

**PRESENTATION OF THE
BOARD OF CHIROPRACTIC EXAMINERS**

TO THE HOUSE COMMITTEE ON HEALTH

TWENTY-SEVENTH LEGISLATURE
Regular Session of 2014

Wednesday, February 5, 2014
10:00 a.m.

TESTIMONY ON HOUSE BILL NO. 1831, RELATING TO HEALTH.

TO THE HONORABLE DELLA AU BELATTI, 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, 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, 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.

The Board respectfully requests your Committee's approval and passage of this measure. Thank you for the opportunity to testify in support of House Bill No. 1831.



HAWAII MEDICAL ASSOCIATION

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

DATE: Wednesday, February 05, 2014
TIME: 10:00 AM
PLACE: Conference Room 329

COMMITTEE ON HEALTH

Rep. Della Au Belatti, Chair
Rep. Dee Morikawa, Vice Chair

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

Re: HB 1831

Position: Opposition.

The HMA opposes the addition on the use of the title “chiropractic physician” for chiropractors. We believe that this title will cause patient confusion about the education of their provider.

The HMA opposes the inclusion of diagnostic imaging, laboratory testing and any other method of examination for diagnosis to the chiropractic scope of practice.

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 team based approach to medicine.

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

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*

Truth in Advertising: 2008 and 2010 survey results

Education and training matters when it comes to who provides your health care, but do most patients know the qualifications of their health care provider? A 2008 survey found that while patients strongly support a physician-led health care team, many are confused about the level of education and training of their health care provider.¹ A 2010 follow-up survey², which confirmed that patients want a physician to lead the health care team, underscored that confusion remains high. Key findings from the 2010 survey included:

- ▶ **Ninety percent of respondents said that a physician’s additional years of medical education and training (compared to a nurse practitioner) are vital to optimal patient care, especially in the event of a complication or medical emergency.**
- ▶ **Eighty-six percent of respondents said that patients with one or more chronic diseases benefit when a physician leads the primary health care team.**
- ▶ **Eighty-three percent of respondents said that they prefer a physician to have primary responsibility for the diagnosis and management of their health care.**

Truth in Advertising legislation can help provide the clarity and transparency necessary for patients to have the information they need to make informed decisions about their health care.

Patients are not sure who is—and who is not—a medical doctor

Is this person a medical doctor?	Yes (%)		No (%)		Not sure (%)	
	2008	2010	2008	2010	2008	2010
Orthopaedic surgeon/Orthopaedist	94	84	3	12	3	4
Obstetrician/Gynecologist	92	93	5	4	3	3
Primary care physician ³	n/a	91	n/a	7	n/a	2
General or family practitioner	88	88	8	9	3	4
Dermatologist ³	n/a	84	n/a	12	n/a	4
Dentist	77	69	20	29	3	2
Anesthesiologist	76	78	16	19	8	3
Psychiatrist	74	75	20	21	6	4
Ophthalmologist	69	71	14	16	17	13
Podiatrist	67	68	22	21	11	11
Optometrist	54	54	36	38	10	8
Psychologist	49	41	44	53	8	6
Chiropractor	38	31	53	64	9	6
Doctor of nursing practice	38	35	37	46	25	19
Audiologist	33	30	40	47	27	23
Otolaryngologist/ENT ⁴	32	43	13	33	55	24
Nurse Practitioner	29	26	63	69	7	5
Physical Therapist	26	19	68	78	6	3
Midwife	11	7	82	86	7	7

Continued on page 2...

Additional findings from the “Truth in Advertising” surveys

Patients strongly prefer physicians to lead the health care team

Should only a medical doctor be allowed to perform the following procedures; or should other health care professionals be allowed to perform this specific activity?	Only a medical doctor (%)		Other health care professional (%)		Don't know (%)	
	2008	2010	2008	2010	2008	2010
Amputations of the foot?	93	93	5	5	2	2
Surgical procedures on the eye that require the use of a scalpel?	92	94	6	4	2	2
Facial surgery such as nose shaping and face lifts?	90	89	8	8	3	3
Treat chronic pain by prescribing drugs or other substances that have a high potential for addiction or abuse?	82	75	16	23	2	3
Write prescriptions for medication to treat mental health conditions such as schizophrenia and bi-polar disorder?	80	75	17	22	3	3
Use techniques such as spinal injections to diagnose and treat chronic pain?	79	78	19	19	2	3
Administer and monitor anesthesia levels and patient condition before and during surgery?	71	70	27	23	3	7
Commit individuals for psychiatric care against their will?	70	70	23	23	7	7

Patients want their health care professional to clearly designate their education and training

Do you agree or disagree with the following?	Agree (%)		Disagree (%)		Don't know (%)	
	2008	2010	2008	2010	2008	2010
Only licensed medical doctors should be able to use the title “physician?”	91	93	7	6	2	1
It is easy to identify who is a licensed medical doctor and who is not by reading what services they offer, their title and other licensing credentials in advertising or other marketing materials?	46	51	51	44	3	3
Would you support or oppose legislation in your state to require all health care advertising materials to clearly designate the level of education, skills and training of all health care professionals promoting their services?	Support		Oppose		Don't know	
	2008	2010	2008	2010	2008	2010
	93	87	6	10	1	3

Footnotes:

- Global Strategy Group conducted a telephone survey on behalf of the Scope of Practice Partnership between August 13–18, 2008. Global Strategy Group surveyed 850 adults nationwide. The overall margin of error is +/- 3.4 percent at the 95 percent confidence level.
- Baselice & Associates conducted a telephone survey on behalf of the Scope of Practice Partnership between November 4–8, 2010. Baselice & Associates surveyed 850 adults nationwide. The overall margin of error is +/- 3.4 percent at the 95 percent level.
- The physician professions “primary care physician” and “dermatologist” were not referenced in the 2008 survey.
- The abbreviation for ear, nose and throat—“ENT”—was not referenced in the 2008 survey.

HB 1831

HAWAII STATE CHIROPRACTIC ASSOCIATION

P.O. Box 22668, Honolulu, HI 96823

HOUSE OF REPRESENTATIVES
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2014

COMMITTEE ON HEALTH
Rep. Della Au Belatti, Chair
Rep. Dee Morikawa, Vice Chair

LATE

DATE: Wednesday, February 05, 2014
TIME: 10:00 AM
PLACE: Conference Room 329
State Capitol
415 South Beretania Street

Aloha Chair Belatti and members of the committee:

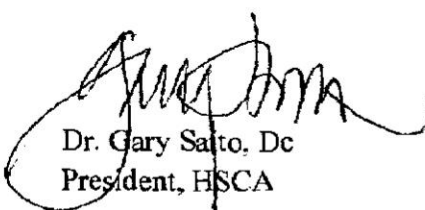
My name is Dr. Gary Saito, DC. I'm the President of the Hawaii State Chiropractic Association. This bill is introduced to update our practice act so that it conforms to the standards of practice set by the accredited colleges, the National Board Exams, and the Hawaii Administrative Rules governing the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

TESTIMONY OF JANICE FUKUDA

HOUSE COMMITTEE ON HEALTH
Representative Della Au Belatti, Chair
Representative Dee Morikawa, Vice Chair

Wednesday, February 5, 2014
10:00 a.m.

LATE

HB 1831

Chair Au Belatti, Vice Chair Morikawa, 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. 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 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.

HB1831

Submitted on: 2/5/2014

Testimony for HLT on Feb 5, 2014 10:00AM in Conference Room 329



Submitted By	Organization	Testifier Position	Present at Hearing
Mahana Byington	Individual	Support	No

Comments: Aloha, I am Mahana Byington, LMT, Past President of MATAH-The Massage Therapists Association of Hawaii. I support this bill of updating the chiropractors scope of practice though I respectfully ask you to retain the language re: lomilomi and massage therapy. Many years ago the Massage and Chiropractic Boards had declatory relief/understanding that Chiropractors would not do or bill for massage or lomilomi unless they were licensed to do so thus it was written into the statutes. Please retain this language in the updated bill. Thank you for the opportunity to testify in support of this bill with the requested correction.

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.

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