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To: Board of Chiropractic Examiners
Date: August 9, 2012
Time: 9:00 AM
Re: Proposed Rulemaking: 3 CCR 707-1, Rule 7C, Scope of Practice

The Colorado Board of Chiropractic Examiners has issued new proposed rule changes. Among the proposed changes are changes to Rule 7(C) Scope of Practice, which would allow Chiropractors to administer Nutritional Remedial Measures by means of injection, oral, topical, and inhalation.

Under the current version of Rule 7(C), Chiropractors may administer Nutritional Remedial Measures for their patients; however, the term "administer" does not include injections, oral, topical, and inhalation. The proposed change to the rules would permit Chiropractors to administer Nutritional Remedial Measures by injection, oral, topical, and inhalation. The Colorado Medical Society (CMS) hereby objects to new proposed rule 7C on the following grounds:

A. Proposed Rule 7C is inconsistent with and contrary to statute, C.R.S. section 12-33-118; hence the proposed rule exceeds the statutory authority of the Colorado Board of Chiropractic Examiners.

Colorado Revised Statute section 12-33-118 provides:

"[A license to practice chiropractic] shall not confer upon the licensee the right to practice surgery or obstetrics or to prescribe, compound, or administer drugs, or to administer anesthetics."

Further Colorado Revised Statute section 12-33-102(1.7) provides:

"'Chiropractic' means that branch of healing arts that is based on the premise that disease is attributable to the abnormal functioning of the human nervous system. It includes the diagnosing and analyzing of human ailments and seeks the elimination of the abnormal functioning of the human nervous system by the adjustment or manipulation, by hand or instrument, of the articulations and adjacent tissue of the human body, particularly the spinal column, and the use as indicated of procedures that facilitate the adjustment or manipulation and make it more effective and the use of sanitary, hygienic, nutritional, and prevention of disease, and treatment of human ailments. . . 'Chiropractic' does not include colonic irrigation therapy. . ."

Colorado Revised Statute section 12-33-102(2) provides: *"Chiropractic adjustment" means the application, by hand, by a trained chiropractor who has fulfilled the educational and licensing requirements of this article, of adjustive force to correct subluxations, fixations, structural distortions, abnormal tensions, and disrelated structures, or to remove interference with the transmission of nerve force. The application of the dynamic adjustive thrust is designed and intended to produce and usually elicits audible and perceptible release of tensions and movement of tissues or*

anatomical parts for the purpose of removing or correcting interference to nerve transmission and expression."

Under current Colorado law, chiropractors may not prescribe or perform invasive procedures such as injections, transfusions or surgery. Administering medications, through invasive procedures such as injections, through inhalation directly into the lungs of a patient, orally or topically is beyond the scope of practice authorized by Colorado law. The proposed rule conflicts with the design of Colorado statute and would be in excess of the administrative authority granted in the above referenced statutory provisions.¹

Colorado law excepts from its definition the use of needles for venipuncture and acupuncture. If the legislature intended chiropractors to administer drugs through injections it would not have specifically excluded from that definition the use of needles for certain purposes. The legislature intended to exclude the use of needles from the scope of the practice of chiropractic except for venipuncture or the practice of acupuncture. The Board of Chiropractic Examiners cannot adopt a rule inconsistent with the statute.

B. House Bill 10-1416, an effort to change existing law to allow chiropractors to provide medication by injection, did not pass the General Assembly. In testimony, the Colorado Chiropractic Association, acknowledged that existing Colorado law prohibits chiropractors from injecting medication.

In 2010, House Bill 10-1416, sought to allow appropriately trained chiropractors to administer drugs for the treatment of neuromusculoskeletal ailments as follows:

"12-33-118. Use of title. A license to practice chiropractic entitles the holder to use the title "Doctor" or "Dr." when accompanied by the word "Chiropractor" or the letters "D.C.", and to use the title of "Doctor of Chiropractic". Such license shall not confer upon the licensee the right to practice surgery or obstetrics or to prescribe, compound, or administer drugs, or to administer anesthetics, *EXCEPT TO ADMINISTER A FORMULARY BY APPROPRIATELY TRAINED DOCTORS OF CHIROPRACTIC AS DETERMINED BY THE COLORADO BOARD OF CHIROPRACTIC EXAMINERS FOR THE TREATMENT OF NEUROMUSCULOSKELETAL AILMENTS, LIMITED TO TOPICAL, SUBCUTANEOUS, AND INTRAMUSCULAR ROUTES OF ADMINISTRATION.*"

Testimony on behalf of the Colorado Chiropractic Association (CCA) in support of HB 10-1416, which sought to expand the scope of practice of the chiropractor to allow them to inject homeopathic remedies and specific drugs, acknowledged that Colorado's existing law prohibits administration of drugs including by injections or topically and is binding as an admission against the CCA.

¹ Moreover, chiropractic is a health care discipline which emphasizes the inherent recuperative power of the body to heal itself without the use of drugs or surgery. (Association of Chiropractic Colleges, http://www.chirocolleges.org/paradigm_scope_practice.html.)

This bill failed to pass the General Assembly. The Colorado Board of Chiropractic Examiners cannot promulgate a rule expanding the scope of practice of the chiropractors to allow them to administer drugs through topical, oral, inhalation and injection without the authority of an expanded enabling statute.

The legislative history demonstrates a repeated failure by the CCA in the Colorado General Assembly to expand the definition of "administer" to include giving a drug via methods that include but are not limited to injections. (See also House Bill 97-1017.)

C. The Colorado Medical Society opposes the proposed that would allow chiropractors to administer drugs will jeopardize patient safety.

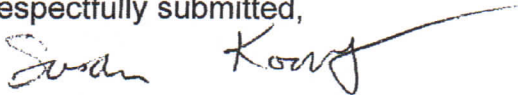
Placing prescriptive authority in the hands of chiropractors seriously compromises patient safety. The ability to prescribe or administer medications requires extensive education and clinical training. And, the difference in education and training between a physician and a chiropractor is vast. Consider the following:

- Medical students are required to take one year of pharmacology courses and receive ongoing pharmacology study and training throughout their third and fourth year of medical school - called clinical rotations which amount to approximately 8000 clinical hours. In addition, they fulfill three to five years of residency; approximately 15,000 clinical hours for family residency and more for specialty residencies
- Pharmacological courses are not part of the required courses that Chiropractic students must take in chiropractic school. Additionally, they must fulfill only 4,200 hours of combined classroom, laboratory and clinical experience over four years of schooling
- Chiropractors do not have any residency component to their educational and training programs.

Safe prescribing is a delicate art that depends on a broad and deep foundation of how medications interact with one another when taken for co-occurring conditions. Patient safety depends on ensuring that practitioners who have studied pharmacology and have a nuanced understanding of drugs are in a position to prescribe and administer medications through inhalation, injections, topically or orally.

In sum, the Colorado Medical Society objects to the expanded scope of practice set forth in proposed rule 7C, as beyond chiropractic's statutory authority, and extends in to the practice of medicine.

Respectfully submitted,



Susan Koontz

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