

## Quebec DCs, Patients Stage Rally to Protest Court Ruling

COALITION ASKS LEGISLATURE TO REVISE CHIROPRACTIC ACT

Editorial Staff

On Saturday, May 24, a coalition of approximately 2,000 doctors of chiropractic and their patients filled the streets of Montreal, Quebec, braving a steady spring rain as they marched to the downtown offices of Jean Charest, the province's new premier. The reason for their gathering was twofold: to voice their protest to a recent court decision that banned DCs from ordering medical tests or diagnosing health problems not related directly to the spine and back; and to ask that Charest's administration revise portions of the province's chiropractic law so as to render the court decision invalid.

"The term 'diagnosis' is owned by medical doctors," explained Dr. Richard Giguere, president of the Quebec Chiropractors Association (Association des Chiropracticiens du Québec - ACQ), "and they don't want chiropractors or any other profession to do diagnosis."<sup>1</sup>

The ACQ, along with the Association of Students in Chiropractic, Université du Québec à Trois-Rivières (ASC-UQTR), are in the midst of appealing the decision, which was handed down in February and has made Quebec the only jurisdiction in North America that does not allow chiropractors to diagnose patients.

Quebec has had a chiropractic law on the books since 1973. Division IV of the Quebec Chiropractic Act states: "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." Regarding chiropractic treatment, while the Act does not include diagnosis specifically, it nevertheless states: "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."

Diagnosis also plays a large part in the education of chiropractic students. Clinical and laboratory diagnosis are among the subjects required by the Council on Chiropractic Education as part of a school's chiropractic curriculum. For instance, graduates of the UQTR program receive more than 1,600 hours of diagnostic instruction as part of their training.

The issue of chiropractic diagnosis stems from an ongoing legal battle between the ACQ, ASC-UQTR and the Office des Professions du Québec (OPQ), a government agency charged with protecting the public and ensuring professionals meet certain training standards.

In August 2001, the Office began sending notices to laboratories in Quebec that tests ordered by chiropractors were no longer authorized. It then requested that the UQTR exclude biomedical analysis from its chiropractic curriculum. In response, the ACQ and ASC-UQTR joined forces and filed suit against the OPQ. Their initial efforts against the agency were successful, as they obtained a court injunction requiring the Office to reverse its notification process.

As the suit traversed the Canadian court system, representatives of the chiropractic profession tried to reach an understanding with the OPQ. In November 2002, members of the profession testified for nine days in an attempt to explain the chiropractic scope of practice and change the Office's position, but their efforts were unsuccessful.<sup>2</sup>

In the meantime, Quebec's citizens tried to have the provincial government resolve the matter legislatively. In October and November 2002, the Quebec National Assembly received petitions signed by a coalition of more than 120,000 chiropractors, patients and students asking that DCs continue to be allowed to diagnose patients, order lab tests and prescribe ultrasounds. In December, however, the Assembly tabled the petitions without the matter being brought to a vote, leaving the profession's fate in the hands of Superior Court Judge Gilles Blanchet.

On Feb. 25, Judge Blanchet ruled that only medical doctors could diagnose patients, and further forbid chiropractors from ordering medical tests on patients.<sup>3</sup> However, in his decision, he suggested that the Quebec Chiropractic Act be revised to clarify the chiropractic scope of practice, and called on the public to lobby Parliament to make the necessary legislative changes:

"The role of the court, it should be made clear, is not to make laws, but to ensure that they are applied.

"If members of the public consider that the exclusive right to practice does not meet these criteria, it is up to them to convince Parliamentarians to act accordingly. This is not, however, a matter for a court of justice....

"Section 7 of the Act expressly authorizes the chiropractor to 'determine... the indication of chiropractic treatment,' which clearly constitutes an act of the nature of a 'diagnosis,' in the secondary meaning commonly used for the term. (...this is an important legislative nuance everyone will have to deal with as long as the Act has not been amended) ....."<sup>4</sup>

On Feb. 26, the ACQ and ASC-UQTR announced they were appealing the decision. They have since been joined in the case by the Order of Chiropractors of Quebec (L'Ordre des chiropracticiens du Québec - OCQ), the province's licensing body.

The three parties have until July 25 to launch an appeal. At the demonstration before Premier Charest's office, however, Dr. Giguere remained optimistic that a solution could be reached without having to go through the court system.

"The legislative approach is the one we want," he said.<sup>1</sup>

Until the Chiropractic Act is amended, however, Judge Blanchet's ruling could prove costly to the province. According to the Canadian Chiropractic Association, approximately 840,000 people in Quebec visit a chiropractor each year. Dr. Normand Danis, president of the OCQ, told the Canadian Press that if even half of those people had to visit a general practitioner to be diagnosed before returning to a DC for treatment, it could cost Quebec's health-care system up to \$12 million a year in extra paperwork and inefficiency.

"That would put more people in the medical offices, when they say there are already too many," Danis lamented. "So, 420,000 people would have to go see a medical doctor and spend money from the public health-care system just to get a paper to get chiropractic care."<sup>1</sup>

Fortunately, it appears that chiropractic has the ear of the new premier. Danis added that Charest

had already written the OCQ, and said he would look at having the Chiropractic Act revised.

"We think that this is the time to correct and harmonize Quebec with the rest of North America," said Dr. Danis.<sup>1</sup>

The Quebec legislature is expected to discuss ways to reform the Chiropractic Act during this summer's legislative session. Look for more updates on the status of the chiropractic profession in Quebec in an upcoming issue of *Dynamic Chiropractic*.

### *References*

1. Quebec chiropractors march through rain to demand right to diagnose patients. Canadian Press, May 27, 2003.
2. Gravenor K. Chiro in crisis. Quebec spine manipulators wage a two-flank war on their detractors. *Montreal Mirror*, November 2002.
3. Sacre bleu! Judge rules against chiropractic. *Dynamic Chiropractic*, April 21, 2003: [www.chiroweb.com/archives/21/09/26.html](http://www.chiroweb.com/archives/21/09/26.html).
4. Excerpted from *Request for Support: Declaration of the Quebec Coalition of Chiropractic Patients and Organizations*.

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