



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 66.0137 (4), 120.13 (2) (g), 185.983 (1) (intro.), 446.01 (2) (a),
2 446.03 (intro.), 446.03 (1), 446.04 (2), 446.04 (4), 446.05 (1), 451.02 (1) and
3 632.87 (1); and *to create* 440.08 (2) (a) 24a., 446.01 (1a), 446.01 (1b), 446.023,
4 446.04 (6), 632.87 (3) (d) and 632.87 (3m) of the statutes; **relating to:**
5 chiropractor registration to practice acupuncture; fee-splitting with a
6 nonchiropractor acupuncturist; requiring a policy, plan, or contract that covers
7 acupuncture services provided by an acupuncturist to cover those services if
8 provided by a chiropractor registered to practice acupuncture; and requiring
9 the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, a person generally may not practice acupuncture in Wisconsin unless the person is an acupuncturist certified by the Department of Safety and Professional Services (DSPS). Under this bill, a chiropractor who is licensed for the practice of chiropractic by the Chiropractic Examining Board (board) may practice acupuncture without being certified by DSPS if the board registers the licensed chiropractor to practice acupuncture. Under the bill, the board may register a licensed chiropractor to practice acupuncture if the chiropractor does all of the following:

1. Applies to the board for registration to practice acupuncture.
2. Submits evidence satisfactory to the board that the licensed chiropractor has completed at least 100 hours of instruction in acupuncture at a college of chiropractic approved by the board or at an accredited college or university.
3. Successfully completes the acupuncture examination administered by the National Board of Chiropractic Examiners.
4. Pays a one–time registration fee of \$100.

Under the bill, once registered by the board to practice acupuncture, a licensed chiropractor must complete at least two hours of continuing education in acupuncture annually.

Also under current law, a licensed chiropractor may not split a fee for a chiropractic service with another person unless that person is also a licensed chiropractor. The bill authorizes a chiropractor to split a fee for a chiropractic service with an acupuncturist certified by DSPS.

Finally, the bill prohibits a health care policy, plan, or contract from excluding coverage of acupuncture services that are provided by a licensed chiropractor who is registered to practice acupuncture if the policy, plan, or contract covers those services when provided by a certified acupuncturist.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 66.0137 (4) of the statutes is amended to read:

2 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
3 a village provides health care benefits under its home rule power, or if a town
4 provides health care benefits, to its officers and employees on a self–insured basis,
5 the self–insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
6 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.87
7 (3m), (4), (5), and (6), 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

8 **SECTION 2.** 120.13 (2) (g) of the statutes is amended to read:

9 120.13 (2) (g) Every self–insured plan under par. (b) shall comply with ss.
10 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),

1 632.798, 632.85, 632.853, 632.855, 632.87 (3m), (4), (5), and (6), 632.885, 632.89,
2 632.895 (9) to (17), 632.896, and 767.513 (4).

3 **SECTION 3.** 185.983 (1) (intro.) of the statutes is amended to read:

4 185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a
5 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to
6 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,
7 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,
8 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798, 632.85,
9 632.853, 632.855, 632.87 (2), (2m), (3), (3m), (4), (5), and (6), 632.885, 632.89, 632.895
10 (5) and (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645, and 646,
11 but the sponsoring association shall:

12 **SECTION 4.** 440.08 (2) (a) 24a. of the statutes is created to read:

13 440.08 (2) (a) 24a. Chiropractor registration to practice acupuncture:
14 December 15 of each even-numbered year.

15 **SECTION 5.** 446.01 (1a) of the statutes is created to read:

16 446.01 (1a) “Acupuncture” has the meaning given in s. 451.01 (1).

17 **SECTION 6.** 446.01 (1b) of the statutes is created to read:

18 446.01 (1b) “Acupuncturist” has the meaning given in s. 451.01 (2).

19 **SECTION 7.** 446.01 (2) (a) of the statutes is amended to read:

20 446.01 (2) (a) To examine into the fact, condition, or cause of departure from
21 complete health and proper condition of the human; to treat without the use of drugs
22 as defined in s. 450.01 (10) or surgery; to counsel; to practice acupuncture if the
23 acupuncturist is registered under s. 446.023; to advise for the same for the
24 restoration and preservation of health or to undertake, offer, advertise, announce,

1 or hold out in any manner to do any of the aforementioned acts, for compensation,
2 direct or indirect or in expectation thereof; and

3 **SECTION 8.** 446.023 of the statutes is created to read:

4 **446.023 Chiropractor registration to practice acupuncture. (1)**

5 DEFINITION. In this section, “licensed chiropractor” means a person who is licensed
6 by the examining board to engage in the practice of chiropractic.

7 **(2) REGISTRATION REQUIRED.** (a) Except as provided under par. (b), no licensed
8 chiropractor may practice acupuncture unless he or she is registered by the
9 examining board under this section.

10 (b) No registration is required under this section for any of the following:

11 1. A licensed chiropractor who is an acupuncturist certified under ch. 451.

12 2. A licensed chiropractor who practices acupuncture as part of a supervised
13 course of study or residency program in acupuncture that is approved by the
14 examining board.

15 (c) The examining board shall register a licensed chiropractor under this
16 section who does all of the following:

17 1. Submits an application for registration to the examining board on a form
18 provided by the examining board.

19 2. Submits evidence satisfactory to the examining board that the licensed
20 chiropractor has completed at least 100 hours of instruction in acupuncture at a
21 college of chiropractic approved by the examining board or at a college or university
22 accredited by an accrediting agency that is recognized by the secretary of the federal
23 department of education.

24 3. Successfully completes the acupuncture examination administered by the
25 National Board of Chiropractic Examiners.

1 4. Pays a registration fee of \$100.

2 **(3) REGISTRATION RENEWAL.** (a) The renewal date for a registration under this
3 section is specified under s. 440.08 (2) (a). There is no renewal fee.

4 (b) A licensed chiropractor registered under this section shall, at the time that
5 he or she applies for renewal of a registration under par. (a), submit evidence
6 satisfactory to the examining board that he or she has completed at least 2 hours
7 annually of continuing education in an acupuncture-related program approved by
8 the examining board under s. 446.028.

9 **(4) RULES.** The examining board shall promulgate rules to implement this
10 section. The rules promulgated under this subsection shall incorporate the rules of
11 the department promulgated under s. 451.12.

12 **SECTION 9.** 446.03 (intro.) of the statutes is amended to read:

13 **446.03 Reprimand; revocation, limitation, or suspension of a license or**
14 **certificate.** (intro.) The examining board, by order, may reprimand a licensee,
15 certificate holder, or registrant and may deny, limit, suspend or revoke any license,
16 certificate, or ~~certificate~~ of registration if the licensee, certificate holder, or registrant
17 does any of the following:

18 **SECTION 10.** 446.03 (1) of the statutes is amended to read:

19 446.03 (1) Obtains the license, certificate, or ~~certificate~~ of registration through
20 error or fraud.

21 **SECTION 11.** 446.04 (2) of the statutes is amended to read:

22 446.04 (2) Loaning of a chiropractic license or certificate, or of a registration
23 issued under s. 446.023, to anyone.

24 **SECTION 12.** 446.04 (4) of the statutes is amended to read:

1 446.04 (4) Splitting or dividing any fee for chiropractic service with any person
2 except an associate licensed chiropractor or an acupuncturist certified under ch. 451.

3 **SECTION 13.** 446.04 (6) of the statutes is created to read:

4 446.04 (6) Use of unsanitary or unsafe acupuncture equipment, contrary to the
5 rules promulgated under s. 446.023 (4).

6 **SECTION 14.** 446.05 (1) of the statutes is amended to read:

7 446.05 (1) Subject to the rules promulgated under s. 440.03 (1), the examining
8 board may make investigations and conduct hearings in regard to the conduct of any
9 licensed chiropractor who, it has reason to believe, violated s. 446.02, 446.023, or
10 446.03. The person complained against may proceed to review any action of the
11 examining board under ch. 227.

12 **SECTION 15.** 451.02 (1) of the statutes is amended to read:

13 451.02 (1) An individual holding a license, permit, registration, or certificate
14 under ch. 441, 446, 447, 448, or 449 who engages in a practice of acupuncture that
15 is also included within the scope of his or her license, permit, registration, or
16 certificate.

17 **SECTION 16.** 632.87 (1) of the statutes is amended to read:

18 632.87 (1) No insurer may refuse to provide or pay for benefits for health care
19 services provided by a licensed health care professional on the ground that the
20 services were not rendered by a physician as defined in s. 990.01 (28), unless the
21 contract clearly excludes services by such practitioners, but no contract or plan may
22 exclude services in violation of sub. (2), (2m), (3), (3m), (4), (5), or (6).

23 **SECTION 17.** 632.87 (3) (d) of the statutes is created to read:

24 632.87 (3) (d) Paragraphs (a) and (b) do not apply to an acupuncture service
25 provided under a registration issued under s. 446.023.

