

STATE OF
CALIFORNIA
ARNOLD SCHWARZENEGGER, Governor

Board of Chiropractic Examiners

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April 8, 2004

Elisa Moffitt
Medical Community Liaison
Fresno District Office, SCIF

Dear Ms. Moffitt:

The following is in response to your request for clarification on the Board's interpretation of **Section 302 (a)(2)** of the California Code of Regulations:

"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 in the course of chiropractic manipulations and/or adjustments."

The Board interprets this regulation as meaning that licensed D.C.s may employ a wide variety of physical modalities in the course of treatment but that during most, if not all, chiropractic office visits manual manipulation should be provided to the patient. There are, of course, conditions that contraindicate manual manipulation. With some conditions (i.e. early phase of acceleration/deceleration injury) manipulation may not be incorporated into the treatment program initially, but will be in relatively short order. This is understood by the Board as reasonable and well within the scope of practice. For other conditions (i.e. post-surgical rehabilitation of knee), manual manipulation will not be incorporated into the treatment program at any point. This is perceived by the Board as being a violation of the scope of chiropractic practice.

I hope you find the above helpful. Should you have further questions, please do not hesitate to contact my office.

Yours truly,

M. Maggie Crow, D.C., D.A.C.B.R., M.A.
CBCE Consultant

Dear colleagues:

During the most recent DODC teleconference I was asked (as I understood it) to provide you with the text of Article 1 Section 302 (a)(2): Practice of Chiropractic – Scope of practice. It is as follows (with punctuation intact):

“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 in the course of chiropractic manipulations and/or adjustments.”

The Board interprets this as meaning that during most, if not all, chiropractic office visits, manual manipulation should be provided to the patient. There are, of course, conditions that contraindicate manual manipulation. With some conditions (i.e. early phase of acceleration/deceleration injury) manipulation may not be incorporated into the treatment program initially, but will be in relatively short order. This is understood by the Board as reasonable and well within the scope of practice. For other conditions (i.e. post-surgical rehabilitation of knee), manual manipulation will not be incorporated into the treatment program at any point. This is perceived by the Board as being a violation of the scope of practice.

It was mentioned during the teleconference that attorney Michael Schroeder, one of the framers of this regulation, claims that the colon separating the term “water” from the phrase “and physical therapy in the course of chiropractic manipulations and/or adjustments” was placed there intentionally so that the rules applying to physical therapy would somehow be different than those applying to air, cold, diet, etc. The Board is well aware of Mr. Schroeder’s ‘punctuation defense’ for the practice of physical therapy by chiropractors. The Board staff, our deputy attorney general and many others have discussed the issue at length. Nonetheless, I can tell you from my own experience that when complaints alleging violation of 302, such as that illustrated above, are submitted to the Board and are shown to have foundation – we do go forth with some level of the disciplinary process.

I hope you find the above helpful. Should you have need to refer to any portion of the statutes and regulations pertinent to the practice of chiropractic in California, you may find them at www.chiro.ca.gov.

M. Maggie Crow, D.C., DACBR; M.A.
CBCE Consultant