

# State of Wisconsin



2021 Senate Bill 115

Date of enactment: April 15, 2022  
Date of publication\*: April 16, 2022

## 2021 WISCONSIN ACT 253

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

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

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

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

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

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

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

446.02 (2) (c) 2. The examining board shall approve under subd. 1. a program of postgraduate study in nutrition provided by a program sponsor, as defined in s.

446.028 (1), if the program of postgraduate study in nutrition satisfies all of the requirements established by the examining board by rule for such a program.

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

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

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

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

**(1)** In this section, ~~“program;~~

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”

(a) "Program sponsor" means any of the following:

1. ~~The Wisconsin Chiropractic Association, the~~
2. ~~The International Chiropractors Association, a~~
3. ~~A college of chiropractic approved by the examining board, and a~~
4. ~~A college of medicine or osteopathy accredited by an accrediting body listed as nationally recognized by the secretary of the federal department of education.~~

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

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

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

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

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

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

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

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

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

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

Chir 12.03 (2) (a) 2. Identify the name and address of the program sponsor ~~and describe how the program sponsor qualifies under s. Chir 12.03 (1) (a).~~

**SECTION 10. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) ADMINISTRATIVE RULES. The repeal and modification of administrative rules take effect as provided in s. 227.265.