

Foundation for Vertebral Subluxation

Policy ~ Education ~ Research ~ Service

January 10, 2011

President
Christopher Kent, D.C., J.D.

Vice President
Matthew McCoy, D.C., MPH

Board Member
Veronica Gutierrez, D.C.

Board Member
Curtis Fedorchuk, D.C.

Dr. Kirk Shilts
MPA Task Force Chair
Federation of Chiropractic Licensing Boards
5401 W. 10th Street, Suite 101
Greeley, CO 80634

Dear Dr. Shilts,

The following comments from the Foundation for Vertebral Subluxation are in response to your organization's request for input on the *FCLB Model Practice Act*.

DEFINITION

The definition of chiropractic fails to specifically address vertebral subluxation.

The definition adopted by New Jersey is suggested:

“Practice of chiropractic” means a philosophy, science and healing art concerned with the restoration and preservation of health and wellness through the promotion of well-being, prevention of disease and promotion and support of the inherent or innate recuperative abilities of the body. The practice of chiropractic includes the reduction of chiropractic subluxation, and the examination, diagnosis, analysis, assessment, systems of adjustments, manipulation and treatment of the articulations and soft tissue of the body. It is within the lawful scope of the practice of chiropractic to diagnose, adjust, and treat the articulations of the spinal column and other joints, articulations, and soft tissue and to order and administer physical modalities and therapeutic, rehabilitative and strengthening exercises.

Furthermore, it opens the door to drug prescription by chiropractors, thus the following wording is proposed:

The practice of chiropractic does not include the use of drugs or surgery, except as provided herein.

This wording permits the use of nutritional supplements as defined below, and the practice of manipulative and related procedures which may be considered “surgical” by third party payers.

SUBLUXATION

The following is suggested, incorporating ideas from the New Jersey statute and ACC Paradigm:

“Chiropractic subluxation” means a complex of functional, structural or pathological articular lesions or a local or systemic aberration of the nervous system that compromise neural integrity influencing bodily function and general health. A subluxation is evaluated, diagnosed, and managed through the use of chiropractic procedures based on the best available rational and empirical evidence.

Regulatory Definitions (Page 9) – “Chiropractic Adjustment... done... for the purpose of maintaining or improving health.”

The chiropractic adjustment is delivered to correct or reduce vertebral subluxation.

The term “Subluxation complex” is used as a definition in the document, however the *Vertebral Subluxation Complex* is but one model of vertebral subluxation. The use of one model would reveal ignorance regarding the science surrounding subluxation and its operational definitions as well as limit the growth and development of other models.

References

From NJ Statute:

“Chiropractic subluxation” means a complex of functional, structural or pathological articular lesions or a local or systemic aberration of the nervous system caused by injury, pressure, traction, stress, torsion, or by chemical or electrical irritation, stimulation, or inhibition of a nerve that compromise neural integrity as determined by chiropractic analytical procedures.

From ACC paradigm:

4.0 THE SUBLUXATION

Chiropractic is Concerned with the preservation and restoration of health, and focuses particular attention on the subluxation. A subluxation is a complex of functional and/or structural and/or pathological articular changes that compromise neural integrity and may influence organ system function and general health.

A subluxation is evaluated, diagnosed, and managed through the use of chiropractic procedures based on the best available rational and empirical evidence

CHIROPRACTIC FORMULARY

It is unwise to delegate decisions regarding the practice of chiropractic to another agency, particularly a pharmacy board. Furthermore, statutes should be consistent with the definitions used by the FDA. The concept of “non-pharmacological agents” is not congruent with FDA terminology. Presumably, this section is designed to enable the use of nutritional supplements. Language may be crafted which specifically permits the use of vitamins, minerals, and nutritional supplements, and protects the ability of chiropractors to use such agents,

should they be reclassified as prescription drugs. It is recommended that the proposed language be modified to explicitly limit such authority to the oral administration of such agents:

A person licensed to practice chiropractic under this section may provide dietary or nutritional counseling, including the direction, oral administration, dispensing and sale of vitamins, minerals, and nutritional supplements.

NO TIERING

Section 5.01.3.d appears to provide for “tiering” of the profession. It is strongly recommended that this provision be deleted. California Law provides that only one form of chiropractic license be issued. A similar provision should be included in the Model Law.

One form of certificate shall be issued by the board of chiropractic examiners, which said certificate shall be designated “License to practice chiropractic.”

AUTHORITY TO SIGN CERTIFICATES

The Model Act should provide explicit authority for chiropractors to sign health certificates on parity with other providers.

A person licensed to practice chiropractic shall have the authority to sign health certificates, including those required by law. This includes, but is not limited to temporary or permanent impairments; school, employment and athletic participation examinations; birth, marriage, and death certificates; and any other health certificate consistent with chiropractic practice.

NEEDLE INSERTION THERAPY

Acupuncture and Oriental Medicine constitute a separately licensed profession. The term “needle insertion therapy” is not defined.

Please do not hesitate to contact us with questions regarding the above recommendations. We look forward to corresponding with FCLB on this matter and hope to hear your thoughts on our suggestions.

Regards,

Christopher Kent DC, JD
President

Matthew McCoy DC, MPH
Vice President

Veronica Gutierrez DC
Board Member

Curtis Fedorchuk DC
Board Member