

## CCA Voices Concern over Group Opposing 302

Editorial Staff

On April 4, 1991, the Office of Administrative Law approved a revised definition of the scope of chiropractic practice. On May 30, 1991, the California Board of Chiropractic Examiners (CBCE) approved that definition under section 302 of Title 16 of the California Code of Regulation.

Some chiropractors have reacted to the revised 302 with alarm. One wonders, however, if the DCs opposing 302 have read it very carefully.

In an open letter to DCs in California, the board of directors of the California Chiropractic Association (CCA) expressed concern over four California DCs that are promoting a "Chiropractic Defense Fund" opposing 302.

The board stated that the four doctors involved were disseminating information and analysis of 302 that was false. The CCA board is recommending that DCs read the analysis of 302 in the September issue of the California Chiropractic Journal by Howard Ross, an insurance consultant in health care, and an "exhaustive dissection of 302 and the history of the chiropractic scope in California" by the CBCE's attorney, Michael Schroeder. (See Michael Schroeder's article "California's Sweeping Victory on Scope of Practice in the July 5, 1991 issue of "DC.")

The CCA board cautioned against "believing the physical therapist's version" of 302, and added: "If any insurer refuses to pay for physical therapy by a licensed chiropractic doctor... such action by an insurance company will be taken directly to the State Insurance Commissioner..."

As Michael Schroeder points out, under the revised 302, "chiropractic doctors are authorized to employ the techniques of physical therapy functioning with their role as chiropractic doctors." Previously the California Chapter of the American Physical Therapy Association (CCAPTA) had insisted that DCs be required to manipulate each time physical therapy techniques were performed. "It was CCAPTA's backing down on this demand that permitted this litigation to be settled," Mr. Schroeder explained.

The CCA does recognize that 302 is not without fault. The monthly publication of the CCA characterizes Section 7 of 302 as "not a model of clarity."

Despite some ambiguity in 302, the CCA supports the revised 302 because of the many important practice rights upheld for chiropractic; rights that have been agreed to by organized medicine.

Refer below for the revised text of 302:

### 302. Practice of Chiropractic

1. A duly licensed chiropractor may manipulate and adjust the spinal column and other joints of the human body and in the process thereof a chiropractor may manipulate the muscle and

connective tissue relate thereto.

2. As part of a course of chiropractic treatment, a duly licensed chiropractor may use all necessary mechanical, hygienic, and sanitary measures incident to the care of the body, including, but not limited to, air, cold, diet exercise, heat, light, massage, physical culture, rest, ultrasound, water, and physical therapy techniques in the course of chiropractic manipulations and/or adjustments.
3. Other than as explicitly set forth in Section 10(b)<sup>1</sup> of the Act, a duly licensed chiropractor may treat any condition, disease, or injury in any patient, including a pregnant woman, and may diagnose, so long as such treatment or diagnosis is done in a manner consistent with chiropractic methods and techniques and so long as such methods and treatment do not constitute the practice of medicine by exceeding the legal scope of chiropractic practice as set forth in this section.

4. A chiropractic license issued in the state of California does not authorized the holder thereof:

(a) to practice surgery or to sever or penetrate tissues of human beings, including, but not limited to severing the umbilical cord;

(b) to deliver a human child or practice obstetrics;

(c) to practice dentistry;

(d) to practice optometry;

(e) to use any drug or medicine included in materia medica;

(f) to use a lithotripter;

(g) to use ultrasound on a fetus for either diagnostic or treatment purposes; or

(h) to perform a mammography.

(5) A duly licensed chiropractor may employ the use of vitamins, food supplements, foods for special dietary use, or proprietary medicines, if the above substances are also included in Section 4052 of the Business and Professions Code, so long as such substances are not included in material medica as defined in Section 13 of the Business and Professions Code.

The use of such substances by a licensed chiropractor in the treatment of illness or injury must be within the scope of the practice of chiropractic as defined in Section 7 of the Act.

(6) Except as specifically provided in Section 302(a)(4), a duly licensed chiropractor may make use of x-ray and thermography equipment for the purposes of diagnosis but not for the purposes of treatment. A duly licensed chiropractor may make use of diagnostic ultrasound equipment for the purposes of neuromuscular skeletal diagnosis.

(7) A duly licensed chiropractor may only practice or attempt to practice or hold himself or herself out as practicing a system of chiropractic. A duly licensed chiropractor may also advertise the use of the modalities authorized by this section as a part of a course of chiropractic treatment, but is not required to use all of the diagnostic and treatment modalities set forth in the section. A chiropractor may not hold himself or herself out as being licensed as anything other than a chiropractor or as holding any other healing arts license or as practicing physical therapy or use the term "physical therapy" in advertising unless he or she holds another such license.

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1. 10(b) prohibits chiropractors from advertising for the treatment of venereal disease or conditions relating to the menses of women.

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