

Chapter Chir 12

NUTRITIONAL COUNSELING CERTIFICATION

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Chir 12.01 Definitions.

In this chapter:

(1) “Administer” means to directly apply a nutritional supplement or direct the self-application of a nutritional supplement, whether by ingestion or any other means, to the body of a patient or research subject.

(2) “Dispense” means to deliver a nutritional supplement to an ultimate user or research subject.

(3) “Nutritional counseling” means providing counsel, direction, guidance, advice, or a recommendation to a patient regarding the health effects of nutritional supplements.

(4) “Nutritional supplement” means a product, other than tobacco, that is labeled as a nutritional or dietary supplement or intended to supplement the diet and that contains or is a concentrate, metabolic, constituent, or extract of one or more of the following dietary ingredients:

- (a) A vitamin.
- (b) A mineral.
- (c) An herb or other botanical.
- (d) An amino acid.
- (e) A dietary substance for use by an individual to supplement the diet by increasing total daily intake.

(5) “Patient” means an individual with whom a chiropractor has an established chiropractor-patient relationship or who, based on the actions of the chiropractor, has a reasonable belief that an established chiropractor-patient relationship exists.

History: CR 06-051: cr. Register November 2006 No. 611, eff. 12-1-06; CR 19-100: renum. (1) (intro.) to (1) and am., r. (1) (a), (b), am. (2), (3), renum. (4) to (4) (intro.) and am., cr. (4) (a) to (e), (5) Register July 2023 No. 811, eff. 8-1-23.

Chir 12.02 Requirements for nutritional counseling certification. The board shall grant a certificate for nutritional counseling to a chiropractor licensed under ch. 446, Stats., who does all of the following:

(1) Submits an application to the department on a form provided by the department.

Note: Application forms are available on the department’s website at dps.wi.gov, or by request from the Department of Safety and Professional Services, P.O. Box 8935, Madison, Wisconsin 53708, or call (608) 266-2112.

(2) Pays the fee specified under s. 446.02 (2) (c), Stats., unless the applicant is eligible for the veterans fee waiver program under s. 45.44, Stats.

(3) Submits evidence satisfactory to the board that the applicant has received any of the following:

(a) A postgraduate degree in human nutrition, nutrition education, food and nutrition, or dietetics conferred by a college or university that is accredited by an accrediting body recognized by the United States department of education.

(b) Diplomate status in human nutrition conferred by a college of chiropractic accredited by the Council on Chiropractic Education, approved by the board, or accredited by an accrediting agency recognized by the United States department of education.

(c) A postgraduate degree in human nutrition conferred by a foreign school determined to be equivalent to an accredited college of chiropractic by the Council on Chiropractic Education or approved by the board or another board approved accrediting agency, indicating that the applicant has graduated from a pro-

gram that is substantially equivalent to a postgraduate or diplomate program under par. (a) or (b).

(d) A degree or other recognition of successful completion of a postgraduate program that is approved under s. Chir 12.03 at the time the program is completed.

History: CR 06-051: cr. Register November 2006 No. 611, eff. 12-1-06; CR 19-100: renum. (1) (intro.), (a), (b), (c) to (intro.), (1), (2), (3) and am. Register July 2023 No. 811, eff. 8-1-23.

Chir 12.03 Approval of nutritional counseling education programs.

(1) To qualify for board approval as a nutritional counseling education program, a program shall meet all of the following minimum requirements:

(am) The program consists of a minimum of 48 hours of study in human nutrition.

(b) The program subject matter includes core curriculum education in each of the following areas:

1. Nutrition counseling and initial screening to include nutrition physical examination.

2. Diet history taking.

3. Analysis of laboratory data including hair, saliva, urine, and blood samples.

4. Symptoms of severe vitamin and nutritional deficiencies, and the toxicity of excess vitamin and mineral supplementation, herbals, or other nutritional supplements.

5. Protein, carbohydrates, and fat macronutrient needs, and symptoms of deficiencies of any of these nutrients.

6. Vitamin recommended daily allowances and dietary reference intakes.

7. Mineral and metals needs of the human body and the biochemistry of essential and non-essential nutritional supplements.

8. Fiber needs.

9. The Codex Alimentarius Commission.

10. The Dietary Supplement Health and Education Act of 1994 and related regulations.

Note: The Dietary Supplement Health and Education Act of 1994 is also known as Public Law 103-417.

11. Etiology of organ system dysfunction and internal medicine diseases and conditions.

12. Supplements and nutrition.

13. The efficacy, safety, risks, and benefits of glandular products, chelation therapy, and therapeutic enzymes.

14. Food composition and foods as a source of vitamins.

15. Sports nutrition, endurance, body building, and exercise physiology.

16. Weight management and control.

17. Contraindications, side effects, and toxic effects of botanicals, nutritional supplements, and diet products.

18. Nutrition across the life cycle.

19. Nutrition relating to infants, pregnancy, and lactation.

20. Geriatric nutritional needs.

21. Adolescent nutritional needs.

22. Male and female nutritional needs.

23. Therapeutic use of botanical medicine.

24. Food, drug, and nutritional supplement interactions.

25. The safety, efficacy, risks, and benefits of nutritional supplements.

(c) The program sponsor agrees to do all of the following:

1. Provide a responsible person to monitor and verify attendance at the program.

2. Keep records of attendance for at least 3 years from the date of the program.

3. Furnish each participant with evidence of having attended the program.

(d) Any assignment or delegation of a program sponsor's responsibilities to monitor or record attendance, provide evidence of attendance, compare course content with subject matter content required under sub. (1) (b), or provide information on instructors or other aspects of the program is specifically identified in the application under sub. (2) and approved by the board.

(e) The program sponsor has reviewed and validated the program's content to ensure its compliance with par. (b).

(f) Any course instructor that is on the undergraduate or postgraduate faculty of a chiropractic college has been appointed in accordance with the accreditation standards of the Council on Chiropractic Education.

(g) The program offers significant professional educational benefit for participants, as determined by the board.

(h) The instructor is qualified to present the course.

(i) The program includes a written assessment instrument that is designed to ensure the chiropractor actively participated in the presentation of material and derived a measurable benefit from participation. There shall be an assessment or test at the conclusion of each 12 hours of study. A score of 75% or higher shall be considered a passing score.

(j) The program contains a reasonable security procedure to ensure the chiropractor enrolled is the actual participant.

(2) (a) An application for approval of a nutritional counseling education program shall meet all of the following requirements:

1. The application shall be on a form provided by the board.

Note: Application forms are available on the department's website at dspd.wi.gov, or by request to the Department of Safety and Professional Services, P.O. Box 8935, Madison, Wisconsin 53708, or call (608) 266-2112.

2. Identify the name and address of the program sponsor.

3. The application shall identify the time and location of the program.

4. The application shall be complete as prescribed in this subsection and filed with the board no later than 75 days prior to the program date. An application is not considered complete until such time as all information required to be submitted with the application, and any supplementary information requested by the board, is received by the board.

5. The application shall include satisfactory evidence, as determined by the board, that the program subject matter contributes to the advancement, extension, and enhancement of the clinical skills of a chiropractor and fosters the enhancement of general or specialized practice and values. A detailed course outline or syllabus describing the subject matter of the program and the amount of time devoted to each section of the outline or syllabus shall be attached to the application.

6. The application shall describe the names and qualifications of all instructors, and if applicable, whether an instructor who is an undergraduate or postgraduate faculty member of a sponsoring college was appointed in accordance with accreditation standards of the Council on Chiropractic Education.

7. The application shall identify whether the program sponsor intends to assign or delegate any of its responsibilities to another person or entity, and if so, include all of the following:

a. A specific description of the assigned or delegated responsibility.

b. The name, address, and qualifications of the person or entity assigned or delegated the responsibility.

c. A description of the method by which the program sponsor intends to ensure the delegated or assigned responsibility is performed.

8. The application shall include a description of the written assessment instrument that is designed to ensure a chiropractor has actively participated in the presentation of material and derived a measurable benefit from participation.

9. The application shall include a description of the security procedure that will be used to ensure a chiropractor enrolled in the program is the actual participant.

(b) If necessary, in order to determine whether an applicant meets the requirements of this chapter, the board may require that the applicant submit information in addition to that described in this section.

(3) Programs shall be approved for one hour of study for every 50 minutes of instruction. For purposes of the approval of hours of study, meals, breaks, and testing or assessment periods may not be included as time devoted to instruction.

(4) The sponsor of an approved program shall ensure that the program is carried out and presented as represented to and approved by the board, and that all responsibilities of the program sponsor, an instructor, and any person or entity delegated or assigned a responsibility relating to a program approved by the board are fulfilled.

(5) The approval of a course shall be effective only for the biennium in which it is approved.

History: CR 06-051: cr. Register November 2006 No. 611, eff. 12-1-06; 2021 Wis. Act 253: r. (1) (a), am. (2) (a) 2. Register April 2022 No. 796, eff. 5-1-22; CR 19-100: am. (1) (intro.), cr. (1) (am), am. (1) (b) 3. to 5., 9. to 11., 13., 15., 17., 19., 21., 22., 24., 25., renum. (1) (c) to (1) (e) (intro.) and am., cr. (1) (e) 1. to 3., am. (1) (d) to (f), (i), (j), r. (1) (k), am. (2) (a) 1., 3. to 9., (3) Register July 2023 No. 811, eff. 8-1-23.

Chir 12.04 Application denials. The board may deny approval of an application submitted under s. Chir 12.03 (2) for any of the following reasons:

(1) The program or program sponsor does not meet requirements established in this chapter.

(2) The emphasis of the program is on the business, management, or insurance aspects of a chiropractic practice rather than on improving the clinical skills of the chiropractor.

(3) The board determines that the program sponsor has not provided adequate assurance that responsibilities delegated or assigned to others will be satisfactorily performed.

(4) Any presentation, program content, materials or displays for the advertising, promotion, sale or marketing of equipment, devices, instruments or other material of any kind or purpose is not kept separate from the program content and presentation for which approval is applied and granted.

History: CR 06-051: cr. Register November 2006 No. 611, eff. 12-1-06; CR 19-100: (am.) (intro.) Register July 2023 No. 811, eff. 8-1-23.

Chir 12.05 Revocation of approval. The board may revoke approval of a program for any of the following reasons:

(1) The program sponsor, an instructor, or a person or entity delegated or assigned a responsibility has a financial, personal, or professional interest that conflicts directly with the performance of responsibilities under this chapter.

(2) Failure on the part of a program sponsor, an instructor, or a person delegated or assigned a responsibility to carry out a program as represented to and approved by the board or as provided in this chapter.

History: CR 06-051: cr. Register November 2006 No. 611, eff. 12-1-06; CR 19-100: am. (1) Register July 2023 No. 811, eff. 8-1-23.

Chir 12.06 Prohibited practices. **(1)** A chiropractor may not delegate to any chiropractic assistant or other person any recommendations, analysis, advice, consultation, or dispensing

with respect to nutritional supplements. Nothing in this subsection may be construed to prevent chiropractic assistants or administrative employees from processing sales of nutritional supplements.

(2) A chiropractor may not sell, barter, trade, or give away nutritional supplements to a patient unless the chiropractor holds a certificate for nutritional counseling and except as consistent with the provisions of this chapter.

(3) A chiropractor may not deliver, dispense, administer, transfer, or sell a nutritional supplement unless the nutritional supplement is prepackaged for use by consumers and labeled in accordance with the requirements of state and federal law.

History: CR 06-051: cr. Register November 2006 No. 611, eff. 12-1-06; CR 19-100: am. Register July 2023 No. 811, eff. 8-1-23.