

Chapter Chir 6

STANDARDS OF CONDUCT

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Chir 6.01 Authority. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11, and 446.04, Stats.

History: Cr. Register, December, 1984, No. 348, eff. 1–1–85; correction made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1990, No. 411; **CR 19–129: am. Register May 2020 No. 773, eff. 6–1–20.**

Chir 6.015 Definitions. In this chapter:

(1) “Advertisement” means a communication disseminated or intended to be disseminated in any public medium that is likely to or intended to induce, directly or indirectly, the rendering of professional services by the chiropractor named in or identified by the communication.

(2) “Co–payment or deductible provision” means any term in a contract of insurance with a third party whereby the patient remains financially obligated to the chiropractor for payment.

(3) “Patient” means an individual with whom a chiropractor has an established chiropractor–patient relationship or who, based on the actions of the chiropractor, has a reasonable belief that an established chiropractor–patient relationship exists.

History: Cr. Register, November, 1997, No. 503, eff. 12–1–97; **CR 19–129: am. (1), cr. (2), (3) Register May 2020 No. 773, eff. 6–1–20.**

Chir 6.02 Unprofessional conduct. Unprofessional conduct by a chiropractor includes all of the following:

(1) Engaging in any practice which constitutes a substantial danger to the health, welfare, or safety of a patient or the public.

(2) Practicing or attempting to practice when unable to do so with reasonable skill and safety to patients.

(3) Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a chiropractor.

(4) Practicing or attempting to practice beyond the scope of a license issued by the board, including acts prohibited under s. Chir 4.05.

(5) Practicing or attempting to practice while the ability to perform is impaired by a physical, mental, or emotional disorder, or by drugs or alcohol.

(6) Performing professional services inconsistent with training, education, or experience.

(7) Engaging in sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient.

(8) Engaging in excessive evaluation or treatment of a patient.

(9) Failing to conduct a competent assessment, evaluation, or diagnosis as a basis for treatment or consultation.

(10) Revealing confidential patient information without the consent of the patient or person authorized by the patient to provide consent, except that information shall be revealed to the board or its representatives pursuant to investigation of a licensee or as otherwise authorized by law.

(11) Refusing to render services to a person because of race, color, sex, or religion.

(12) Knowingly falsifying patient records.

(13) Impersonating another chiropractor.

(14) Obtaining or attempting to obtain any compensation for chiropractic services by fraud, including billing for services not rendered or submitting a claim for a fraudulent diagnosis.

Note: The use by a licensee of “no out–of–pocket expense” payment arrangements may constitute insurance fraud, and may therefore violate this subsection as well as s. 943.395, Stats.

(15) Advertising in a manner which is false, deceptive, or misleading. An advertisement that does any of the following is false, deceptive, or misleading:

(a) Contains a misrepresentation of fact.

(b) Is likely to mislead or deceive because of a failure to disclose material facts.

(c) Is intended to or is likely to create false or unjustified expectations of favorable results.

(d) Fails to prominently disclose complete details of all variables and material factors relating to any advertised fee.

(e) Contains any representation or implication that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(f) Includes reference to or implies specialization or certification in an area of specialty other than nutritional counseling, unless the chiropractor has a postgraduate degree in the area of specialty conferred by an institution accredited by either the Council on Chiropractic Education or an accrediting agency recognized by the United States department of education, or unless all of the following apply to the chiropractor’s specialty:

1. The specialty is recognized by a council of the American Chiropractic Association or the International Chiropractors Association.

2. The specialty requires at least 300 hours of postgraduate credit hours and passage of a written examination approved by the American Chiropractic Association or the International Chiropractors Association.

3. The title applied to the specialty by the chiropractor is the title applied by the American Chiropractic Association or the International Chiropractors Association.

(g) Includes reference to or implies advanced training or certification in an area of advanced training other than nutritional counseling, unless the chiropractor has a postgraduate degree in the area of advanced training conferred by an institution accredited by either the Council on Chiropractic Education or an accrediting agency recognized by the United States department of education, or unless the chiropractor has successfully completed a postgraduate training program meeting all of the following requirements:

1. The program is one, unified program approved by the American Chiropractic Association or the International Chiropractors Association, or one, unified program at a college accredited by the Council on Chiropractic Education and approved by the board.

2. The program consists of at least 100 hours of training in the area in which the chiropractor claims advanced training.

3. The program requires successful completion of a written examination.

(gm) Includes reference to or implies specialization, advanced training, or certification in nutritional counseling, unless the chiropractor is certified under ch. Chir 12.

(h) Appears in any classified directory, listing, or other compendium under a heading that, when considered together with the advertisement, has the capacity or tendency to be deceptive or misleading with regard to the profession or professional status of the chiropractor.

(i) Implies that the chiropractic services provided will result in emotional or spiritual benefits.

(16) Aiding, abetting, or permitting unlicensed persons in the practice of chiropractic.

(17) Failing to exercise a reasonable degree of supervision over subordinate employees.

(18) Obtaining or attempting to obtain a license through fraud or misrepresentation, or making any material misstatement, omission, or falsification in connection with an application for a license, registration, or renewal.

(19) Refusing upon request to cooperate in a timely manner with the board's investigation of a complaint lodged against a licensee. Licensees taking longer than 30 days to respond to a request from the board or its representative shall have the burden of demonstrating that they have acted in a timely manner.

(20) Knowingly providing false information to the board or its representative.

(21) Failing to notify the board of having a chiropractic license, certificate, permit, or registration granted by any other jurisdiction subject to disciplinary action.

(22) Having a license, certificate, permit, or registration granted by another jurisdiction to practice as a chiropractor limited, suspended, revoked, or subject to any other disciplinary action.

(23) Failing to notify the board of any criminal conviction, the circumstances of which relate substantially to the practice of chiropractic.

(24) Being convicted of a crime substantially related to the practice of chiropractic.

(25) Violating any provision of ch. 446, Stats., or any rule or order of the board.

(26) Violating, or aiding or abetting the violation of, any law substantially related to the practice of chiropractic.

(27) Failing to maintain patient records for a minimum period of 7 years after the last treatment or after the patient reaches the age of majority, whichever is longer.

(28) Failing to release patient health care records to a patient in accordance with s. 146.83, Stats.

(29) Negating the co-payment or deductible provisions of a contract of insurance by agreeing to forgive any or all of the patient's obligation for payment under the contract, unless the chiropractor reduces the chiropractor's claim to the insurance carrier in regard to that patient by an equal proportion.

Note: It is no violation of this rule for a chiropractor to adjust fees, but the fee charged must be accurately reported to any third party payor. It is no violation of this rule for a chiropractor to provide treatment without any charge.

(30) Giving or receiving unauthorized assistance, violating rules of conduct, or otherwise cheating or acting dishonestly with regard to any examination required for the granting of a license or registration to practice chiropractic.

(31) Making a representation likely to create an unjustified expectation about the results of a nutritional counseling service or procedure.

History: Cr. Register, December, 1984, No. 348, eff. 1–1–85; am. (4), Register, October, 1989, No. 406, eff. 11–1–89; cr. (27) and (28), Register, January, 1992, No. 433, eff. 2–1–92; cr. (29), Register, January, 1993, No. 445, eff. 2–1–93; am. (7), Register, June, 1993, No. 450, eff. 7–1–93; am. (27), Register, May, 1997, No. 497, eff. 6–1–97; r. and recr. (15), Register, November, 1997, No. 502, eff. 12–1–97; am. (18), cr. (30), Register, September, 1999, No. 525, eff. 10–1–99; CR 03–082: am. (14) Register July 2004 No. 583, eff. 8–1–04; CR 06–051: cr. (31) Register November 2006 No. 611, eff. 12–1–06; **CR 19–129: am. (intro.), (1), (4) to (6), (9) to (11), (15) (intro.), (f), (g), cr. (15) (gm), am. (15) (h), (16), (18), (19), (21), (22), (26), (27), (29), (30) Register May 2020 No. 773, eff. 6–1–20.**

Chir 6.03 Duty to evaluate and inform. (1) A chiropractor shall evaluate each presenting patient to determine whether a condition exists that is treatable through chiropractic means. An evaluation shall be based upon an examination appropriate to the presenting patient. In conducting an evaluation, a chiropractor shall utilize chiropractic science, as defined in s. Chir 4.02 (1), and the principles of education and training of the chiropractic profession.

(2) If an evaluation indicates a condition treatable by chiropractic means, the chiropractor shall treat the patient using appropriate chiropractic means.

(3) If an evaluation indicates a condition that is not treatable through chiropractic means, the chiropractor shall inform the patient the condition is not treatable through chiropractic means and recommend the patient seek additional advice or care.

(4) A chiropractor may render concurrent or supportive chiropractic care to a patient, but a chiropractor shall refrain from further chiropractic treatment when a reasonable chiropractor should be aware that the patient's condition will not be responsive to further treatment.

History: Cr. Register, June, 2000, No. 534, eff. 7–1–00; **CR 19–129: am. (1), (3) Register May 2020 No. 773, eff. 6–1–20.**