



The Wisconsin Chiropractor

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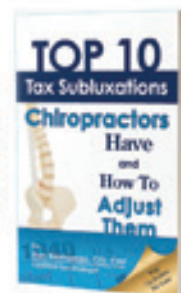
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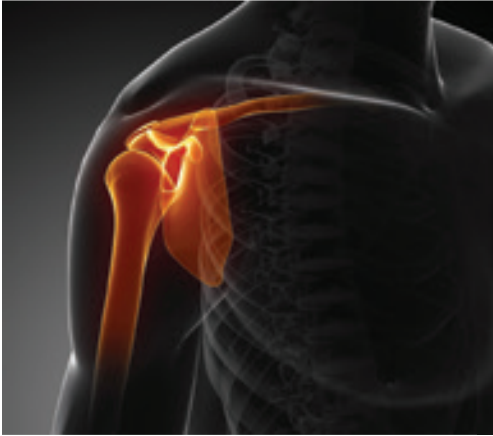
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WCA Leaders Making a Difference in Washington, D.C.

This past January, the Wisconsin Chiropractic Association sent key decision makers of the WCA's Executive Committee to represent Wisconsin at the American Chiropractic Association's 2019 National Chiropractic Leadership Conference (NCLC) in Washington, D.C.



Dating back to the early founding of the WCA, advocates and practitioners alike have consistently stood firm in defense of the chiropractic profession.

Fast-forward to 2019, where the WCA actively defends the Wisconsin chiropractic industry - whether it is in the visible limelight or hidden behind the obscurity of State Capitol proceedings. We are committed to Wisconsin chiropractors and the communities they serve by standing firm on the issues that matter most.

Recently, Dr. Gene Yellen-Shiring (WCA Board President), Dr. Brenda Holland (WCA Vice President) and Dr. Leo Bronston (WCA Member & ACA Board of Governors) had the opportunity to make the trip to Washington, D.C. Each year, the American Chiropractic Association hosts the NCLC, praised as the nation's premiere chiropractic conference. Other than being a great way to earn valuable continuing education credits and to network with other top chiropractors, it serves a vital legislative purpose. During this past 2019 NCLC, hundreds of chiropractors and students conducted nearly 400 meetings with their respective members of Congress, lobbying for their support of the chiropractic profession. Congressional outreach and education are great opportunities for chiropractors to inform their representatives in Congress on issues that matter the most through a high-impact in-person approach.

It is important to highlight the significant time and effort it takes to successfully advance chiropractic in our country. One such champion of the chiropractic profession is none other than our WCA President, Dr. Gene Yellen-Shiring. Dr. Gene has taken the time out of his busy professional life to attend the ACA NCLC for the last 15 consecutive years! Not only does Dr. Gene serve as WCA President, but he has recently been appointed to the ACA's House of Delegates to represent Wisconsin. Additionally, longtime WCA member and former WCA Board member Dr. Leo Bronston was just elected to the ACA's Board of Governors. The WCA is happy to have the support of a longtime member to work closely with at the national level supporting chiropractic initiatives. Our Wisconsin chiropractors should appreciate the lengths to which our leadership goes to ensure a more sustainable future both at the state and federal level.

This year, the legislative focus is to emphasize two pieces of legislation.

Extending Benefits to Veterans

The first of which is aimed at extending chiropractic benefits not only to our active-duty military servicemen and women but also to our retired military veterans with Tricare coverage. According to

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“One such champion of the chiropractic profession is none other than our WCA President, Dr. Gene Yellen-Shiring.”

WCA Leaders Making a Difference in Washington, D.C.



Dr. Gene this expansion is “critically important because many of these veterans use chiropractic services to manage pain and injuries sustained during their career...[then] they lose this chiropractic benefit,” upon becoming honorably discharged or retiring from the military. We as Wisconsinites value and support our military. Therefore it is puzzling to understand why the quality of healthcare available to our retired state and national war heroes isn’t equal to the services available to active service members.

While Congress may not prioritize the health of our retired veterans, the WCA, in conjunction with the ACA, is actively working with Senator Tammy Baldwin (D-WI) and Senator Jerry Moran (R-KS) on bipartisan legislation (S.30) to entitle our nations’ veterans to receive chiropractic care when desired.

This year, Dr. Gene had the privilege of introducing Senator Tammy Baldwin to the attendees of the 2019 NCLC, where she was honored with the 2019 ACA Veterans’ Health Care Leadership Award for her sustained support of our nation’s heroes. Dr. Gene appreciates Senator Baldwin for backing chiropractic healthcare and has said, “I have been privileged to meet with Senator Baldwin many times over the last 11 years and she has always been willing to listen carefully to our concerns and frequently has supported our issues.”

Expanding Chiropractic Services for Medicare Beneficiaries

The other legislative focus is to expand the range of covered chiropractic services for Medicare beneficiaries. At present, Medicare only covers manual manipulation of the spine to correct a subluxation. Considering national epidemics such as opioid abuse, chiropractors are well-positioned as qualified healthcare practitioners able to provide pain relief without the reckless dispensation of opioid analgesics. The WCA has pushed for Medicare and Medicaid expansion for Wisconsin and the ACA supports Medicare expansion at the federal level.

WCA is Making a Difference for the Chiropractic Profession

As highlighted above, essential WCA leadership and decision makers are actively making a difference for the chiropractic profession through their advocacy in our nation’s great Capital.

Wisconsin chiropractors must realize that while the WCA has been an active voice for the chiropractic industry, we cannot go it alone. Through a strong collaborative relationship, the WCA and the ACA are well-positioned to advocate for the chiropractic profession.

Ultimately, each and every licensed practitioner must embrace positive changes to develop successful clinics before losing relativity in today’s integrative healthcare sphere.

It is a group effort; will you dedicate some of your free time to advance chiropractic in your community?

Note: the WCA is always looking for engaged members with an interest, or desire, to learn more about the political process to volunteer to serve on our Government Affairs Committee.

To learn more, please contact WCA Executive Director John Murray.



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This is truly an exciting time for Standard Process, our valued chiropractors and their important patients! In addition our partnership with the Wisconsin Chiropractic Association, I am pleased to announce that Standard Process is celebrating our 90th Anniversary in 2019. During the year, we will recognize this important company milestone by highlighting our commitment to advancing healthcare and changing lives through whole food nutrition..

It is my distinct honor to share with you that Standard Process continues to grow based on the whole food philosophy and solid foundation established by Dr. Royal Lee in 1929. Our third-generation, family-owned company remains dedicated to making high-quality, nutrient-dense therapeutic supplements, using cutting-edge technology to validate our original formulas and new product solutions.

From our sustainable, certified organic farm and exceptional manufacturing facility at our Palmyra, Wisconsin headquarters, to opening our Nutrition Innovation Center in spring of 2018 at the Kannapolis, North Carolina Research Campus, Standard Process has become a leader in clinical science and product innovation. Ongoing investments in these essential areas help us ensure that health care professionals and patients receive optimal benefits from our products, including the recent launch of E-Z Mg™.



In closing, I want to extend our deepest appreciation to our Standard Process practitioners and their patients for their exceptional brand loyalty over the years. Together, we are helping countless people achieve their health goals through whole food solutions.

Yours in health,

A handwritten signature in black ink, which appears to read 'Charlie DuBois'.

Charlie DuBois
President and CEO

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Practice Success Starts at the Front Desk

When we look at our team's organizational chart, many of us place ourselves at the top, associates (if we have them) next, then the office manager, billing and insurance team, and the assistants. At the bottom is the front desk staff. Ironically, the people who make up the bottom tier of a practice's organizational chart can often have more of an impact on your practice, good or bad, than most anyone in the office. Why? Because, to the public, they are most likely the first person potential patients talk to.

The front desk person affects your new patients, your growth, your collections, and your patient experience. Those touch points directly affect your bottom line. A new patient can represent potential income over a wide range depending on your practice style. In the average clinic, that number could be between \$1,500 and \$2,000. Multiply that by a conservative five missed opportunities per month, and you're looking at \$7,500 to \$10,000 in lost revenue a month or \$90,000 to \$120,000 in a year. Author Brian Tracy once said, "Hiring the wrong person is the costliest mistake you can make," and he is right. I'll add, with all due respect to Brian, that keeping the WRONG person is even MORE costly because of the collateral damage he or she can have on co-workers.

So, how do you determine the right person for this critical front desk responsibility? Here are a few tips to help you find the right person.

Hire for Personality

Personalities are hard to change, but skills can be learned. If you hire the right personality for the job, it is easy to teach them the skills they need to be successful.

Conduct a Phone Interview

Although this is a great way to narrow the pool of prospective applicants, it is also an essential step in hiring a front desk person. I have seen perfect resumes only to then speak with the candidate over the phone and find they have zero phone/communication skills.

Get a Second Opinion

Never rely on your interview alone. We have no fewer than two people interview each candidate that we consider, and we later discuss what we did and did not like. Other people pick up on different cues and may help you to see the candidate in a different light.

Make Them an Offer They Can't Refuse

If you have found the perfect candidate, make it hard for them to say "No." Offer them a competitive salary with benefits. The adage that says, "you get what you pay for," is almost always true. Additionally, a competitive salary increases job satisfaction, which results in higher productivity and lower turnover.

New patients are essential to practice growth. And the people with the greatest responsibility for getting new patients in the door, sit at the front desk. While they may not directly generate the revenue that the associates can, what they say on the phone, and how they present themselves as the face of your practice, have an enormous impact on your ability to generate revenue. The people you hire can make or break your practice. Be sure to take the time to hire properly from the beginning, and you will be on your way to a more successful, less stressful and profitable practice.

Dr. Ray Foxworth is a certified Medical Compliance Specialist and President of ChiroHealthUSA. A practicing Chiropractor, he remains "in the trenches" facing challenges with billing, coding, documentation and compliance. He has served as president of the Mississippi Chiropractic Association, former Staff Chiropractor at the G.V. Sonny Montgomery VA Medical Center and is a Fellow of the International College of Chiropractic. You can contact Dr. Foxworth at 1-888-719-9990, info@chirohealthusa.com or visit the ChiroHealthUSA website at www.chirohealthusa.com. Join us for a free webinar that will give you all the details about how a DMPO can help you practice with more peace of mind. Go to www.chirohealthusa.com to register today.

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Can we Expect Another Workers' Compensation Fee Schedule this Legislative Session?



WCA lobbyist Tom Moore (pictured left) serves as one of the healthcare liaisons to the Wisconsin Worker's Compensation Advisory Council (WCAC). In this role, Tom represents the interests of the WCA and Wisconsin chiropractors when it comes to proposals coming out of the

WCAC. As the 2019-2020 session of the Wisconsin Legislature gets started, *The Wisconsin Chiropractor* caught up with Tom to get his take on what he expects to see from the WCAC this session and how it might affect WCA members.

Wisconsin Chiropractor (WC): For reader background, how long have you been WCA's lobbyist?

TM: I was hired to represent WCA in February of 2004, exactly 15 years ago. I was brought on in the midst of the legislative crisis that year, when the state Assembly and Senate were attempting to allow regional chambers of commerce to offer health insurance to member companies and be considered self-insured employers, thus avoiding state insurance law obligations. It was a huge fight and WCA prevailed by the sheer strength of our voice in the Capitol and our many good legislative relationships.

WC: How long have you been a liaison to the WCAC?

TM: I was designated as WCA's healthcare liaison in 2011.

WC: As a liaison, are you a voting member of the WCAC?

TM: No. The WCAC is comprised of members representing labor, management and workers' compensation insurance carriers. However, only the labor and management members may vote on issues before the council. Insurance carrier representatives sit at the table with the other council members and may participate in discussion, but are not voting members. The healthcare liaison's role is to advise the council on issues related to the provision of health services to injured employees. We do not sit at the bargaining table or have the right to vote on issues before the council.

WC: Has the WCAC included a WC medical fee schedule every session since you became a liaison? What about elimination of patient choice (directed care)?

TM: No. While the issue of a provider fee schedule was discussed by management representatives from time to time, the first time in the more than 100 year history of the WCAC, that the idea was backed by the entire WCAC was in 2013. Over the years the WCAC and the Department of Workforce Development implemented a mechanism for addressing provider fee disputes by developing a provider fee database and limiting provider payments to a maximum

of 1.2 standard deviations above the mean charge for each specific CTP code.

In 2013, above the vocal objections of the healthcare liaisons, management and labor agreed to create a provider fee schedule which would pay a maximum of the "group health rate" plus 10%. This policy was included in the "agreed upon" WCAC legislation which was drafted and introduced in the Legislature in early 2014. It had the support of labor, management, and the insurance industry. Wisconsin's healthcare providers, led by the WCA, the WI Hospital Association, the WI Medical Society, and the WI Physical Therapy Association fought back. Despite the active lobbying by Wisconsin Manufacturers and Commerce, the insurance carriers and combined labor interests, we were successful in defeating the agreed upon WCAC bill in 2014.

While the concept of directed care did not make it into the 2014 bill, it was discussed at the WCAC. It has been discussed on several occasions since and was the basis for a legislative draft that was circulated in the Capitol in past sessions but has not moved in the Legislature.

WC: Why is the agreed upon bill no longer what is passed by the Legislature like in years past? What has changed?

TM: For many decades, the WCAC saw its role as negotiating about issues related to labor and management - issues each side could understand and control in their respective spheres of influence. Historically, the biennial workers' compensation agreed upon bill was routinely and quickly adopted in the Legislature, precisely because elected officials saw the policies in these bills to be the negotiated position of the relevant stakeholders. In 2013, however, the council began to try and insert itself into the provision of healthcare for injured Wisconsin workers. Wisconsin's healthcare providers do an exceptional job of treating injured workers and helping them to return to their jobs. The government-imposed medical fee schedule agreed to by labor and management in 2013 threatened to upend one of the most successful workers' compensation systems in the United States. The healthcare providers represented by the four liaisons appointed to the WCAC had to fight back, and when we did, we prevailed.

In 2015, the management side of the council proposed a cost containment council, treatment guidelines, and employer-directed care. However, fresh off the defeat to the 2014 cost containment provisions, the council did not recommend those items be included in the agreed upon bill. Members of the legislature did draft a bill that would have allowed employer directed healthcare for workers' compensation, but the bill failed to advance through the process.

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WCA Members Supporting Their Communities

Congratulations to Groskopp Chiropractic!

WCA and Standard Process are proud to congratulate Groskopp Chiropractic of Brillion, WI, as our quarter one Community Involvement winner! Groskopp Chiropractic demonstrated a strong support of their community through volunteering, raising funds, and community events.

For five consecutive years, Groskopp Chiropractic has been an instrumental leader in bringing their community together for a common cause -- children. By coordinating a Tri County Kids Day program, Groskopp Chiropractic dedicates a day to health, safety, and environmental issues that affect residents and the community. This event includes appearances by Ace (the Green Bay Gamblers mascot), a comedy juggling duo, and the Grand Kids Express Train. Children learn about fire safety, internet safety, disease prevention, and health promotion. They get to experience an ambulance, squad care, race car, firetruck, bounce house, face painting, and a special appearance by the Theda Star helicopter. All proceeds are donated to a local cause after the event.



Additionally, each November, Groskopp Chiropractic hosts a Toy, Food and Monetary Drive to benefit the local food bank in Brillion.

Congratulations Groskopp Chiropractic!
WCA and Standard Process are honored to highlight your dedication to the Brillion community.



Thank you to our Community Involvement campaign Corporate Sponsor:



Standard Process, headquartered in Palmyra Wisconsin, has been dedicated to the field of nutritional supplements and the whole food philosophy since 1929. We admire their dedication to ensuring high quality products, promoting healthy lifestyles, and their commitment to strengthening the chiropractic profession. We encourage you to learn more about Standard Process by visiting their website: www.standardprocess.com



Share Your Community Involvement Stories

WCA and Standard Process are proud to acknowledge our members who are working to better their communities. That is why we have started a Community Involvement campaign, to highlight all of those who are volunteering and supporting their communities. www.wichiro.org/CommunityInvolvement

Thank you to the following practices who submitted their community involvement stories:



Tom Terbilcox, Prairie Du Sac

Dr. Terbilcox spends his spring and summers a referee for youth, high school, and collegiate lacrosse. He notes that it is a great form of exercise trying to keep up with the players!

He also volunteers with the National Ski Patrol, which includes more than just the winter months. In the summer months, he is an instructor teaching Outdoor Emergency Care programs for patrollers. In the winter months, he offers service and care to visitors on the ski hills who may suffer an injury or become ill. Additionally, he serves as an ambassador, assisting with customer questions and concerns.



Excel Family Chiropractic & Wellness, Lake Geneva

Excel Family Chiropractic takes pride in their doctors' involvement with students. Throughout the school year, their doctors visit schools and talk about various Chiropractic topics, including sports, injury prevention, and how to help the healing process. This year Dr. Spencer visited students in Mount Zion and they practiced various stretches that help with sprained/strained ankles and knee injuries.



Dr. Jill Davies, Green Bay

Dr. Davies demonstrated numerous examples of volunteerism to charities, residents in need, and support of veterans. She is an active member in the Redeemer Lutheran Church Women's Christian Service Group where she chairs the "cheer" committee, delivering gifts to home-bound members. Additionally, their group meets regularly to make quilts and blankets which they deliver to a women's shelter, half-way house, and homeless shelters. Dr. Davies makes, collects, and signs cards and delivers them to Veterans, and she involves her patients in the process. Additionally, she volunteers at Bethesda Thrift Shop!

WCA and Standard Process® working to Build Chiropractic Success!

Standard Process is dedicated to building chiropractic success through partnerships with WCA and the Foundation for Chiropractic Progress. As a corporate sponsor for both organizations, they share our goals to provide positive media exposure, create an identity of professionalism, and increase patient visits for chiropractic practices in Wisconsin.



WCA Office Moving April 1, 2019

The Wisconsin Chiropractic Association office has been located at 521 East Washington Avenue in Madison, Wisconsin for over 30 years. As with any building, despite great efforts to renovate and maintain a professional office space for the WCA staff and board to conduct the business of the association, time takes its toll. Anyone who is familiar with the development along the East Washington Avenue corridor in Madison will tell you things are changing and the WCA office is feeling the impacts of those changes.

Last year, the WCA Board of Directors made the decision to sell the WCA office building. Effective April 1, 2019, the WCA office will be located at 2401 American Lane, Madison, Wisconsin. The decision to sell the building that has served the association and membership so well was made after much thought and considered a number of factors including:

- The current building is approaching 30 years of age and was requiring more and more maintenance and upkeep.
- The layout of the building was not ADA compliant. Any renovation would have required a significant investment to upgrade the space and attain ADA compliance.
- The multi-level nature of the building layout was not conducive to staff operations.
- The building and parking lot is not large enough to host education programs.
- Traffic around the location continues to increase, impacting access for our members and staff.
- Pedestrian litter, trespassing, panhandling, and other building security issues were impacting staff safety.
- The WCA was offered a sale price well above appraised value. Selling the building and investing the proceeds made financial sense.

Given all of these factors, the WCA Board of Directors approved the sale of the building at the end of 2018 and approved a lease on office space located minutes from the Dane County Airport and just 10 minutes from the State Capitol. The new office space was previously occupied by another nonprofit association and is configured to allow for efficient staff functions, education seminars for members, and a safe, professional environment for WCA staff and board members. Look for more information on the new WCA office and education center once we get settled.

To all of the WCA members who were part of raising the resources to purchase and renovate the WCA office at 521 East Washington Avenue, THANK YOU. Your efforts allowed the WCA to operate a professional level association office for close to 30 years. The proceeds from the sale of the building will be wisely invested for the next 3-5 years, providing the financial foundation for the potential purchase of another WCA building that will serve the needs of WCA members for another 30 years.





Dr. Brenda Holland Travels to Washington, DC with ChiroCongress for 2019 NCLC

This past January, Dr. Brenda Holland attended the ACA's 2019 NCLC in her capacity as 1st Vice president of the ChiroCongress. Formerly known as the Congress of Chiropractic State Associations (COCSA), the association recently rebranded more simply as the ChiroCongress.

ChiroCongress is an organization supporting chiropractic unity at the macro-level. Currently, it has 53 members which may sound minimal, but what makes the ChiroCongress unique is that its membership constitutes entire state chiropractic associations and the licensed chiropractors each association represents. ChiroCongress works to connect state associations from across the country, many of whom operate according to diverse goals and persuasions. To help bridge the gap between various state associations, ChiroCongress produces comprehensive toolkits available to members to assist state associations in their efforts, ranging from association advertising to Opioid guidelines for legislative progress. The ChiroCongress effectively represents well over 30,000 licensed chiropractic professionals nationwide.

This organization has strong leadership with ties to the WCA Board Vice President, Dr. Brenda Holland. Dr. Holland has been with the ChiroCongress since 2014 and has quickly engaged in multiple leadership roles. Not only is she the 1st Vice President of the ChiroCongress, but also chairs the Membership and Student Engagement committees. On top of these external responsibilities, Dr. Holland is the Vice President for the WCA. If that's not enough, she also maintains a busy clinic in southeastern Wisconsin.

As an organization, the ChiroCongress has three main focuses for 2019. The first is to focus on communication. From earning

the respect of chiropractors nationwide as the "cultural authority leader" to strengthened content available to members with the hope of becoming the central hub for information and resources, the ChiroCongress is keenly aware that any professional relationship hinges on proficient communication. The second focus is to incorporate students and new professionals into the association. It is paramount to seek out young chiropractic professionals eager to actively participate in state association(s) nationwide. This effort will help state associations achieve sustainable membership retention, but also serve to bolster future advocacy efforts by including the latest generation of chiropractic professionals. When asked about recent ChiroCongress successes, Dr. Holland said, "I am proud of our student engagement programs," acknowledging the significance of the youngest generation of chiropractors. The third and last focus for 2019 is on Medicare expansion and improved guidelines. Medicare expansion for chiropractors will help level the playing field, allowing individual patients increased options for non-prescription healthcare.

We at the WCA are extremely fortunate to have strong leaders like Dr. Holland who are so invested, not only in their own professional careers but also heavily invested in the progress of chiropractic for all practitioners nationwide. For such immense efforts we must all be willing and able to give praise where praise is due. Thank you for all that you do! ■



Dr. Leo Bronston elected to ACA Board of Governors

The WCA has been fortifying the Wisconsin chiropractic industry since the early 20th century and others such as the American Chiropractic Association (ACA) founded in 1963 aim to serve this same purpose at a national level. The ACA originated as a means to achieve unity throughout the profession in the U.S.

Indeed there are different spheres of influence ranging from state to federal issues, yet the end goal of pursuing attainable equality for chiropractic in the increasingly complicated healthcare marketplace remains the same. It's no secret that various healthcare providers have been at odds with one another since the inception of the American chiropractic industry, and it is vitally important to demonstrate the value of chiropractic as a legitimate healthcare profession.

For this reason, it is with great pleasure that we highlight the great achievement of a longtime member who has proven to be a reliable voice for the chiropractic industry in Wisconsin. Dr. Leo Bronston has actively practiced for over 40 years and has served as an ACA Delegate of Wisconsin for the past decade. We as Wisconsinites are proud to have local support for chiropractic at the national level. Dr. Bronston was recently elected to the ACA's Board of Governors (BOG) and will serve for a 3-year term. In the last year, the ACA has made numerous changes to its governance structure. According to Dr. Bronston, the changes have had a positive effect on the BOG: "The small size of the Board allows us to eliminate the executive committee, streamlining decision-making and resources."

It is easy to lose track of how organizations such as the WCA and ACA actually make positive changes. So, when I asked Dr. Bronston about it, here is what he had to contribute:

Often the governance structure of organizations such as the WCA and ACA are not widely understood; however, effective leadership is essential to accomplishing goals. Dr. Bronston shares that, in the case of the ACA, the Board of Governors sit atop the decision-making hierarchy and is "composed of six members, five who have the degree of Doctor of Chiropractic and one public member. The legislative policy, corporate business and property powers of [the] ACA are exercised, conducted, and controlled by the Board of Governors." An elected BOG member can serve for a maximum of 6 years.



Each BOG member serves as an ACA trustee tasked with sustainably advancing chiropractic within the capacity of a national non-profit organization. Needless to say, BOG members shoulder the lion's share of organizational responsibility, but by "adopting sound, ethical, and legal governance and financial management policies," ACA leadership actively works to mitigate risk, ensuring germane outcomes. In order to achieve these outcomes the ACA relies on the House of Delegates to most effectively carry out and enforce the grand vision of the ACA. The House of Delegates is the legislative assembly of the ACA, with delegates serving from all over the country. The goal of all this effort is to reinforce evidence-based care outcomes and to achieve greater collaboration and integration into the healthcare community. Dr. Bronston states, "As a BOG member, I will work to make the ACA stronger, more relevant and a more successful Association. In this regard, the organization will take advantage of new opportunities in the healthcare marketplace, leveraging expertise at critical moments and engaging new and diverse demographics to attract new members. Making ACA stronger, more relevant and a more successful organization will benefit the profession and society at large."

For much of Chiropractic history, individual chiropractors have primarily taken a defensive approach to advocacy, but recently we are seeing a growing trend of chiropractors pushing to the forefront of the profession when it comes to research and collaboration with other healthcare practitioners. According to Dr. Bronston, "There is a shifting trend towards embracing collaborative efforts with other healthcare professions... [we] as trade associations, need to act [on] changing market trends by providing the chiropractor tools to embrace or keep up with the change."

Therefore, in the words of Dr. Bronston, it is our mission "to inspire and empower our members to elevate the health and wellness of their communities... based on higher standards and patient outcomes." The future of the American chiropractor is of great significance; it is up to organizations like the ACA and the WCA to ensure this future reaches fruition. ■

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CBD vs Hemp Oil - Knowing the Difference Could Save Your License

Can Chiropractors Sell CBD Oil Products in Wisconsin?

CBD oil infused beer, ice cream, and dog treats are just some of the recent products from retailers hoping to capitalize on the widespread popularity and growing mainstream acceptance of the use of cannabidiol (CBD) oil. CBD is a compound of the cannabis plant, which can be extracted from the plant and processed into different products. Unlike tetrahydrocannabinol (THC), which is another compound of cannabis, CBD does not result in a “high.” At the Federal level, cannabis is illegal; however, some states have legalized marijuana for either recreational or medical use, depending on the state.

Following the passage of the 2018 Federal Farm Bill which contained a provision on agricultural hemp, the WCA Help Desk received many questions related to the legality of CBD products in Wisconsin and specifically the ability of licensed chiropractors to sell hemp oil products, including hemp-derived CBD oil. To fully answer this question, you have to step back to what exactly the 2018 federal farm bill did and did not do related to the broader legalization of hemp cultivation and the sale of hemp-derived products. The 2018 farm bill legalized hemp at the federal level provided the hemp does not contain more than 0.3% THC. The new law also allows the transfer of hemp-derived products across state lines for commercial and other purposes. Finally, the new law requires each state to develop a shared state-federal plan to regulate the production of hemp cultivation and production. The 2018 farm bill removed hemp-derived products from the federal drug Schedule (hemp was formerly defined as a Schedule 1 Drug by the U.S. Drug Enforcement Agency (DEA), in the same category as heroin and LSD) and created an exception for certain CBD products provided they are derived from hemp that is produced in a manner consistent with the new law. What this means is that CBD products can be sold in Wisconsin and across the country provided they are hemp-derived and do not contain more than 0.3% THC.

How Does This Affect Wisconsin Chiropractors?

This is where it gets a bit more complicated. Wisconsin chiropractors are allowed to recommend and sell nutritional supplements provided they hold a nutritional counseling certificate from the Wisconsin Chiropractic Examining Board (CEB) and the products they sell meet the definitions of the Food and Drug Administration (FDA). Currently, Wisconsin chiropractors



are prohibited from prescribing, dispensing, delivering or administering drugs as defined in Wis Stat. 450.01(10). The chiropractic code excludes from drugs: vitamins, herbs, or nutritional supplements consistent with the chiropractic nutritional counseling certification law.

Despite expanding the sale and use of hemp-derived products, the 2018 Farm Bill did not alter the Food, Drug and Cosmetic Act (FD&C) which still considers **CBD products as drugs, and not a nutritional product.**

The FDA has issued warning letters to many manufacturers of CBD products for misrepresentations of their products, and will likely continue to do so.¹

Furthermore, after passage of the 2018 Federal Farm Bill, the FDA Commissioner Scott Gottlieb issued a statement² reminding people that, *“it’s unlawful under the FD&C Act to introduce food containing added CBD or THC into interstate commerce, or to market CBD or THC products as, or in, dietary supplements, regardless of whether the substances are hemp-derived. This is because both CBD and THC are active ingredients in FDA-approved drugs and were the subject of substantial clinical investigations before they were marketed as foods or dietary supplements. Under the FD&C Act, it’s illegal to introduce drug ingredients like these into the food supply, or to market them as dietary supplements.”*

The statement also clarified that, *“...some foods are derived from parts of the hemp plant that may not contain CBD or THC, meaning that their addition to foods might not raise the same issues as the addition of drug ingredients like CBD and THC. We are able to advance the lawful*

1. See <https://www.fda.gov/newsevents/publichealthfocus/ucm484109.htm>

2. Emphasis has been added, you can read the full statement here:

<https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm628988.htm>

CBD vs Hemp Oil



*marketing of three such ingredients today. We are announcing that the agency has completed our evaluation of three Generally Recognized as Safe (GRAS) notices related to **hulled hemp seeds, hemp seed protein and hemp seed oil** and that the agency had no questions regarding the company's conclusion that the use of such products as described in the notices is safe. Therefore, **these products can be legally marketed in human foods for these uses without food additive approval, provided they comply with all other requirements and do not make disease treatment claims.**"*

Given the position of the FDA on hemp-derived products that contain CBD (that they are considered a drug and not a nutritional product) and the Wisconsin law prohibiting chiropractors from prescribing drugs, until legal authorities label CBD as a dietary supplement or food, and not a drug, Wisconsin-based chiropractors take a risk with practicing outside their scope by selling or prescribing CBD products.

At this point in time, the WCA does not recommend that you sell CBD oil products, due to the potential risk it could pose to your license. Assuming chiropractors in Wisconsin could get around the scope issue relating to dispensing drugs, they still face the issue of selling products that are not approved by the FDA for the purposes for which the DC would use them. Selling such products could also cause the chiropractor to violate other provisions of the administrative code, such as false advertising (Wis. Admin. Code s. Chiropractic. 6.02(15)), engaging in a practice which creates a substantial danger to the health, welfare or safety of a patient 6.02(1), or violating a law related to the practice of chiropractic 6.02(26).

If you are interested in learning more about **hemp products**, specifically **hulled hemp seeds, hemp seed protein and hemp seed oil** which are considered safe by the FDA, we encourage you to

consult with potential vendors and distributors to verify that their products do not contain CBD or THC. The WCA will continue to update our members on any developments that arise.

Why can nutrition stores sell CBD and restaurants add it to food and beer?

Nutrition stores appear to be able to sell CBD oil provided it does not contain more than 0.3% THC, it is sourced from an authorized vendor, and the persons selling them are not providing the customer with any counsel or advice regarding claims of disease treatments. The FDA still considers CBD to be a drug, so the restaurants and brewpubs who are adding it to food and drinks appear to be running the risk of violating federal law. The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) at this time does not appear to be taking any enforcement actions on CBD as a food additive and is evaluating the impacts of the 2018 federal farm bill on Wisconsin food safety practices. Some states, such as Ohio and Maine, as well as New York City, are beginning to regulate the addition of CBD products into the food supply. The New York City Health Department banned restaurants from selling CBD-laced food and drink products in January, based on the FDA guidelines, and they will begin issuing fines later in 2019 for restaurants still offering CBD³.

Please contact Alicia in the WCA Help Desk with any questions at wcahelp@wichiro.org or 608-256-7023.

Prepared with Barbara J. Zabawa, JD, MPH
Attorney/President
Center for Health and Wellness Law, LLC

3. Angelica LaVito. "New York City plans to start fining restaurants that use CBD in food and drinks." CNBC, February 15, 2019.

Accessed March 4, 2019. <https://www.msn.com/en-us/finance/markets/new-york-city-plans-to-start-fining-restaurants-that-use-cbd-in-food-and-drinks/ar-BBTEtEG>.



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- Watertown. Fully equipped office and attractive building with ample parking. Thompson drop/Act./PP. Approx 1/3 cash, 1/3 insurance, 1/3 Medicare mix. Steady, secure chiropractic and rental income. Sale includes practice, building, furnishings & equipment, and seller transition assistance.
- Beloit. Located in prime lease location off I-90. Div./Manual and instrument adjusting. Established 1975. Active patient base, profitable, fully equipped, 7 yr old x-ray. Health forces sale. Asking only \$22,000.

CHIROPRACTIC EXAMINING BOARD CONSIDERING ONLINE CE RULE

The Chiropractic Examining Board (CEB) has been working on an administrative rule that would allow chiropractors licensed in Wisconsin to take a portion of their required continuing education credits via online programs. The WCA Board of Directors supports online CE programs provided they meet the quality standards set out in state law.

“The WCA has been working with members of the CEB to draft an online CE rule that provides Wisconsin chiropractors with the convenience of taking CE programs online, while protecting the quality and integrity of chiropractic education,” said John Murray, WCA Executive Director.

WISCONSIN BUSINESS GROUPS CONTINUE TO PUSH WORKERS’ COMPENSATION FEE SCHEDULE PROPOSAL

A consortium of business groups led by the state’s large business lobby the Wisconsin Manufacturers and Commerce (WMC), are once again pushing the idea of imposing a workers’ compensation fee schedule. The state’s Workers’ Compensation Advisory Council is expected to consider another fee schedule proposal in 2019 and recommend that it

be added to state law by the Wisconsin Legislature. “We fully expect to see another Medicare-style fee schedule proposal later this year,” said WCA Executive Director John Murray. “As we have done in past years, the WCA will work diligently with other affected healthcare providers to defeat it and preserve the model WC program we currently have in Wisconsin.”

DIRECT PRIMARY CARE LEGISLATION INTRODUCED

Senator Chris Kapenga (R-Delafield) has reintroduced legislation (AB 26/SB 28) that would specifically state that direct primary care contracts between healthcare providers (including chiropractors) and their patients are not considered insurance plans subject to review by the Wisconsin Office of Commissioner of Insurance (OCI). “The WCA has been working with the author of the bill to ensure that chiropractors and their patients have full access to these types of care contracts,” said WCA Executive Director John Murray.



SAVE THE DATE

WCA 2019 FALL CONVENTION

THURSDAY, SEPTEMBER 26
- SUNDAY, SEPTEMBER 29
Kalahari Resort, Wisconsin Dells

A block of rooms is set aside until August 26 at Kalahari Resort. Call 877-253-5466 to book your room and mention Wisconsin Chiropractic Association.

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COLLABORATION WITH OTHER HEALTHCARE PRACTITIONERS

WCA has been receiving numerous questions from members regarding working with other healthcare practitioners and how to structure these arrangements. We currently have some information available on our website, wichiro.org, regarding this topic. You must be signed in with your User Name and password to view these Member Resources, which include:

- Frequently asked questions about physical therapist and massage therapist employees
- Differences between independent contractors and employees
- Sample employment contracts for independent contractors and employees
- Information about ownership of a chiropractic clinic
- Details on the updated delegation law, including other practitioners a DC can delegate services to
- and more



NEW PODCAST

If you're looking for a new podcast, check out Clinically Pressed, co-organized by WCA member Kyle Boland, DC. Topics covered include collaboration, health and wellness, nutrition, fitness, and more.



Once you are signed in, select the Help Desk tab / Practice Resources / Getting Started.

If you still have questions after reviewing this information, the Help Desk can perform preliminary research on your exact scenario. Depending on the complexity of your request, we can also refer you to our lawyer if you wish to retain her. She provides a 10% discount to WCA members.

WCA ANNUAL MEMBER SURVEYS IN ELECTRONIC FORMAT THIS YEAR

Watch for an email from the WCA early this spring inviting you to participate in our annual member surveys. The WCA compiles the responses and makes the survey results available to you as a member benefit. We collect information related to practice trends, staff salaries and benefits, and geographic pricing amounts. Surveys will be performed electronically this year using Survey Monkey, so please watch for the emailed survey invitation. We rely on your participation to continue performing these surveys. Thanks in advance for your participation!



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Located in western Wisconsin near the St. Croix River way. 24-hour fitness center. For passive income and also rehabilitation. Built in 2006 on busy highway in a rural town with a large surrounding population. Options for buyout. I have two clinics and too busy to handle both. Great opportunity. Call for more details. 715-755-2583

ASSOCIATE DOCTOR NEEDED WITH BUYOUT OPPORTUNITY – FOX VALLEY

Busy office needs full-time doctor to assist with patient care. Incoming doctor will be taking over existing patients and have all the tools to be successful including marketing rep to ensure constant new patients, along with a personal coach. Patients consist of PI, insurance, WC, cash, and Wellness. Enjoy all that the Fox Valley has to offer, from the arts to the beautiful surrounding lakes and state parks, etc. Live the life you dreamed. Potential buy-in and/or buyout available. Email your resume to bwelhealthassociates@yahoo.com

BUSY PI OFFICE FOR SALE – APPLETON

Rare opportunity to step into a six-figure income with a great PI practice. Located in high-traffic area surrounded by highly frequented businesses. Consistent attorney referrals. Office also in network with most area insurances and good wellness patient base. Doctor is relocating south to focus on his offices there. Fully equipped with rehab, X-ray, and two adjusting rooms. Palmer package style practice. Please email jbinvestmentsgroup@yahoo.com

CHIROPRACTIC PRACTICE AND BUILDING FOR SALE – MOUNT HOREB

A 32-year established practice in a thriving community 18 minutes west of Madison is for sale. Great opportunity for the right person or group looking to start or expand. This is a turn-key business with all chiropractic equipment staying, ChiroTouch notes and billing software; Bennett auto tech X-ray and Konica processor; two fully furnished treatment rooms; one therapy room; private doctor's office and report room. The historic 1948 Lannon Stone building is on Main Street and boasts not only the 1,800 sq ft chiropractic office, but a 2,200 sq ft two-bedroom apartment with attached two-car garage and large fenced in private backyard. Priced to sell. Please call 608-576-2694 or email pjpropertiesmh@gmail.com for more information.

PRACTICE FOR SALE – SHEBOYGAN

One hour north of Milwaukee on the beautiful shores of Lake Michigan in Sheboygan, WI is an established (12 year) practice priced to sell. Last year grossed \$267,000. Our mission is to provide specific chiropractic neurology adjusting with spinal rehabilitation/fitness along with diet/nutrition and detoxification. The office is a turn-key, state-of-the-art facility that is move-in ready. It includes electronic health record certification with chiro touch software X-ray, MC, MA, and major insurances. Space lease is transferable. All chiropractic equipment, computers, and great staff stay. Motivated seller. Priced to sell. Please email: drendru@yahoo.com or call 920-917-8227 for more information.

IMMEDIATE OPENING – FULL TIME

Join two established doctors at one of the premiere clinics in south central Wisconsin. We have a longstanding tradition of high quality patient care and we are providers for most major insurance companies in the area. Must be licensed in Wisconsin, with excellent patient communication skills, strong adjusting skills, and a love for the art of chiropractic. Fully equipped and staffed. Contract includes commission with guaranteed minimum salary, paid malpractice insurance, and continuing education. Retirement plan and health insurance available. Please email resume and cover letter to wagchiro@gmail.com and visit our website at www.douglaschiro.com

ASSOCIATE WANTED

Currently seeking an associate chiropractor to grow an already thriving multi-physician practice at Van Drisse Chiropractic Center located in beautiful De Pere, WI. De Pere is a suburb of Green Bay in northeast Wisconsin. We offer an excellent work-life balance and low cost of living. A well-suited candidate for this DC position will have a passionate chiropractic philosophy and approach with excellent communication skills. A strong work ethic and desire to learn is paramount as he or she will be joining a dynamic, supportive team treating primarily families and athletes. New graduates and experienced doctors are invited to apply. Starting compensation above average with unlimited earning potential, matched 401K, and additional benefits. For more information, please forward your resume with cover letter. Phone calls accepted after hours at 920-562-3691. Dr. Dave Van Drisse

EQUIPMENT FOR SALE

- Hydrocollator E1(4pk/covers)
- X-Ray (HCM1)
- XLTek Ultrasound/Interferential therapy combo
- Adjusting flat table/bench
- Hoist V6 exercise system
- Back project ATM-2
- Heritage/Thomas adjusting table with 3 drops with tilt head piece
- Baseline hand dynamometer
- Office supplies and fixtures (chairs, vertical file cabinet, copier, fax, printer, wall prints, anatomical charts, etc.)

ALL ABOVE NEGOTIABLE

Located in Madison, WI. Contact: Dale Brockman DC / P: (608) 225-2627 / E: brock17@msn.com (will text equipment photos)

ASSOCIATE DC WANTED AT MADISON CHIROPRACTIC – NORTH

Well-established Madison chiropractic clinic is looking for a highly motivated chiropractor with excellent communication and adjusting skills. We are a multiple DC office that has been in practice for over 38 years. Our support staff consists of front desk/chiropractic technicians, insurance billing, and office manager. We are in network with most area insurances, including Quartz. Techniques include Diversified, Gonstead, Thompson, and Activator. The clinic has an active therapy bay along with mechanical traction. The position will start at 3 days/week with opportunity to grow to full time. This is a great opportunity for the right candidate with potential to buy into the business within two to three years.

Please send resume and cover letter to Office Manager Deb Ross at dlr@madisonchironorth.com



Dr. Ken Luedke Memorial Scholarship

Award Reception • September 28

This year's scholarship recipient will be announced at the WCA 2019 Fall Convention.

The recipient will receive an overnight stay at the Kalahari Resort in Wisconsin Dells and will be recognized at the evening awards ceremony on Saturday, September 28, 2019.



To honor Dr. Kenneth Luedtke, a \$2,000 scholarship is awarded to a student who demonstrates both academic achievement and chiropractic advocacy in the community.

COLIN O'BRADY 4X WORLD RECORD HOLDER

After suffering severe burns on nearly 25% of his body and being told he may never walk normally again, Colin O'Brady has accomplished incredible feats to become one of the world's elite endurance athletes.

Standard Process was proud to help support Colin last July as he broke his third world record, climbing the highest peak in all 50 states in record time. And, ongoing company support helped him achieve his fourth record on December 26 to become the first person to cross Antarctica solo, unaided and unsupported, called "The Impossible First." Colin is the first person to trek across Antarctica solo, unaided and unsupported, foregoing opportunities to resupply and use wind aids - a human-powered, man-hauling journey across the landmass of Antarctica.

In order to embark on this extreme adventure, Colin needed to be in peak mental and physical condition. As part of the Standard Process sponsorship, the company's Nutrition Innovation Center healthcare clinicians and practitioners worked closely with Colin to develop a whole food-based supplement plan that further enhanced his own nutritional plan. This included producing the "Colin Bar" to consume alongside his primary caloric and nutritional intake during the challenge.

A lifelong user of chiropractic care, Colin is fueled by passion and excellence, inspiring others to embark on their own journey to peak health, no matter how big or small. Start your journey at: [#SPJourney](#)



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CLINIC WANTED FOR PURCHASE

Chiropractic Company is currently looking to purchase a clinic in the Greater Milwaukee area. If you have interest in selling, a merger, or are contemplating retirement and need an exit strategy, please contact Kent McLeod at 414-213-4808 or drmcLeod@chiropracticco.com

Or visit chiropracticbuyers.com for additional information

CT POSITION AVAILABLE

Chiropractic Company is a rapidly expanding group of clinics in the greater Milwaukee area and we are currently looking for a chiropractic technician for our Eastside Milwaukee location.

The ideal candidate will have certification in passive therapy, exercise therapy, history, and X-ray. We are willing to cover certification on X-ray if necessary.

We offer health insurance, short-term and long-term disability insurance, and matching 401k plan. Continuing education and 50 percent off of a gym membership are also part of our benefits package.

For more information, email drdukla@chiropracticco.com

WATERTOWN, WI PRACTICE & BUILDING FOR SALE

Doctor retiring. Fully equipped office and attractive building with ample parking. Thompson drop/Act/PP. Approx 1/3 cash, 1/3 insurance, 1/3 Medicare payor mix. Steady, secure chiropractic and rental income. Asking only \$218,000. Contact Loren Martin, Practice Op Inc., 952-953-9444. martin@practiceop.com

ASSOCIATE NEEDED TO TAKE OVER EXISTING PRACTICE

Waupun chiropractic is looking for a hardworking and motivated associate doctor to take over an existing practice. Successful candidate will step into a six-year-old practice, averaging 30-50 patient visits per day on a four-day work week. Looking for a caring doctor who is proficient in diversified/Thompson technique with great personal and business skills. Clinic is primarily family practice with a nice mix of work comp and PI. We utilize digital X-ray, physiotherapy modalities, rehab, and EHR[ChiroTouch]. Buy-in/ownership opportunity exists for the right person. Submit resume or inquiries to: drblohowiak@waupunchiro.com

EQUIPMENT FOR SALE – HAYWARD

Reconditioned Lloyd Galaxy Hylo N/S P Frame hgt 22" – excellent condition. Tilt elevation headpiece w/adjust face cushions, forward and toggle manual cervical drops, spring breakaway chest-pelvic tilt, and pelvic drop-adjust ankle relaxer.

Paid \$6,600 Asking \$5,000

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Lower cervical spine extension adjusting, Y and Y/A adjusting, lateral skull on atlas adjusting, extremity adjusting (knee & foot, etc.).

Paid \$400 Asking \$200

Both items located in Hayward, WI, Ryan T. Hansen, D.C. 715-934-3344
Email: office@hansenchiropractic.net

ASSOCIATE WANTED – DE PERE

Well-established clinic is now hiring an associate doctor who solely utilizes the Gonstead system. Practice is in a state-of-the-art facility and excellent area to live. Position provides the opportunity to refine your knowledge of the Gonstead system and systems for running a successful chiropractic business. Our mission is to get 80% of the population under chiropractic care. Benefits include malpractice insurance, vacation, holidays, and \$250/year allowance for continuing education. To apply, please email your resume and cover letter to ndelorey@deloreychiropractic.com. DeLorey Chiropractic Clinic, 1488 Mid Valley Drive, De Pere, WI 54115. www.deloreychiropractic.com

CHIROPRACTIC TECHNICIAN WANTED – DE PERE

Well-established clinic is now hiring a chiropractic technician. We are ideally looking for someone who is certified to take X-rays or has completed their training to take X-rays. Practice is in a state-of-the-art facility and excellent area to live. This position provides the opportunity to refine your knowledge of taking X-rays. Benefits include paid vacation, paid holidays, and excellent ongoing training. To apply, please email your resume and cover letter to ndelorey@deloreychiropractic.com. DeLorey Chiropractic Clinic, 1488 Mid Valley Drive, De Pere, WI 54115. www.deloreychiropractic.com

ASSOCIATE DOCTOR WANTED – SOUTHEAST WISCONSIN

Southeast Wisconsin clinic in Waukesha County established over 30 years seeks motivated individual to join our staff. The right individual will have the opportunity for ownership once his/her practice is established. The current doctor seeks to retire within 5-7 years. New or recent graduates are encouraged to apply, but we will gladly welcome experienced providers looking for a change. We primarily utilize manual adjusting techniques and offer a wide range of therapeutic modalities and massage therapy. The clinic has a very friendly and skilled staff to assist you in your practice growth. To arrange a confidential interview, please submit a resume and cover letter to newberlinchiro@gmail.com

PRACTICE FOR SALE – BELOIT

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Workers' Compensation Fee Schedule

Again in 2017, the WCAC agreed to a bill that included healthcare provider fee schedule, based on group health and self-insured provider rates. As in 2014, the WCA, WHA, WMS, and WPTA fought back when the bill came to the legislature. Despite the push from employer groups, the bill did not advance through the legislature and died for lack of support.

WC: What do you expect to see coming out of the WCAC this session? Will we see a fee schedule and/or directed care?

TM: It is no secret that WMC and other employers are continuing to look for opportunities to push provider fee schedules, employer directed care, and other methods to impose a fee schedule on healthcare providers who treat injured Wisconsin workers. Whether or not labor agrees to include these provisions in the final package will likely determine if we engage in a similar fight this session.

WC: What is the level of support in the Wisconsin Legislature for a WC fee schedule?

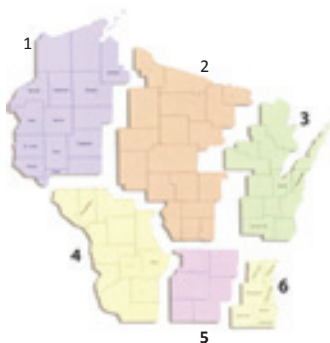
TM: For Wisconsin Legislators who have been through this intense fight over provider cost containment in workers' compensation bills, there is less and less support for a fee schedule each session. However, there are many new legislators who have not considered the contours of this debate. The success of past years' battles on the topic have tempered the enthusiasm of some elected officials who may have previously supported WMC's position on the issue. Nevertheless, there are key legislators who would be inclined to support fee schedules and/or employer-directed care if given the opportunity.

WC: What can WCA members do to educate members of the Legislature on this issue?

TM: WCA members have had a significant amount of influence in the Legislature over the past six years of workers' compensation mandated fee schedule fights. Our members have called and written their legislators at key times in the process and helped convince them of the value of our great workers' compensation system. Other WCA members have testified before joint Legislative Committees and helped draft talking points and position statements that we use in our discussions with elected officials. Should we find ourselves in the position of opposing bills sent to the Legislature by the WCAC, or individual bills on the topic authored by sitting legislators, we will need the grassroots support of WCA's membership to succeed.

Wisconsin's workers' compensation system *should* be the envy of the nation. While it is true that healthcare charged rates for individual CPT codes in WC are higher than in most states, it is also true that the overall costs for each episode of care in Wisconsin are lower than most states. This implies that the utilization of healthcare services for injured workers is lower, and more effective in Wisconsin. Our return to work rate is almost the best in the entire country, and our litigation expenses are lower than all states but one, and our worker satisfaction with the system is well above what is recorded in other states. All of these benefits have come with *multi-year declines in WC insurance premiums in Wisconsin – a total reduction of 11.4 percent from 2015-17.*

WCA has invested significant resources to protect our members' ability to treat injured Wisconsin workers the right way – protecting their right to choose the chiropractor they want for care and to help them heal and get back on the job as quickly as possible. Should we find ourselves in the position of having to do so again, there is no doubt we are ready to lead that fight again this Legislative session.



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