

06/04/15

Dear Madam Chairperson and members of the board:

Thank you for the opportunity to express my views at the June Board meeting and to submit them in writing.

As a former Chiropractic Board Chairman I can attest that, in the last five years, chiropractic board members and staff have spent over 1,000 hours researching, debating and writing on how to reduce the chiropractic regulatory burden while balancing the need for clear regulations to protect the public. As sitting board members you inherit the fruits of our labor as well as the considerable task of bring into being a modernized regulation.

The results of our five year effort were elegantly crystallized by Attorney York in her October 3, 2014 letter to Director Mark Kmetz, including the Small Business Impact Statement and Executive Order package, which I encourage you to give careful attention. There is very little I can add to this, however I would like to address how proposed changes to 4.01: Scope of Practice, will reduce the regulatory burden while maintaining protection to the public.

- **4.01 (1) (a) and (c):** According to the chiropractic enabling act Section 89, Chiropractic is defined as *"the science of locating and removing interference with the transmission or expression of nerve force in the human body..."* In 4.01 (1) (a) and (c) this broad definition of chiropractic was reduced down to the treatment of neuromuscular, musculoskeletal, biomechanical, and neurological conditions. This regulatory language is duplicative as the proper definition of chiropractic is already given in Section 89 and this regulatory language places an additional burden on the practitioner as it is more limiting than Section 89.
- **4.01 (1) (d):** Currently 4.01 (1) (d) lists several services that a chiropractor may provide, *"Counseling and instruction patients of all ages regarding health matters including but not limited to the following: nutrition, supplementation, diet, exercise, activities of daily living, ergonomics, and good health habits."* The proposed regulation seeks to clarify that these services may be provided by a chiropractor concurrent with or independent from a chiropractic procedure. There are many reasons that a chiropractor might want to give such advice in the absence of chiropractic procedure, perhaps primary are patients who are seeking advice and are not interested in receiving a procedure. Such advices require no license and are given by all healthcare professionals. Additionally with the specialized training chiropractors receive on non-drug approaches to health care they are eminently qualified to provide such advice. I would also point out that the duties of a chiropractor are not limited by the definition of chiropractic; but include activities like documentation, reporting suspected abuse and may include activities like taking vital signs, screening for serious medical conditions, making appropriate referrals, and other activities necessary to the wellbeing of their patients.
- **Proposed regulation 4.01 (4):** This proposed regulation seeks to reduce the administrative burden on chiropractors by clarifying that symptoms are not required to prove that a chiropractic subluxation exists. A chiropractic subluxation is a physical entity that can be identified by physical finding such as palpation, mal-alignment, range of motion abnormalities, and tissue changes. Many health conditions such as diabetes, cardiovascular disease, and cancer can progress for years with physical findings but no noticed symptoms; chiropractic subluxations are one of them.

Thank you for what you are doing to protect the public and our profession. I look forward to seeing the wonderful document that I am sure you will produce.

Yours for health naturally,

Robert Baritz, DC