CHAPTER 446

CHIROPRACTIC EXAMINING BOARD

446.01 Definitions.
446.02 Chiropractic regulated.
446.025 Regulation of chiropractic radiological technicians.
446.026 Regulation of chiropractic technicians.
446.028 Continuing education approval; program sponsors.
446.03 Reprimand; revocation, limitation, or suspension of a license or certificate.
446.04 Unprofessional conduct.
446.05 Procedure for hearings.
446.06 Injunction to enforce this chapter.
446.07 Penalty.
446.08 Informed consent.

446.01 Definitions. In this chapter:
(1d) “Adjunctive services” means services that are preparatory or complementary to the practice of chiropractic. “Adjunctive services” includes all of the following:
(a) The taking and preparation of preliminary patient histories, as defined by the examining board by rule.
(b) Providing physiotherapy treatment, as defined by the examining board by rule.
(1h) “Chiropractic radiological technician” means an individual who holds a certificate as a chiropractic radiological technician granted by the examining board.
(1p) “Chiropractic technician” means an individual who holds a certificate as a chiropractic technician granted by the examining board.
(1t) “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), other than hemp, as defined under s. 94.55 (1), or surgery; 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).

446.02 Chiropractic regulated. (1) Except as provided in sub. (9), 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 satisfies all of the following:
(a) Is licensed by the examining board.
(b) Submits evidence satisfactory to the examining board that the person meets the requirements of continuing education for license renewal as the examining board may require, which requirements shall include current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction. The person shall include the approval number assigned under sub. (5) (b) to each educational program completed by the person to satisfy the requirements of this paragraph. 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) (a) The examining board shall grant a license to engage in the practice of chiropractic to a qualified person who submits an application for the license to the department on a form provided by the department, accompanied by satisfactory evidence of completion of the educational requirements established in the rules needed for the practice of chiropractic.
(b) The examining board shall grant a license to engage in the practice of chiropractic to a qualified person who submits an application for the license to the department on a form provided by the department, accompanied by satisfactory evidence of completion of the educational requirements established in the rules needed for the practice of chiropractic.
(c) The examining board shall grant a license to engage in the practice of chiropractic to a qualified person who submits an application for the license to the department on a form provided by the department, accompanied by satisfactory evidence of completion of the educational requirements established in the rules needed for the practice of chiropractic.
(d) The examining board shall grant a license to engage in the practice of chiropractic to a qualified person who submits an application for the license to the department on a form provided by the department, accompanied by satisfactory evidence of completion of the educational requirements established in the rules needed for the practice of chiropractic.
promulgated under par. (b), passes the examinations described under sub. (3) and pays the license fee specified in s. 440.05 (1).

(b) The examining board shall promulgate rules establishing educational requirements for obtaining a license under par. (a). The rules shall require that an application for the license that is received by the department after June 30, 1998, be accompanied by satisfactory evidence that the applicant satisfies all of the following:

1. Has a bachelor’s degree from a college or university accredited by an accrediting body listed as nationally recognized by the secretary of the federal department of education.
2. Has graduated from a college of chiropractic approved by the examining board.
3. Has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.
4. Has successfully completed the examinations required under sub. (3).

(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 certificate fee of $25, except that no certificate fee is required under this subdivision for an individual who is eligible for the veterans fee waiver program under s. 45.44.
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.

(3) The examining board shall require each applicant for licensure to successfully complete the following examinations:
(b) Parts I, II, III, and IV of the examination administered by the National Board of Chiropractic Examiners. An applicant successfully completes Part III of that examination if the applicant scores at least 375 on that part. An applicant successfully completes Part IV of that examination if the applicant scores at least 375 on that part.
(c) An examination approved by the examining board that tests the applicant’s knowledge of the laws of this state relating to the practice of chiropractic, including the provisions of this chapter and any rules promulgated by the examining board under this section.

(3g) (a) The examining board may grant a license to practice chiropractic to an individual who is licensed in good standing to practice chiropractic in another state or in another country if the applicant presents the license to the examining board, pays the fee specified in s. 440.05 (2), and meets the requirements established in rules promulgated under par. (b).

(b) The examining board shall promulgate rules establishing additional requirements for obtaining a license under par. (a), including a requirement that each person licensed under this subsection has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

(3r) The examining board may promulgate rules for the granting of a temporary permit to practice chiropractic to an individual who is licensed to practice chiropractic in another state or territory of the United States or in another country if the applicant presents the license to the examining board, pays the fee specified in s. 440.05 (2) and meets the requirements established in rules promulgated under par. (b).
CHIROPRACTIC EXAMINING BOARD

446.026

(c) A chiropractor who discontinues the practice of chiropractic as required in par. (b) shall inform the patient of the reason for discontinuing the practice of chiropractic and shall refer the patient to a physician licensed under subch. II of ch. 448. A chiropractor may continue to provide maintenance, supportive, and wellness care to a patient referred under this paragraph who requests these services from the chiropractor. A referral under this paragraph shall describe the chiropractor’s findings. If the referral is written, the chiropractor shall provide the patient with a copy and shall maintain a copy in the patient’s records. If the referral is oral, the chiropractor shall communicate the referral directly to the physician, shall notify the patient about the referral, and shall make a written record of the oral referral. The written record of the oral referral shall include the name of the physician to whom the patient was referred and the date of the referral. The chiropractor shall maintain a copy of the written record of the oral referral in the patient’s records.

(7m) (a) A chiropractor shall create and maintain a patient record for every patient the chiropractor examines or treats. A patient record created and maintained under this paragraph shall contain complete and comprehensive health care information, as defined by the examining board by rule.

(b) A chiropractor shall preserve a patient record created and maintained under par. (a) for at least 3 years after the chiropractor makes his or her last entry or notation in the patient record or for any longer period that is otherwise required by law.

(8) Every practicing chiropractor shall have in effect professional liability insurance. The examining board shall promulgate rules establishing the minimum amount of insurance required under this subsection.

(9) No license under this chapter is required for any of the following:

(a) A student or graduate of a college of chiropractic who practices chiropractic, in a program for the clinical training of students and graduates that is reviewed and approved by the examining board, under the supervision of a chiropractor who is approved by the examining board to supervise the clinical training of the student or graduate and who is licensed under this chapter and is responsible for the student’s or graduate’s practice in an infirmary, clinic, hospital or private chiropractic office that is connected or associated for training purposes with a college of chiropractic approved by the examining board.

(b) An individual who is licensed to practice chiropractic in another state or territory of the United States and who practices chiropractic under the jurisdiction of the U.S. armed forces, as defined in s. 40.02 (57m), federal public health service or U.S. department of veterans affairs.

(c) An individual who is licensed to practice chiropractic in another state or territory of the United States or in another country and who holds a temporary permit that is granted under the rules promulgated under sub. (3).

(d) A person who performs adjunctive services that are delegated to the person under sub. (3).

(e) A naturopathic doctor or limited–scope naturopathic doctor acting within the scope of his or her license under ch. 466.

(10) (a) A chiropractor may waive all or a portion of an insured patient’s copayments, coinsurance, or deductibles due to a chiropractor who engages in the practice of chiropractic on behalf of the insured patient if all of the following are satisfied:

1. The chiropractor receives from and maintains written documentation of the patient’s financial hardship, as defined by the examining board by rule.

2. The chiropractor accurately reports to the patient’s insurer the actual fee charged, if any, to the patient. If the chiropractor waives all or a portion of the patient’s copayments, coinsurance, or deductibles due to the chiropractor, the chiropractor may not seek payment from the insurer for any portion of the copayment, coinsurance, or deductible waived by the chiropractor unless the claim for the services related to the copayment, coinsurance, or deductible is reduced by an equal amount. In this subdivision and in par. (b), “insurer” has the meaning given in s. 600.03 (27).

(b) A chiropractor who violates par. (a) shall refund the insurer for all payments received from the insurer that are related to the day on which a patient’s payment was waived or reduced or for the course of treatment for which the patient’s payment was waived or reduced.

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

(11) The examining board shall promulgate rules implementing s. 446.08.


Cross-reference: See also Ch. Wis. admn. code.

446.025 Regulation of chiropractic radiological technicians. (1) No person may provide X–ray services on behalf of a chiropractor in connection with the practice of chiropractic unless the person is a chiropractic radiological technician and is under the direct, on–premises supervision of a chiropractor licensed under this chapter.

(b) No person may designate himself or herself as a “chiropractic radiological technician” or “chiropractor radiological technician,” use or assume the title “chiropractic radiological technician” or “chiropractor radiological technician” or any title that includes “chiropractic radiological technician” or “chiropractor radiological technician,” append to the person’s name the letter “C.R.T.,” or use any other title or designation that represents or implies that he or she is a chiropractic radiological technician unless the person is certified by the examining board under this section.

(2) (a) The examining board shall certify as a chiropractic radiological technician an individual who does all of the following:

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

2. Pays the fee specified in s. 440.05 (1).

3. Submits evidence satisfactory to the examining board that the individual has completed a course of study approved by the examining board.

4. Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory to the examining board that the individual does not have an arrest or conviction record.

5. Completes any other requirements established by the examining board by rule.

(b) The department shall assign a unique certificate number to each individual certified under this section.

(3) (a) The renewal date and fees for a certificate issued under this section are specified in s. 440.08 (2) (a).

(b) A chiropractic radiological technician shall, at the time that he or she applies for renewal of a certificate under par. (a), submit evidence satisfactory to the examining board that he or she has completed at least 12 continuing educational credit hours in programs established by rules promulgated by the examining board.

History: 2009 a. 28.

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

(b) Except as provided in s. 446.025 (1) (b), no person may designate himself or herself as a “chiropractic technician” or “chiropractor technician,” use or assume the title “chiropractic techni-
446.026  CHIROPRACTIC EXAMINING BOARD

446.028  Continuing education approval; program sponsors. (1) In this section:

(a) “Program sponsor” means any of the following:
2. The International Chiropractors Association.
3. A college of chiropractic approved by the examining board.
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.
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.
   (b) “Program sponsor” does not include an individual, organization, or institution of higher education approved under s. 46.03 (3) to provide instruction in the use of an automated external defibrillator.

(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.

(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.


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

(1) Obtains the license, certificate, or certificate of registration 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.
(7) Maintains a professional connection or association with any other person continuing to violate this chapter after 10 days’ notice in writing by the department.

History: 1977 c. 29, 125, 418; 1981 c. 334 s. 25 (1); 1981 c. 380; 1983 a. 289; 1991 a. 39; 2009 a. 28.

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

(1) Any conduct of a character likely to deceive or defraud the public.
(2) Loaning of a chiropractic license or certificate to anyone.
(3) Splitting or dividing any fee for chiropractic service with any person except an associate licensed chiropractor.
(4) Use of unprofessional advertising which includes, without limitation because of enumeration, all of the following:
   (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.


Cross-reference: See also s. Chir 6.01, Wis. adm. code.

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.

(1m) (a) 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 chiropractic radiological technician who, it has reason to believe, violated s. 446.025 or 446.03. The person complained against may proceed to review any action of the examining board under ch. 227.

(b) 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 chiropractic technician who, it has reason to believe, violated s. 446.026 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 examined board may reinstate any license, certificate, or registration sus-
5  Updated 21–22 Wis. Stats.

446.08  Informed consent.  Any chiropractor who treats a patient shall inform the patient about the availability of reasonable alternate modes of treatment and about the benefits and risks of these treatments.  The reasonable chiropractor standard is the standard for informing a patient under this section.  The reasonable chiropractor standard requires disclosure only of information that a reasonable chiropractor would know and disclose under the circumstances.  The chiropractor’s duty to inform the patient under this section does not require disclosure of any of the following:

1. Detailed technical information that in all probability a patient would not understand.
2. Risks apparent or known to the patient.
3. Extremely remote possibilities that might falsely or detrimentally alarm the patient.
4. Information in emergencies where failure to provide treatment would be more harmful to the patient than treatment.
5. Information in cases where the patient is incapable of consenting.
6. Information about alternate modes of treatment for any condition the chiropractor has not included in his or her diagnosis at the time the chiropractor informs the patient.

History:  2013 a. 345.