

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

7 SECTION 90. Subchapter VIII of chapter 448 [precedes 448.971] of the statutes
8 is created to read:

9 CHAPTER 448

10 SUBCHAPTER VIII

11 CHIROPRACTIC MEDICINE AFFILIATED

12 CREDENTIALING BOARD

13 448.971 Definitions. In this subchapter:

14 (1) "Affiliated credentialing board" means the chiropractic medicine affiliated
15 credentialing board.

16 (2) "Doctor of chiropractic medicine" means an individual possessing the
17 degree of doctor of chiropractic medicine and surgery or equivalent degree as
18 determined by the affiliated credentialing board.

19 (3) "Chiropractic medicine" or "chiropractic medicine and surgery" means the
20 integration and application of the practice of chiropractic and the practice of
21 medicine and surgery that is limited to conditions of the spine and of the
22 musculoskeletal, neuromuscular, and nervous systems. The practice of chiropractic

23 medicine ^{and} includes prescribing and administering drugs, but does not include
24 (b) administering a general anesthetic except under the direction of a person licensed
25 to practice medicine and surgery under subch. II.

(a) = surgery

The practice of chiropractic medicine
is
any of
the following:

1 (4) “Licensee” means a person who is licensed under s. 448.9725.

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

3 **448.9715 License required.** (1) Except as provided in ss. 257.03 and
4 448.972, no person may practice chiropractic medicine, designate himself or herself
5 as a doctor of chiropractic medicine, use or assume the title “doctor of chiropractic
6 medicine,” or append to the person’s name the letters “D.C.M.,” or any other title,
7 letters, or designation that represents or may tend to represent the person as a doctor
8 of chiropractic medicine unless the person is a licensee.

9 (2) (a) A doctor of chiropractic medicine shall evaluate each patient before
10 commencing treatment of the patient to determine whether the patient has a
11 condition that is treatable by the practice of chiropractic medicine. The evaluation
12 shall be based upon an examination that is appropriate to the patient.

13 (b) A doctor of chiropractic medicine shall discontinue the practice of
14 chiropractic medicine on a patient if, at any time after the evaluation under par. (a)
15 or during or following treatment of the patient, the doctor of chiropractic medicine
16 determines or reasonably believes that the patient’s condition is not treatable by the
17 practice of chiropractic medicine, or will not respond to further practice of
18 chiropractic medicine by the doctor of chiropractic medicine, except that a doctor of
19 chiropractic medicine may provide maintenance, supportive, and wellness care to
20 the patient if the patient is being treated by another health care professional.

21 (c) A doctor of chiropractic medicine who discontinues the practice of
22 chiropractic medicine as required in par. (b) shall inform the patient of the reason for
23 discontinuing the practice of chiropractic medicine and shall refer the patient to a
24 physician. A doctor of chiropractic medicine may continue to provide maintenance,
25 supportive, and wellness care to a patient referred under this paragraph who

1 requests these services from the doctor of chiropractic medicine. A referral under
2 this paragraph shall describe the doctor of chiropractic medicine's findings. If the
3 referral is written, the doctor of chiropractic medicine shall provide the patient with
4 a copy and shall maintain a copy in the patient's records. If the referral is oral, the
5 doctor of chiropractic medicine shall communicate the referral directly to the
6 physician, shall notify the patient about the referral, and shall make a written record
7 of the oral referral. The written record of the oral referral shall include the name of
8 the physician to whom the patient was referred and the date of the referral. The
9 doctor of chiropractic medicine shall maintain a copy of the written record of the oral
10 referral in the patient's records.

11 **448.972 Applicability.** This subchapter does not require a license for any of
12 the following:

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

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

17 (3) A student enrolled in a doctor of chiropractic medicine and surgery program
18 approved by the affiliated credentialing board under s. 448.973 if the student is
19 engaged in activities required under that program.

20 (4) A person performing the gratuitous domestic administration of family
21 remedies.

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

1 **448.9725 Licensure of doctors of chiropractic medicine.** (1) The
2 affiliated credentialing board shall grant a license as a doctor of chiropractic
3 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. 448.973 and possesses a diploma from that program conferring the degree
18 of doctor of chiropractic medicine ~~and surgery~~ or equivalent degree as determined by

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

22 (2) 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:

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 subchapter.

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

15 (4) 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 **448.973 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 60 hours of instruction, including classroom instruction, in the
25 following subjects:

- 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: Let me know what you want to include for 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 **448.9735 Issuance of license; expiration and renewal; duplicate**
 12 **license. (1)** The department shall issue a certificate of licensure to each person who
 13 is 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. 448.9725 (3), is
 16 specified under s. 440.08 (2) (a).

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. 448.975.
- 21 3. Proof of current licensure by the chiropractic examining board under ch. 446,
- 22 unless the affiliated credentialing board waives that requirement under s. 448.9725
- 23 (2).

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

8 **448.974 Malpractice liability insurance.** (1) Each licensee shall annually
9 submit to the affiliated credentialing board evidence satisfactory to the affiliated
10 credentialing board that the licensee satisfies any of the following:

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

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

15 1. The licensee’s principal place of practice is not in this state.

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

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

21 a. At least the minimum amount of malpractice liability insurance coverage
22 that is required under the laws of the state in which the affiliated credentialing board
23 determines that the licensee’s principal place of practice is located.

24 b. If the licensee is not required under the laws of the state in which the
25 affiliated credentialing board determines that the licensee’s principal place of

1 practice is located to have in effect a minimum amount of malpractice liability
2 insurance coverage, at least the minimum amount of malpractice liability insurance
3 coverage that the affiliated credentialing board determines is necessary to protect
4 the public.

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

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

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

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

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

17 **448.9745 Malpractice.** Except as provided in s. 257.03, a person who
18 practices chiropractic medicine without a license under s. 448.9725 may be liable for
19 malpractice, and the person's ignorance of a duty ordinarily performed by a doctor
20 of chiropractic medicine shall not limit his or her liability for an injury arising from
21 his or her practice of chiropractic medicine.

22 **448.975 Continuing education.** (1) (a) 1. The affiliated credentialing board
23 shall promulgate rules establishing requirements and procedures for licensees to
24 complete continuing education programs or courses of study in order to qualify for
25 renewal of a license granted under this subchapter.

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

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

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

9 2. At least 25 of the 50 continuing education hours required under par. (a) shall
10 include evidence-based pharmacology and medical procedures-based training.

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

15 **448.9755 Fee splitting and billing requirements.** (1) FEE SPLITTING. No
16 licensee may give or receive, directly or indirectly, to or from any other person any
17 fee, commission, rebate, or other form of compensation or anything of value for
18 sending, referring, or otherwise inducing a person to communicate with a licensee
19 in a professional capacity, or for any professional services not actually rendered
20 personally by the licensee or at the licensee's direction.

21 (2) SEPARATE BILLING REQUIRED. Except as provided in sub. (4), a licensee who
22 renders any chiropractic medicine service or assistance, or gives any chiropractic
23 medicine advice or any similar advice or assistance, to any patient, doctor of
24 chiropractic medicine, chiropractor, physician, physician assistant, advanced
25 practice nurse prescriber certified under s. 441.16 (2), partnership, or corporation,

1 or to any other institution or organization, including a hospital, for which a charge
2 is made to a patient, shall, except as authorized by Title 18 or Title 19 of the federal
3 Social Security Act, render an individual statement or account of the charge directly
4 to the patient, distinct and separate from any statement or account by any other
5 doctor of chiropractic medicine, chiropractor, physician, physician assistant,
6 advanced practice nurse prescriber, or other person.

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

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

17 **448.976 Disciplinary proceedings and actions.** (1) In this section,
18 “unprofessional conduct” means an act or attempted act of commission or omission,
19 as defined by the affiliated credentialing board by rule, or an act by a doctor of
20 chiropractic medicine otherwise in violation of this subchapter or in violation of ch.
21 446, 450, or 961.

22 **(2) INVESTIGATION; HEARING; ACTION.** (a) 1. The affiliated credentialing board
23 shall investigate allegations of unprofessional conduct and negligence in the practice
24 of chiropractic medicine. The affiliated credentialing board shall refer an allegation
25 of a violation of ch. 446 to the chiropractic examining board for investigation, unless

1 the alleged conduct also involves a violation of this subchapter or ch. 450 or 961, in
2 which case the affiliated credentialing board and the chiropractic examining board
3 shall consult concerning the investigation.

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

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

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

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

19 2. The affiliated credentialing board may require a person to undergo and may
20 consider the results of a physical, mental, or professional competency examination
21 if the affiliated credentialing board believes that the results of the examination may
22 be useful to the affiliated credentialing board in conducting a hearing under subd.
23 1.

24 3. A finding by a court that a person has acted negligently in the practice of
25 chiropractic medicine is conclusive evidence that the person is guilty of that

1 negligence. A certified copy of the order of a court is presumptive evidence that the
2 finding of negligence was made.

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

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

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

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

21 1. Refrain from engaging in unprofessional conduct.

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

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

1 4. Fully comply with the limits placed on the person's practice and conduct by
2 the affiliated credentialing board.

3 5. Obtain additional training, education or supervision required by the
4 affiliated credentialing board.

5 6. Cooperate with the affiliated credentialing board.

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

11 (f) The affiliated credentialing board shall comply with rules of procedure for
12 the investigation, hearing, and action promulgated by the department under s.
13 440.03 (1).

14 **(3) SUSPENSION PENDING HEARING.** (a) The affiliated credentialing board may
15 summarily suspend a license granted by the affiliated credentialing board for a
16 period not to exceed 30 days pending hearing if the affiliated credentialing board has
17 in its possession evidence establishing probable cause to believe that the licensee has
18 violated the provisions of this subchapter and that it is necessary to suspend the
19 license immediately to protect the public health, safety, or welfare. The licensee shall
20 be granted an opportunity to be heard before the affiliated credentialing board
21 decides whether probable cause exists.

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

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

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

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

12 **448.9765 Hospital reports.** (1) Within 30 days after receipt of a report under
13 s. 50.36 (3) (c), the affiliated credentialing board shall notify the licensee, in writing,
14 of the substance of the report. The licensee and the licensee's authorized
15 representative may examine the report and may place into the record a statement,
16 of reasonable length, of the licensee's view of the correctness or relevance of any
17 information in the report. The licensee may institute an action in circuit court to
18 amend or expunge any part of the licensee's record related to the report.

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

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

1 (b) Upon the request of a hospital, the affiliated credentialing board shall
2 provide the hospital with all information relating to a licensee's loss, reduction, or
3 suspension of staff privileges from other hospitals and all information relating to the
4 licensee's being found guilty of unprofessional conduct or negligence in the practice
5 of chiropractic medicine under s. 448.976.

6 **448.977 Injunctive relief.** If the affiliated credentialing board has reason to
7 believe that a person is violating this subchapter or a rule promulgated under this
8 subchapter, the affiliated credentialing board, the department, the attorney general,
9 or the district attorney of the proper county may investigate and may, in addition to
10 all other remedies, bring an action in the name and on behalf of this state to enjoin
11 the person from the violation.

12 **448.9775 Penalties; appeal.**

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

16 (b) A person who violates s. 448.9755 (3) may be fined not more than \$250.

17 (2) APPEAL. A person aggrieved by an action taken under this subchapter by
18 the affiliated credentialing board, its officers, or its agents may apply for judicial
19 review as provided in ch. 227, and shall file notice of such appeal with the affiliated
20 credentialing board within 30 days. No court of this state may enter an ex parte stay
21 of an action taken by the affiliated credentialing board under this subchapter.

22 **448.978 Rules.** The affiliated credentialing board shall promulgate rules
23 defining the acts or attempted acts of commission or omission that constitute
24 unprofessional conduct under s. 448.976 (1).

1 **448.9785 Informed consent.** Any doctor of chiropractic medicine who treats
2 a patient shall inform the patient about the availability of reasonable alternate
3 modes of treatment and about the benefits and risks of these treatments. The
4 reasonable doctor of chiropractic medicine standard is the standard for informing a
5 patient under this section. The reasonable doctor of chiropractic medicine standard
6 requires disclosure only of information that a reasonable doctor of chiropractic
7 medicine would know and disclose under the circumstances. The doctor of
8 chiropractic medicine's duty to inform the patient under this section does not require
9 disclosure of any of the following:

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

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

13 (3) Extremely remote possibilities that might falsely or detrimentally alarm
14 the patient.

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

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

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

21 **SECTION 91.** Subchapter VIII of chapter 448 [precedes 448.980] of the statutes,
22 as created by 2015 Wisconsin Act 116, is renumbered subchapter IX of chapter 448
23 [precedes 448.980].

24 **SECTION 92.** 450.10 (3) (a) 5. of the statutes is amended to read:

1 450.10 (3) (a) 5. A physician, physician assistant, podiatrist, doctor of
2 chiropractic medicine, physical therapist, physical therapist assistant, occupational
3 therapist, or occupational therapy assistant licensed under ch. 448.

4 **SECTION 93.** 450.11 (8) (f) of the statutes is created to read:

5 450.11 (8) (f) The chiropractic medicine affiliated credentialing board, insofar
6 as this section applies to doctors of chiropractic medicine.

7 **SECTION 94.** 454.02 (2) (a) of the statutes is amended to read:

8 454.02 (2) (a) Services performed by a person licensed, certified or registered
9 under the laws of this state as a physician, physician assistant, podiatrist, doctor of
10 chiropractic medicine, physical therapist, nurse or funeral director if those services
11 are within the scope of the license, certificate or registration.

12 **SECTION 95.** 462.02 (2) (g) of the statutes is created to read:

13 462.02 (2) (g) A doctor of chiropractic medicine licensed under s. 448.9725 or
14 a person under the direct supervision of such a doctor of chiropractic medicine, if the
15 person has successfully completed a course of instruction approved by the
16 chiropractic examining board related to X-ray examinations.

17 **SECTION 96.** 462.04 of the statutes is amended to read:

18 **462.04 Prescription or order required.** A person who holds a license or
19 limited X-ray machine operator permit under this chapter may not use diagnostic
20 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
21 prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed
22 under s. 447.04 (1), a podiatrist licensed under s. 448.63, a doctor of chiropractic
23 medicine licensed under s. 448.9725, a chiropractor licensed under s. 446.02, an
24 advanced practice nurse certified under s. 441.16 (2), or a physician assistant
25 licensed under s. 448.04 (1) (f).

1 **SECTION 97.** 609.70 (title) of the statutes is amended to read:

2 **609.70 (title) Chiropractic and chiropractic medicine coverage.**

3 **SECTION 98.** 628.46 (2m) (a) of the statutes is amended to read:

4 628.46 (2m) (a) Notwithstanding subs. (1) and (2) and except as provided in
5 par. (b), a claim for payment for chiropractic or chiropractic medicine services is
6 overdue if not paid within 30 days after the insurer receives clinical documentation
7 from the chiropractor or doctor of chiropractic medicine that the services were
8 provided unless, within those 30 days, the insurer provides to the insured and to the
9 chiropractor or doctor of chiropractic medicine the written statement under s.
10 632.875 (2).

11 **SECTION 99.** 632.32 (2) (am) of the statutes is amended to read:

12 632.32 (2) (am) “Medical payments coverage” means coverage to indemnify for
13 medical payments or chiropractic payments or both for the protection of all persons
14 using the insured motor vehicle from losses resulting from bodily injury or death.
15 “Medical payments coverage” includes coverage for chiropractic medicine.

16 **SECTION 100.** 632.64 of the statutes is amended to read:

17 **632.64 Certification of disability.** For the purpose of insurance policies that
18 they issue, insurers doing a life insurance business in this state shall afford equal
19 weight to a certification of disability signed by a physician with respect to matters
20 within the scope of the physician’s professional license, to a certification of disability
21 signed by a chiropractor with respect to matters within the scope of the chiropractor’s
22 professional license, ~~and~~ to a certification of disability signed by a podiatrist with
23 respect to matters within the scope of the podiatrist’s professional license, and to a
24 certification of a disability signed by a doctor of chiropractic medicine with respect
25 to matters within the scope of the doctor of chiropractic medicine’s professional

1 license. This section does not require an insurer to treat a certificate of disability as
2 conclusive evidence of disability.

3 **SECTION 101.** 632.87 (3) (a) (intro.) of the statutes is amended to read:

4 632.87 (3) (a) (intro.) No policy, plan or contract may exclude coverage for
5 diagnosis and treatment of a condition or complaint by a licensed chiropractor or
6 licensed doctor of chiropractic medicine within the scope of ~~the chiropractor's~~ his or
7 her professional license, if the policy, plan or contract covers diagnosis and treatment
8 of the condition or complaint by a licensed physician or osteopath, even if different
9 nomenclature is used to describe the condition or complaint. Examination by or
10 referral from a physician shall not be a condition precedent for receipt of chiropractic
11 or chiropractic medicine care under this paragraph. This paragraph does not:

12 **SECTION 102.** 632.87 (3) (a) 1. of the statutes is amended to read:

13 632.87 (3) (a) 1. Prohibit the application of deductibles or coinsurance
14 provisions to chiropractic, chiropractic medicine, and physician charges on an equal
15 basis.

16 **SECTION 103.** 632.87 (3) (a) 2. of the statutes is amended to read:

17 632.87 (3) (a) 2. Prohibit the application of cost containment or quality
18 assurance measures to chiropractic or chiropractic medicine services in a manner
19 that is consistent with cost containment or quality assurance measures generally
20 applicable to physician services and that is consistent with this section.

21 **SECTION 104.** 632.87 (3) (b) (intro.) of the statutes is amended to read:

22 632.87 (3) (b) (intro.) No insurer, under a policy, plan or contract covering
23 diagnosis and treatment of a condition or complaint by a licensed chiropractor or
24 licensed doctor of chiropractic medicine within the scope of ~~the chiropractor's~~ his or
25 her professional license, may do any of the following:

1 **SECTION 105.** 632.87 (3) (b) 1. of the statutes is amended to read:

2 632.87 (3) (b) 1. Restrict or terminate coverage for the treatment of a condition
3 or a complaint by a licensed chiropractor or licensed doctor of chiropractic medicine
4 within the scope of ~~the chiropractor's~~ his or her professional license on the basis of
5 other than an examination or evaluation by or a recommendation of a licensed
6 chiropractor or licensed doctor of chiropractic medicine or a peer review committee
7 that includes a licensed chiropractor or licensed doctor of chiropractic medicine.

8 **SECTION 106.** 632.87 (3) (b) 2. of the statutes is amended to read:

9 632.87 (3) (b) 2. Refuse to provide coverage to an individual because that
10 individual has been treated by a chiropractor or doctor of chiropractic medicine.

11 **SECTION 107.** 632.87 (3) (b) 3. of the statutes is amended to read:

12 632.87 (3) (b) 3. Establish underwriting standards that are more restrictive for
13 chiropractic or chiropractic medicine care than for care provided by other health care
14 providers.

15 **SECTION 108.** 632.87 (3) (b) 4. of the statutes is amended to read:

16 632.87 (3) (b) 4. Exclude or restrict health care coverage of a health condition
17 solely because the condition may be treated by a chiropractor or doctor of chiropractic
18 medicine.

19 **SECTION 109.** 632.875 (1) (am) of the statutes is created to read:

20 632.875 (1) (am) “Doctor of chiropractic medicine” means a person licensed
21 under s. 448.9725.

22 **SECTION 110.** 632.875 (1) (b) of the statutes is amended to read:

23 632.875 (1) (b) “Independent evaluation” means an examination or evaluation
24 by or recommendation of a chiropractor or doctor of chiropractic medicine or a peer
25 review committee under s. 632.87 (3) (b) 1.

1 **SECTION 111.** 632.875 (1) (c) of the statutes is amended to read:

2 632.875 (1) (c) “Patient” means a person whose treatment by a chiropractor or
3 doctor of chiropractic medicine is the subject of an independent evaluation.

4 **SECTION 112.** 632.875 (1) (dm) of the statutes is created to read:

5 632.875 (1) (dm) “Treating doctor of chiropractic medicine” means a doctor of
6 chiropractic medicine who is treating a patient and whose treatment of the patient
7 is the subject of an independent evaluation.

8 **SECTION 113.** 632.875 (2) (intro.) of the statutes is amended to read:

9 632.875 (2) (intro.) If, on the basis of an independent evaluation, an insurer
10 restricts or terminates a patient’s coverage for the treatment of a condition or
11 complaint by a chiropractor or doctor of chiropractic medicine acting within the scope
12 of his or her license and the restriction or termination of coverage results in the
13 patient becoming liable for payment for his or her treatment, the insurer shall,
14 within the time required under s. 628.46 (2m), provide to the patient and to the
15 treating chiropractor or doctor of chiropractic medicine a written statement that
16 contains all of the following:

17 **SECTION 114.** 632.875 (2) (b) of the statutes is amended to read:

18 632.875 (2) (b) The name of the treating chiropractor or treating doctor of
19 chiropractic medicine.

20 **SECTION 115.** 632.875 (3) (a) of the statutes is amended to read:

21 632.875 (3) (a) In this subsection, “claim” means a patient’s claim for coverage,
22 under a policy, plan or contract covering diagnosis and treatment of a condition or
23 complaint by a licensed chiropractor or licensed doctor of chiropractic medicine
24 within the scope of the chiropractor’s his or her professional license, the restriction
25 or termination of which coverage is the subject of an independent evaluation.

1 **SECTION 116.** 632.875 (3) (b) of the statutes is amended to read:

2 632.875 (3) (b) A chiropractor or doctor of chiropractic medicine who conducts
3 an independent evaluation may not be compensated by an insurer based on a
4 percentage of the dollar amount by which a claim is reduced as a result of the
5 independent evaluation.

6 **SECTION 117.** 632.99 of the statutes is amended to read:

7 **632.99 Certifications of disability.** For the purpose of insurance policies
8 that they issue, every insurer doing a health or disability insurance business in this
9 state shall afford equal weight to a certification of disability signed by a physician
10 with respect to matters within the scope of the physician’s professional license, to a
11 certification of disability signed by a chiropractor with respect to matters within the
12 scope of the chiropractor’s professional license, ~~and~~ to a certification of disability
13 signed by a podiatrist with respect to matters within the scope of the podiatrist’s
14 professional license, and to a certification of a disability signed by a doctor of
15 chiropractic medicine with respect to matters within the scope of the doctor of
16 chiropractic medicine’s professional license. This section does not require an insurer
17 to treat any certification of disability as conclusive evidence of disability.

18 **SECTION 118.** 655.45 (1) of the statutes is amended to read:

19 655.45 (1) For the quarter beginning on July 1, 1986, and for each quarter
20 thereafter, the director of state courts shall file reports complying with sub. (2) with
21 the medical examining board, the physical therapy examining board, the podiatry
22 affiliated credentialing board, the chiropractic medicine affiliated credentialing
23 board, the board of nursing and the department, respectively, regarding health care
24 providers licensed by the respective bodies.

25 **SECTION 119.** 895.453 (title) of the statutes is amended to read:

1 **895.453 (title) Payments of chiropractic and chiropractic medicine**
2 **services from attorney contingency fees.**

3 **SECTION 120.** 895.453 (1) (am) of the statutes is created to read:

4 895.453 (1) (am) “Doctor of chiropractic medicine” means a person licensed
5 under s. 448.9725.

6 **SECTION 121.** 895.453 (2) (intro.) of the statutes is amended to read:

7 895.453 (2) (intro.) Notwithstanding s. 803.03, if all of the following conditions
8 exist, fees for chiropractic or chiropractic medicine services provided to an injured
9 person shall be paid out of the amount of fees due to his or her attorney under the
10 contingency fee arrangement made between the person and the attorney:

11 **SECTION 122.** 895.453 (2) (b) of the statutes is amended to read:

12 895.453 (2) (b) The services were provided by a chiropractor or doctor of
13 chiropractic medicine because of the injuries arising from the motor vehicle accident.

14 **SECTION 123.** 895.453 (2) (e) of the statutes is amended to read:

15 895.453 (2) (e) Prior to the person’s acceptance of the settlement agreement,
16 the chiropractor or doctor of chiropractic medicine has not been paid for his or her
17 services and has provided written notification to the person’s attorney of the services
18 that were provided to the person.

19 **SECTION 124.** 895.453 (3) of the statutes is amended to read:

20 895.453 (3) Except as provided in sub. (4), if the conditions under sub. (2) are
21 met, the distribution of the amount due under the contingency fee arrangement shall
22 be allocated on a pro rata basis between the person’s attorney and each chiropractor
23 and doctor of chiropractic medicine who provided services, based on the percentage
24 obtained by comparing the outstanding fees owed to the attorney and each

1 chiropractor and doctor of chiropractic medicine to the aggregate outstanding
2 attorney ~~and, chiropractic, and chiropractic medicine~~ fees.

3 **SECTION 125.** 895.453 (4) (a) of the statutes is amended to read:

4 895.453 (4) (a) The chiropractor or doctor of chiropractic medicine is eligible
5 for payment for the services provided to the person under any health insurance
6 contract or self-insured health plan.

7 **SECTION 126.** 895.453 (4) (b) of the statutes is amended to read:

8 895.453 (4) (b) The chiropractor or doctor of chiropractic medicine is eligible
9 for payment for the services provided to the person under any governmental health
10 plan or program, including Medicaid or Medicare.

11 **SECTION 127.** 895.48 (1m) (a) (intro.) of the statutes is amended to read:

12 895.48 (1m) (a) (intro.) Except as provided in par. (b), any physician, physician
13 assistant, podiatrist, doctor of chiropractic medicine, or athletic trainer licensed
14 under ch. 448, chiropractor licensed under ch. 446, dentist licensed under ch. 447,
15 emergency medical technician licensed under s. 256.15, first responder certified
16 under s. 256.15 (8), registered nurse licensed under ch. 441, or a massage therapist
17 or bodywork therapist licensed under ch. 460 who renders voluntary health care to
18 a participant in an athletic event or contest sponsored by a nonprofit corporation, as
19 defined in s. 66.0129 (6) (b), a private school, as defined in s. 115.001 (3r), a tribal
20 school, as defined in s. 115.001 (15m), a public agency, as defined in s. 46.856 (1) (b),
21 or a school, as defined in s. 609.655 (1) (c), is immune from civil liability for his or her
22 acts or omissions in rendering that care if all of the following conditions exist:

23 **SECTION 128.** 895.48 (1m) (a) 2. of the statutes is amended to read:

24 895.48 (1m) (a) 2. The physician, podiatrist, doctor of chiropractic medicine,
25 athletic trainer, chiropractor, dentist, emergency medical technician, first responder,

1 physician assistant, registered nurse, massage therapist or bodywork therapist does
2 not receive compensation for the health care, other than reimbursement for
3 expenses.

4 **SECTION 129.** 905.04 (title) of the statutes is amended to read:

5 **905.04 (title) Physician-patient, registered nurse-patient,**
6 **chiropractor-patient, psychologist-patient, social worker-patient,**
7 **marriage and family therapist-patient, podiatrist-patient, doctor of**
8 **chiropractic medicine-patient, and professional counselor-patient**
9 **privilege.**

10 **SECTION 130.** 905.04 (1) (b) of the statutes is amended to read:

11 905.04 (1) (b) A communication or information is “confidential” if not intended
12 to be disclosed to 3rd persons other than those present to further the interest of the
13 patient in the consultation, examination, or interview, to persons reasonably
14 necessary for the transmission of the communication or information, or to persons
15 who are participating in the diagnosis and treatment under the direction of the
16 physician, podiatrist, doctor of chiropractic medicine, registered nurse, chiropractor,
17 psychologist, social worker, marriage and family therapist or professional counselor,
18 including the members of the patient’s family.

19 **SECTION 131.** 905.04 (1) (bd) of the statutes is created to read:

20 905.04 (1) (bd) “Doctor of chiropractic medicine” means a person licensed under
21 s. 448.9725 or a person reasonably believed by the patient to be a doctor of
22 chiropractic medicine.

23 **SECTION 132.** 905.04 (1) (c) of the statutes is amended to read:

24 905.04 (1) (c) “Patient” means an individual, couple, family or group of
25 individuals who consults with or is examined or interviewed by a physician,

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

3 **SECTION 133.** 905.04 (2) of the statutes is amended to read:

4 905.04 (2) GENERAL RULE OF PRIVILEGE. A patient has a privilege to refuse to
5 disclose and to prevent any other person from disclosing confidential
6 communications made or information obtained or disseminated for purposes of
7 diagnosis or treatment of the patient's physical, mental or emotional condition,
8 among the patient, the patient's physician, the patient's podiatrist, the patient's
9 doctor of chiropractic medicine, the patient's registered nurse, the patient's
10 chiropractor, the patient's psychologist, the patient's social worker, the patient's
11 marriage and family therapist, the patient's professional counselor or persons,
12 including members of the patient's family, who are participating in the diagnosis or
13 treatment under the direction of the physician, podiatrist, doctor of chiropractic
14 medicine, registered nurse, chiropractor, psychologist, social worker, marriage and
15 family therapist or professional counselor.

16 **SECTION 134.** 905.04 (3) of the statutes is amended to read:

17 905.04 (3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the
18 patient, by the patient's guardian or conservator, or by the personal representative
19 of a deceased patient. The person who was the physician, podiatrist, doctor of
20 chiropractic medicine, registered nurse, chiropractor, psychologist, social worker,
21 marriage and family therapist or professional counselor may claim the privilege but
22 only on behalf of the patient. The authority so to do is presumed in the absence of
23 evidence to the contrary.

24 **SECTION 135.** 905.04 (4) (a) of the statutes is amended to read:

1 905.04 (4) (a) *Proceedings for commitment, guardianship, protective services,*
2 *or protective placement or for control, care, or treatment of a sexually violent person.*

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

14 **SECTION 136.** 905.04 (4) (e) 3. of the statutes is amended to read:

15 905.04 (4) (e) 3. There is no privilege in situations where the examination of
16 the expectant mother of an abused unborn child creates a reasonable ground for an
17 opinion of the physician, registered nurse, doctor of chiropractic medicine,
18 chiropractor, psychologist, social worker, marriage and family therapist or
19 professional counselor that the physical injury inflicted on the unborn child was
20 caused by the habitual lack of self-control of the expectant mother of the unborn
21 child in the use of alcohol beverages, controlled substances or controlled substance
22 analogs, exhibited to a severe degree.

23 **SECTION 137.** 949.01 (4) of the statutes is amended to read:

24 949.01 (4) “Medical treatment” includes medical, surgical, dental, optometric,
25 chiropractic, podiatric, chiropractic medicine, and hospital care; medicines; medical,

1 dental and surgical supplies; crutches; artificial members; appliances and training
2 in the use of artificial members and appliances. “Medical treatment” includes any
3 Christian Science treatment for cure or relief from the effects of injury.

4 **SECTION 138.** 949.04 (3) of the statutes is amended to read:

5 949.04 (3) MEDICAL AND DENTAL RECORDS. The applicant shall submit to the
6 department reports from all physicians, osteopaths, dentists, optometrists,
7 chiropractors ~~or~~, podiatrists, or doctors of chiropractic medicine who treated or
8 examined the victim at the time of or subsequent to the victim’s injury or death. The
9 department may also order such other examinations and reports of the victim’s
10 previous medical and dental history, injury or death as it believes would be of
11 material aid in its determination.

12 **SECTION 139.** 961.01 (19) (a) of the statutes is amended to read:

13 961.01 (19) (a) A physician, advanced practice nurse, dentist, veterinarian,
14 podiatrist, doctor of chiropractic medicine, optometrist, scientific investigator or,
15 subject to s. 448.21 (3), a physician assistant, or other person licensed, registered,
16 certified or otherwise permitted to distribute, dispense, conduct research with
17 respect to, administer or use in teaching or chemical analysis a controlled substance
18 in the course of professional practice or research in this state.

19 **SECTION 140. Nonstatutory provisions.**

20 (1) BOARD; STAGGERING OF TERMS. Notwithstanding the length of terms specified
21 for the members of the chiropractic medicine affiliated credentialing board under
22 section 15.406 (7) of the statutes, as created by this act, one of the initial members
23 shall be appointed for a term expiring on July 1, 2017; one of the initial members
24 shall be appointed for a term expiring on July 1, 2018; one of the initial members

1 shall be appointed for a term expiring on July 1, 2019; and the remaining initial
2 member shall be appointed for a term expiring on July 1, 2020. (1)

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

9 [] (END)

one of the initial members shall be appointed
for a term expiring on July 1, 2020;

Gallagher, Michael

From: Gibbs, Adam
Sent: Friday, January 29, 2016 9:19 AM
To: Gallagher, Michael
Subject: RE: Draft Changes to LRB 3787/P3

Thank you for checking. Please change "chiropractic" to "spinal" in both.

Both "chiropractic", "physician" and "doctor" (though already more established in statute) make those professions nervous about confusion and branding within their professions. We're hoping to avoid drawing the ire of those groups by choosing an applicable yet unaffiliated name.

I was surprised to learn of the enormity of the naming issue myself.

Adam Gibbs
Chief of Staff
Senator Frank Lasee
1st Senate District
(608) 266-3512

From: Gallagher, Michael
Sent: Friday, January 29, 2016 8:21 AM
To: Gibbs, Adam <Adam.Gibbs@legis.wisconsin.gov>
Subject: RE: Draft Changes to LRB 3787/P3

Adam: I'm assuming that we want to keep the board name, "chiropractic medicine affiliated credentialing board," and that we want to keep the name of the practice, "chiropractic medicine," and the definition the same.

One issue, the new title seems narrow in relation to the definition of chiropractic medicine in the draft, which is, in relevant part, the integration and application of the practice of chiropractic and the practice of medicine and surgery that is limited to conditions of the spine and of the musculoskeletal, neuromuscular, and nervous systems... Note that only one part of the definition explicitly references the spine. I might instead, suggest, "chiropractic medicine practitioner" or "practitioner of chiropractic medicine," but those may have been rejected because of the use of the word medicine in the title.

In any case, I'll make the changes. The actual title is much less important than the definition of the practice. I just wanted to give my 2 cents on the title.

Mike

Michael P. Gallagher
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 267-7511

From: Gibbs, Adam
Sent: Thursday, January 28, 2016 4:53 PM
To: Gallagher, Michael <Michael.Gallagher@legis.wisconsin.gov>
Subject: RE: Draft Changes to LRB 3787/P3
Importance: High

Please change the draft to replace all instances of "doctor of chiropractic medicine" to "primary spine care practitioner".

Several groups raised concerns about the name of the license holder causing patient confusion and we believe this title will be specific.

We are hoping to get the completed P draft back by COB Friday. Thank you!

Adam Gibbs
Chief of Staff
Senator Frank Lasee
1st Senate District
(608) 266-3512

From: Gallagher, Michael
Sent: Thursday, January 21, 2016 9:21 AM
To: Gibbs, Adam <Adam.Gibbs@legis.wisconsin.gov>
Subject: RE: Draft Changes to LRB 3787/P2

Got it. These changes look pretty straight forward. I'll get you a /P3.

Michael P. Gallagher
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 267-7511

From: Gibbs, Adam
Sent: Thursday, January 21, 2016 9:13 AM
To: Gallagher, Michael <Michael.Gallagher@legis.wisconsin.gov>
Subject: Draft Changes to LRB 3787/P2

Mike,

Please see the following changes to put into the P3.

1. Page 4, Section 3, lines 16-18: Add a "physician," as defined in Wis. Stat. s. 448.01(5), to the Affiliated Credentialing Board so that the total number of board members is five.
2. Entire draft: Delete all references to "surgery" when referencing "chiropractic medicine." For example, page 37, Section 90, lines 19-25 (definition of "chiropractic medicine"): Delete "surgery" from definition. It is not our intent to have DCMs practice surgery.
3. Page 40, lines 19-21: Delete the language allowing the board to waive the requirements for physicians, APNPs or PAs. Only chiropractors should be allowed to become licensed as a DCM.
4. Page 42, line 6, drafting note: We would like to leave it up to the Medical Collage to determine the minimum number of hours of pharmacology instruction.

Thank you for your help with this. I think we are almost there.

Adam Gibbs
Chief of Staff
Senator Frank Lasee
1st Senate District

(608) 266-3512

Gallagher, Michael

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Adam Gibbs

Chief of Staff

Senator Frank Lasee

1st Senate District

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