

An “Ongoing” List of the Chiropractor’s Scope of Practice

Prior to approximately 2015, the Wisconsin Chiropractic Examining Board (“CEB”) would often evaluate issues relating to a chiropractor’s scope of practice. Either through formal votes, open discussions, or approved opinions from its legal counsel; the Chiropractic Examining Board would express conclusions on whether various procedures or modalities fit within the “scope” of Chiropractic in Wisconsin. Listed below is a summary of the examining board’s position on scope related issues which have been reported from December, 1997 through December, 2015 as noted in minutes of the Examining Board:

Reference Date	Form of Action	General Issue	Action Taken
12/18/97	Legal Opinion	Use of Blood Analysis	Chiropractors may use blood analysis depending upon the patient’s presenting complaints, history of chief complaint, other relevant history, results of physical examination, and whether it would provide reasonable assistance towards the assessment and diagnosis of the patient’s condition for the purposes of determining whether the condition is amenable to chiropractic treatment; and if so for the assistance in determining the plan of chiropractic treatment of that condition.
10/22/98	Legal Opinion	Nerve Conduction Velocity Testing and Co-laser Therapy	NCV testing can be performed when the doctor has sufficient training or is otherwise eligible to be a diplomat of the ACA’s Neurology board by completing at least sixty hours of a course in electro-

			diagnosis, including NCV, electro-myography and evoke potentials. NCV cannot be delegated. Doctor may perform co-laser therapy with valid FDA institutional review board oversight, proper labeling, and proper marketing as to the approval of the device.
12/16/99	Board Determination	Surface EMG and needle EMG	The use of surface electro-myography (ie EMG) is within the scope of the practice as long as the chiropractor: (1) obtains proper training by an accredited chiropractic college consisting of a minimal number of hours; (2) there exists an assessment for loss of flexion extension analysis and/or mean frequency shift, beyond just neutral static scanning; (3) there is correlation with other physical examination findings and written objectives for utilization of the test and (4) acceptable peer review or research supports continued use. Needle electro-myography can only be done by chiropractors who have sufficient education, training and experience. Doctors with DABCN or DACNB are permitted to use needle EMG. [This position was again approved on 05/30/13 with the additional language that “the requisite education, training and expertise presumes passage of the ABCN exam.”]
02/10/00	Board Vote	Use of Magnets	The Board affirmed that magnets should not be used in chiropractic practice.
05/23/00	Board Review of Policies Not Incorporated into Rules	Physical Therapy, Massage Therapy, Homeopathy, Orthotics, Magnets, SEMG, Any MG, Manipulation under Anesthesia, ECG and Spirometer,	Physical therapy and massage therapy are within the scope of chiropractic. Homeopathy is not within the scope of chiropractic. Fitting or prescribing orthotics is within the scope of chiropractic. Magnets, SEMG, and any EMG – see above. Manipulation under anesthesia does not constitute

		Iontophoresis, and TMJ	chiropractic treatment utilizing drugs. Chiropractor can perform adjustments while working with the care of an anesthesiologist. Electro-cardiograph and spirometers may be used as diagnostic tools within the scope. Iontophoresis is not within the scope of chiropractic. TMJ care is within the scope of chiropractic.
08/10/00	Board Vote	Microdermabrasion	Board determined that this procedure is not within the scope of chiropractic.
12/13/01	Board Discussion	Chiropractic Treatment of Animals	A chiropractor may perform an adjustment of an animal while accompanied by a licensed veterinarian.
05/15/03	Board Vote	NAET (Nambudripad's Allergy Elimination Technique)	Board approved a motion that NAET or any other technique (1) that relies on the use as a diagnostic device of vials of water infused with "frequencies" or (2) that claim to provide psychological treatment, is not within the scope of chiropractic. Apparent violation of Chir. 4.05(2)(g) of the Administrative Code.
05/15/03	Board Vote	PAP-IMI	This practice does not fall within the scope of chiropractic because it involves magnetism.
06/19/03	Legal Opinion	Acupuncture	Acupuncture should not be practiced by a chiropractor unless the chiropractor is licensed.
03/11/04	Legal Opinion	Cold Laser Therapy	Legal counsel determined that cold lasers may not be used if they are a practice system, method, or protocol that is not generally recognized or accepted in the profession or if they do not have scientific validity. [This position was revised on 09/04/09 and formally revised by the CEB on 3/14/13.]

07/08/04	Legal Counsel Opinion	Extremity Adjustments	Extremity manipulation is within the scope of chiropractic providing that such manipulation is preparatory and complimentary to the treatment of spinal column.
05/28/09	Board Discussion	Various Laboratory Tests	A chiropractor is permitted to order routine, diagnostic laboratory tests. The chiropractor is permitted to perform venipunctures and/or capillary sticks for performing routine, diagnostic laboratory tests. Chiropractors are not permitted to surgically remove any tissues for the purpose of histological evaluation (biopsy).
09/04/09	Board Vote	Cold Laser Therapy	The board approved the use of cold laser therapy provided the doctor has equipment which received FDA approval and has completed the recommended twelve (12) hours of continuing education prior to patient application.
03/18/10	Board Discussion	Nutritional Supplements	A chiropractor cannot delegate duties with respect to vitamins, herbs, or nutritional supplements. A doctor can sell, but cannot sign up anyone to sell as a down-line member of a multiple-level marketing program. [Note - this conclusion has various derivations and was subject to threatened legal action]
05/27/10	Board Discussion	Transdermal Application of Nutrients	Board decided that the transdermal application of nutrients does not fall outside the chiropractic scope of practice.
05/27/10	Board Discussion	Breast Thermography	The Board indicated that while the practice of breast thermography is not outside the scope of practice, there are both "reliability issues" in question and presentation of ethical boundary issues for the licensee.

10/21/10	Board Discussion	Ionic Footbaths	Following “a great deal of research” the Board found that it “did not find enough information” to be able to include ionic footbaths as within the scope of chiropractic. The Board felt that there is “no evidence” supporting the claims made by these devices and believes that this practice is not recognized as an effective therapy and should be disallowed by CHIR 4.05.
05/27/10	Board Discussion	Nutritional Detox Counseling	Nutritional detox specification is an acceptable practice and within the scope of chiropractic. (See Also Comments on a HCG Products.)
10/04/12	Board Vote	INDIGO Biofeedback System (Quantum Biofeedback)	Use of this system may fall within the scope of chiropractic provided that the use of the device conforms to all rules and statutes of the State of Wisconsin.
05/30/13	Board Discussion	Light Therapy	Light therapy is included in the physiological therapeutics authorized by Wisconsin Administrative Code CHIR 10.05. See also CHIR 4.05(2), (e), (g).
05/30/13	Board Vote	Extremity Adjustments	Extremity adjustments are within the scope of chiropractic as defined in CHIR 4.03 and maybe done, either as preparatory or complimentary to the treatment of the spinal column, or separately.
05/30/13	Board Vote	Manipulation Under Anesthesia	Board removed its prior position statement from 1997 which authorized the use of MUA by chiropractors with adequate training and only under the protocol determined by the Board at that time. In 2003, the Board revisited the issue and clarified that MUA must be administered either by an anesthesiologist who is a licensed physician or a certified registered nurse anesthetist under supervision

			in a hospital setting of a licensed physician. At that time, MUA did not constitute chiropractic treatment because it utilized drugs and did not fall within the proscription of prescribing, dispensing, delivery or administration of drugs. Board approved complete removal of this section; effectively determining that MUA is outside the scope of chiropractic.
10/03/13	Board Vote	Delegation of Adjunctive Services to a Non-Licensed Person	Yes, provided that such delegation is within the confines of Wis. Stat. §446.01(1d) and §446.02(7). The chiropractor should also review CHIR 10 which defines "delegation to unlicensed persons".
10/03/13	Board Vote	Promoting or selling HCG Products as part of a weight loss program	The previous position of the Board relating to the sale of HCG products was removed entirely. The Board's previous statement noted a variety of regulatory concerns relating to this product: HCG is a hormone produced during pregnancy which is approved by the FDA as a prescription drug for the treatment of female infertility and certain other medical conditions. HCG is not approved for use as a weight loss aide. HCG is not approved for any over the counter sales. FDA is advising consumers to avoid HCG weight loss products which are often marked as "homeopathic". FDA has warned companies against selling HCG products for use as a weight loss aide and such conduct may be regarded as illegal. HCG is not listed in the Homeopathic Pharmacopoeia of the United States as an active ingredient that may be included in such drug products.

Since approximately January of 2016, the Examining Board usually refrains from addressing scope issues. Upon advice from their legal counsel, Doctors with scope questions are encouraged to still contact the Board with new scope of practice concerns. Although the Board is likely to avoid comment on such

concerns, this type of “due diligence” investigation could be a “mitigating factor” if a complaint is eventually filed against the chiropractor engaging in the questionable scope of practice.

Despite these recent conduct of the Board, several recent scope issues have been addresses either through changes in the regulations, actions of insurers, or generally accepted “practices” developed by the chiropractic community. An overview of some new scope issues are addressed below:

1. Needle Electromyography (NEMG) – The Board has determined that the use of Needle Electromyography (NEMG) is within the scope of practice of a chiropractor as defined by Wis. Stat. § 446.01(2) and Wis. Admin. Code Chir 4.03, and has authorized the use of NEMG by chiropractors with adequate training under certain circumstances.
Specifically, NEMG may be utilized by Chiropractors for diagnostic purposes. NEMG equipment may be operated only by a chiropractor who has the education, training and expertise necessary to be eligible for, or has been admitted to, Diplomate status by the American Board of Chiropractic Neurology (DABCN or DACNB). The requisite education, training and expertise presume passage of the ABCN exam. Basis: Board legal counsel memo of 5/2013.
2. Aricular Therapy – Can arguably be provided with appropriate informed consent discussed with patient. Basis is broad interpretation of “physiological therapeutics” in chiro 10.05.
3. HCG Products for weight loss – HCG, a hormone produced by the human placenta during pregnancy, is approved by the FDA as a prescription drug for the treatment of female infertility, and certain other medical conditions. However, HCG is *not* approved for use as a weight loss aid. In fact, the prescription drug label notes there “is no substantial evidence that it increases weight loss beyond that resulting from caloric restriction, that is causes a more attractive or ‘normal’ distribution of fact, or that it decreases the hunger and discomfort associated with calorie-restricted diets.” HCG is not approved for any over-the-counter sales. The FDA is advising consumers to steer clear of HCG weight loss products, often marketed as “homeopathic,” but which may or may not qualify as such. The FDA has also warned companies selling HCG products for use as a weight loss aid are illegal as not approved by the FDA. Moreover, HCG is not listed in the Homeopathic Pharmacopoeia of the United States as one of the active ingredients that may legally be included in homeopathic drug products.
4. Dry Needling – Has arguably been placed under the non-time-based act of “physical medicine” classification open as a practice modality for chiropractors. Basis: Board discussion in 2020-2021. Appropriate training is required but no specific certification is mandated.
5. Homeopathic imprinter and remedies – Not permitted as constituting something other than a “nutritional supplement” defined in Chir 12.01

6. Telehealth – Permitted by other health care providers and done during COVID crisis, Chiropractor should ensure that the patient is a resident of Wisconsin at the time of consultation and that appropriate written records are maintained from the telehealth consultation.
7. “Shockwave” Therapy (ie Software TRT) – Can arguably be performed as a form of “electrical” therapy permitted under Chir 10.5. No formal CEB action taken on matter.

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