



State of Wisconsin
2021 - 2022 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 115**

January 14, 2022 - Offered by Representative MOSES.

1 **AN ACT** *to renumber and amend* 446.02 (2) (c) and 446.028; *to amend* 440.05
2 (intro.) and 446.02 (6m); and *to create* 446.02 (2) (c) 2., 446.028 (1) (a) 5. and
3 446.028 (3) of the statutes; **relating to:** sponsors of chiropractic continuing
4 education programs and nutritional counseling education programs and
5 repealing and modifying administrative rules related to sponsors of nutritional
6 counseling education programs.

Analysis by the Legislative Reference Bureau

This bill allows member-based state or national chiropractic organizations to be program sponsors of continuing education for chiropractors, chiropractic radiological technicians, and chiropractic technicians. Specifically, those chiropractic organizations may sponsor continuing education programs if they 1) are an entity exempt from federal income taxes, 2) have existed as an entity exempt from federal taxes for at least five years, 3) have a purpose that is not solely providing continuing education programs, and 4) engage in measurable advocacy efforts to promote the chiropractic profession. Current law generally requires chiropractors, chiropractic radiological technicians, and chiropractic technicians to complete continuing education every two years to renew their licenses or certificates.

The bill also requires the Chiropractic Examining Board to approve, for purposes of providing the education needed to obtain a chiropractor nutritional counseling certificate, a postgraduate nutrition program provided by an organization that is eligible to provide continuing education for chiropractors, if the postgraduate nutrition program satisfies all of the requirements established by the board. Under current law, the board has authority to approve the postgraduate nutrition programs that chiropractors must complete to obtain a nutritional counseling certificate.

Also, under the bill, providers of continuing education may not delegate the tasks of monitoring or recording attendance, providing evidence of attendance, verifying required course content, or providing information on instructors for continuing education programs. The bill also requires that a program sponsor for continuing education for chiropractic radiological technicians or chiropractic technicians must submit its program to the board for approval. In addition, sponsors of approved continuing education programs must notify the board of any information or change to information related to satisfying continuing education or program sponsor requirements.

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

1 **SECTION 1.** 440.05 (intro.) of the statutes is amended to read:

2 **440.05 Standard fees.** (intro.) Subject to s. 440.052, the following standard
3 fees apply to all initial credentials, except as provided in ss. 440.51, 444.03, 444.11,
4 446.02 (2) (c) 1., 447.04 (2) (c) 2., 448.07 (2), 449.17 (1m) (d), and 449.18 (2) (d):

5 **SECTION 2.** 446.02 (2) (c) of the statutes is renumbered 446.02 (2) (c) 1. and
6 amended to read:

7 446.02 (2) (c) 1. The examining board shall issue a certificate to a chiropractor
8 who is licensed under this chapter, who submits satisfactory evidence that the
9 chiropractor has completed 48 hours of postgraduate study in nutrition that is
10 approved by the examining board, and who pays a one-time ~~certification~~ certificate
11 fee of \$25, except that no certificate fee is required under this ~~paragraph~~ subdivision
12 for an individual who is eligible for the veterans fee waiver program under s. 45.44.

13 **SECTION 3.** 446.02 (2) (c) 2. of the statutes is created to read:

1 446.02 (2) (c) 2. The examining board shall approve under subd. 1. a program
2 of postgraduate study in nutrition provided by a program sponsor, as defined in s.
3 446.028 (1), if the program of postgraduate study in nutrition satisfies all of the
4 requirements established by the examining board by rule for such a program.

5 **SECTION 4.** 446.02 (6m) of the statutes is amended to read:

6 446.02 (6m) No chiropractor may provide counsel, direction, guidance, advice,
7 or a recommendation to a patient regarding the health effects of vitamins, herbs, or
8 nutritional supplements unless the chiropractor has been issued a certificate under
9 sub. (2) (c) 1. This subsection does not apply to a chiropractor licensed under this
10 chapter who is certified as a dietician under subch. V of ch. 448.

11 **SECTION 5.** 446.028 of the statutes is renumbered 446.028 (2) and amended to
12 read:

13 446.028 (2) Each program sponsor of a continuing education program required
14 to be completed by a chiropractor as a condition of license renewal, or by a
15 chiropractic radiological technician or a chiropractic technician as a condition of
16 certificate renewal, shall submit the program to the examining board for approval.
17 A sponsor of a continuing education program approved by the examining board shall
18 notify the examining board of any information or change to information related to
19 satisfying the requirements under this section.

20 **(1)** In this section, ~~“program:~~

21 **(a)** “Program sponsor” means any of the following:

22 1. The Wisconsin Chiropractic Association, the,

23 2. The International Chiropractors Association, a,

24 3. A college of chiropractic approved by the examining board, and a.

1 4. A college of medicine or osteopathy accredited by an accrediting body listed
2 as nationally recognized by the secretary of the federal department of education.

3 **(b)** “Program sponsor” does not include an individual, organization, or
4 institution of higher education approved under s. 46.03 (38) to provide instruction
5 in the use of an automated external defibrillator.

6 **SECTION 6.** 446.028 (1) (a) 5. of the statutes is created to read:

7 446.028 **(1)** (a) 5. A member-based state or national chiropractic organization
8 that satisfies all of the following:

9 a. The organization is an entity that is described in section 501 (c) of the
10 Internal Revenue Code and that is exempt from federal income tax under section 501
11 (a) of the Internal Revenue Code and has existed as an entity that is described in
12 section 501 (c) of the Internal Revenue Code for at least 5 years.

13 b. The purpose of the organization is not solely providing continuing education
14 programs.

15 c. The organization engages in measurable advocacy efforts to promote the
16 chiropractic profession.

17 **SECTION 7.** 446.028 (3) of the statutes is created to read:

18 446.028 **(3)** No program sponsor may delegate the tasks of monitoring or
19 recording attendance, providing evidence of attendance, verifying required course
20 content, or providing information on instructors for a continuing education program.
21 A person who intentionally violates this subsection may be punished as provided in
22 s. 446.07.

23 **SECTION 8.** Chir 12.03 (1) (a) of the administrative code is repealed.

24 **SECTION 9.** Chir 12.03 (2) (a) 2. of the administrative code is amended to read:

