

N.J. Court Rules Against Extraspinal Adjusting

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Last month, a state appellate court in New Jersey ruled that the adjustment of an extraspinal joint was outside the scope of practice for the state's chiropractors. In the malpractice case of *Bedford v Riello*, a chiropractor was accused of deviating from his scope of practice by adjusting a patient's knee without linking the condition to a spinal subluxation. After reviewing the case on appeal, the court ruled that the chiropractor's treatment of the knee was indeed outside New Jersey scope of practice, and sent the case back to the trial court.

For years, the New Jersey State Board of Chiropractic Examiners has operated under the regulation that allows chiropractors to treat the articulations of the spine "and related structures," thus permitting the adjustment of extraspinal joints. However, after conducting its own independent analysis of the regulation, the court concluded, "The scope of chiropractic practice in New Jersey is limited to adjustments of the spinal column and does not include the adjustment of other joints." This ruling contradicts the position of the board and is contrary to "common chiropractic practice on both state and national levels," according to Sigmund Miller, DC, executive director of the Association of New Jersey Chiropractors (ANJC).

In the opinion of Dr. Miller and the ANJC, "This decision could have a negative impact on the many tens of thousands of chiropractic patients who have previously benefited from extraspinal adjustments [and] who are now deprived of this treatment option by the court." Upon learning of the case, the ANJC filed a *Friend of the Court* brief. However, the association was not notified of the litigation until after the initial trial loss and appellate court ruling. Since the decision has been issued, "The ANJC has again been asked by the chiropractor's malpractice attorney to join them [in] requesting that the New Jersey Supreme Court overturn the appellate court's decision and will be doing all it can to convince the Supreme Court to reverse this decision, which is filled with numerous errors and inaccuracies regarding chiropractic practice in New Jersey."

The *Bedford* decision leaves New Jersey chiropractors between a proverbial rock and hard place. As of April 18, 2007, any chiropractor in the state who performs an adjustment of joints outside the articulations of the spinal column will be risking financial liability or charges of professional misconduct for providing services outside their scope of practice. The ANJC recommends that until this decision is overturned or a new chiropractic scope of practice is enacted, New Jersey chiropractors should refrain from performing manipulation of joints outside the spinal column.

For more information about this case, visit www.anjc.info.

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