

ANJC Tries to Reverse Bedford Ruling

LEGISLATION IS PASSED BY THE N.J. ASSEMBLY AT 11TH HOUR, BUT MUST WAIT UNTIL THE FALL FOR SENATE CONSIDERATION.

Editorial Staff

In April 2007, a New Jersey appellate court ruled that adjusting of an extraspinal joint exceeded the state's chiropractic scope of practice. The ruling in the malpractice case of *Bedford v Riello* contradicted the long-standing position of the New Jersey State Board of Chiropractic Examiners, which has operated under the regulation that allows chiropractors to treat articulations of the spine and "related structures."

At the time of the ruling, Dr. Sig Miller, executive director of the Association of New Jersey Chiropractors (ANJC), said the decision not only contradicts the position of the board, but also is "contrary to common chiropractic practice on both state and national levels." He and the ANJC contend that the ruling "could have a negative impact on the many tens of thousands of chiropractic patients who have previously benefited from extraspinal adjustments [and] who are now deprived of this treatment option by the court."

Following the April 18 ruling, the ANJC joined the chiropractor involved in the malpractice case in requesting that the New Jersey Supreme Court overturn the appellate court's decision. And just two months later, on June 18, a bill designed to provide the state's chiropractors with the ability to adjust extraspinal joints was introduced in the New Jersey Assembly.

With the summer break approaching, Assembly Bill 4416, drafted and introduced by Wilfredo Carabello (D - District 29), moved quickly to the Assembly floor under emergency status. According to ANJC Legislative Chair Steve Clark, DC, such status is given in less than 1 percent of all legislation. This allowed the bill to move directly to the Assembly floor for a vote, rather than the often tedious review by various committees. However, it then required a two-thirds margin, rather than a simple majority.

The Assembly passed A.4416 on June 21 by an overwhelming 66-5 margin, only three days after the bill's introduction. However, it did not receive emergency status in the Senate before day's end, and thus never went to the floor for a vote. Dr. Clark said this means the Senate will not look at the legislation (Senate version: S.2871) until September, when it reconvenes for a series of anticipated meetings.

ANJC leadership spearheading the legislative efforts is confident the Senate would have passed the bill had it been given emergency status and gone to the Senate floor for a vote. The ANJC is optimistic that the bill will move quickly in September, and that it can be signed into law by the governor by year's end. Until then, New Jersey chiropractors remain prohibited from performing extraspinal adjustments.

Resources

1. New Jersey Legislature - Bill Tracker. www.njleg.state.nj.us.
2. "N.J. Court Rules Against Extraspinal Adjusting." *Dynamic Chiropractic*, May 21, 2007. www.chiroweb.com/archives/25/11/13.html.
3. Clarke S. "ANJC Removes to Reverse Bedford Impact." *New Jersey Chiropractor*, July/Aug 2007 (in press).
4. ANJC Legislative Update. Received June 22, 2007.

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