

## Sacre Bleu! Judge Rules Against Chiropractic

### QUEBEC DCS LOSE RIGHT TO DIAGNOSE, ORDER LAB TESTS

Editorial Staff

The chiropractic profession has suffered a serious setback in the Canadian province of Quebec. On Feb. 25, 2003, Superior Court Judge Gilles Blanchet ruled that doctors of chiropractic can no longer order medical tests or diagnose health problems not directly related to the spine and back.

Judge Blanchet's decision stems from a nearly two-year legal battle between the Quebec Chiropractors Association (*Association des Chiropracticiens du Québec - ACQ*) and the Association of Students in Chiropractic, *Université du Québec à Trois-Rivières (ASC-UQTR)*; and the *Office des Professions du Québec (OPQ)*, a governmental agency charged with protecting the public and ensuring optimal training standards for professionals.

At issue is a section of Quebec's Chiropractic Act which states, in part, that "every act, the object of which is to make corrections of the spinal column, pelvic bones or other joints of the human body, by use of the hands, constitutes the practice of chiropractic," and that a chiropractor "may determine by clinical and radiological examination of the spinal column, pelvic bones and other joints of the human body, the chiropractic treatment indicated."

On Aug. 16, 2001, the *Montreal Gazette* reported that the OPQ had sent notices to laboratories in the province that tests ordered by chiropractors were no longer authorized. It then requested that UQTR exclude biomedical analysis from its chiropractic curriculum. Outraged by the request, the ACQ and ASC-UQTR filed suit against the OPQ and obtained a Superior Court injunction mandating the Office reverse its notification.

As the lawsuit made its way through the court system, chiropractors tried other means to reach common ground with the OPQ. In November 2002, members of the profession testified before the Office for nine days in an attempt to change its position on chiropractic, but to no avail.

"We do what's often called a chiropractic diagnosis," Dr. Richard Giguère, president of the ACQ, told the *Montreal Mirror* last November. "When we see there is a pathology that could create problems to a patient's health, we'll refer him to a medical doctor."

"If the judge rules against us, it would mean that Quebec's chiropractors would be the only ones in the world who didn't have the right to diagnose," Giguère added. "Offering diagnoses has been part of our practice for 100 years, not only to treat the patient, but to see if the patient would benefit from chiropractic care."

Meanwhile, Quebec's citizens attempted to take matters into their own hands and turned to the provincial government for help. Between Oct. 22 and Nov. 20, 2002, seven petitions totaling more than 120,000 names were delivered to the Quebec National Assembly emphasizing the importance of chiropractic care and asking that chiropractors continue to be allowed to perform diagnoses, order lab tests and prescribe ultrasounds. However, the National Assembly was unwilling to intercede. On Dec. 17, 2002, Government House Leader Andre Boisclair tabled the petitions without the matter being brought to a vote, leaving the decision in the hands of the court.

While the OPQ may have won this round, the battle over chiropractic scope of practice in Quebec is by no means over. The day after Judge Blanchet's decision, representatives of the ACQ, the ASC-UQTR and the Order of Chiropractors of Quebec (*L'Ordre des chiropracticiens du Québec*, the province's licensing body) vowed to appeal the decision.

*Dynamic Chiropractic* has obtained a copy of Judge Blanchet's decision, and is in the process of having it translated. Look for updates on this story in a future issue of *DC*.

### *References*

1. Gravenor K. Chiro in crisis. Quebec spine manipulators wage a two-flank war on their detractors. *Montreal Mirror*, November 2002.
2. Doctors angered by lab-test ban. *Montreal Gazette*, Aug. 16, 2001.

APRIL 2003