Dynamic Chiropractic

Point -- Counterpoint: "Chiropractic," or "Chiropractic Medicine"

MORE THAN SEMANTICS INVOLVED IN FLORIDA?

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"Chiropractic" Now Illegal in Florida

The chiropractic profession has fought for decades against those who would eliminate chiropractic. But in the waning hours of the Florida legislature session, an amendment was placed onto a large health care bill that eliminated the profession of "chiropractic" in Florida. As you read this, "chiropractic" is now only legally licensed in 49 states in the United States. It is once again not legal to practice "chiropractic" in one state in the very nation where chiropractic was born. It is now illegal for a "chiropractor" to hang out a shingle to practice "chiropractic." And the worst part of this true scenario is that individuals within our own profession perpetrated this coup.

If you are shocked by my opening remarks, you should be. What has happened is that individuals within the Florida Chiropractic Association (FCA) have slipped through an amendment into Florida law that changed every legal reference of the profession of "chiropractic" into the newly-named profession of "chiropractic medicine." Yes, you have read this correctly. There is no longer a profession of "chiropractic" in Florida. It has been replaced by the profession of "chiropractic medicine." Also in this transition, all references to the title of "chiropractor" were eliminated and replaced with the term "chiropractic physician." So in essence, it is illegal for a "chiropractor" to practice "chiropractic" in Florida.

For years, those formally in the profession of "chiropractic" in Florida were allowed to call themselves chiropractors, doctors of chiropractic, or chiropractic physicians. With the legislative terminology now removing the word "chiropractor," all one can do is call oneself in Florida is a "chiropractic physician," or a "doctor of chiropractic" engaged in the practice of "chiropractic medicine," despite the fact that there is really no profession or degree named chiropractic medicine.

The rationale given by those behind this coup in the FCA is that this move will give the profession (whatever its name is now) parity in law and payment in certain programs. As if any insurance company or government agency is going to be fooled and change its payment for chiropractic (arrest me for using the name) services because some political types slipped through a name change. Keep in mind that these changes were done by only a few, without consultation from other organizations, without open discussion, without approval of the profession in Florida or nationwide, without consultation of the accrediting agencies, and without any regard for the pride our profession has shown for over 100 years.

This move spits in the face and on the graves of our profession's forefathers who went to jail in the early days for practicing "chiropractic" without a license. Many of these individuals served time in prison when they could have been released if only they had admitted to practicing "medicine." And

now, for the false glimmer of a few pieces of silver, a handful of Judases in our profession have sold out our heritage and history for their own warped agendas. Despite all the political "spinning" and rationale that I'm sure will be spewed out from the FCA, there is not a single goal of acceptance or equality that could not have been accomplished without having to surrender our identity and dignity in this way. Shame on all of you who played a part in this deception.

I, for one, will remain a "chiropractor." I will continue to practice "chiropractic." If I have to go to jail to do it, it will be no greater a price to pay than that which was paid by those who came before me and went to jail for the millions of suffering patients who have been helped by this wonderful profession called "chiropractic."

I remain proud to be "chiropractic"!

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Name Change Protects Chiropractors

There is misinformation being put out about the legislative process that changed the name of the Florida Board of Chiropractic to the "Florida Board of Chiropractic Medicine."

There was no "last minute undebated amendment." The House bill had the language for over a month and was drafted that way, along with the podiatry language. The Senate bill was drafted before the House bill and did not have the language. It was the intent of both the Senate and House committee chairmen to make the bills identical. So, they waited until both bills were in the same chamber, which turned out to be the Senate after the House passed its bill. The Senate took up the Senate bill, amended onto it any language from the House bill that was not in the Senate bill, and then passed out a Senate bill that was now identical to the House bill. That's why an uninformed observer gets the impression that it was a last minute undebated amendment. Had the Senate bill passed the Senate before the House bill passed the House, the Senate would have taken up the Senate bill, amended the House language onto it and send it to the House for final passage. Anyone who was watching the bills and who had followed the process would have been aware of the language at the beginning of session.

The name change to Board of Chiropractic Medicine was a deliberate move to counter the resolutions by the AMA urging legislation prohibiting the use of the term physician to anyone but allopaths and prohibiting diagnosis and certain insurance reimbursements to nonphysicians. The osteopaths, podiatrists and the FCA joined to change references in the Florida statutes to osteopathic physicians, chiropractic physicians and podiatric physicians and change the name to "Board of Chiropractic Medicine." There have been many places in the statutes for years where chiropractic was referred to as "chiropractic medicine" and included in the practice of medicine.

There are a number of Florida Appellate Court decisions referring to the practice of chiropractic medicine. In 1977, in the case of Horowitz v. American Motorist Ins. Co., 343 So. 2d 1305 (Fla. 2d DCA 1977), the Second District Court of Appeal addressed the issue of a chiropractic physician being qualified to give an "expert medical opinion" about injuries under the automobile no-fault law. The defense argued that a chiropractor cannot give a medical opinion required for any court testimony.

The court found: "Dr. Dorto is licensed to practice chiropractic medicine in the state of Florida. His credentials included a baccalaureate degree in science, and professional degrees in radiology and chiropractic medicine. He defined his profession as "... the study in science and art of detecting nerve interference and/or pressure from the spinal nerves and other joints in the body." (343 So. 2d 1305, 1306). The court further found: "Medical" relates to the science of medicine and the practice of chiropractic is the practice of medicine, although in a restricted form." (343 So. 2d 1305,1308.) Accordingly, the court held that a chiropractic physician can give medical opinions and testify as an expert in the field of medicine.

The Board of Chiropractic Medicine is located within the division of medical quality assurance of the Department of Health, together with all of the health care boards.

The 1998 amendments assure that chiropractors cannot be frozen out of insurance payments, or disqualified as team physicians, school physicians, etc. The chiropractic licensing statute has for years made reference to the practice of chiropractic medicine. Therefore, I do not understand any concern about the change.

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