



*Dynamic Chiropractic* – February 24, 2003, Vol. 21, Issue 05

## **Chiropractic Board Fines PT for Performing Spinal Manipulation**

By Editorial Staff

In what is believed to be the first case of its kind in state history, an Arkansas physical therapist has been fined \$10,000 by the state board of chiropractic examiners for allegedly performing spinal manipulation on two people, including a private investigator posing as a patient. Should the board's ruling stand, it would be the first time a physical therapist has been disciplined by a chiropractic board in Arkansas, and could start a political battle between physical therapists and doctors of chiropractic over scope of practice.

In December, the Arkansas State Board of Chiropractic Examiners ruled that PT Michael Teston used a chiropractic technique on a woman who claimed she was hurt by the technique. Teston has appealed the board's decision on the grounds that he was practicing within the limits of his license, an assertion backed by the Arkansas Board of Physical Therapy (ABPT).

"It's going to be a case that will have some huge ramifications," said ABPT chair Steve Coulter in an interview with the *Arkansas Democrat-Gazette*. "There's a lot of therapists out there that are concerned about this."

The issue stems from the vagueness of the state's Physical Therapy Act. Under Arkansas law, physical therapists are allowed to manipulate joints, but not the spine. They may also perform "mobilization," but are specifically prohibited from performing "spinal manipulation" or an "adjustment."

Unfortunately, the Physical Therapy Act fails to provide definitions of adjustment or spinal manipulation. However, the Arkansas Chiropractic Practice Act defines both terms:

"'Spinal manipulation' and 'adjustment' mean the skillful or dexterous treatment whereby a corrective force or passive movement of the joint is made to realign vertebrae or articulations to their normal juxtaposition."

Members of the chiropractic and physical therapy boards acknowledged the techniques are quite similar, but according to Dr. Michael Courtney, president of the chiropractic board, there are ways to tell them apart.

"It gets very technical as far as distinguishing the two, but there are ways of distinguishing them," Dr. Courtney told the Democrat-Gazette. "Mobilization involves a passive range of motion. Manipulation involves a thrust."

According to Dr. Courtney, only doctors of chiropractic may use spinal manipulation, because they have more extensive training and can perform more thorough examinations than physical therapists.

In documents obtained by *Dynamic Chiropractic*, the woman who accused Teston of spinal manipulation went to his office in Little Rock from January to April, 2002, after being involved in a car accident. In testimony delivered to the chiropractic board, the patient claimed Teston "popped" the cervical, thoracic and lumbar regions of her spine. The board also heard descriptions of the body positions involved, and the amount of pressure applied by Teston during treatment.

On May 30, 2002, a private investigator visited Teston's practice as a patient. Among the treatments the investigator received was "an upper body twisting maneuver that created a popping in the spine." The investigator's description, along with documentary evidence and testimony from expert witnesses, were enough for the board to rule that Teston's maneuvers on the woman and the investigator were both spinal manipulations. Each manipulation counted as a violation of Arkansas law with a penalty of up to \$5,000, resulting in the \$10,000 fine.

Teston, a physical therapist for two decades, told the board the maneuvers he performed are common among physical therapists. He also disagreed with the board's ruling, saying that "pops" can occur from either manipulation or mobilization.

"Those are sounds that emanate from within the joint, and are not indicative of a procedure," Teston said.

"He wasn't intending to manipulate this person's spine or to do a chiropractic adjustment," added Coulter. "It is a very gray area in terms of the definition... he was using a technique the chiropractors thought was theirs."

As we go to press, the case against Michael Teston remains unresolved. In January, Teston informed the chiropractic board he intends to appeal the decision to circuit court, which could take several weeks before

another ruling is issued.

As the Teston case shows, there is little doubt that in many states, physical therapists are encroaching on the practice rights of chiropractors. The Arkansas State Board of Chiropractic Examiners has been proactive in this matter, and has taken steps to discourage physical therapists from performing procedures that could fall into the chiropractic scope of practice. Other state boards are encouraged to follow Arkansas' lead to ensure that the chiropractic profession is protected, and that the ability to perform spinal manipulation and adjustments stays in the hands of doctors of chiropractic.

### *References*

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