

Delaware DCs Regain Right to Testify in Court

DELAWARE CHIROPRACTIC SOCIETY'S LEGISLATIVE EFFORTS PAY OFF

Editorial Staff

On Feb. 21, 2003, Delaware governor Ruth Ann Minner signed Senate Bill 2, restoring the rights of doctors of chiropractic to testify in court and ending a debate over whether chiropractors have enough training and education to give expert-witness testimony.

For many years, Delaware chiropractors were permitted to offer opinions on matters relating to causation, permanent impairment and disability. However, in January 2000, a Delaware superior court judge ruled that a chiropractor could not testify on issues of causation, permanency or chronicity, because the DC's education, skill and experience were insufficient under the circumstances of that case. Similar decisions were handed down in court cases in June and August 2002. The Medical Society of Delaware then joined the fray, voicing its opposition to DCs speaking as expert witnesses in court on the grounds that chiropractors are not "physicians."

Faced with such mounting challenges to its members, the Delaware Chiropractic Society produced material showing that chiropractors fell under the state's "physician" category, then pursued the issue through legislative channels. The result was SB 2, which amends Title 24, Chapter 7 of the Delaware code to read:

Any chiropractor who is duly licensed as a chiropractic practitioner under this chapter shall be deemed competent to offer opinions in the courts, administrative agencies and other tribunals of this state as to matters of causation, within the scope of chiropractic practice, provided the testimony is offered to a reasonable degree of chiropractic certainty and there is otherwise an adequate foundation for the admission of this testimony.

Any chiropractor duly licensed under this chapter shall also be deemed competent to offer opinions in the courts, administrative agencies and other tribunals of this state as to matters of permanent impairment or disability, provided the testimony is within the scope of chiropractic practice, and is offered to a reasonable degree of chiropractic certainty and there is otherwise an adequate foundation.

SB 2 was co-sponsored and introduced by Sen. James Vaughn (D), and passed the Senate unanimously on Jan. 21, 2003; Rep. Roger Roy (R), a longtime friend of chiropractic who attempted to have similar legislation passed last year, sponsored the bill in the House, where it passed by a 31-3 vote on Jan. 30.

"We are grateful that our state legislators understand the importance of chiropractic health care to their constituents," noted the society in an official press release. "Chiropractic is fortunate to have so many friends in our state legislature."

Reference

1. Delaware Chiropractic Society press release, March 17, 2003.

