
Wisconsin Legislative Council

AMENDMENT MEMO



Memo published: January 14, 2022

Contact: Margit Kelley, Senior Staff Attorney

2021 Assembly Bill 86

**Assembly Substitute
Amendment 1**

2021 ASSEMBLY BILL 86

2021 Assembly Bill 86 defines the practice of complementary and alternative health care services, and specifies that those practices are exempt from licensure. The bill designates the Department of Safety and Professional Services for oversight and enforcement if a person fails to comply with the provisions of the bill.

Under the bill, complementary and alternative health care services include practices such as aromatherapy, Ayurveda, healing touch, massage and massage therapy, meditation, and traditional healing practices, among others. Certain practices are excluded, and are prohibited, including performing surgery, setting fractures, puncturing the skin, or performing a chiropractic adjustment. The bill does not apply to complementary and alternative health care services provided by a health care professional who is acting within the person's professional scope of practice.

A complementary and alternative health care practitioner may not hold themselves out as a health care professional, make a diagnosis of a medical disease other than a general assessment regarding normal structure or function in humans, or recommend that a client discontinue a prescribed medical treatment.

A practitioner may not engage in unprofessional conduct, such as false advertising or sexual contact with a client, and must provide certain written disclosures to a client before performing any services.

ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Substitute Amendment 1 maintains the provisions of the bill but removes "massage and massage therapy" from the allowable complementary and alternative health care services. Under current law, massage therapy is a licensed profession.

Second, the substitute amendment adds that a practitioner may not use or assume the title "doctor" or "physician."

Third, the substitute amendment adds that a practitioner may not make a diagnosis of a mental disorder, and removes the allowance for a practitioner to make a general assessment regarding normal structure or function in humans. Instead, the substitute amendment specifies that while a practitioner may not make a diagnosis of a medical disease or mental disorder, a practitioner may respond generally to a client's expressed concerns.¹

¹ The Senate passed the companion bill, 2021 Senate Bill 98, on April 14, 2021, in a slightly different form. The amendment to Senate Bill 98, as adopted by the Senate, removed only "massage therapy," rather than the full practice of massage and massage therapy, from the allowable complementary and alternative health care services. The Senate amendment also did not prohibit diagnosis of a mental disorder.

BILL HISTORY

Representative Dittrich introduced Assembly Substitute Amendment 1 on October 19, 2021. On January 12, 2022, the Assembly Committee on Health recommended adoption of the substitute amendment on a vote of Ayes, 15; Noes, 0; and recommended passage of the bill, as amended, on a vote of Ayes, 10; Noes, 5.

MSK:jal