

8/26/19

To: Wisconsin Chiropractic Examining Board
From: The Chiropractic Society of Wisconsin
RE: Written Testimony related to the public hearing on Chir 12 Nutritional counseling

The Chiropractic Society of Wisconsin (CSW) respectfully requests that the members of the Chiropractic Examining Board consider the following discussion points related to Chir 12:

1. The language found in Chir12.03(1)(a) exceeds rule making authority and needs to be removed:

Wisconsin Statute 446.02(2)(c) provides the foundation for Chir 12. [446.02(2)(c) 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 certification fee of \$25, except that no certificate fee is required under this paragraph for an individual who is eligible for the veterans fee waiver program under s. 45.44.]

Specifically, 446.02(2)(c) does not required or list specific organizations that can sponsor the 48 hours of postgraduate study in nutrition. Similar to the CT/CRT certificates, any organization if they create a program that is approved by the Board may sponsor the 48 hours of postgraduate study. The 48 hour postgraduate study in nutrition is a certification course and is not required to follow or be considered for Continuing Education (CE) hours. Thus, the current provisions contained in Chir 12.03(1)(a) are invalid and need to be changed.

The current version of 12.03(1)(a) improperly list specific organizations that can sponsor the 48 hour postgraduate programs. Without specific statutory authority given to limit the program sponsors to specifically named organizations such as the ones found in 446.028, the Board does not have the authority or ability to specifically name program sponsors for the 48 hour nutrition certificate programs.

The CSW respectfully requests that the language in 12.03(1)(a) relating to listing specific sponsors and excluding organizations that otherwise can create acceptable 48 hour nutritional programs be eliminated. We also request that the language associated with CE requirements for a 75 day submission prior to the first program be removed. Since the 48 hour nutritional certification program does not have to be CE related, it does not require the CE language in the rules.

Chir 12.03 Approval of nutritional counseling education programs. (1) To qualify for board approval as a nutritional counseling education program under s. [Chir 12.02 \(1\) \(c\) 4.](#), a program shall meet all of the following minimum requirements:

(a) The program is sponsored by the Wisconsin Chiropractic Association, the American Chiropractic Association, the International Chiropractors Association, a college of chiropractic approved by the board, or a college of medicine or osteopathy accredited by an agency recognized by the United States department of education.

446.028 Continuing education approval; program sponsors. Each program sponsor of a continuing education program required to be completed by a chiropractor as a condition of license renewal shall submit the program to the examining board for approval. In this section, “program sponsor” means the Wisconsin Chiropractic Association, the International Chiropractors Association, a college of chiropractic approved by the examining board, and a college of medicine or osteopathy accredited by an accrediting body listed as nationally recognized by the secretary of the federal department of education. “Program sponsor” does not include an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide instruction in the use of an automated external defibrillator.

2. Prohibited practice and the sale of nutritional products to non-patients.

The proposed changes to Chir 12 involve defining a chiropractic patient to include a “chiropractor-patient relationship”, which is agreeable to the CSW.

The issue that is still not fully clarified is the ability for chiropractors to participate in nutritional programs or business that do not involve a patient-chiropractor relationship. There are many business relationships in the nutritional field that do not involve a patient doctor relationship. For example, the owning of a nutritional store such as GNC. With the definition of patient being clarified, the removal of 12.06 is in order.

The CSW requests that the language in 12.06(2) be removed or modified to clarify the points discussed above relating to non-patient businesses.

446.02(6m) No chiropractor may provide counsel, direction, guidance, advice, or a recommendation to a patient regarding the health effects of vitamins, herbs, or nutritional supplements unless the chiropractor has been issued a certificate under sub. (2) (c). This subsection does not apply to a chiropractor licensed under this chapter who is certified as a dietician under subch. V of ch. 448.

Chir 12.06 Prohibited practices.

(2) After December 1, 2008 a chiropractor shall not sell, barter, trade or give away vitamins, herbs or nutritional supplements unless the chiropractor holds a certificate for nutritional counseling and except as consistent with the provisions of this chapter.