

2017 DRAFTING REQUEST

Bill

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Same as LRB:

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Pre Topic:

No specific pre topic given

Topic:

Delegation of certain services by a chiropractor and affecting certain rules of the Chiropractic Examining Board, include chiropractic acupuncture and dry needling and sports physicals

Instructions:

Redraft LRB-0328 and include extracurricular activities in the K-12 education portion related to accepting physical examinations

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	fknepp 4/12/2017	wjackson 4/12/2017			
/P1	fknepp 4/12/2017		rmilford 4/12/2017		State S&L
/1		wjackson	lparisi	mbarman	State

Vers. Drafted

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4/12/2017

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4/21/2017

Required
S&L

FE Sent For:

*out
intro*

<END>



State of Wisconsin
2017 - 2018 LEGISLATURE

- 2981/P1

LRB-0328/2

MPG/KP/FFK/ARG:all

In 4-12
TODAY

RUSH

2017 BILL

1 **AN ACT to renumber and amend** 446.02 (7) (a), 446.02 (7) (d) 1. and 446.02 (7)
2 (d) 2.; **to amend** 440.05 (intro.), 441.001 (3) (a), 441.001 (4) (b), 446.02 (1) (b),
3 446.026 (1) (a), 446.03 (intro.), 446.03 (1), 446.04 (2), 446.04 (4), 446.05 (1) and
4 451.02 (1); **to repeal and recreate** 440.05 (intro.); and **to create** 36.24, 38.235,
5 118.294, 440.08 (2) (a) 23k., 446.01 (1b), 446.01 (1f), 446.01 (1g), 446.01 (1v),
6 446.02 (2) (d), 446.02 (2) (dm), 446.02 (7) (a) 2., 446.02 (10m), 446.023, 446.04
7 (6) and 632.87 (3) (d) of the statutes; **relating to:** physical examinations
8 conducted by chiropractors; performance of medical examinations by
9 chiropractors for the Federal Motor Carrier Safety Administration;
10 chiropractic acupuncture and chiropractic dry needling; delegation of certain
11 services by a chiropractor; modifying various administrative rules promulgated
12 by the Chiropractic Examining Board; and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes changes to the laws relating to chiropractors, including all of the following:

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MOTOR CARRIER SAFETY ADMINISTRATION MEDICAL EXAMINATIONS

The bill provides that a licensed chiropractor who has a valid Federal Motor Carrier Safety Administration medical examiner certification credential may conduct medical examinations for the Federal Motor Carrier Safety Administration.

SPORTS PHYSICALS & EXAMINATIONS
of an extracurricular activity

If a school requires a pupil to have a physical examination as a condition of participating in a youth athletic activity, the bill requires the school to accept a physical examination completed by a chiropractor who holds a certificate in health or physical examinations in the same manner that the school accepts a physical examination completed by a licensed physician. A youth athletic activity is any organized athletic activity in which the participants, a majority of whom are under 19 years of age, are engaged in an athletic game or competition against another team, club, or entity, and includes practice or preparation for such a game or competition. In addition, the bill ~~prohibits~~ a school district ~~from contracting~~ ^{to contract} with an interscholastic athletic association ~~unless~~ the association accepts a physical examination completed by a chiropractor who holds a certificate in health or physical examinations in the same manner that the association accepts a physical examination completed by a licensed physician.

allows
only if
for purposes of
determining
whether
pupil may
participate
in a youth
athletic activity
or an
extracurricular
activity

If a technical college within the Technical College System or a two-year college campus within the University of Wisconsin System (UW college) requires a student to have a physical examination as a condition of participating in an athletic activity, the bill requires the technical college or UW college to accept, in the same manner that it accepts a physical examination completed by a licensed physician, a physical examination completed by a chiropractor who holds a certificate in health or physical examinations.

CHIROPRACTIC ACUPUNCTURE AND DRY NEEDLING

Under the bill, a chiropractor who is licensed by the examining board may practice chiropractic acupuncture, as defined in the bill, without being an acupuncturist certified by the Department of Safety and Professional Services if the examining board registers the licensed chiropractor to practice chiropractic acupuncture. Under the bill, the examining board may register a licensed chiropractor to practice chiropractic acupuncture if, among other requirements, the chiropractor does the following:

1. Submits evidence satisfactory to the examining board that the licensed chiropractor has completed at least 200 hours of instruction in chiropractic acupuncture at a college of chiropractic approved by the examining board or at an accredited college or university.
2. Successfully completes the acupuncture examination administered by the National Board of Chiropractic Examiners.
3. Pays a one-time registration fee of \$100.

The bill also establishes standards for the certification of and authorizes the examining board to certify a licensed chiropractor to practice chiropractic dry needling, which is defined in the bill as puncturing the skin of the human body with needles at trigger points to treat neuromusculoskeletal pain and performance.

BILL**DELEGATION OF SERVICES**

The bill authorizes a chiropractor to delegate certain services that are preparatory or complementary to chiropractic adjustments to various licensed health care professionals if the services are performed under the direct, on-premises supervision of the chiropractor. Currently, a chiropractor may delegate such services only to a chiropractic technician.

ADMINISTRATIVE RULES

Finally, the bill makes several changes to the administrative rules promulgated by the Chiropractic Examining Board, including the following:

1. Provides that a chiropractic student need not be in his or her last academic quarter, semester, or trimester in order to qualify for a preceptorship, provided the student is eligible for graduation.

2. Specifies that a licensed chiropractor is not prohibited from using cold laser therapy and that a licensed chiropractor may practice acupuncture at the same location as the chiropractor practices chiropractic if the chiropractor is also a certified acupuncturist.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 36.24 of the statutes is created to read:

2 **36.24 Physical examinations for athletics at college campuses.** (1) In
3 this section, "athletic activity" means an organized athletic activity in which the
4 participants are engaged in an athletic game or competition against another team,
5 club, or entity, or in practice or preparation for an organized athletic game or
6 competition against another team, club, or entity.

7 (2) If a college campus requires a student to have a health or physical
8 examination as a condition of participating in an athletic activity, the college campus
9 shall accept a health or physical examination completed by a certificate holder under
10 s. 446.02 (2) (dm) in the same manner it accepts a health or physical examination
11 completed by an individual licensed to practice medicine and surgery under ch. 448.

12 **SECTION 2.** 38.235 of the statutes is created to read:

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38.235 Physical examinations for athletics at technical colleges. (1)

In this section, "athletic activity" means an organized athletic activity in which the participants are engaged in an athletic game or competition against another team, club, or entity, or in practice or preparation for an organized athletic game or competition against another team, club, or entity.

(2) If a technical college requires a student to have a health or physical examination as a condition of participating in an athletic activity, the technical college shall accept a health or physical examination completed by a certificate holder under s. 446.02 (2) (dm) in the same manner it accepts a health or physical examination completed by an individual licensed to practice medicine and surgery under ch. 448.

SECTION 3. 118.294 of the statutes is created to read:

118.294 Physical examination for youth athletics; chiropractors. (1) *and extracurricular activities*

In this section:

(a) "School" means a public, private, or tribal school.

(b) "Youth athletic activity" has the meaning given in s. 118.293 (1) (c).

(2) If a school requires a pupil to have a health or physical examination as a condition of participating in a youth athletic activity, *or an extracurricular activity* the school shall accept a health or physical examination completed by a certificate holder under s. 446.02 (2) (dm) in the same manner it accepts a health or physical examination completed by an individual licensed to practice medicine and surgery under ch. 448.

(3) A school district may contract with an interscholastic ~~athletic~~ *or an extracurricular activity* association only if, for the purpose of determining whether a pupil may participate in a youth activity, the interscholastic ~~athletic~~ association accepts a health or physical examination completed by a certificate holder under s. 446.02 (2) (dm) in the same

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1 manner it accepts a health or physical examination completed by an individual
2 licensed to practice medicine and surgery under ch. 448.

3 **SECTION 4.** 440.05 (intro.) of the statutes is amended to read:

4 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
5 credentials, except as provided in ss. 440.51, 444.03, 444.11, 446.02 (2) (c) and (dm),
6 447.04 (2) (c) 2., 448.07 (2), 449.17 (1m) (d), and 449.18 (2) (d):

7 **SECTION 5.** 440.05 (intro.) of the statutes, as affected by 2015 Wisconsin Act
8 116, section 7m, and 2017 Wisconsin Act ... (this act), is repealed and recreated to
9 read:

10 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
11 credentials, except as provided in ss. 440.51, 444.03, 444.11, 446.02 (2) (c) and (dm),
12 447.04 (2) (c) 2., 449.17 (1m) (d), and 449.18 (2) (d):

13 **SECTION 6.** 440.08 (2) (a) 23k. of the statutes is created to read:

14 440.08 (2) (a) 23k. Chiropractor acupuncturist: December 15 of each
15 even-numbered year.

16 **SECTION 7.** 441.001 (3) (a) of the statutes is amended to read:

17 441.001 (3) (a) "Practical nursing" means the performance for compensation
18 of any simple acts in the care of convalescent, subacutely or chronically ill, injured
19 or infirm persons, or of any act or procedure in the care of the more acutely ill, injured
20 or infirm under the specific direction of a nurse, physician, podiatrist licensed under
21 ch. 448, chiropractor licensed under ch. 446, dentist licensed under ch. 447 or
22 optometrist licensed under ch. 449, or under an order of a person who is licensed to
23 practice medicine, podiatry, chiropractic, dentistry or optometry in another state if
24 that person prepared the order after examining the patient in that other state and
25 directs that the order be carried out in this state.

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1 **SECTION 8.** 441.001 (4) (b) of the statutes is amended to read:

2 441.001 (4) (b) The execution of procedures and techniques in the treatment
3 of the sick under the general or special supervision or direction of a physician,
4 podiatrist licensed under ch. 448, chiropractor licensed under ch. 446, dentist
5 licensed under ch. 447, or optometrist licensed under ch. 449, or under an order of
6 a person who is licensed to practice medicine, podiatry, chiropractic, dentistry, or
7 optometry in another state if the person making the order prepared the order after
8 examining the patient in that other state and directs that the order be carried out
9 in this state.

10 **SECTION 9.** 446.01 (1b) of the statutes is created to read:

11 446.01 (1b) “Acupuncturist” has the meaning given in s. 451.01 (2).

12 **SECTION 10.** 446.01 (1f) of the statutes is created to read:

13 446.01 (1f) “Chiropractic acupuncture” means to promote, maintain, or restore
14 health or to diagnose, prevent, or treat disease by treating specific areas of the
15 human body, known as acupuncture points or meridians, by the insertion of needles
16 or by the application of manual, thermal, or electrical stimulation or any other
17 secondary therapeutic technique.

18 **SECTION 11.** 446.01 (1g) of the statutes is created to read:

19 446.01 (1g) “Chiropractic dry needling” means puncturing the skin of the
20 human body with needles at trigger points to treat neuromusculoskeletal pain and
21 performance.

22 **SECTION 12.** 446.01 (1v) of the statutes is created to read:

23 446.01 (1v) “Health care professional” means an individual who is licensed,
24 registered, or certified by any of the following:

25 (a) Board of nursing under ch. 441.

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- 1 (b) Dentistry examining board under ch. 447.
- 2 (c) Medical examining board under subch. II of ch. 448.
- 3 (d) Physical therapy examining board under subch. III of ch. 448.
- 4 (e) Podiatry affiliated credentialing board under subch. IV of ch. 448.
- 5 (f) Dietitians affiliated credentialing board under subch. V of ch. 448.
- 6 (g) Athletic trainers affiliated credentialing board under subch. VI of ch. 448.
- 7 (h) Occupational therapists affiliated credentialing board under subch. VII of
- 8 ch. 448.
- 9 (i) Optometry examining board under ch. 449.
- 10 (j) Pharmacy examining board under ch. 450.
- 11 (k) The department of safety and professional services under ch. 451.
- 12 (L) Psychology examining board under ch. 455.
- 13 (m) Marriage and family therapy, professional counseling, and social work
- 14 examining board under ch. 457.
- 15 (n) Hearing and speech examining board under subch. II of ch. 459.
- 16 (o) The massage therapy and bodywork therapy affiliated credentialing board
- 17 under ch. 460.

18 **SECTION 13.** 446.02 (1) (b) of the statutes is amended to read:

19 446.02 (1) (b) Submits evidence satisfactory to the examining board that the

20 person meets the requirements of continuing education for license renewal as the

21 examining board may require, which requirements shall include current proficiency

22 in the use of an automated external defibrillator achieved through instruction

23 provided by an individual, organization, or institution of higher education approved

24 under s. 46.03 (38) to provide such instruction. Hours of continuing education

25 completed under subs. (2) (dm) and (4) (b) shall count toward any hours required

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1 under this paragraph. The person shall include the approval number assigned under
2 sub. (5) (b) to each educational program completed by the person to satisfy the
3 requirements of this paragraph. During the time between initial licensure and
4 commencement of a full 2-year licensure period new licensees shall not be required
5 to meet continuing education requirements. Any person who has not engaged in the
6 practice of chiropractic for 2 years or more, while holding a valid license under this
7 chapter, and desiring to engage in such practice, shall be required by the examining
8 board to complete a continuing education course at a school of chiropractic approved
9 by the examining board or pass a practical examination administered by the
10 examining board or both.

11 **SECTION 14.** 446.02 (2) (d) of the statutes is created to read:

12 446.02 (2) (d) 1. No person may practice chiropractic dry needling unless he or
13 she is a chiropractor who is licensed under this chapter and certified under subd. 2.

14 1m. No certification is required under subd. 2. for any of the following:

15 a. A licensed chiropractor who is registered under s. 446.023.

16 b. An acupuncturist who is certified under ch. 451.

17 2. The examining board shall issue a certificate to practice dry needling to a
18 chiropractor who is licensed under this chapter, who submits satisfactory evidence
19 that the chiropractor has completed 50 hours of postgraduate study in chiropractic
20 dry needling that is approved by the examining board, and who pays a one-time
21 certification fee of \$25, except that no certification fee is required under this
22 subdivision for an individual who is eligible for the veterans fee waiver program
23 under s. 45.44.

24 3. Subject to subd. 4., the examining board shall promulgate rules
25 implementing the postgraduate education requirement under subd. 2.

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1 4. Each program sponsor of an education program required to be completed by
2 a chiropractor as a condition of certification under subd. 2. shall submit the program
3 to the examining board for approval. Under this subdivision, "program sponsor" has
4 the meaning given in s. 446.028.

5 **SECTION 15.** 446.02 (2) (dm) of the statutes is created to read:

6 446.02 (2) (dm) The examining board shall issue a certificate to a chiropractor
7 who is licensed under this chapter and who submits satisfactory evidence that the
8 chiropractor has completed postgraduate study in performing health or physical
9 examinations for participation in school or college athletic activities. The
10 chiropractor shall pay a one-time certification fee of \$25, except that no fee is
11 required under this paragraph for an individual who is eligible for the veterans fee
12 waiver program under s. 45.44. The examining board shall promulgate rules that
13 establish minimum requirements or standards for the postgraduate study that shall
14 be completed in order to obtain a certificate under this paragraph. The examining
15 board shall also promulgate rules that require continuing education in order to
16 maintain the certificate.

17 **SECTION 16.** 446.02 (7) (a) of the statutes is renumbered 446.02 (7) (a) (intro.)
18 and amended to read:

19 446.02 (7) (a) (intro.) Except as provided in pars. (b) and (d), a chiropractor who
20 is licensed under this chapter may delegate to a person who is not licensed under this
21 chapter the performance of adjunctive services if the services are performed by any
22 of the following under the direct, on-premises supervision of the chiropractor.:

23 **SECTION 17.** 446.02 (7) (a) 2. of the statutes is created to read:

24 446.02 (7) (a) 2. A health care professional.

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1 **SECTION 18.** 446.02 (7) (d) 1. of the statutes is renumbered 446.02 (7) (d) and
2 amended to read:

3 446.02 (7) (d) ~~Beginning on July 1, 2010, a~~ A chiropractor may delegate X-ray
4 services only to a chiropractic radiological ~~technologist~~ technician or a health care
5 professional acting within the scope of his or her license, registration, or certification.

6 **SECTION 19.** 446.02 (7) (d) 2. of the statutes is renumbered 446.02 (7) (a) 1. and
7 amended to read:

8 446.02 (7) (a) 1. ~~Beginning on July 1, 2010, a~~ chiropractor may delegate
9 ~~adjunctive services only to a~~ A chiropractic ~~technologist~~ technician.

10 **SECTION 20.** 446.02 (10m) of the statutes is created to read:

11 446.02 (10m) A licensed chiropractor who has a valid federal motor carrier
12 safety administration medical examiner certification credential issued under 49
13 CFR 390.109 may conduct medical examinations for the federal motor carrier safety
14 administration pursuant to 49 USC 31149 and 49 CFR parts 390 and 391.

15 **SECTION 21.** 446.023 of the statutes is created to read:

16 **446.023 Chiropractic acupuncture. (1) DEFINITION.** In this section,
17 “licensed chiropractor” means a person who is licensed by the examining board to
18 engage in the practice of chiropractic.

19 **(2) REGISTRATION REQUIRED.** (a) Except as provided under par. (b), no person
20 may practice chiropractic acupuncture unless he or she is a licensed chiropractor who
21 is registered under this section.

22 (b) No registration is required under this section for any of the following:

23 1. An acupuncturist who is certified under ch. 451.

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1 2. A licensed chiropractor who practices chiropractic acupuncture as part of a
2 supervised course of study or residency program in chiropractic acupuncture that is
3 approved by the examining board.

4 (c) The examining board shall register a licensed chiropractor under this
5 section who does all of the following:

6 1. Submits an application for registration to the examining board on a form
7 provided by the examining board.

8 2. Submits evidence satisfactory to the examining board that the licensed
9 chiropractor has completed at least 200 hours of postgraduate instruction in
10 chiropractic acupuncture at a college of chiropractic approved by the examining
11 board or at a college or university accredited by an accrediting agency that is
12 recognized by the secretary of the federal department of education.

13 3. Successfully completes the acupuncture examination administered by the
14 National Board of Chiropractic Examiners.

15 4. Pays a registration fee of \$100.

16 **(3) RESTRICTION ON ADVERTISING.** A licensed chiropractor who is registered
17 under this section may not advertise or hold himself or herself out as employing
18 traditional Oriental medical concepts in the practice of chiropractic acupuncture
19 unless the licensed chiropractor is also an acupuncturist certified under ch. 451.

20 **(4) REGISTRATION RENEWAL.** (a) The renewal date for a registration under this
21 section is specified under s. 440.08 (2) (a). There is no renewal fee.

22 (b) A licensed chiropractor registered under this section shall, at the time that
23 he or she applies for renewal of a registration under par. (a), submit evidence
24 satisfactory to the examining board that he or she has completed at least 4 hours of
25 continuing education during the previous 2-year registration period in a

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1 chiropractic acupuncture-related program approved by the examining board under
2 s. 446.028.

3 **(5) RULES.** The examining board shall promulgate rules to implement this
4 section and s. 446.02 (2) (d). The rules promulgated under this subsection shall
5 incorporate the rules of the department promulgated under s. 451.12.

6 **SECTION 22.** 446.026 (1) (a) of the statutes is amended to read:

7 446.026 (1) (a) No person may provide adjunctive services unless the person
8 is a chiropractic technician and is under the direct, on-premises supervision of a
9 chiropractor licensed under this chapter, or the person is a health care professional,
10 subject to s. 446.02 (7).

11 **SECTION 23.** 446.03 (intro.) of the statutes is amended to read:

12 **446.03 Reprimand, revocation, limitation, or suspension of a license or**
13 **certificate.** (intro.) The examining board, by order, may reprimand a licensee,
14 certificate holder, or registrant and may deny, limit, suspend or revoke any license,
15 certificate, or ~~certificate of registration~~ if the licensee, certificate holder, or registrant
16 does any of the following:

17 **SECTION 24.** 446.03 (1) of the statutes is amended to read:

18 446.03 (1) Obtains the license, certificate, or ~~certificate of registration~~ through
19 error or fraud.

20 **SECTION 25.** 446.04 (2) of the statutes is amended to read:

21 446.04 (2) Loaning of a chiropractic license or certificate, or of a registration
22 issued under s. 446.023, to anyone.

23 **SECTION 26.** 446.04 (4) of the statutes is amended to read:

24 446.04 (4) Splitting or dividing any fee for chiropractic service with any person
25 except an associate licensed chiropractor or an acupuncturist certified under ch. 451.

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1 **SECTION 27.** 446.04 (6) of the statutes is created to read:

2 446.04 (6) Use of unsanitary or unsafe acupuncture or dry needling equipment,
3 contrary to the rules promulgated under s. 446.023 (5).

4 **SECTION 28.** 446.05 (1) of the statutes is amended to read:

5 446.05 (1) Subject to the rules promulgated under s. 440.03 (1), the examining
6 board may make investigations and conduct hearings in regard to the conduct of any
7 licensed chiropractor who, it has reason to believe, violated s. 446.02, 446.023, or
8 446.03. The person complained against may proceed to review any action of the
9 examining board under ch. 227.

10 **SECTION 29.** 451.02 (1) of the statutes is amended to read:

11 451.02 (1) An individual holding a license, permit, registration, or certificate
12 under ch. 441, 446, 447, 448, or 449 who engages in a practice of acupuncture that
13 is also included within the scope of his or her license, permit, registration, or
14 certificate.

15 **SECTION 30.** 632.87 (3) (d) of the statutes is created to read:

16 632.87 (3) (d) Paragraphs (a) and (b) do not apply to a licensed chiropractor's
17 practice of chiropractic acupuncture within the scope of a registration issued under
18 s. 446.023 or chiropractic dry needling within the scope of a certification issued under
19 s. 446.02 (2) (d).

20 **SECTION 31.** Chir 2.01 (2) of the administrative code is repealed.

21 **SECTION 32.** Chir 3.02 (1) (intro.) of the administrative code is amended to read:

22 Chir 3.02 (1) **REQUIREMENTS FOR RENEWAL.** (intro.) To renew and obtain a new
23 license a licensee shall, by December ~~31~~ 14 of the even-numbered year following
24 initial licensure and every 2 years thereafter, file with the department:

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1 **SECTION 33.** Chir 4.05 (1) (b) 3. of the administrative code is renumbered Chir
2 4.05 (1) (b) 3. (intro.) and amended to read:

3 Chir 4.05 (1) (b) 3. (intro.) Acupuncture by needle insertion or invasive laser
4 application. This subdivision shall not be construed to prohibit any of the following:

5 **SECTION 34.** Chir 4.05 (1) (b) 3. a. of the administrative code is created to read:

6 Chir 4.05 (1) (b) 3. a. The use of cold laser therapy by a licensed chiropractor.

7 **SECTION 35.** Chir 4.05 (1) (b) 3. b. of the administrative code is created to read:

8 Chir 4.05 (1) (b) 3. b. The practice of acupuncture by a licensed chiropractor
9 who is also an acupuncturist certified under ch. 451, Stats., at the same location
10 where he or she practices chiropractic.

11 **SECTION 36.** Chir 4.05 (2m) of the administrative code is created to read:

12 Chir 4.05 (2m) The board may consider the opinion of the National Board of
13 Chiropractic Examiners with respect to the techniques, ancillary procedures, and
14 instruments that are safe and effective for the practice of chiropractic for purposes
15 of sub. (2).

16 **SECTION 37.** Chir 9.01 (1) of the administrative code is amended to read:

17 Chir 9.01 (1) “Chiropractic student” means a student of an approved college of
18 chiropractic ~~in his or her last academic quarter, semester, or trimester of study,~~ who
19 is eligible for graduation from the college of chiropractic but for completion of a
20 preceptorship period.

21 **SECTION 38.** Chir 10.01 (3) of the administrative code is amended to read:

22 Chir 10.01 (3) “Unlicensed person” means a person who ~~does not possess a valid~~
23 ~~license to practice chiropractic in this state pursuant to ch. 446~~ is a chiropractic
24 technician or chiropractic radiological technician and who is not a health care
25 professional, as defined in s. 446.01 (1v), Stats.

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1 **SECTION 9148. Nonstatutory provisions; University of Wisconsin**
2 **System.**

3 (1) PHYSICAL EXAMINATIONS; WISCONSIN COLLEGIATE CONFERENCE. Each college
4 campus, as defined in section 36.05 (6m) of the statutes, shall undertake to amend
5 any bylaws, operating code, or regulations and agreements governing the conduct of
6 athletes of the Wisconsin Collegiate Conference as necessary to maintain
7 consistency with section 36.24 of the statutes.

8 **SECTION 9335. Initial applicability; Public Instruction.**

9 (1) PHYSICAL EXAMINATIONS BY SPORTS PHYSICAL TRAINING CERTIFICATE HOLDERS.
10 The treatment of section 118.294 (2) of the statutes first applies to physical
11 examinations completed on the effective date of this subsection.

12 (2) CONTRACTING WITH INTERSCHOLASTIC ATHLETIC ASSOCIATIONS. The treatment
13 of section 118.294 (3) of the statutes first applies to a contract that is entered into,
14 renewed, or modified on the effective date of this subsection.

15 **SECTION 9343. Initial applicability; Technical College System.**

16 (1) PHYSICAL EXAMINATIONS. The treatment of section 38.235 of the statutes first
17 applies to physical examinations completed on the effective date of this subsection.

18 **SECTION 9348. Initial applicability; University of Wisconsin System.**

19 (1) PHYSICAL EXAMINATIONS. The treatment of section 36.24 of the statutes first
20 applies to physical examinations completed on the effective date of this subsection.

21 **SECTION 9439. Effective dates; Safety and Professional Services.**

22 (1) PHYSICAL EXAMINATION CERTIFICATE. The repeal and recreation of section
23 440.05 (intro.) of the statutes takes effect on December 16, 2019.

24 (2) CHIROPRACTIC ACUPUNCTURE AND CHIROPRACTIC DRY NEEDLING. The treatment
25 of sections 440.08 (2) (a) 23k., 446.01 (1b), (1f), and (1g), 446.02 (2) (d), 446.023,

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1 446.03 (intro.) and (1), 446.04 (2), (4), and (6), 446.05 (1), 451.02 (1), and 632.87 (3)
2 (d) of the statutes takes effect on the first day of the 7th month beginning after
3 publication.

4 (END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-2981/P1
MPG/KP/FFK/ARG:all

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber and amend* 446.02 (7) (a), 446.02 (7) (d) 1. and 446.02 (7)
2 (d) 2.; *to amend* 440.05 (intro.), 441.001 (3) (a), 441.001 (4) (b), 446.02 (1) (b),
3 446.026 (1) (a), 446.03 (intro.), 446.03 (1), 446.04 (2), 446.04 (4), 446.05 (1) and
4 451.02 (1); *to repeal and recreate* 440.05 (intro.); and *to create* 36.24, 38.235,
5 118.294, 440.08 (2) (a) 23k., 446.01 (1b), 446.01 (1f), 446.01 (1g), 446.01 (1v),
6 446.02 (2) (d), 446.02 (2) (dm), 446.02 (7) (a) 2., 446.02 (10m), 446.023, 446.04
7 (6) and 632.87 (3) (d) of the statutes; **relating to:** physical examinations
8 conducted by chiropractors; performance of medical examinations by
9 chiropractors for the Federal Motor Carrier Safety Administration;
10 chiropractic acupuncture and chiropractic dry needling; delegation of certain
11 services by a chiropractor; modifying various administrative rules promulgated
12 by the Chiropractic Examining Board; and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes changes to the laws relating to chiropractors, including all of the following:

MOTOR CARRIER SAFETY ADMINISTRATION MEDICAL EXAMINATIONS

The bill provides that a licensed chiropractor who has a valid Federal Motor Carrier Safety Administration medical examiner certification credential may conduct medical examinations for the Federal Motor Carrier Safety Administration.

PHYSICAL EXAMINATIONS

If a school requires a pupil to have a physical examination as a condition of participating in a youth athletic activity or an extracurricular activity, the bill requires the school to accept a physical examination completed by a chiropractor who holds a certificate in health or physical examinations in the same manner that the school accepts a physical examination completed by a licensed physician. A youth athletic activity is any organized athletic activity in which the participants, a majority of whom are under 19 years of age, are engaged in an athletic game or competition against another team, club, or entity, and includes practice or preparation for such a game or competition. In addition, the bill allows a school district to contract with an interscholastic association only if, for purposes of determining whether a pupil may participate in a youth athletic activity or an extracurricular activity, the association accepts a physical examination completed by a chiropractor who holds a certificate in health or physical examinations in the same manner that the association accepts a physical examination completed by a licensed physician.

If a technical college within the Technical College System or a two-year college campus within the University of Wisconsin System (UW college) requires a student to have a physical examination as a condition of participating in an athletic activity, the bill requires the technical college or UW college to accept, in the same manner that it accepts a physical examination completed by a licensed physician, a physical examination completed by a chiropractor who holds a certificate in health or physical examinations.

CHIROPRACTIC ACUPUNCTURE AND DRY NEEDLING

Under the bill, a chiropractor who is licensed by the examining board may practice chiropractic acupuncture, as defined in the bill, without being an acupuncturist certified by the Department of Safety and Professional Services if the examining board registers the licensed chiropractor to practice chiropractic acupuncture. Under the bill, the examining board may register a licensed chiropractor to practice chiropractic acupuncture if, among other requirements, the chiropractor does the following:

1. Submits evidence satisfactory to the examining board that the licensed chiropractor has completed at least 200 hours of instruction in chiropractic acupuncture at a college of chiropractic approved by the examining board or at an accredited college or university.
2. Successfully completes the acupuncture examination administered by the National Board of Chiropractic Examiners.
3. Pays a one-time registration fee of \$100.

The bill also establishes standards for the certification of and authorizes the examining board to certify a licensed chiropractor to practice chiropractic dry

needling, which is defined in the bill as puncturing the skin of the human body with needles at trigger points to treat neuromusculoskeletal pain and performance.

DELEGATION OF SERVICES

The bill authorizes a chiropractor to delegate certain services that are preparatory or complementary to chiropractic adjustments to various licensed health care professionals if the services are performed under the direct, on-premises supervision of the chiropractor. Currently, a chiropractor may delegate such services only to a chiropractic technician.

ADMINISTRATIVE RULES

Finally, the bill makes several changes to the administrative rules promulgated by the Chiropractic Examining Board, including the following:

1. Provides that a chiropractic student need not be in his or her last academic quarter, semester, or trimester in order to qualify for a preceptorship, provided the student is eligible for graduation.
2. Specifies that a licensed chiropractor is not prohibited from using cold laser therapy and that a licensed chiropractor may practice acupuncture at the same location as the chiropractor practices chiropractic if the chiropractor is also a certified acupuncturist.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 36.24 of the statutes is created to read:

2 **36.24 Physical examinations for athletics at college campuses.** (1) In
3 this section, "athletic activity" means an organized athletic activity in which the
4 participants are engaged in an athletic game or competition against another team,
5 club, or entity, or in practice or preparation for an organized athletic game or
6 competition against another team, club, or entity.

7 (2) If a college campus requires a student to have a health or physical
8 examination as a condition of participating in an athletic activity, the college campus
9 shall accept a health or physical examination completed by a certificate holder under

1 s. 446.02 (2) (dm) in the same manner it accepts a health or physical examination
2 completed by an individual licensed to practice medicine and surgery under ch. 448.

3 **SECTION 2.** 38.235 of the statutes is created to read:

4 **38.235 Physical examinations for athletics at technical colleges. (1)**

5 In this section, "athletic activity" means an organized athletic activity in which the
6 participants are engaged in an athletic game or competition against another team,
7 club, or entity, or in practice or preparation for an organized athletic game or
8 competition against another team, club, or entity.

9 **(2)** If a technical college requires a student to have a health or physical
10 examination as a condition of participating in an athletic activity, the technical
11 college shall accept a health or physical examination completed by a certificate
12 holder under s. 446.02 (2) (dm) in the same manner it accepts a health or physical
13 examination completed by an individual licensed to practice medicine and surgery
14 under ch. 448.

15 **SECTION 3.** 118.294 of the statutes is created to read:

16 **118.294 Physical examination for youth athletics and extracurricular**
17 **activities; chiropractors. (1)** In this section:

18 (a) "School" means a public, private, or tribal school.

19 (b) "Youth athletic activity" has the meaning given in s. 118.293 (1) (c).

20 **(2)** If a school requires a pupil to have a health or physical examination as a
21 condition of participating in a youth athletic activity or an extracurricular activity,
22 the school shall accept a health or physical examination completed by a certificate
23 holder under s. 446.02 (2) (dm) in the same manner it accepts a health or physical
24 examination completed by an individual licensed to practice medicine and surgery
25 under ch. 448.

1 **(3)** A school district may contract with an interscholastic association only if, for
2 the purpose of determining whether a pupil may participate in a youth activity or an
3 extracurricular activity, the interscholastic association accepts a health or physical
4 examination completed by a certificate holder under s. 446.02 (2) (dm) in the same
5 manner it accepts a health or physical examination completed by an individual
6 licensed to practice medicine and surgery under ch. 448.

7 **SECTION 4.** 440.05 (intro.) of the statutes is amended to read:

8 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
9 credentials, except as provided in ss. 440.51, 444.03, 444.11, 446.02 (2) (c) and (dm),
10 447.04 (2) (c) 2., 448.07 (2), 449.17 (1m) (d), and 449.18 (2) (d):

11 **SECTION 5.** 440.05 (intro.) of the statutes, as affected by 2015 Wisconsin Act
12 116, section 7m, and 2017 Wisconsin Act (this act), is repealed and recreated to
13 read:

14 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
15 credentials, except as provided in ss. 440.51, 444.03, 444.11, 446.02 (2) (c) and (dm),
16 447.04 (2) (c) 2., 449.17 (1m) (d), and 449.18 (2) (d):

17 **SECTION 6.** 440.08 (2) (a) 23k. of the statutes is created to read:

18 440.08 (2) (a) 23k. Chiropractor acupuncturist: December 15 of each
19 even-numbered year.

20 **SECTION 7.** 441.001 (3) (a) of the statutes is amended to read:

21 441.001 (3) (a) "Practical nursing" means the performance for compensation
22 of any simple acts in the care of convalescent, subacutely or chronically ill, injured
23 or infirm persons, or of any act or procedure in the care of the more acutely ill, injured
24 or infirm under the specific direction of a nurse, physician, podiatrist licensed under
25 ch. 448, chiropractor licensed under ch. 446, dentist licensed under ch. 447 or

1 optometrist licensed under ch. 449, or under an order of a person who is licensed to
2 practice medicine, podiatry, chiropractic, dentistry or optometry in another state if
3 that person prepared the order after examining the patient in that other state and
4 directs that the order be carried out in this state.

5 **SECTION 8.** 441.001 (4) (b) of the statutes is amended to read:

6 441.001 (4) (b) The execution of procedures and techniques in the treatment
7 of the sick under the general or special supervision or direction of a physician,
8 podiatrist licensed under ch. 448, chiropractor licensed under ch. 446, dentist
9 licensed under ch. 447, or optometrist licensed under ch. 449, or under an order of
10 a person who is licensed to practice medicine, podiatry, chiropractic, dentistry, or
11 optometry in another state if the person making the order prepared the order after
12 examining the patient in that other state and directs that the order be carried out
13 in this state.

14 **SECTION 9.** 446.01 (1b) of the statutes is created to read:

15 446.01 (1b) "Acupuncturist" has the meaning given in s. 451.01 (2).

16 **SECTION 10.** 446.01 (1f) of the statutes is created to read:

17 446.01 (1f) "Chiropractic acupuncture" means to promote, maintain, or restore
18 health or to diagnose, prevent, or treat disease by treating specific areas of the
19 human body, known as acupuncture points or meridians, by the insertion of needles
20 or by the application of manual, thermal, or electrical stimulation or any other
21 secondary therapeutic technique.

22 **SECTION 11.** 446.01 (1g) of the statutes is created to read:

23 446.01 (1g) "Chiropractic dry needling" means puncturing the skin of the
24 human body with needles at trigger points to treat neuromusculoskeletal pain and
25 performance.

1 **SECTION 12.** 446.01 (1v) of the statutes is created to read:

2 446.01 (1v) "Health care professional" means an individual who is licensed,
3 registered, or certified by any of the following:

4 (a) Board of nursing under ch. 441.

5 (b) Dentistry examining board under ch. 447.

6 (c) Medical examining board under subch. II of ch. 448.

7 (d) Physical therapy examining board under subch. III of ch. 448.

8 (e) Podiatry affiliated credentialing board under subch. IV of ch. 448.

9 (f) Dietitians affiliated credentialing board under subch. V of ch. 448.

10 (g) Athletic trainers affiliated credentialing board under subch. VI of ch. 448.

11 (h) Occupational therapists affiliated credentialing board under subch. VII of
12 ch. 448.

13 (i) Optometry examining board under ch. 449.

14 (j) Pharmacy examining board under ch. 450.

15 (k) The department of safety and professional services under ch. 451.

16 (L) Psychology examining board under ch. 455.

17 (m) Marriage and family therapy, professional counseling, and social work
18 examining board under ch. 457.

19 (n) Hearing and speech examining board under subch. II of ch. 459.

20 (o) The massage therapy and bodywork therapy affiliated credentialing board
21 under ch. 460.

22 **SECTION 13.** 446.02 (1) (b) of the statutes is amended to read:

23 446.02 (1) (b) Submits evidence satisfactory to the examining board that the
24 person meets the requirements of continuing education for license renewal as the
25 examining board may require, which requirements shall include current proficiency

1 in the use of an automated external defibrillator achieved through instruction
2 provided by an individual, organization, or institution of higher education approved
3 under s. 46.03 (38) to provide such instruction. Hours of continuing education
4 completed under subs. (2) (dm) and (4) (b) shall count toward any hours required
5 under this paragraph. The person shall include the approval number assigned under
6 sub. (5) (b) to each educational program completed by the person to satisfy the
7 requirements of this paragraph. During the time between initial licensure and
8 commencement of a full 2-year licensure period new licensees shall not be required
9 to meet continuing education requirements. Any person who has not engaged in the
10 practice of chiropractic for 2 years or more, while holding a valid license under this
11 chapter, and desiring to engage in such practice, shall be required by the examining
12 board to complete a continuing education course at a school of chiropractic approved
13 by the examining board or pass a practical examination administered by the
14 examining board or both.

15 **SECTION 14.** 446.02 (2) (d) of the statutes is created to read:

16 446.02 (2) (d) 1. No person may practice chiropractic dry needling unless he or
17 she is a chiropractor who is licensed under this chapter and certified under subd. 2.

18 1m. No certification is required under subd. 2. for any of the following:

19 a. A licensed chiropractor who is registered under s. 446.023.

20 b. An acupuncturist who is certified under ch. 451.

21 2. The examining board shall issue a certificate to practice dry needling to a
22 chiropractor who is licensed under this chapter, who submits satisfactory evidence
23 that the chiropractor has completed 50 hours of postgraduate study in chiropractic
24 dry needling that is approved by the examining board, and who pays a one-time
25 certification fee of \$25, except that no certification fee is required under this

1 subdivision for an individual who is eligible for the veterans fee waiver program
2 under s. 45.44.

3 3. Subject to subd. 4., the examining board shall promulgate rules
4 implementing the postgraduate education requirement under subd. 2.

5 4. Each program sponsor of an education program required to be completed by
6 a chiropractor as a condition of certification under subd. 2. shall submit the program
7 to the examining board for approval. Under this subdivision, "program sponsor" has
8 the meaning given in s. 446.028.

9 **SECTION 15.** 446.02 (2) (dm) of the statutes is created to read:

10 446.02 (2) (dm) The examining board shall issue a certificate to a chiropractor
11 who is licensed under this chapter and who submits satisfactory evidence that the
12 chiropractor has completed postgraduate study in performing health or physical
13 examinations for participation in school or college athletic activities. The
14 chiropractor shall pay a one-time certification fee of \$25, except that no fee is
15 required under this paragraph for an individual who is eligible for the veterans fee
16 waiver program under s. 45.44. The examining board shall promulgate rules that
17 establish minimum requirements or standards for the postgraduate study that shall
18 be completed in order to obtain a certificate under this paragraph. The examining
19 board shall also promulgate rules that require continuing education in order to
20 maintain the certificate.

21 **SECTION 16.** 446.02 (7) (a) of the statutes is renumbered 446.02 (7) (a) (intro.)
22 and amended to read:

23 446.02 (7) (a) (intro.) Except as provided in pars. (b) and (d), a chiropractor who
24 is licensed under this chapter may delegate to a person who is not licensed under this

1 chapter the performance of adjunctive services if the services are performed by any
2 of the following under the direct, on-premises supervision of the chiropractor.:

3 **SECTION 17.** 446.02 (7) (a) 2. of the statutes is created to read:

4 446.02 (7) (a) 2. A health care professional.

5 **SECTION 18.** 446.02 (7) (d) 1. of the statutes is renumbered 446.02 (7) (d) and
6 amended to read:

7 446.02 (7) (d) ~~Beginning on July 1, 2010, a~~ A chiropractor may delegate X-ray
8 services only to a chiropractic radiological ~~technologist~~ technician or a health care
9 professional acting within the scope of his or her license, registration, or certification.

10 **SECTION 19.** 446.02 (7) (d) 2. of the statutes is renumbered 446.02 (7) (a) 1. and
11 amended to read:

12 446.02 (7) (a) 1. ~~Beginning on July 1, 2010, a~~ A chiropractor may delegate
13 ~~adjunctive services only to a~~ chiropractic technologist technician.

14 **SECTION 20.** 446.02 (10m) of the statutes is created to read:

15 446.02 (10m) A licensed chiropractor who has a valid federal motor carrier
16 safety administration medical examiner certification credential issued under 49
17 CFR 390.109 may conduct medical examinations for the federal motor carrier safety
18 administration pursuant to 49 USC 31149 and 49 CFR parts 390 and 391.

19 **SECTION 21.** 446.023 of the statutes is created to read:

20 **446.023 Chiropractic acupuncture. (1) DEFINITION.** In this section,
21 “licensed chiropractor” means a person who is licensed by the examining board to
22 engage in the practice of chiropractic.

23 **(2) REGISTRATION REQUIRED.** (a) Except as provided under par. (b), no person
24 may practice chiropractic acupuncture unless he or she is a licensed chiropractor who
25 is registered under this section.

1 (b) No registration is required under this section for any of the following:

2 1. An acupuncturist who is certified under ch. 451.

3 2. A licensed chiropractor who practices chiropractic acupuncture as part of a
4 supervised course of study or residency program in chiropractic acupuncture that is
5 approved by the examining board.

6 (c) The examining board shall register a licensed chiropractor under this
7 section who does all of the following:

8 1. Submits an application for registration to the examining board on a form
9 provided by the examining board.

10 2. Submits evidence satisfactory to the examining board that the licensed
11 chiropractor has completed at least 200 hours of postgraduate instruction in
12 chiropractic acupuncture at a college of chiropractic approved by the examining
13 board or at a college or university accredited by an accrediting agency that is
14 recognized by the secretary of the federal department of education.

15 3. Successfully completes the acupuncture examination administered by the
16 National Board of Chiropractic Examiners.

17 4. Pays a registration fee of \$100.

18 **(3) RESTRICTION ON ADVERTISING.** A licensed chiropractor who is registered
19 under this section may not advertise or hold himself or herself out as employing
20 traditional Oriental medical concepts in the practice of chiropractic acupuncture
21 unless the licensed chiropractor is also an acupuncturist certified under ch. 451.

22 **(4) REGISTRATION RENEWAL.** (a) The renewal date for a registration under this
23 section is specified under s. 440.08 (2) (a). There is no renewal fee.

24 (b) A licensed chiropractor registered under this section shall, at the time that
25 he or she applies for renewal of a registration under par. (a), submit evidence

1 satisfactory to the examining board that he or she has completed at least 4 hours of
2 continuing education during the previous 2-year registration period in a
3 chiropractic acupuncture-related program approved by the examining board under
4 s. 446.028.

5 **(5) RULES.** The examining board shall promulgate rules to implement this
6 section and s. 446.02 (2) (d). The rules promulgated under this subsection shall
7 incorporate the rules of the department promulgated under s. 451.12.

8 **SECTION 22.** 446.026 (1) (a) of the statutes is amended to read:

9 446.026 (1) (a) No person may provide adjunctive services unless the person
10 is a chiropractic technician and is under the direct, on-premises supervision of a
11 chiropractor licensed under this chapter, or the person is a health care professional,
12 subject to s. 446.02 (7).

13 **SECTION 23.** 446.03 (intro.) of the statutes is amended to read:

14 **446.03 Reprimand; revocation, limitation, or suspension of a license or**
15 **certificate.** (intro.) The examining board, by order, may reprimand a licensee,
16 certificate holder, or registrant and may deny, limit, suspend or revoke any license,
17 certificate, or ~~certificate of registration~~ if the licensee, certificate holder, or registrant
18 does any of the following:

19 **SECTION 24.** 446.03 (1) of the statutes is amended to read:

20 446.03 (1) Obtains the license, certificate, or ~~certificate of registration~~ through
21 error or fraud.

22 **SECTION 25.** 446.04 (2) of the statutes is amended to read:

23 446.04 (2) Loaning of a chiropractic license or certificate, or of a registration
24 issued under s. 446.023, to anyone.

25 **SECTION 26.** 446.04 (4) of the statutes is amended to read:

1 446.04 (4) Splitting or dividing any fee for chiropractic service with any person
2 except an associate licensed chiropractor or an acupuncturist certified under ch. 451.

3 **SECTION 27.** 446.04 (6) of the statutes is created to read:

4 446.04 (6) Use of unsanitary or unsafe acupuncture or dry needling equipment,
5 contrary to the rules promulgated under s. 446.023 (5).

6 **SECTION 28.** 446.05 (1) of the statutes is amended to read:

7 446.05 (1) Subject to the rules promulgated under s. 440.03 (1), the examining
8 board may make investigations and conduct hearings in regard to the conduct of any
9 licensed chiropractor who, it has reason to believe, violated s. 446.02, 446.023, or
10 446.03. The person complained against may proceed to review any action of the
11 examining board under ch. 227.

12 **SECTION 29.** 451.02 (1) of the statutes is amended to read:

13 451.02 (1) An individual holding a license, permit, registration, or certificate
14 under ch. 441, 446, 447, 448, or 449 who engages in a practice of acupuncture that
15 is also included within the scope of his or her license, permit, registration, or
16 certificate.

17 **SECTION 30.** 632.87 (3) (d) of the statutes is created to read:

18 632.87 (3) (d) Paragraphs (a) and (b) do not apply to a licensed chiropractor's
19 practice of chiropractic acupuncture within the scope of a registration issued under
20 s. 446.023 or chiropractic dry needling within the scope of a certification issued under
21 s. 446.02 (2) (d).

22 **SECTION 31.** Chir 2.01 (2) of the administrative code is repealed.

23 **SECTION 32.** Chir 3.02 (1) (intro.) of the administrative code is amended to read:

1 Chir 3.02 (1) REQUIREMENTS FOR RENEWAL. (intro.) To renew and obtain a new
2 license a licensee shall, by December 31 14 of the even-numbered year following
3 initial licensure and every 2 years thereafter, file with the department:

4 **SECTION 33.** Chir 4.05 (1) (b) 3. of the administrative code is renumbered Chir
5 4.05 (1) (b) 3. (intro.) and amended to read:

6 Chir 4.05 (1) (b) 3. (intro.) Acupuncture by needle insertion or invasive laser
7 application. This subdivision shall not be construed to prohibit any of the following:

8 **SECTION 34.** Chir 4.05 (1) (b) 3. a. of the administrative code is created to read:

9 Chir 4.05 (1) (b) 3. a. The use of cold laser therapy by a licensed chiropractor.

10 **SECTION 35.** Chir 4.05 (1) (b) 3. b. of the administrative code is created to read:

11 Chir 4.05 (1) (b) 3. b. The practice of acupuncture by a licensed chiropractor
12 who is also an acupuncturist certified under ch. 451, Stats., at the same location
13 where he or she practices chiropractic.

14 **SECTION 36.** Chir 4.05 (2m) of the administrative code is created to read:

15 Chir 4.05 (2m) The board may consider the opinion of the National Board of
16 Chiropractic Examiners with respect to the techniques, ancillary procedures, and
17 instruments that are safe and effective for the practice of chiropractic for purposes
18 of sub. (2).

19 **SECTION 37.** Chir 9.01 (1) of the administrative code is amended to read:

20 Chir 9.01 (1) "Chiropractic student" means a student of an approved college of
21 chiropractic ~~in his or her last academic quarter, semester, or trimester of study,~~ who
22 is eligible for graduation from the college of chiropractic but for completion of a
23 preceptorship period.

24 **SECTION 38.** Chir 10.01 (3) of the administrative code is amended to read:

1 Chir 10.01 (3) “Unlicensed person” means a person who does not possess a valid
2 ~~license to practice chiropractic in this state pursuant to ch. 446~~ is a chiropractic
3 ~~technician or chiropractic radiological technician and who is not a health care~~
4 ~~professional, as defined in s. 446.01 (1v), Stats.~~

5 **SECTION 9148. Nonstatutory provisions; University of Wisconsin**
6 **System.**

7 (1) PHYSICAL EXAMINATIONS; WISCONSIN COLLEGIATE CONFERENCE. Each college
8 campus, as defined in section 36.05 (6m) of the statutes, shall undertake to amend
9 any bylaws, operating code, or regulations and agreements governing the conduct of
10 athletes of the Wisconsin Collegiate Conference as necessary to maintain
11 consistency with section 36.24 of the statutes.

12 **SECTION 9335. Initial applicability; Public Instruction.**

13 (1) PHYSICAL EXAMINATIONS BY SPORTS PHYSICAL TRAINING CERTIFICATE HOLDERS.
14 The treatment of section 118.294 (2) of the statutes first applies to physical
15 examinations completed on the effective date of this subsection.

16 (2) CONTRACTING WITH INTERSCHOLASTIC ASSOCIATIONS. The treatment of section
17 118.294 (3) of the statutes first applies to a contract that is entered into, renewed, or
18 modified on the effective date of this subsection.

19 **SECTION 9343. Initial applicability; Technical College System.**

20 (1) PHYSICAL EXAMINATIONS. The treatment of section 38.235 of the statutes first
21 applies to physical examinations completed on the effective date of this subsection.

22 **SECTION 9348. Initial applicability; University of Wisconsin System.**

23 (1) PHYSICAL EXAMINATIONS. The treatment of section 36.24 of the statutes first
24 applies to physical examinations completed on the effective date of this subsection.

25 **SECTION 9439. Effective dates; Safety and Professional Services.**

Barman, Mike

From: Cobb, Nathan
Sent: Friday, April 21, 2017 9:28 AM
To: LRB.Legal
Subject: Draft Review: LRB -2981/1

Please Jacket LRB -2981/1 for the ASSEMBLY.