

## What Is A State Board For Anyway? Part 1

Donald M. Petersen Jr., BS, HCD(hc), FICC(h), Publisher

Test Giver.

Law Maker.

Protector of the Public.

Gate Keeper.

Discipliner.

Requirer of Continuing Education.

What is a state board for? Why do we have them? What is their job? Do they do that job or just exist?

In California, the Board of Chiropractic Examiners' objectives are stated:

"The Board of Chiropractic Examiners was established by the Chiropractic Act of California, an initiative measure passed by the voters in 1922. The Act assigned to the Board primary responsibility for assuring the consumers of California that providers of chiropractic services are adequately trained and meet recognized standards of performance for treatment and practice. The Board uses licensing, continuing education and disciplinary procedures to maintain standards. It also sets educational standards for recognized chiropractic colleges, reviews complaints and investigates possible violations of the Chiropractic Act."

The bottom line seems to be that the state board was created to insure that a person could seek the care of a chiropractor with confidence.

Health Care With Confidence -- what a great concept! Isn't that one of our profession's claims to fame? A chiropractic patient doesn't have to be concerned that they will be immediately rushed to the operating room or loaded up with drugs with hard-to-pronounce names and frightening side-effects.

The only way a chiropractic patient will ever have either of these two questionable options presented to them is after conservative chiropractic care has been ruled-out as an option for effectively dealing with the ailment in question. Even then, the referral that the patient will receive will undoubtedly be to another health care provider who also believes in a conservative approach.

But, how does the state board guarantee and maintain Health Care With Confidence (at least in chiropractic)?

Licensing, continuing education, disciplinary actions, recognizing chiropractic colleges, review complaints, and investigate violations - these are the methods the state board uses to insure competent care within chiropractic. But are these being performed effectively?

Some chiropractors have lost faith in their boards. One DC who called recently (not from the state of California) spoke about a patient of his who had a very legitimate complaint against a local chiropractor. The patient could prove not only overutilization and unethical conduct, but insurance fraud as well. This DC stated that he had received the documentation from the patient to prove it.

The DC went on to say that he presented these violations to one of his state board members and asked what could be done. The answer was that the doctor in violation, if found guilty, would probably only be suspended for one month.

This kind of apathetic self-disciplining is probably one reason why the public and the insurance companies in some states have lost respect for the chiropractic boards. The DC who presented the violations has since decided to let the state attorney general and the department of consumer affairs handle the case instead of allowing it to be mishandled by his own state board.

The inability to adequately address certain abuses of the insurance system is one of the reasons why the California Board of Chiropractic Examiners is currently proposing legislation that would allow them to administer complaint arbitration.

Some other problems that affect the ability of a state board to function effectively are:

1. Having the same board members for unreasonable lengths of time. Some states have had the same board member for 30 years. This does not allow for other chiropractors to serve on the state boards, and precludes an environment conducive to the temptation for "empire building."
2. A state board not having its own attorney and investigator. This proves very problematic when, as in California, the state attorney general represents both the medical board and the chiropractic board. Also, when you can hire (and fire) your own people, they tend to be more interested in accomplishing what you want, instead of taking the path of least resistance.

Ask yourself these two very basic question:

If I were brought before my state board on charges that I was innocent of, could I depend on the ability of my state board to protect my innocence?

Is my state board proficient enough to the point that I could "with confidence" recommend ANY chiropractor in my state to my best friend?

If the answers to these two questions are not "YES," then you and the other DCs in your state need to make some changes.

APRIL 1990