

Questions posed by the Economic Affairs Committee for the Board Review under House Bill No. 525. – Chiropractor Board of Examiners

1. It is the function of the Board of Chiropractors to:
 - a. Oversee the applications of Doctors of Chiropractic to practice in the State of Montana. This consists of making sure new applicants have credentials showing their proper training and education to meet the requirements in place by the Board of Chiropractors, and to insure that new applicants have no past history of criminal or disciplinary actions that would pose a risk to the public if they were to be granted a license. The process also includes that applicants have adequate knowledge of the rules and regulations that govern a practitioner as are specific to the State of Montana.
 - b. Monitor the relicensing of Doctors of Chiropractic on an annual basis. This includes collecting fees necessary for the support of the costs of the Board of Chiropractors and also insuring that they have met the requirements of continuing education as stated in the rules and regulations.
 - c. Handle any complaints formally instituted by the public regarding the proper engagement of chiropractic services by a specific practitioner. This includes investigating complaints, making judgement on any complaints, and imposing any disciplinary measures to a Doctor of Chiropractic, should a complaint be found to have merit.
 - d. Monitor the current rules, regulations and statutes for the State of Montana as it pertains to the practice of Chiropractic. This includes changing existing rules or instituting new rules to keep current with the proper administration of chiropractic to insure the safety of the public.

Chiropractors in the State of Montana are considered to be primary portals of entry into the health care system, with the responsibility of diagnosing, properly treating, and properly referring patients for care of their health problems. Chiropractors, medical doctors and osteopaths are the only health practitioners with the responsibility to diagnose health problems in the State of Montana. It is imperative that Doctors of Chiropractic meet the necessary standards of education for the proper diagnosis of patients. This can only be insured if this occupation is regulated to insure that a Doctor of Chiropractic has met the requirements for such adequate education.

2. If this occupation were not licensed, the public would be at risk of being examined and evaluated for their health concerns by practitioners that may not be adequately trained in the proper diagnosis of health care conditions. When patients are seen by a chiropractor, it is necessary for the chiropractor to know if their condition is being caused by any condition ranging from a simple muscle strain to a disease process, such as cancer.

Public protection would also be lost if there were not disciplinary measures to be wagered against the license of a practitioner. The public deserves to know that the practitioner they are engaging the service of is licensed in good standing with the adequate skills as determined by the Board of Chiropractors. If a practitioner does not have the requirements of licensing, the public would not have any recourse in the case of a complaint of improper practice procedures. Malpractice insurance for practitioners mandates that the practitioner is licensed.

3. The board is necessary to oversee the complaint process by the public. The complaint process requires members of the board who are current with their knowledge of the practice of the occupation, and the understanding of best practices involved in the administration of the occupation. The Board of Chiropractors has 3 members who are practicing chiropractors with adequate knowledge of the profession and the administration of care given to patients.

4. The Board of Chiropractors cannot deal with anyone who is unlicensed. Their jurisdiction is only with those who are licensed. Unlicensed individuals claiming to be practicing Chiropractic and have complaints issued by the public need to be addressed through county attorneys..

5. Having a Board of Chiropractors with licensing requirements and rules and regulations regarding the proper administration of Chiropractic does not prevent anyone from earning a living. The only prohibitive factor is the cost of licensing, which is minimal as compared to the expenses of running a business. Licensing only insures that those who are practicing are doing so with the safety and welfare of the public in mind.

6. The Board of Chiropractors minimizes bias among board members toward particular licensees and applicants in the following manner:

a. New applicants are insured licensing through objective criteria. This includes the graduation of an accredited college of Chiropractic and/or the holding of a license in another state – where reciprocity is involved. The only time a new application comes before the Board members is if there is an issue with past disciplinary measures by a board in another state towards the applicants license, or legal issues that have been filed against an applicant. Bias is minimized by the concurrence of all board members' opinions, with legal implications being kept in mind as toward the Boards authority.

b. Board bias toward particular licensees is kept to a minimum by following the rules and regulations that are in place for the Board. There are specific rules that deal with the actions of practitioners. If a complaint is filed, the Board members must find specific rules that have been broken. Further bias is minimized by having a public member on the Board who can add input as to the merits of the infraction.

7. The occupation of Chiropractic does have a professional association, the Montana Chiropractic Association. (MCA) The purpose of the MCA is to promote the advancement of chiropractic in the state of Montana. This causes a conflict of interest with the protection of the public. While the MCA does promote proper ethical behavior of the profession and its members, their primary function is to promote chiropractic to the public. Membership in the MCA is voluntary, and the MCA derives its funding from dues by the members. If they were to be placed in a disciplinary role, their focus may favor the dues paying member, and bias against any person from the public instituting a complaint.

There have also been times in the past where various chiropractors in the state have discussed starting a different professional association due to differences in philosophy as to how the profession could be promoted. If there were more than one professional association, there would be conflicts as to which one should be the oversight body.

8. Insurance companies require the licensing of practitioners for reimbursement. To my knowledge, I am not sure if they require a Board to be in place. I do know that massage therapists were not able to bill insurance companies prior to being licensed and regulated during this past year. If unlicensed chiropractors were to have insurance benefits for their patients, it would require the referral of a medical doctor for such care. This would place a large burden on medical doctors to take the time to refer and supervise the care of a patient under chiropractic care. It would also place a burden on any patient, since they would have to schedule an appointment with their medical provider to obtain a referral.

9. The benefits of a board being part of the licensing and discipline process, rather than having the process handled strictly by the department, is that the board has the expertise of chiropractors who are practicing every day, and have knowledge specific to the various applications of health care procedures. With all of the various techniques, therapy modalities, diagnostic criteria and best practices models in place within the profession, it

would be very difficult for a department member to discern whether a doctor of chiropractic was within their scope of practice as it pertains to many of the complaints that are filed. As an example, if a complaint is filed for overutilization, a department may not know if this would be proper, given the diagnosis and medical/chiropractic findings in regard to examination, x-rays and response to treatment.

10. I believe that there currently is an optimum ratio between licensees, board size and public representation with the current set up of the Board of Chiropractors. This is evident in the minimal amount of meetings that the board is required to have per year compared to some of the other boards. Currently, the board meets two times per year, and is able to handle all of the issues that come before it.

11. There may be merit in having complaints handled by the Attorney Generals office. My concerns would be that as stated in question #9, the office of the Attorney General may not be as prepared to handle the complaints of best practices as well as Doctors of Chiropractic that sit on the board. Complaints handled by the Attorney Generals office may have significant lag time before being handled since the Attorney Generals office fields many complaints, many of which may have a much higher priority. We have found this to be the case in complaints of unlicensed practitioners. Complaints filed to county attorney's are often placed on the back burner because they have lower priority status. Cases of fraud within the profession could be referred to the Attorney Generals office.

12. For the most part, I have not seen cases of scope of practice that have been seen to overlap. The rules, regulations and statutes seem to fall in fairly well prescribed lines of demarcation. I believe that the language involved in the rules and statutes should keep this question from being judged subjectively, so that there should be no overlap. It is incumbent on the board to keep an eye on situations as they occur and change their rules accordingly for better clarification.

13. The question as to the ability of a board to limit use of certain terminology to only a licensee is a perfect example as to why some boards should stay in existence. It is only with a complete knowledge of a profession as held by the members of that board, that these types of questions can be adequately answered. With the communication between boards, all of the various implications of such language can be hashed out to best serve the public interest, without serving to protect their turf. This is another reason that if disciplinary oversight bodies were placed with professional associations, some of these questions may never meet with any resolution.