

## Chiropractic Ethics and the Law -- Is It Legal?

Linda Elyad, DC

Regarding your chiropractic school course work in ethics and jurisprudence, choose the answer that applies to you:

- a. *What course in ethics and jurisprudence?*
- b. *It was a joke.*
- c. *I snoozed through it.*
- d. *It was some of the most dynamic, relevant hours in chiropractic school.* e. *What's jurisprudence?*

The course in ethics and jurisprudence I took in chiropractic college was widely regarded as recess. In anticipation, before the appointed hour, the hacky-sak balls would eagerly be brought out and caressed. The teacher stood before the few die-hards who attended the classes and mumbled incoherently. Though the class notes were practically unreadable, we all passed with flying colors because the final exam was so easy.

As eager, innocent, know-it-all students, we didn't know what we were missing. The word among the students-in-the-know was "shine this one on." Our goal was to pass the boards. The boards contained vast quantities of scientific minutia that we had to be very careful to be able to regurgitate properly. Anything they were trying to teach us about ethics and jurisprudence would be irrelevant to passing the boards.

It's regrettable, for when we started in practice, we were confused and uncertain about what's ethical and what's legal. We got advise from more experienced DCs, staff members, and practice management seminars. Sometimes we were learning misinformation or "legal" ways to get "around the system."

"Is it legal?"

"Uhm Hmm. It's the way it's done."

The whole chiropractic profession seemed to be incoherent and mumbling about ethics and what's legal. In contrast, the message is loud and clear about "success."

In California the past two years, we've had the opportunity to hear loud and clear what's legal and what's not through the joint efforts of the California Chiropractic Association and H.J. Ross Co. "Is It Legal?" is a seminar to give doctors all the information they need to practice legally in our state. I got a seminar notice in the mail from them that had a list of questions:

Is it legal to advertise free services?

Is it legal to offer "prepayment plans" to cash patients?

On a past due balance, can I charge interest?

How about a coupon to help patients meet their deductibles?

How do you do legal billing?

What about my ads?

What would happen if you're caught cheating?

Are you committing fraud without even knowing it?

Seeing the questions gave me a pause for thought. I hope they give you pause, too.

I attended the seminar to review it for Dynamic Chiropractic. I will be reviewing other seminars from time to time in this column.

It was an opportunity to hear well-organized presentations of the answers by experts on chiropractic health care law. It was also an opportunity to take care of completing our 12 units of continuing education requirements for the year.

Laws that apply to us were presented. The laws themselves are complex. They're from many different parts of the law:

- business and professions codes
- the California Chiropractic Act of 1922
- contract law, as it applies to insurance and interest charges
- state laws that regulate prepaid health plans
- how malpractice intersects with civil and criminal laws

The speakers took as the basis for their presentations the questions above and other commonly asked questions that seminar registrants submitted with their registrations. They explained what the applicable law is and how it applies.

Though four out of five speakers were attorneys, their presentations brought down the abstract language of law to concrete situations. Every point was illustrated with examples, making the situations vivid for us.

They made us understand why the rules exist as they do and how it all applies to us. It was very motivating for us. It made us want to make sure we're doing the right thing, and it helped us know how to do it.

If you're not sure about the answers to all of the questions above, you've got a problem. You need to

learn more about the law as it applies to you.

The Wilk case demonstrated that we are perceived as commonly unethical and prone to illegal practice. We need chiropractic doctors all over the country to stand for legal and ethical practice in our profession. No more mumbling incoherently, no more "shining it on." With pressures in the opposite direction because of the recession, it's time to be especially clear.

The "Is It Legal?" seminar by H.J. Ross and the California Chiropractic Association is an admirable effort. Postgraduate education courses teaching DCs how to run their practices legally should be available everywhere.

*Linda S. Elyad, DC*  
*San Rafael, California*

JULY 1993