

California's Sweeping Victory on Scope of Practice

In November 1983, the California Chiropractic Association (CCA) determined that it was imperative to end the 60-year battle over the proper legal scope of chiropractic practice. The CCA board directed CCA legal counsel, Michael Schroeder, to undertake the necessary legal and historical research to draft a complete and accurate definition of the legal scope of chiropractic practice under California's Chiropractic Act. The CCA board also directed Mr. Schroeder to recommend the most effective means to make this definition the law in California.

In July of 1985, after almost 18 months of research, Mr. Schroeder presented a proposed definition of the legal scope of chiropractic practice to the CCA board of directors. Mr. Schroeder recommended that the best method of enacting this definition into law would be to petition the California Board of Chiropractic Examiners (CBCE) to adopt the definition.

The CCA board petitioned the CBCE to adopt the proposed definition as a regulation; after two years of regulatory hearings the CCA's proposed definition was adopted as law in August 1987.

Organized medicine immediately went on the attack. Within one month suits had been filed by the California Medical Association, the California Board of Medical Quality Assurance, the California chapter of the American Physical Therapy Association, the California Physical Therapy Examining Committee, ten medical doctors, and ten physical therapists. These suits claimed, among other things, that chiropractors could not diagnose, use ultrasound, use thermography, use x-ray, or perform physical therapy.

Four years of protracted and bitter litigation followed. Mr. Schroeder, representing the CBCE, was criticized for serving over 20,000 interrogatories and for being unnecessarily confrontational with the attorneys for organized medicine. Mr. Schroeder accused organized medicine of engaging in a cynical attempt to smash chiropractic solely to line the pockets of medical doctors in California.

After four years of fruitless litigation, organized medicine capitulated and agreed to accept a virtually identical definition of the legal scope of chiropractic, one that retained diagnosis, ultrasound, thermography, x-ray, and physical therapy. A final judgment containing this agreement was entered by the Sacramento County Superior Court on May 29, 1991, reaffirming the right of a DC to diagnose any condition or disease, and to use physical therapy techniques, ultrasound, x-ray, and thermography.

"The ability of chiropractic patients to receive high quality chiropractic care would have been devastated if organized medicine had been successful in advancing the narrow financial interests of its members," stated Louis Newman, D.C., chairman of the California Board of Chiropractic Examiners.

"The fact that this litigation went on for four years is a scandal," stated Willard Smith, D.C., president of the California Chiropractic Association.

"Organized medicine wasted millions of dollars of public money for the sole purpose of restricting

competition from chiropractic doctors, and state funds should not be used for such purposes," Dr. Smith said.

"This is a sweeping victory for chiropractic patients and their doctors in California," stated Mr. Michael Schroeder. "It reaffirms the right of chiropractic doctors to continue the same high quality of health care that they have provided since becoming licensed in 1922. The chiropractic profession's licensing board regrets that it was forced to defend itself in this frivolous suit. The medical and physical therapy licensing boards accepted the exact settlement terms that had been continually offered by the chiropractic board for over a year. I can only assume that the state's current fiscal difficulties finally cut short the ability of these state agencies to waste public money on this court action," Mr. Schroeder concluded.

"This is a sweeping victory for chiropractors everywhere. Organized medicine tried to smash chiropractic by attacking its scope of practice. This attack failed completely."

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