

Wild West: DCs Take on PTs

CALIFORNIA, NEVADA DCS DEFEND THE CHIROPRACTIC ADJUSTMENT.

Editorial Staff

Regardless of the relationship you may have with a physical therapist or how far you think the two professions have come in recent years in terms of multidisciplinary appreciation and cooperation, it remains clear that from a legal / scope-of-practice standpoint, there is still work to do. The latest proof comes from the West Coast, where doctors of chiropractic in both California and Nevada have been forced to take action of late to protect their exclusive right to perform joint manipulation / adjusting.

Let's go first to California, where the California Chiropractic Association has been instrumental in introducing [Senate Bill 381](#) into the state legislature. The bill would add Section 734 to the California Business and Professions Code as follows:

"(a) Notwithstanding any other law, a health care practitioner subject to regulation pursuant to this division shall not be authorized to perform a joint manipulation or joint adjustment except for the following individuals: (1) A chiropractor licensed by the State Board of Chiropractic Examiners. (2) A physician and surgeon licensed by the Medical Board of California. (3) An osteopathic physician and surgeon licensed by the Osteopathic Medical Board of California.

"(b) A health care practitioner who performs a joint manipulation or joint adjustment in violation of this section engages in the unlawful practice of chiropractic, which shall constitute good cause for the revocation or suspension of the health care practitioner's license, or any other disciplinary action deemed appropriate by the health care practitioner's licensing board.

"(c) For purposes of this section, 'joint manipulation' and 'joint adjustment' are synonymous terms that describe a method of skillful and beneficial treatment where a person uses a direct thrust to move the joint of a patient beyond its normal range of motion, but without exceeding the limits of anatomical integrity, as taught in chiropractic schools or colleges."

Commenting on the legislation, CCA President Tracy Cole, DC, said: "In a 1976 opinion, California Attorney General Evelle J. Younger concluded that, 'A physical therapist may not directly manipulate or adjust the spine or any other bony structure.' It has become clear that this opinion is not being followed and is the reason for seeking passage of this bill."

Speaking of attorney generals, the Nevada attorney general recently offered its official opinion on whether a licensed PT could "lawfully perform any manipulation or adjustment of the spine or any other articulation of the human body that involves a [thrust](#) from a practitioner." The Chiropractic Physician's Board of Nevada requested the opinion.

In its Feb. 7, 2013 response, the Nevada Office of the Attorney General stated: "A physical therapist may not directly manipulate or adjust the spine or other bone structure. ... Thrust manipulations and/or adjustments are recognized techniques and beyond the scope of activity for a physical therapist."

David Rovetti, DC, president of the Nevada Board, explained to *DC* the reason for contacting the

attorney general:

"In 2008, the Chiropractic Physician's Board of Nevada became aware of a group teaching weekend courses in Grade 5 thrust mobilization to physical therapists in, among other cities around the country, Las Vegas, Nevada. ... Meeting with the Physical Therapy Board in 2008, it became apparent that they had no interest in withdrawing the continuing education hours they committed to give to physical therapists attending this seminar. They believed their laws prohibiting practicing chiropractic and a chiropractic adjustment did not mean a Grade 5 mobilization. In an attempt to clear up this matter, a request to the Nevada Attorney General was made by our Board."

"[Following the attorney general's Feb. 7 Opinion], a letter to the Physical Therapy Board was sent requesting they rescind their continuing education approvals of the 2013 and 2014 weekend courses taught in Las Vegas by the [group]. ... We are currently awaiting the Physical Therapy Board's response."

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