information that in all probability a patient would not
4 understand.

5 (2) Risks apparent or known to the patient.

6 (3) Extremely remote possibilities that might falsely or detrimentally alarm
7 the patient.

8 (4) Information in emergencies where failure to provide treatment would be
9 more harmful to the patient than treatment.

10 (5) Information in cases where the patient is incapable of consenting.

11 (6) Information about alternate modes of treatment for any condition the
12 doctor of chiropractic medicine has not included in his or her diagnosis at the time
13 the doctor of chiropractic medicine informs the patient.

14 **SECTION 84.** 450.10 (3) (a) 5. of the statutes is amended to read:

15 450.10 (3) (a) 5. A physician, physician assistant, podiatrist, doctor of
16 chiropractic medicine, physical therapist, physical therapist assistant, occupational
17 therapist, or occupational therapy assistant licensed under ch. 448.

History: 1985 a. 146; 1987 a. 264, 399; 1989 a. 31, 316; 1991 a. 39, 160; 1993 a. 222, 443; 1995 a. 27 s. 9145 (1); 1995 a. 448; 1997 a. 27, 67, 75, 175; 1999
a. 9, 32, 180; 2001 a. 70, 80; 2009 a. 280; 2013 a. 200; 2015 a. 55.

18 **SECTION 85.** 450.11 (8) (f) of the statutes is created to read:

19 450.11 (8) (f) The chiropractic medicine affiliated credentialing board, insofar
20 as this section applies to doctors of chiropractic medicine.

21 **SECTION 86.** 454.02 (2) (a) of the statutes is amended to read:

22 454.02 (2) (a) Services performed by a person licensed, certified or registered
23 under the laws of this state as a physician, physician assistant, podiatrist, doctor of

1 chiropractic medicine, physical therapist, nurse or funeral director if those services
2 are within the scope of the license, certificate or registration.

3 **History:** 1987 a. 265; 1993 a. 105; 2011 a. 190; 2013 a. 356.

3 **SECTION 87.** 460.01 (4) of the statutes is amended to read:

4 460.01 (4) "Massage therapy" or "bodywork therapy" means the science and
5 healing art that uses manual actions and adjunctive therapies to palpate and
6 manipulate the soft tissue of the human body in order to improve circulation, reduce
7 tension, relieve soft tissue pain, or increase flexibility. "Massage therapy" or
8 "bodywork therapy" includes determining whether manual actions and adjunctive
9 therapies are appropriate or contraindicated, or whether a referral to another health
10 care practitioner is appropriate. "Massage therapy" or "bodywork therapy" does not
11 include making a medical, physical therapy, chiropractic medicine, or chiropractic
12 diagnosis.

13 **History:** 2001 a. 74; 2009 a. 12, 355.

13 **SECTION 88.** 462.02 (2) (g) of the statutes is created to read:

14 462.02 (2) (g) A doctor of chiropractic medicine licensed under s. 448.983 or a
15 person under the direct supervision of such a doctor of chiropractic medicine, if the
16 person has successfully completed a course of instruction approved by the
17 chiropractic medicine affiliated credentialing board related to X-ray examinations
18 under s. 448.695 (3). 994

19 **SECTION 89.** 462.04 of the statutes is amended to read:

20 **462.04 Prescription or order required.** A person who holds a license or
21 limited X-ray machine operator permit under this chapter may not use diagnostic
22 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
23 prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed
24 under s. 447.04 (1), a podiatrist licensed under s. 448.63, a doctor of chiropractic

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1 medicine licensed under s. 448.983, a chiropractor licensed under s. 446.02, an
2 advanced practice nurse certified under s. 441.16 (2), or a physician assistant
3 licensed under s. 448.04 (1) (f).

History: 2009 a. 106.

4 **SECTION 90.** 632.64 of the statutes is amended to read:

5 **632.64 Certification of disability.** For the purpose of insurance policies that
6 they issue, insurers doing a life insurance business in this state shall afford equal
7 weight to a certification of disability signed by a physician with respect to matters
8 within the scope of the physician's professional license, to a certification of disability
9 signed by a chiropractor with respect to matters within the scope of the chiropractor's
10 professional license, and to a certification of disability signed by a podiatrist with
11 respect to matters within the scope of the podiatrist's professional license, and to a
12 certification of a disability signed by a doctor of chiropractic medicine with respect
13 to matters within the scope of the doctor of chiropractic medicine's professional
14 license. This section does not require an insurer to treat a certificate of disability as
15 conclusive evidence of disability.

History: 1981 c. 55; 2009 a. 113.

****NOTE: Do you want to create language for doctors of chiropractic medicine that is similar to s. 632.87 (3)? What about s. 632.875?

16 **SECTION 91.** 632.99 of the statutes is amended to read:

17 **632.99 Certifications of disability.** For the purpose of insurance policies
18 that they issue, every insurer doing a health or disability insurance business in this
19 state shall afford equal weight to a certification of disability signed by a physician
20 with respect to matters within the scope of the physician's professional license, to a
21 certification of disability signed by a chiropractor with respect to matters within the
22 scope of the chiropractor's professional license, and to a certification of disability
23 signed by a podiatrist with respect to matters within the scope of the podiatrist's

1 professional license, and to a certification of a disability signed by a doctor of
2 chiropractic medicine with respect to matters within the scope of the doctor of
3 chiropractic medicine's professional license. This section does not require an insurer
4 to treat any certification of disability as conclusive evidence of disability.

History: 1981 c. 55; 2009 a. 113.

5 **SECTION 92.** 655.45 (1) of the statutes is amended to read:

6 655.45 (1) For the quarter beginning on July 1, 1986, and for each quarter
7 thereafter, the director of state courts shall file reports complying with sub. (2) with
8 the medical examining board, the physical therapy examining board, the podiatry
9 affiliated credentialing board, the chiropractic medicine affiliated credentialing
10 board, the board of nursing and the department, respectively, regarding health care
11 providers licensed by the respective bodies.

History: 1985 a. 340; 1989 a. 187 s. 28; 1993 a. 107, 443; 1997 a. 75, 175; 2009 a. 113, 149; 2011 a. 258.

****NOTE: Should payment for services of doctors of chiropractic be included under
s. 895.453?

12 **SECTION 93.** 895.48 (1m) (a) (intro.) of the statutes is amended to read:

13 895.48 (1m) (a) (intro.) Except as provided in par. (b), any physician, physician
14 assistant, podiatrist, doctor of chiropractic medicine, or athletic trainer licensed
15 under ch. 448, chiropractor licensed under ch. 446, dentist licensed under ch. 447,
16 emergency medical technician licensed under s. 256.15, first responder certified
17 under s. 256.15 (8), registered nurse licensed under ch. 441, or a massage therapist
18 or bodywork therapist licensed under ch. 460 who renders voluntary health care to
19 a participant in an athletic event or contest sponsored by a nonprofit corporation, as
20 defined in s. 66.0129 (6) (b), a private school, as defined in s. 115.001 (3r), a tribal
21 school, as defined in s. 115.001 (15m), a public agency, as defined in s. 46.856 (1) (b),

1 or a school, as defined in s. 609.655 (1) (c), is immune from civil liability for his or her
2 acts or omissions in rendering that care if all of the following conditions exist:

History: 1977 c. 164; 1987 a. 14; 1989 a. 31; 1993 a. 109; 1995 a. 227; 1997 a. 67, 156, 191; 1999 a. 7, 9, 32, 56, 186; 2001 a. 74; 2003 a. 33; 2005 a. 155, 188, 486; 2007 a. 130; 2009 a. 113, 302, 355; 2011 a. 260; 2013 a. 200.

3 **SECTION 94.** 895.48 (1m) (a) 2. of the statutes is amended to read:

4 895.48 (1m) (a) 2. The physician, podiatrist, doctor of chiropractic medicine,
5 athletic trainer, chiropractor, dentist, emergency medical technician, first responder,
6 physician assistant, registered nurse, massage therapist or bodywork therapist does
7 not receive compensation for the health care, other than reimbursement for
8 expenses.

History: 1977 c. 164; 1987 a. 14; 1989 a. 31; 1993 a. 109; 1995 a. 227; 1997 a. 67, 156, 191; 1999 a. 7, 9, 32, 56, 186; 2001 a. 74; 2003 a. 33; 2005 a. 155, 188, 486; 2007 a. 130; 2009 a. 113, 302, 355; 2011 a. 260; 2013 a. 200.

9 **SECTION 95.** 905.04 (title) of the statutes is amended to read:

10 **905.04 (title) Physician–patient, registered nurse–patient,**
11 **chiropractor–patient, psychologist–patient, social worker–patient,**
12 **marriage and family therapist–patient, podiatrist–patient, doctor of**
13 **chiropractic medicine–patient, and professional counselor–patient**
14 **privilege.**

History: Sup. Ct. Order, 59 Wis. 2d R121; 1975 c. 393; 1977 c. 61, 418; 1979 c. 32 s. 92 (1); 1979 c. 221, 352; 1983 a. 400, 535; 1987 a. 233, 264; Sup. Ct. Order, 151 Wis. 2d xxi (1989); 1991 a. 32, 39, 160; 1993 a. 98; 1995 a. 77, 275, 436; 1997 a. 292; 1999 a. 22; 2001 a. 80; 2005 a. 387, 434; 2005 a. 443 s. 265; 2007 a. 53, 97, 130; 2009 a. 113; 2013 a. 158.

15 **SECTION 96.** 905.04 (1) (b) of the statutes is amended to read:

16 905.04 (1) (b) A communication or information is “confidential” if not intended
17 to be disclosed to 3rd persons other than those present to further the interest of the
18 patient in the consultation, examination, or interview, to persons reasonably
19 necessary for the transmission of the communication or information, or to persons
20 who are participating in the diagnosis and treatment under the direction of the
21 physician, podiatrist, doctor of chiropractic medicine, registered nurse, chiropractor,

1 psychologist, social worker, marriage and family therapist or professional counselor,
2 including the members of the patient's family.

History: Sup. Ct. Order, 59 Wis. 2d R121; 1975 c. 393; 1977 c. 61, 418; 1979 c. 32 s. 92 (1); 1979 c. 221, 352; 1983 a. 400, 535; 1987 a. 233, 264; Sup. Ct. Order, 151 Wis. 2d xxi (1989); 1991 a. 32, 39, 160; 1993 a. 98; 1995 a. 77, 275, 436; 1997 a. 292; 1999 a. 22; 2001 a. 80; 2005 a. 387, 434; 2005 a. 443 s. 265; 2007 a. 53, 97, 130; 2009 a. 113; 2013 a. 158.

3 **SECTION 97.** 905.04 (1) (bd) of the statutes is created to read:

4 905.04 (1) (bd) "Doctor of chiropractic medicine" means a person licensed under
5 s. 448.983 or a person reasonably believed by the patient to be a doctor of chiropractic
6 medicine.

7 **SECTION 98.** 905.04 (1) (c) of the statutes is amended to read:

8 905.04 (1) (c) "Patient" means an individual, couple, family or group of
9 individuals who consults with or is examined or interviewed by a physician,
10 podiatrist, doctor of chiropractic medicine, registered nurse, chiropractor,
11 psychologist, social worker, marriage and family therapist or professional counselor.

History: Sup. Ct. Order, 59 Wis. 2d R121; 1975 c. 393; 1977 c. 61, 418; 1979 c. 32 s. 92 (1); 1979 c. 221, 352; 1983 a. 400, 535; 1987 a. 233, 264; Sup. Ct. Order, 151 Wis. 2d xxi (1989); 1991 a. 32, 39, 160; 1993 a. 98; 1995 a. 77, 275, 436; 1997 a. 292; 1999 a. 22; 2001 a. 80; 2005 a. 387, 434; 2005 a. 443 s. 265; 2007 a. 53, 97, 130; 2009 a. 113; 2013 a. 158.

12 **SECTION 99.** 905.04 (2) of the statutes is amended to read:

13 905.04 (2) GENERAL RULE OF PRIVILEGE. A patient has a privilege to refuse to
14 disclose and to prevent any other person from disclosing confidential
15 communications made or information obtained or disseminated for purposes of
16 diagnosis or treatment of the patient's physical, mental or emotional condition,
17 among the patient, the patient's physician, the patient's podiatrist, the patient's
18 doctor of chiropractic medicine, the patient's registered nurse, the patient's
19 chiropractor, the patient's psychologist, the patient's social worker, the patient's
20 marriage and family therapist, the patient's professional counselor or persons,
21 including members of the patient's family, who are participating in the diagnosis or
22 treatment under the direction of the physician, podiatrist, doctor of chiropractic

Insert 58-10

1 medicine, registered nurse, chiropractor, psychologist, social worker, marriage and
2 family therapist or professional counselor.

History: Sup. Ct. Order, 59 Wis. 2d R121; 1975 c. 393; 1977 c. 61, 418; 1979 c. 32 s. 92 (1); 1979 c. 221, 352; 1983 a. 400, 535; 1987 a. 233, 264; Sup. Ct. Order, 151 Wis. 2d xxi (1989); 1991 a. 32, 39, 160; 1993 a. 98; 1995 a. 77, 275, 436; 1997 a. 292; 1999 a. 22; 2001 a. 80; 2005 a. 387, 434; 2005 a. 443 s. 265; 2007 a. 53, 97, 130; 2009 a. 113; 2013 a. 158.

3 **SECTION 100.** 905.04 (3) of the statutes is amended to read:

4 905.04 (3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the
5 patient, by the patient's guardian or conservator, or by the personal representative
6 of a deceased patient. The person who was the physician, podiatrist, doctor of
7 chiropractic medicine, registered nurse, chiropractor, psychologist, social worker,
8 marriage and family therapist or professional counselor may claim the privilege but
9 only on behalf of the patient. The authority so to do is presumed in the absence of
10 evidence to the contrary.

History: Sup. Ct. Order, 59 Wis. 2d R121; 1975 c. 393; 1977 c. 61, 418; 1979 c. 32 s. 92 (1); 1979 c. 221, 352; 1983 a. 400, 535; 1987 a. 233, 264; Sup. Ct. Order, 151 Wis. 2d xxi (1989); 1991 a. 32, 39, 160; 1993 a. 98; 1995 a. 77, 275, 436; 1997 a. 292; 1999 a. 22; 2001 a. 80; 2005 a. 387, 434; 2005 a. 443 s. 265; 2007 a. 53, 97, 130; 2009 a. 113; 2013 a. 158.

11 **SECTION 101.** 949.01 (4) of the statutes is amended to read:

12 949.01 (4) "Medical treatment" includes medical, surgical, dental, optometric,
13 chiropractic, podiatric, chiropractic medicine, and hospital care; medicines; medical,
14 dental and surgical supplies; crutches; artificial members; appliances and training
15 in the use of artificial members and appliances. "Medical treatment" includes any
16 Christian Science treatment for cure or relief from the effects of injury.

History: 1975 c. 344, 421; 1977 c. 239; 1979 c. 189; 1981 c. 20; 1983 a. 467; 1985 a. 135 s. 83 (3); 1989 a. 140; 1995 a. 153; 2007 a. 20; 2009 a. 28.

17 **SECTION 102.** 949.04 (3) of the statutes is amended to read:

18 949.04 (3) MEDICAL AND DENTAL RECORDS. The applicant shall submit to the
19 department reports from all physicians, osteopaths, dentists, optometrists,
20 chiropractors or, podiatrists, or doctors of chiropractic medicine who treated or
21 examined the victim at the time of or subsequent to the victim's injury or death. The
22 department may also order such other examinations and reports of the victim's

1 previous medical and dental history, injury or death as it believes would be of
2 material aid in its determination.

3 **History:** 1975 c. 344, 421; 1975 c. 422 s. 163; 1977 c. 239; 1981 c. 20; 2005 a. 387; 2007 a. 20; 2009 a. 138; s. 13.92 (1) (bm) 2.

3 **SECTION 103.** 961.01 (19) (a) of the statutes is amended to read:

4 961.01 (19) (a) A physician, advanced practice nurse, dentist, veterinarian,
5 podiatrist, doctor of chiropractic medicine, optometrist, scientific investigator or,
6 subject to s. 448.21 (3), a physician assistant, or other person licensed, registered,
7 certified or otherwise permitted to distribute, dispense, conduct research with
8 respect to, administer or use in teaching or chemical analysis a controlled substance
9 in the course of professional practice or research in this state.

10 **History:** 1971 c. 219; 1979 c. 89; 1981 c. 200, 206; 1983 a. 500 s. 43; 1989 a. 31; CSB 2.21; 1993 a. 87, 129, 138, 184, 281, 482; 1995 a. 281 s. 2; 1995 a. 448 ss. 112 to 143, 247, 248, 464 to 468; Stats. 1995 s. 961.01; 1997 a. 35 s. 338; 1997 a. 67; 1999 a. 85; 2003 a. 33; 2005 a. 14, 52; 2011 a. 32; 2013 a. 151.

10 **SECTION 104. Nonstatutory provisions.**

11 (1) BOARD; STAGGERING OF TERMS. Notwithstanding the length of terms specified
12 for the members of the chiropractic medicine affiliated credentialing board under
13 section 15.406 (7) of the statutes, as created by this act, one of the initial members
14 shall be appointed for a term expiring on July 1, 2017; one of the initial members
15 shall be appointed for a term expiring on July 1, 2018; one of the initial members
16 shall be appointed for a term expiring on July 1, 2019; and the remaining initial
17 member shall be appointed for a term expiring on July 1, 2020.

18 (2) BOARD; CREDENTIALS OF INITIAL MEMBERS. Notwithstanding section 15.406 (7)
19 (a) of the statutes, as created by this act, the initial members appointed to the
20 chiropractic medicine affiliated credentialing board under section 15.406 (7) (a) of
21 the statutes, as created by this act, need not be licensed under subchapter VIII of
22 chapter 448 of the statutes, as created by this act, but shall be chiropractors licensed
23 under chapter 446 of the statutes.

24 (END)

d-note

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

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MPG:...

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INSERT 1-7

2 **SECTION 1.** 15.406 (4) (a) of the statutes is amended to read:

3 15.406 (4) (a) Four athletic trainers who are licensed under subch. VI of ch. 448
4 and who have not been issued a credential in athletic training by a governmental
5 authority in a jurisdiction outside this state. One of the athletic trainer members
6 may also be licensed under ch. 446 or 447 or subch. II, III or IV, or VIII of ch. 448.

History: 1993 a. 107, 443; 1997 a. 75, 175; 1999 a. 9, 180; 2001 a. 70; 2009 a. 113, 149; 2009 a. 355 s. 3m; 2011 a. 32.

END INSERT 1-7

INSERT 35-2

XA
7 **SECTION 2.** 446.02 (7d) (d) of the statutes is created to read:

8 446.02 (7d) (d) This subsection does not apply to a doctor of chiropractic
9 medicine licensed under subch. VIII of ch. 448 with respect to treatment of a
10 condition within the scope of that license.

 ****NOTE: Is this consistent with the intent? Do you want to create a similar
 provision in subch. VIII of ch. 448 requiring discontinuance of treatment by a doctor of
 chiropractic medicine when the patient's condition is beyond the scope of the practice of
 chiropractic medicine? I don't think such a provision is necessary because a licensed
 doctor of chiropractic medicine is already prohibited from providing treatment that is
 outside the scope of the doctor of chiropractic medicine license.

11 **SECTION 3.** 446.026 (1) (a) of the statutes is amended to read:

12 446.026 (1) (a) No person may provide adjunctive services unless the person
13 is a chiropractic technician and is under the direct, on-premises supervision of a
14 chiropractor licensed under this chapter or a doctor of chiropractic medicine licensed
15 under subch. VIII of ch. 448.

History: 2009 a. 28.

END INSERT 35-2

INSERT 37-4

1 **SECTION 4.** 448.956 (1m) of the statutes is amended to read:

2 448.956 (1m) Subject to sub. (1) (a), a licensee may provide athletic training
3 to an individual without a referral, except that a licensee may not provide athletic
4 training as described under s. 448.95 (5) (d) or (e) in an outpatient rehabilitation
5 setting unless the licensee has obtained a written referral for the individual from a
6 practitioner licensed or certified under subch. II, III, IV, V, ~~or~~ VII, or VIII of this
7 chapter; under ch. 446; or under s. 441.16 (2). ✓

8 History: 1999 a. 9; 2009 a. 162. ✓

8 **SECTION 5.** 448.956 (3) (c) of the statutes is amended to read:

9 448.956 (3) (c) Treat or rehabilitate an employee with an injury or illness that
10 has resulted from an employment activity as directed, supervised, and inspected by
11 a physician, as defined in s. 448.01 (5), or by a person licensed under subch. VIII or
12 under s. 446.02, who has the power to direct, decide, and oversee the implementation ✓
13 of the treatment or rehabilitation.

14 History: 1999 a. 9; 2009 a. 162. ✓

14 **SECTION 6.** 448.956 (4) of the statutes is amended to read:

15 448.956 (4) If a licensee or the consulting physician of the licensee determines
16 that a patient's medical condition is beyond the scope of practice of the licensee, the
17 licensee shall, in accordance with the protocol established under sub. (1) (a), refer the
18 patient to a health care practitioner who is licensed under ch. 446 or 447 or subch.
19 II, III ~~or~~ IV, or VIII of ch. 448 and who can provide appropriate treatment to the ✓
20 patient.

History: 1999 a. 9; 2009 a. 162.

END INSERT 37-4

INSERT 54-3

21 **SECTION 7.** 632.32 (2) (am) of the statutes is amended to read:

1 632.32 (2) (am) "Medical payments coverage" means coverage to indemnify for
 2 medical payments or chiropractic payments or both for the protection of all persons
 3 using the insured motor vehicle from losses resulting from bodily injury or death.
 4 "Medical payments coverage" includes coverage for chiropractic medicine.

History: 1975 c. 375, 421; 1979 c. 102, 104; 1979 c. 177 ss. 67, 68; 1979 c. 221; 1981 c. 284; 1983 a. 243, 459; 1985 a. 146 s. 8; 1995 a. 21, 448; 1997 a. 48; 1999 a. 31, 162; 2007 a. 168; 2009 a. 28, 342; 2011 a. 14, 224.

END INSERT 54-3

INSERT 58-10

5 **SECTION 8.** 905.04 (4) (a) of the statutes is amended to read:

6 905.04 (4) (a) *Proceedings for commitment, guardianship, protective services,*
 7 *or protective placement or for control, care, or treatment of a sexually violent person.*

8 There is no privilege under this rule as to communications and information relevant
 9 to an issue in probable cause or final proceedings to commit the patient for mental
 10 illness under s. 51.20, to appoint a guardian in this state, for court-ordered
 11 protective services or protective placement, for review of guardianship, protective
 12 services, or protective placement orders, or for control, care, or treatment of a
 13 sexually violent person under ch. 980, if the physician, registered nurse, doctor of
 14 chiropractic medicine, chiropractor, psychologist, social worker, marriage and family
 15 therapist, or professional counselor in the course of diagnosis or treatment has
 16 determined that the patient is in need of commitment, guardianship, protective
 17 services, or protective placement or control, care, and treatment as a sexually violent
 18 person.

History: Sup. Ct. Order, 59 Wis. 2d R121; 1975 c. 393; 1977 c. 61, 418; 1979 c. 32 s. 92 (1); 1979 c. 221, 352; 1983 a. 400, 535; 1987 a. 233, 264; Sup. Ct. Order, 151 Wis. 2d xxi (1989); 1991 a. 32, 39, 160; 1993 a. 98; 1995 a. 77, 275, 436; 1997 a. 292; 1999 a. 22; 2001 a. 80; 2005 a. 387, 434; 2005 a. 443 s. 265; 2007 a. 53, 97, 130; 2009 a. 113; 2013 a. 158.

19 **SECTION 9.** 905.04 (4) (e) 3. of the statutes is amended to read:

20 905.04 (4) (e) 3. There is no privilege in situations where the examination of
 21 the expectant mother of an abused unborn child creates a reasonable ground for an

1 opinion of the physician, registered nurse, doctor of chiropractic medicine,
2 chiropractor, psychologist, social worker, marriage and family therapist or
3 professional counselor that the physical injury inflicted on the unborn child was
4 caused by the habitual lack of self-control of the expectant mother of the unborn
5 child in the use of alcohol beverages, controlled substances or controlled substance
6 analogs, exhibited to a severe degree.

History: Sup. Ct. Order, 59 Wis. 2d R121; 1975 c. 393; 1977 c. 61, 418; 1979 c. 32 s. 92 (1); 1979 c. 221, 352; 1983 a. 400, 535; 1987 a. 233, 264; Sup. Ct. Order, 151 Wis. 2d xxi (1989); 1991 a. 32, 39, 160; 1993 a. 98; 1995 a. 77, 275, 436; 1997 a. 292; 1999 a. 22; 2001 a. 80; 2005 a. 387, 434; 2005 a. 443 s. 265; 2007 a. 53, 97, 130; 2009 a. 113; 2013 a. 158.

END INSERT 58-10

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3787/P1dn
MPG:.

gs

date

Senator Lasee:

Please review this draft carefully to ensure that it is consistent with your intent.

As requested, this draft closely tracks existing law for podiatrists. I have included a number of questions in embedded drafter's notes throughout the draft. You can locate those easily by searching for "****" in the PDF version of the draft.

Please do not hesitate to contact me with any questions.

Thank you.

Michael Gallagher
Legislative Attorney
(608) 267-7511
michael.gallagher@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3787/P1dn
MPG:cjs

December 11, 2015

Senator Lasee:

Please review this draft carefully to ensure that it is consistent with your intent.

As requested, this draft closely tracks existing law for podiatrists. I have included a number of questions in embedded drafter's notes throughout the draft. You can locate those easily by searching for "****" in the PDF version of the draft.

Please do not hesitate to contact me with any questions.

Thank you.

Michael Gallagher
Legislative Attorney
(608) 267-7511
michael.gallagher@legis.wisconsin.gov

Gallagher, Michael

From: Gibbs, Adam
Sent: Wednesday, January 06, 2016 5:41 PM
To: Gallagher, Michael
Subject: LRB-3787/P1 - Responses to Drafting Notes
Attachments: 15-3787_P1 (1).pdf; 15-3787_P1dn.pdf

Michael,

Thank you for this draft and the notes included. I have received response to many of the questions. Please incorporate the following changes and let me (or Barbara Zabawa whom you've worked with before) know if you have any further questions.

Here are my comments on the DCM draft:

1. Section 73, page 31: DCM license renewal is on 12/14 of each even-numbered year, which is the same for DCs. Do we want it to be the same for DCM and DC? That would be very hectic for dual licensed members, but it might also be more efficient. I am not sure what the members would prefer.
2. Section 77, page 32: LRB attorney asking if we want to exempt DCMs from having to stop chiropractic practice if condition no longer treatable by chiropractic and to refer patient to an MD. I think we should. I think we should also include language in the DCM statute within ch. 448 similar language that applies to DCs regarding requiring DCMs to refer patients to an MD if the treatment needed is beyond the scope of the DCM. The LRB attorney states such language is unnecessary because DCMs are prohibited from providing treatment beyond their scope, but I think for political purposes (both from DCs and MDs), it might be advisable to include such language. Let me know if you agree.
3. Section 88, page 36: Line 10, change the word "and" right after the word "chiropractic" to "with," so it reads "chiropractic with the practice of..."
4. Section 88, page 36: LRB attorney questions whether we need to include in the definition of "chiropractic medicine" the phrase "integration and application of the practice of chiropractic." After speaking with Dr. Lefler, I believe we do. Excluding the phrase "integration and application of chiropractic" within the definition of "chiropractic medicine" and instead just limiting the definition to the "practice of medicine and surgery that is limited to musculoskeletal conditions and spine-related disorders" does not really differentiate the DCM from an orthopedist. Also, Dr. Lefler thought that included within the definition of "chiropractic medicine" should be treatment of neuromuscular disorders, or conditions affecting the nervous system. We may need to double check with him on the exact clinical phrase that he think is appropriate, but right now the definition is just limited to musculoskeletal conditions and spine-related disorders.
5. Section 88, page 38, line 15: after the "(1)(d)" include the number "2." In addition, in line 15, add the word "also" after "the applicant is." Right now, as drafted, physicians NPs and PAs could become DCMs without first practicing as a licensed chiropractor. I do not think we want the DCM credential to be available to non-chiropractors, but we may want to exempt MDs, NPs and PAs from graduating with a MS in Chiropractic Medicine given their other training. So, this proposed change would allow the DCM credentialing board to exempt MDs, NPs and PAs from the MS requirement, but not the licensed chiropractor requirement. This way we will capture those DCs who wanted to expand their scope by getting additional degrees such as NP or PA before the MS became available.
6. Section 88, page 39, line 18: add after "2 years of" the phrase "full-time (60 credit hours)." The LRB attorney asked if we wanted to specify the number of credit hours are required to obtain the MS degree. I just assumed it would be a typical 60 credit program (which is 15 credits a semester for four semesters). Let me know if you agree.

D-Note.

- 7. 7. Section 88, page 40, Line 1: Before "(e) Pharmacology" I recommend stating "At least 4 hours of." The LRB attorney suggests we include a minimum number of hours of instruction of pharmacology, and I agree. I leave the number of hours up to the clinicians, however.
- 8. 8. Section 88, page 50, line 19: Delete "(2)." As noted in point 5, above, I believe the WCA wants all DCMs to also be licensed chiropractors and the board should not be able to waive that requirement.
- 9. 9. Section 88, page 44: The LRB attorney asks how allowing 2 or more licensees to form an entity and render a single bill will interact with the chiropractic fee splitting statute, which prohibits chiropractors from splitting fees for chiropractic services with anyone other than an associate licensed chiropractor. I am not sure if completely understand the LRB attorney's question, but as long as we keep the requirement that all DCMs must be licensed chiropractors, the fee splitting issue under ch. 446 should not change. To the extent other licensed professions are part of a single legal entity, the distribution of fees should not be any different than it is today when DCs are in a multi-specialty practice. Each professional who rendered services is on the bill for the entity and those professionals would get their proportion of fees for rendering those services. Please let me know if that makes sense to you.
- 10. 10. Section 88, page 50: The LRB attorney notes that he added language about giving the DCM board the authority to promulgate rules and lists out specific rules it must promulgate, but that we did not ask for that language in our original draft. He also states that this language is not really necessary because the board already has the authority to promulgate rules under ch. 227 of the Wis. Stats. That is true. I suggest we delete this language under 448.994. Let me know if you agree.
- 11. 11. Section 92, p. 51: This section allows the DCM board to approve a course of instruction for persons supervised by DCMs who perform x-ray services. This section of the statute (Wis. Stat. s. 462.02(2)(c)) allows persons who work for DCs to perform x-ray services if they complete a course of instruction approved by the CEB. I think we might want the x-ray training to be the same for persons who work for DCs and DCMs, so I suggest that we cross reference the training approved by the CEB for CRTs. I don't think it is a good idea to have separate class of x-ray techs for DCs and DCMs. They should be the same and we may want to keep course approval for CRTs under the CEB. So, I would re-write this section to say, starting on line 20: "chiropractic examining board under par. (c)." I would delete the remaining language. Let me know what you think.
- 12. 12. Page 52: The LRB asks if we should include DCMs in the Insurance Equality Law. I think we should. Thus, the Insurance Equality Law at Wis. Stat. s. 632.87(3) would need to be amended to reference DCMs so that they have the same insurance equality benefit as DCs. Do you agree?
- 13. 13. Page 53: The LRB asks if we want DCMs to be included in the statute that requires attorneys to split contingency fees with chiropractors when treating auto accident patients. I think we should include DCMs as DCMs are likely to service auto accident victims. Please let me know if you agree.

Barbara J. Zabawa, JD, MPH
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Thank you, Michael. Please let me or Barbara know if you need anything further.

Adam Gibbs
 Chief of Staff

Senator Frank Lasee

1st Senate District

(608) 266-3512