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BILL ANALYSIS

Senate Fiscal Agency

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House Bill 4463 (Substitute H-6 as passed by the House)

Sponsor: Rep. Lloyd F. Weeks

House Committee: Public Health

Senate Committee: Commerce and Technology

Date Completed: 5-23-88

Mich. State Law Library

**SUMMARY OF HOUSE BILL 4463
(Substitute H-6 as passed by the House):**

The bill would amend the Public Health Code to revise the definition of "practice of chiropractic" and to state that chiropractors could take patients without the need for a referral. In addition, the bill would make a number of other changes in the treatment methods and analytic instruments that chiropractors are allowed to use and the scope of their practice.

Practice of Chiropractic

The bill would expand the definition of "practice of chiropractic" as follows:

Diagnosis. Presently, chiropractors may use "spinal analysis" to diagnose only the existence of spinal "subluxations" or misalignments that produce "nerve interference".

The bill would expand the statutory definition of diagnosis to allow chiropractors to use, in addition to spinal analysis, "evaluation" and physical examination in order to diagnose not only the existence of spinal subluxations and misalignments but also (1) "malpositioned osseous (bony) articulations of the spine", (2) the existence of abnormal interrelationships between the nervous system and the spinal column, and (3) the need for chiropractic care and, if chiropractic care were needed, the course of that care.

Treatment methods. Chiropractors are allowed to adjust spinal subluxations or misalignments and "related bones and tissues" in order to establish "neural integrity" by using the "inherent recuperative powers of the body".

The bill would allow chiropractors, in addition, to manipulate spinal subluxations or misalignments and to adjust and manipulate malpositioned osseous articulations of the spine. In addition, chiropractors would be allowed to use a number of additional ("ancillary") physical measures in order either to prepare the patient for chiropractic manipulation or adjustment or to complement chiropractic manipulation or adjustment. The allowable physical measures listed in the bill include massage, mobilization, traction, heat, cold, air, light, water, electricity, and therapeutic ultrasound.

Allowable instruments, X-rays, apparatus and other procedures. Chiropractors are allowed to use certain "analytic instruments", nutritional advice, rehabilitative exercises, and adjustment apparatus, all of which must be regulated by rules promulgated by the Board of Chiropractic Examiners. (Note: "Analytic instruments" are defined in administrative rules as "instruments which monitor the body's physiology for the purpose of determining subluxated or misaligned vertebrae or related bones and tissues". The Board's approved list of such

devices currently includes such devices as weight scales, plumbines, levels, protractors, rulers, electronic infrared thermography, X-rays, and muscle strength evaluation devices.) Chiropractors also may use X-rays to locate spinal subluxations or misaligned vertebrae.

In addition, the bill would allow chiropractors to use diagnostic instruments, to take patients' blood pressure and pulse and to use oral thermometers, tongue depressors, and otoscopes (an instrument for examining the inner ear).

Restrictions on chiropractic scope of practice. The health code specifically prohibits chiropractors from using "incisive surgical procedures", performing "invasive procedures requiring instrumentation", or dispensing or prescribing drugs or medicine.

The bill would prohibit chiropractors from performing "incisive or invasive surgical procedures" and invasive procedures requiring instrumentation "unless specifically allowed by statute", while continuing to prohibit the dispensing or prescribing of drugs or medicine.

Other Provisions

The bill would expressly prohibit a licensed chiropractor from delegating the application of the ancillary measures allowed under the bill to someone not licensed as a chiropractor.

The bill also would prohibit chiropractors from claiming to be physical therapists or from identifying the ancillary measures allowed in the bill as physical therapy procedures.

Nothing in the bill would require chiropractors to perform any act, task, function, or procedure.

The bill would take effect on January 1, 1989.

MCL 333.16401 et al.

Legislative Analyst: L. Burghardt

FISCAL IMPACT

The bill would have a one-time fiscal impact on State government of approximately \$40,000-\$50,000. The bill would have no fiscal impact on local government.

Expanding the practice of chiropractic would require the Board of Chiropractic Examiners to revise the criteria for licensing. The Department of Licensing and Regulation would be required to hire a contract employee to meet with the Board to conduct a job analysis and determine which new questions would have to be added to the testing

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procedure. New "cut" (passing) scores would have to be established. The \$40,000-\$50,000 figure assumes that the Board would have to promulgate administrative rules. The figure includes hiring the contract employee, paying the Board for additional meetings, and paying for the public hearings required to promulgate the administrative rules. There would be no on-going fiscal impact.

Fiscal Analyst: J. Schultz

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.