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Landmark Michigan Law Protects Chiropractors, Patients

Michigan Chiropractic Association Praised for Legislative Efforts

By Editorial Staff

For the first time in nearly a quarter-century, a stand-alone law regarding the practice of chiropractic has been passed in Michigan. On Dec. 30, 2002, former Gov. John Engler signed into law **Senate Bill 1121**, also known as the MCA Patient Protection Bill. The bill, sponsored by Sen. Bill Bullard (R-Highland) and supported by both the Michigan Chiropractic Society (MCS) and Michigan Chiropractic Association (MCA), protects consumers by ensuring that only licensed, qualified practitioners provide chiropractic care.

"There is currently a lot of confusion in the minds of the public," explained Dr. Tim Tarry, MCA legislative chair. "The passage of this bill helps assure that only highly trained chiropractors can say they provide chiropractic adjustments."

According to an analysis of the bill on the Michigan state Web site (www.michigan.gov), SB 1121 was introduced to protect the chiropractic profession. Because of chiropractic's popularity, some massage therapists (an unlicensed profession in Michigan) and physician assistants had reportedly advertised their ability to perform chiropractic adjustments and manipulations, despite the fact that the Public Health Code prohibits such advertisements. There were also reports of veterinarians advertising chiropractic adjustments on horses and other animals. The term "chiropractic" is protected in the Public Health Code, but the term "chiropractic adjustment" is not.

The final version of SB 1121 updates three sections of the Michigan Public Health Code. A new subsection is added to Section 16261 that prohibits an individual from promoting himself or herself as being able to perform chiropractic services unless that person is a licensed doctor of chiropractic:

"An individual shall not announce or hold himself or herself out to the public as being able to perform a chiropractic adjustment, chiropractic manipulation, or other chiropractic services or chiropractic opinion, unless the individual is a chiropractor licensed under this article."

Section 16401, which creates the scope of practice for chiropractic, is amended by inserting the word "chiropractic" before the term "adjustment." Previously, certain adjustments were included in the chiropractor's scope of practice. While osteopaths also perform adjustments, the amended version helps clarify the scope of chiropractic in Michigan.

Finally, Section 16411 is amended in several ways. Current Michigan law prohibits a person from engaging in the practice of chiropractic unless he or she is licensed or otherwise authorized. SB 1121 clarifies such prohibitions by inserting scope-of-practice language directly into the lawbooks:

"An individual shall not engage in the practice of chiropractic, including, but not limited to, performing a chiropractic adjustment, chiropractic manipulation, or other chiropractic services or chiropractic opinion, unless licensed, or otherwise authorized by a chiropractor, under this article."

Other provisions added to Section 16411 help avoid scope-of-practice conflicts for veterinarians and osteopaths, and clear up any misinterpretations of the law as they relate to other health professions.

SB 1121 was the brainchild of Dr. Tarry and MCA lobbyists Steve Scofes and Del Chenault. They worked on getting the bill passed for approximately two years and were responsible for bringing the bill to Sen. Bullard's attention. MCS President James Sommers, DC, also had a hand in the legislation by adding the language restricting who may offer a chiropractic opinion.

SB 1121 enjoyed relatively easy passage through the Michigan legislature. After being introduced in February 2002, it was referred to the Senate Health Policy Committee, which approved the bill and returned it to the Senate for a vote in September. After a round of amendments, SB 1121 was approved unanimously by the Senate in November and sent to the House. The bill went through a second round of amendments in the House and passed 97-3 before being returned to the Senate, which again passed the bill unanimously and sent it to Gov. Engler's desk, where it was signed into law on Dec. 30.

Sen. Bullard praised the efforts of the Michigan Chiropractic Association in getting SB 1121 passed.

"After a standstill in the passage of chiropractic bills, this is the first stand-alone chiropractic bill to be passed in 24 years. This piece of legislation benefits the entire chiropractic profession. If it weren't for (MCA lobbyist) Steve Scofes and Dr. Tim Tarry of the MCA bringing this legislation to me two years ago, this bill would not have passed. This is their bill."

The passage of Senate Bill 1121 sets a powerful precedent for consumer protection in Michigan. The Michigan Chiropractic Association and the Michigan Chiropractic Society should be applauded for their efforts. It is hoped that the work performed by these organizations will set an example for other chiropractic groups to follow, paving the way for legislation in other states that ensures consumers receive quality chiropractic care only from licensed practitioners.



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