

Nebraska Attorney General Gives Opinion on the term "Chiropractic Physician"

Editorial Staff

The chiropractic state organization in Nebraska is the Nebraska Chiropractic Physicians Association (NCPA). It has had that name for over 35 years.

In 2000, the NCPA proposed to the Nebraska Chiropractic Board (NCB) that chiropractors in the state be referred to as *chiropractors/chiropractic physicians*. As Dr. Daryl Wills (now the current president of the ACA) explained in *DC*,¹ the term *chiropractic physician* was first postulated to the NCB because a district court judge had interpreted the state's law to mean that doctors of chiropractic were not covered by physician liens. "This was not a scope issue in any manner," Dr. Wills pointed out, "nor is there any intent of using the term *chiropractic physician* to indicate a desire to use drugs or surgery. That is not within the scope of our practice. This is a reimbursement issue only."

On November 3, 2000, a meeting was held in Lincoln, Nebraska under the auspices of the Department of Health and Human Services and a professional mediator to review the proposed name change. During the meeting, the NCB and NCPA members were surprised to see that letters were presented that were written by DCs Guy Riekeman² (president of the Palmer colleges); Sid Williams (president of Life University); Gerard Clum (president of Life West); and Robert Hoffman (then president of the ICA). These letters categorically objected to chiropractors being called *chiropractic physicians*.

The Nebraska chiropractors questioned whether chiropractic college presidents or the ICA had any business interceding in this state issue.

The result of the meeting was that the Department of Health and Human Services, Regulation and Licensure forwarded the proposal to the state attorney general's office for a legal opinion. Dr. Wills noted at the time: "In the meantime, our doctors no longer have the protection of a physician's lien for their services. This is not a desirable position, and is a step backwards for our profession."

Opinion from the Nebraska Attorney General

On December 11, 2001, Don Stenberg, attorney general for Nebraska, gave his opinion on the use of the term *chiropractic physician* in Nebraska. Stenberg concluded:

" thoughtful courts and legal practitioners have reached remarkably different conclusions on whether the term "chiropractic physician" may properly be employed by a licensed chiropractor. Under these circumstances, this appears to us to be an issue properly resolved by the Board of Chiropractic.

"In sum, it is our opinion that because Nebraska statutes are ambiguous, it is within the authority of the Board of Chiropractic to resolve this ambiguity and to authorize chiropractors to identify themselves as chiropractic physicians. However, pursuant to Neb. Rev. Stat. 71-107, all signs, announcements, stationery and advertisements must include the work 'chiropractor' in addition to any other lawfully recognized terminology."

References

1. Daryl Wills,DC. Chiropractic physician a term used in Nebraska to assist third-party reimbursement - not an issue of scope.*DC* March 12, 2001 (www.chiroweb.com/archives/19/06/21.html).
2. Guy Reikeman,DC. Where do we stand? *DC* March 12, 2001 (www.chiroweb.com/archives/19/04/14.html)

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