

**PRESENTATION OF THE
BOARD OF CHIROPRACTIC EXAMINERS**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-SEVENTH LEGISLATURE
Regular Session of 2014

Monday, February 24, 2014
2:10 p.m.

TESTIMONY ON HOUSE BILL NO. 1831, H.D. 1, RELATING TO HEALTH.

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Robert Klein, D.C., and I am the Chairperson of the Board of Chiropractic Examiners ("Board"). Thank you for the opportunity to present testimony in support of House Bill No. 1831, H.D. 1, Relating to Health.

The Board reviewed and discussed this bill at its January 23, 2014 Board meeting.

Section 1. of this bill defines and clarifies the chiropractic scope of practice.

Section 2. of this bill clarifies the additional post-licensure examinations that the Board may require.

Finally, Section 3. of this bill allows a chiropractor to use the term, "chiropractic physician".

The Board supports House Bill No. 1831, H.D. 1, as it will update the scope of practice for chiropractic to reflect standards of care, practices, and terminology which keeps abreast with the advances in health care and the profession.

For the Committee's information, the Senate Committee on Commerce and Consumer Protection heard the companion measure, Senate Bill No. 2478, on

Testimony on House Bill No. 1831, H.D. 1
Monday, February 24, 2014
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February 12, 2014 and it passed out unamended.

The Board respectfully requests your Committee's approval and passage of this measure. Thank you for the opportunity to testify on House Bill No. 1831, H.D. 1.

DEPARTMENT OF HUMAN RESOURCES
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



CAROLEE C. KUBO
DIRECTOR

NOEL T. ONO
ASSISTANT DIRECTOR

February 24, 2014

The Honorable Angus L.K. McKelvey, Chair
and Members of the Committee on
Commerce and Consumer Protection
House of Representatives
State Capitol, Room 325
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair McKelvey and Members of the Committee:

SUBJECT: House Bill No. 1831, HD1, Relating to Health

The City and County of Honolulu respectfully opposes H.B. 1831, HD1, which greatly expands the scope of practice for chiropractors. In addition to the concerns that have been previously raised by the medical community as to the efficacy of such treatment, expanding the ability of chiropractors to treat the whole body would significantly increase costs in workers' compensation.

The City therefore asks that H.B. 1831, HD1, be held. In the alternative, we request that the Committee amend the measure to limit the reimbursement and number of allowable treatments for chiropractic care for workers' compensation to the same amounts that currently exist in the motor vehicle insurance laws.

Thank you for this opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Carolee C. Kubo".

Carolee C. Kubo
Director

kawakami3-Benigno

From: Dr. Michael McLean <michaelsmclean@gmail.com>
Sent: Wednesday, February 19, 2014 7:04 AM
To: CPCtestimony
Subject: HB 1831



Dear Representative McKelvey

My wife and I are chiropractors in Lahaina; we have Ocean Lightforce Chiropractic at 205 Dickenson Square. We live at Golf Villa 24T2 in Kapalua. I am also the President of the International Chiropractors Association, a 5000 member group, of whom @ 95% are in the US, and a dozen in Hawaii.

I write to oppose the passage of HB1831. We are particularly concerned with the contradictory language contained therein, which allows DCs to : (1) Correct, relieve, or prevent diseases and abnormalities by any physical, **chemical**, electrical, or thermal method.

but defines chiropractic as:

Chiropractic is the system of specific adjustment or manipulation of the joints and tissues of the body and the treatment of the human body by the application of manipulative, manual, mechanical, physiotherapeutic, or clinical nutritional methods for which those persons licensed under this chapter are trained.

Our specific concern is with the inclusion of "chemical", which I have bolded above. There have been a small number of DCs attempting to enlarge chiropractic into the practice of medicine, which the ICA opposes. This bill might allow such an expansion. We urge you to kill the bill and allow it to come back some other year when it has been better crafted.

We have no quarrel with the definition above, but the language in (1) above needs serious revision, as DCs do not correct diseases, but instead correct neuromusculoskeletal problems.

To "Correct, relieve, or prevent diseases" is the practice of Medicine, not chiropractic.

You may contact me at [808 419-6450](tel:8084196450)

Thank you for your consideration,
Michael S McLean, DC

Testimony by: Ann Frost, PT
HB1831HD1
Hse CPC Hearing, Monday Feb. 24, 2014
2:10 pm



Position: Oppose, Amendments Offered

Chair McKelvey and Members of the House CPC Committee:

I am Ann Frost, PT, Legislative Committee Chairperson of the Hawaii Chapter of the American Physical Therapy Association (HAPTA). HAPTA represents 250 physical therapists and physical therapist assistants employed in hospitals, nursing homes, the Armed Forces, the Department of Education and Department of Health systems, and private clinics throughout our community. Physical therapists work with everyone from infants to the elderly to restore and improve function and quality of life.

HAPTA opposes HB 1831HD1 as written, in particular the use of “physiotherapeutic”, page 2 line 8. 461J-2 of the Physical Therapy practice act forbids the use of the terms physiotherapist/physiotherapy by anyone other than a physical therapist or physical therapist assistant via the following language:

(a) No person shall practice physical therapy gratuitously or for pay, offer to practice physical therapy, offer physical therapy or physical therapy services, or represent, advertise, or announce, either publicly or privately, that the person is a physical therapist or physiotherapist, unless the person is appropriately licensed under this chapter. “Physiotherapeutic” is a derivation of these terms.

In addition, the term “physiotherapeutic” is misleading to the public. Many people equate physiotherapy with physical therapy, paving the way for them to believe that they can receive physical therapy from a chiropractor. In all other English-speaking countries—Canada, the United Kingdom, Australia, and New Zealand—the term physiotherapy is synonymous with physical therapy. In the past, chiropractors have termed the use of modalities such as electrical stimulation and ultrasound as “physiotherapy”. A simple list of modalities would be more accurate. Thus, we suggest the following change:

Strike “physiotherapeutic” from page 2 line 8. We recommend that the term, “physical modalities” replace the use of “physiotherapeutic” to conform with state law and so that consumers do not confuse chiropractic with the treatments administered by physical therapists.

Ultimately, the physical therapy community is committed to health care provided by health care practitioners within their scope of education and training in a manner that ensures that the consumers are receiving appropriate and safe care.

I can be reached at 691-7729 if there are any questions or need for more information. Thank you for the opportunity to testify.

Ann Frost, PT

TESTIMONY OF JANICE FUKUDA

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Representative Angus L.K. McKelvey, Chair
Representative Derek S.K. Kawakami, Vice Chair

Monday, February 24, 2014
2:10 p.m.

HB 1831, HD1

Chair McKelvey, Vice Chair Kawakami, and members of the Committee, my name is Janice Fukuda, Assistant Vice President, Workers' Compensation Claims at First Insurance, testifying on behalf of Hawaii Insurers Council. Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately one third of all property and casualty insurance premiums in the state.

Hawaii Insurer Council **opposes** HB 1831, HD1. Throughout the early and mid-1990's, property and casualty insurers were under severe scrutiny by the Legislature because of the rising cost of insurance, particularly motor vehicle and workers' compensation insurance. Our analysis showed that increasing medical costs were attributed to the treatment of soft tissue injury, largely by chiropractors. There were a number of law changes from 1993 to 1998 to the motor vehicle insurance law as well as the workers' compensation law. As a result, costs for these types of insurance has decreased significantly and stabilized for a number of years.

Chiropractors have made attempts over the years to expand their scope of practice. Since the motor vehicle insurance law was changed to limit the number and amount of chiropractic reimbursement, costs have stabilized in this area. Workers' compensation insurance however does not have the same cost controls in place. Expansion of chiropractors' scope to the whole body would increase costs in workers' compensation.

Currently, a chiropractor's office visit ranges from \$176 to \$ 200 vs. \$50 to \$176 for a medical doctor's office visit. The cost difference is because chiropractors are able to charge for manipulation and up to four procedure codes per visit. Even though utilization is limited per treatment plan, additional treatment plans are routinely submitted.

The 1997 Legislature dealt with the issues of chiropractic treatment versus other medical disciplines in Act 78. This bill seeks again to expand chiropractic beyond the scope established in that Act after much in depth testimony as to the medical and financial implications. We believe the various medical disciplines, including chiropractic, are appropriately defined in Title 25 of the Hawaii Revised Statutes and these proposed amendments should not be enacted.

The consequence of their expanded scope of treatment will be higher costs in these areas. It will erode years of legislative reform and will contribute to increasing medical costs for motor vehicle and workers' compensation insurance. Hawaii Insurers Council is also concerned about the quality of care for injured persons and we believe chiropractors' treatment should be limited to the spine.

Therefore, we respectfully request that HB 1831, HD1 be held. However, if this committee feels it is appropriate to move the bill, we ask that you at least limit the reimbursement amount and the number of treatments as it exists in the motor vehicle insurance law. The following language should be inserted where appropriate to Chapter 386-21:

“Chiropractic treatments shall be allowed for not more than the lesser of thirty visits at no more than \$75 a visit plus no more than five x-rays at no more than \$50 each.”

Thank you for the opportunity to testify.



HAWAII MEDICAL ASSOCIATION

1360 S. Beretania Street, Suite 200, Honolulu, Hawaii 96814
Phone (808) 536-7702 Fax (808) 528-2376 www.hmaonline.net

DATE: Monday, February 24, 2014
TIME: 2:10 PM
PLACE: Conference Room 325

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus L.K. McKelvey, Chair
Rep. Derek S.K. Kawakami, Vice Chair

FROM: Hawaii Medical Association

Dr. Walton Shim, MD, President
Dr. Linda Rasmussen, MD, Legislative Co-Chair
Dr. Ron Keinitz, DO, Legislative Co-Chair
Dr. Christopher Flanders, DO, Executive Director
Lauren Zirbel, Community and Government Relations

Re: HB 1831, HD 1 RELATING TO HEALTH

Position: Opposition.

The Hawaii Medical Association stands in opposition to HB 1831 at this time.

According to the National Board of Chiropractic Examiners, (http://www.nbce.org/about/about_chiropractic) chiropractic is concerned primarily with “the diagnosis, treatment and prevention of disorders of the musculoskeletal system and the effects of these disorders on the nervous system and general health... The tenets of chiropractic hold that a human being’s nervous system is essential to health, and that interference with this system impairs normal body functions and lowers the body’s resistance to disease. The study of chiropractic includes the various ways in which the nervous system can be irritated or impeded, resulting in pain or illness, as well as techniques to correct these problems... The specific focus of chiropractic practice is known as the chiropractic subluxation or joint dysfunction. A subluxation is a health concern that manifests in the skeletal joints, and, through complex anatomical and physiological relationships, affects the nervous system and may lead to reduced function, disability or illness.”

The Hawaii Administrative Rules state at §16-76-25 Scope of practice of chiropractic.
Chiropractic is a practice of the healing arts:

Officers

*President - Walton Shim, MD President-Elect – Robert Sloan
Secretary - Thomas Kosasa, MD Immediate Past President – Stephen Kemble, MD
Treasurer – Brandon Lee, MD Executive Director – Christopher Flanders, DO*

(1) The purpose of which is to restore or maintain human health in which patient care or first aid, hygienic, nutritional, or rehabilitative procedures are administered;

(2) Which addresses specific vertebral adjustment, manipulation, mobilization, and treatment of the articulation and adjacent tissues of the spinal column, musculoskeletal structure of the body, and nervous system; and

(3) Which is subject to the limitations contained in section 442-1, HRS.

[Eff and comp 9/22/01] (Auth: HRS §442-5) (Imp: HRS §442-1)

The measure before us seeks to remove all references to the scope of chiropractic practice as focused on the musculoskeletal and nervous systems. In fact, the terms “musculoskeletal,” “subluxation,” “nervous” or “spinal” appear nowhere in the bill, having all been stricken in the changes sought. The resulting measure would allow for expansion of chiropractic services into areas unrelated to musculoskeletal control. This, combined with the expanded ability to order diagnostic testing, would allow for the ordering of modalities such as echocardiograms and thyroid scans. Essentially chiropractors would be allowed to practice at the level of primary care, far exceeding the definition as given by the National Board of Chiropractic Examiners.

The HMA feels that expansion of scope for the practice of chiropractic medicine is currently inappropriate given the focus the Affordable Care Act has placed on evaluation of providers for quality and efficacy of care and demonstrable improvement of outcomes. Currently there is no oversight on chiropractors by the Centers for Medicare and Medicaid Services as there exists for physicians, and the Hawaii Board of Chiropractic Examiners has not participated in the state’s discussion of ACA implementation.

The HMA additionally opposes the use of the title “chiropractic physician” for chiropractors. We believe that this title causes patient confusion about the education of their provider. In the attached survey conducted in 2008 by the Global Strategy Group, and repeated in 2010 by Basalice & Associates, approximately 1 of 3 people surveyed believed chiropractors were medical doctors. The survey also revealed that 90+% of people feel that only licensed medical doctors should use the title “physician.”

The HMA would like to work on a holistic and team based approach to medicine where patients are treated in the safest and most effective way. As such, we would ask that you hold this bill so that we can work on a true integrated approach to medicine.

Thank you for hearing this bill and for the opportunity to provide testimony.

kawakami3-Benigno

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 20, 2014 12:17 PM
To: CPCtestimony
Cc: drngopie@aol.com
Subject: Submitted testimony for HB1831 on Feb 24, 2014 14:10PM

HB1831

Submitted on: 2/20/2014

Testimony for CPC on Feb 24, 2014 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Nicholas G Opie, DC,	Individual	Oppose	No

Comments: Hello, my name is Nicholas Opie, DC. I have been practicing in Kailua, Oahu for over 33 years. I am also past chairman of the Hawaii State Board of Chiropractic Examiners, and currently the Hawaii representative to the International Chiropractors Association. I submit this testimony in opposition to HB1831 as it is currently written. I have been privileged to both observe the legislative process as an active member of my profession as well as serve on the front lines of the regulatory process as a member of the State Board of Examiners. I have observed many times the unintended consequences of vague language and the inclination of some within the chiropractic profession to press the envelope of scope of practice to their own advantage. It is in this context that I ask you to carefully consider changing a number of passages in the current draft of this bill to be clear on the meaning and intention of its contents. One example of great concern is in Section 1, Item 1 where the term "chemical" is specified in the list of chiropractic procedures and protocols. I would like to point out that this term has vast and potentially dangerous interpretations. "Chemical" can be anything from Vicks Vapor Rub to hydrochloric acid and everything in between. What is its exact purpose? Why has it been included and are there better descriptions of exactly what substances might be appropriate in this context? I strongly urge that this term be deleted. Also I would like to point out that this is a completely new term in chiropractic scope as it does not appear in any other state law or regulation I have been able to identify. Also the term "chiropractic physician" is an inherently confusing term in that the language in the current law goes to great pains to avoid and prohibit the use of terminology that might be confusing or used to give the public an impression that is not exactly correct. Whose interests are served by allowing its use? I believe that the best interests of both the profession and the public are served by using the term that is on every chiropractic college professional degree and on every state license, "Doctor of Chiropractic" Thank you for considering my comments.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

LATE**HAWAII STATE CHIROPRACTIC ASSOCIATION**
P.O. Box 22668, Honolulu, HI 96823**HOUSE OF REPRESENTATIVES**
COMMITTEE ON CONSUMER PROTECTION & COMMERCERep. Angus McKelvey, Chair
Rep. Derek Kawakami, Vice Chair**HEARING**DATE: Monday, February 24, 2014
TIME: 2:10 pm
PLACE: Conference Room 325**In support of HB 1831**

Aloha Chair McKelvey and members of the committee:

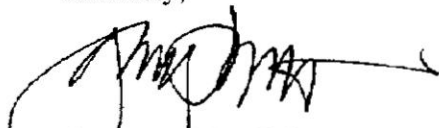
My name is Dr. Gary Saito, DC. I'm the President of the Hawaii State Chiropractic Association. This bill is introduced to update our practice act so that it conforms to the standards of practice set by the accredited colleges, the National Board Exams, and the Hawaii Administrative Rules governing the practice of chiropractic in Hawaii. .

Our professional practice act should reflect the education, training, and certification of our practitioners. The U.S. Department of Education has long recognized the Council on Chiropractic Education (CCE) as the body responsible for establishing the educational standards of chiropractors and the Hawaii Board of Chiropractic Examiners issues licenses to qualified applicants who have met the requirements of the National Boards.

This bill was written to conform our practice act in Hawaii to the national standards for chiropractic certification. We ask that this committee help to bring our practice act into alignment with nationally recognized practice parameters.

Thank you for allowing us to bring this important matter to the attention of this committee.

Sincerely,


Dr. Gary Saito, DC
President, HSCA