

CHAPTER 446

CHIROPRACTIC EXAMINING BOARD

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446.01 Definitions. In this chapter:

(1) "Examining board" means chiropractic examining board.

(2) "Practice of chiropractic" means:

(a) To examine into the fact, condition, or cause of departure from complete health and proper condition of the human; to treat without the use of drugs as defined in s. 450.01 (10) or surgery; to counsel; to advise for the same for the restoration and preservation of health or to undertake, offer, advertise, announce or hold out in any manner to do any of the aforementioned acts, for compensation, direct or indirect or in expectation thereof; and

(b) To employ or apply chiropractic adjustments and the principles or techniques of chiropractic science in the diagnosis, treatment or prevention of any of the conditions described in s. 448.01 (10).

History: 1975 c. 383; 1977 c. 418 s. 929 (41); 1985 a. 146 s. 8
See note to 448.01, citing 68 Atty. Gen. 316.

446.02 Chiropractic regulated. (1) No person may engage in the practice of chiropractic or attempt to do so or hold himself or herself out as authorized to do so, unless such person:

(a) Is licensed by the examining board; and

(b) Meets the requirements of continuing education for license renewal as the examining board may require. During the time between initial licensure and commencement of a full 2-year licensure period new licensees shall not be required to meet continuing education requirements. Any person who has not engaged in the practice of chiropractic for 2 years or more, while holding a valid license under this chapter, and desiring to engage in such practice, shall be required by the examining board to complete a continuing education course at a school of chiropractic approved by the examining board or pass a practical examination administered by the examining board or both.

(2) Application for a license to practice chiropractic shall be made to the examining board, accompanied by sufficient and satisfactory evidence of education consisting of 2 years of study in a regularly prescribed course for a bachelor of arts or science degree in a college accredited by the north central association of colleges and secondary schools or in an institution whose credits are accepted by the university of Wisconsin system, graduation from a reputable school of chiropractic, approved and recognized by the examining board, having a residence course of not less than 36 months, consisting of not less than 3,600 60-minute class periods, and the license fee specified in s. 440.05 (1).

(3) Examination shall be in the subjects usually taught in such reputable schools of chiropractic, and shall be conducted at least twice a year at such times and places as the examining board determines. The examination shall include a practical examination of the applicant as prescribed by the examining board. In lieu of its own written examination, the

examining board may accept, in whole or in part, the certificate of the national board of chiropractic examiners.

(4) All licenses granted by the examining board shall expire on December 31 of even-numbered years following the issue thereof and may be renewed upon payment of the fee specified in s. 440.05 (3).

(5) The examining board shall keep a complete record of all applications, examinations, licenses, fees and proceedings.

(6) No person may practice chiropractic in this state under any other given name or any other surname than that under which he or she was originally licensed or registered to practice chiropractic in this or any other state in any instance in which the examining board, after a hearing, finds that practicing under the changed name operates to unfairly compete with another practitioner or to mislead the public as to identity or to otherwise result in detriment to the profession or the public. This subsection does not apply to a change of name resulting from marriage or divorce.

History: 1975 c. 39, 199, 383; 1977 c. 29, 418; 1979 c. 98, 162, 337; 1981 c. 380.

Chiropractor has no duty to refer to doctor patient who isn't treatable through chiropractic means. Chiropractors aren't held to medical standard of care. *Kerkman v. Hintz*, 142 W (2d) 404, 418 NW (2d) 795 (1988).

446.03 Reprimand; license revocation, limitation or suspension. The examining board, by order, may reprimand a licensee or registrant and may deny, limit, suspend or revoke any license or certificate of registration if the licensee or registrant:

(1) Obtained the license or certificate through error or fraud;

(2) Is addicted to alcohol or other drugs;

(3) Is hereafter convicted in a court of competent jurisdiction, either within or without this state, or in federal court, of any violation of any law governing the practice of chiropractic or of any felony, subject to ss. 111.321, 111.322 and 111.335, a certified copy of the record of conviction to be conclusive evidence of such conviction;

(4) Has obtained or sought to obtain anything of value by fraudulent representation in the practice of chiropractic;

(5) Is guilty of unprofessional conduct;

(6) Has continued practice, knowingly having an infectious or contagious disease; or

(7) If the applicant or registrant maintains a professional connection or association with any other person continuing to violate this chapter after 10 days' notice in writing by the department.

(8) The examining board may without further process revoke the license of one who fails to register and pay the fee within 60 days after written notice, mailed to the licensee's last-known address by registered or certified mail. A license may be reinstated, in the discretion of the examining board, by the payment of the renewal fee and penalty under s. 440.05 (3) and (5) within one year from revocation. If application for reinstatement is not made within a period of one year from revocation the person may be required to take an examina-

tion in such chiropractic subjects as are required by the examining board and pay the fee specified in s. 440.05 (1).

History: 1977 c. 29, 125, 418; 1981 c. 334 s. 25 (1); 1981 c. 380; 1983 a. 289.

446.04 Unprofessional conduct. Unprofessional conduct includes, without limitation because of enumeration:

(1) Any conduct of a character likely to deceive or defraud the public;

(2) Loaning of a chiropractic license or certificate to anyone;

(4) Splitting or dividing any fee for chiropractic service with any person except an associate licensed chiropractor;

(5) Use of unprofessional advertising which shall include without limitation because of enumeration:

(a) Any advertising statement of a character tending to deceive or mislead the public;

(b) Advertising professional superiority or performance of professional services in a superior manner;

(c) Advertising fixed prices for variable services;

History: 1979 c. 162, 337, 355; 1987 a. 264.

446.05 Procedure for hearings. (1) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings in regard to the

conduct of any licensed chiropractor who, it has reason to believe, violated s. 446.02 or 446.03. The person complained against may proceed to review any action of the examining board under ch. 227.

(2) Upon application and satisfactory proof that the cause of such revocation or suspension no longer exists, the examining board may reinstate any license or registration suspended or revoked by it.

History: 1977 c. 418.

446.06 Injunction to enforce this chapter. If it appears upon complaint to the examining board by any person or it is known to the examining board that any person is violating this chapter, the examining board or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring action in the name of and on behalf of the state against any such person to enjoin such person from such violations.

History: 1981 c. 390 s. 252.

446.07 Penalty. Anyone violating this chapter may be fined not less than \$100 nor more than \$500, or imprisoned not more than one year or both.