

# State of Wisconsin



2017 Assembly Bill 260

Date of enactment: **March 28, 2018**

Date of publication\*: **March 29, 2018**

## 2017 WISCONSIN ACT 180

AN ACT *to renumber and amend* 446.02 (7) (a), 446.02 (7) (d) 1. and 446.02 (7) (d) 2.; *to amend* 441.001 (3) (a), 441.001 (4) (b) and 446.026 (1) (a); and *to create* 446.01 (1v), 446.02 (7) (a) 2. and 446.02 (10m) of the statutes; **relating to:** performance of medical examinations by chiropractors for the Federal Motor Carrier Safety Administration; delegation of certain services by a chiropractor; and modifying various administrative rules promulgated by the Chiropractic Examining Board.

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

**SECTION 7.** 441.001 (3) (a) of the statutes is amended to read:

441.001 (3) (a) "Practical nursing" means the performance for compensation of any simple acts in the care of convalescent, subacutely or chronically ill, injured or infirm persons, or of any act or procedure in the care of the more acutely ill, injured or infirm under the specific direction of a nurse, physician, podiatrist licensed under ch. 448, chiropractor licensed under ch. 446, dentist licensed under ch. 447 or optometrist licensed under ch. 449, or under an order of a person who is licensed to practice medicine, podiatry, chiropractic, dentistry or optometry in another state if that person prepared the order after examining the patient in that other state and directs that the order be carried out in this state.

**SECTION 8.** 441.001 (4) (b) of the statutes is amended to read:

441.001 (4) (b) The execution of procedures and techniques in the treatment of the sick under the general or special supervision or direction of a physician, podiatrist licensed under ch. 448, chiropractor licensed under ch. 446, dentist licensed under ch. 447, or optometrist

licensed under ch. 449, or under an order of a person who is licensed to practice medicine, podiatry, chiropractic, dentistry, or optometry in another state if the person making the order prepared the order after examining the patient in that other state and directs that the order be carried out in this state.

**SECTION 12.** 446.01 (1v) of the statutes is created to read:

446.01 (1v) "Health care professional" means an individual who is licensed, registered, or certified by any of the following:

- (a) Board of nursing under ch. 441.
- (b) Dentistry examining board under ch. 447.
- (c) Medical examining board under subch. II of ch. 448.
- (d) Physical therapy examining board under subch. III of ch. 448.
- (e) Podiatry affiliated credentialing board under subch. IV of ch. 448.
- (f) Dietitians affiliated credentialing board under subch. V of ch. 448.
- (g) Athletic trainers affiliated credentialing board under subch. VI of ch. 448.

\* 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."

(h) Occupational therapists affiliated credentialing board under subch. VII of ch. 448.

(i) Optometry examining board under ch. 449.

(j) Pharmacy examining board under ch. 450.

(k) The department of safety and professional services under ch. 451.

(L) Psychology examining board under ch. 455.

(m) Marriage and family therapy, professional counseling, and social work examining board under ch. 457.

(n) Hearing and speech examining board under subch. II of ch. 459.

(o) The massage therapy and bodywork therapy affiliated credentialing board under ch. 460.

**SECTION 16.** 446.02 (7) (a) of the statutes is renumbered 446.02 (7) (a) (intro.) and amended to read:

446.02 (7) (a) (intro.) Except as provided in pars. (b) and (d), a chiropractor who is licensed under this chapter may delegate to a person who is not licensed under this chapter the performance of adjunctive services if the services are performed by any of the following under the direct, on-premises supervision of the chiropractor:

**SECTION 17.** 446.02 (7) (a) 2. of the statutes is created to read:

446.02 (7) (a) 2. A health care professional.

**SECTION 18.** 446.02 (7) (d) 1. of the statutes is renumbered 446.02 (7) (d) and amended to read:

446.02 (7) (d) ~~Beginning on July 1, 2010, a~~ A chiropractor may delegate X-ray services only to a chiropractic radiological ~~technologist~~ technician or a health care professional acting within the scope of his or her license, registration, or certification.

**SECTION 19.** 446.02 (7) (d) 2. of the statutes is renumbered 446.02 (7) (a) 1. and amended to read:

446.02 (7) (a) 1. ~~Beginning on July 1, 2010, a~~ A chiropractor may delegate adjunctive services only to a chiropractic radiologist technician.

**SECTION 20.** 446.02 (10m) of the statutes is created to read:

446.02 (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.

**SECTION 22.** 446.026 (1) (a) of the statutes is amended to read:

446.026 (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).

**SECTION 31.** Chir 2.01 (2) of the administrative code is repealed.

**SECTION 32.** Chir 3.02 (1) (intro.) of the administrative code is amended to read:

Chir 3.02 (1) **REQUIREMENTS FOR RENEWAL.** (intro.) To renew and obtain a new license a licensee shall, by December 31 14 of the even-numbered year following initial licensure and every 2 years thereafter, file with the department:

**SECTION 33.** Chir 4.05 (1) (b) 3. of the administrative code is renumbered Chir 4.05 (1) (b) 3. (intro.) and amended to read:

Chir 4.05 (1) (b) 3. (intro.) Acupuncture by needle insertion or invasive laser application. This subdivision shall not be construed to prohibit any of the following:

**SECTION 34.** Chir 4.05 (1) (b) 3. a. of the administrative code is created to read:

Chir 4.05 (1) (b) 3. a. The use of cold laser therapy by a licensed chiropractor.

**SECTION 35.** Chir 4.05 (1) (b) 3. b. of the administrative code is created to read:

Chir 4.05 (1) (b) 3. b. The practice of acupuncture by a licensed chiropractor who is also an acupuncturist certified under ch. 451, Stats., at the same location where he or she practices chiropractic.

**SECTION 37.** Chir 9.01 (1) of the administrative code is amended to read:

Chir 9.01 (1) “Chiropractic student” means a student of an approved college of chiropractic ~~in his or her last academic quarter, semester, or trimester of study,~~ who is eligible for graduation from the college of chiropractic but for completion of a preceptorship period.

**SECTION 38.** Chir 10.01 (3) of the administrative code is amended to read:

Chir 10.01 (3) “Unlicensed person” means a person who ~~does not possess a valid license to practice chiropractic in this state pursuant to ch. 446~~ is a chiropractic technician or chiropractic radiological technician and who is not a health care professional, as defined in s. 446.01 (1v), Stats.