

SB 2478

Measure Title: RELATING TO HEALTH.
Report Title: Chiropractic; Scope of Practice
Description: Updates the scope of practice for chiropractic to reflect standards, practices, and terminology accepted by the National Board of Chiropractic Examiners.
Companion: [HB1831](#)
Package: None
Current Referral: CPN
Introducer(s): BAKER, CHUN OAKLAND, Nishihara, Taniguchi, Wakai

**PRESENTATION OF THE
BOARD OF CHIROPRACTIC EXAMINERS**

**TO THE SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION**

**TWENTY-SEVENTH LEGISLATURE
Regular Session of 2014**

**Wednesday, February 12, 2014
9:00 a.m.**

TESTIMONY ON SENATE BILL NO. 2478, RELATING TO HEALTH.

**TO THE HONORABLE ROSALYN H. BAKER, 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 Senate Bill No. 2478, 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 Senate Bill No. 2478 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 on Senate Bill No. 2478.

THE SENATE
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2014

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Rosalyn H. Baker, Chair
Senator Brian T. Taniguchi, Vice Chair

DATE: Wednesday, February 12, 2014
TIME: 9:00 a.m.
PLACE: Conference Room 229

TESTIMONY IN SUPPORT

Aloha Chair Baker 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. 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



HAWAII MEDICAL ASSOCIATION

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Phone (808) 536-7702 Fax (808) 528-2376 www.hmaonline.net

DATE: Wednesday, February 12, 2014
TIME: 9:00 AM
PLACE: Conference Room 229

COMMITTEE ON HEALTH

Sen. Rosalyn Baker, Chair
Rep. Brian Taniguchi, 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: SB 2478

Position: Opposition.

The Hawaii Medical Association stands in opposition to SB2478 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:

(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;

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*

(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.



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Alison Powers
Executive Director

TESTIMONY OF JANICE FUKUDA

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Senator Rosalyn H. Baker, Chair
Senator Brian Taniguchi, Vice Chair

Wednesday, February 12, 2014
9:00 a.m.

SB 2478

Chair Baker, Vice Chair Taniguchi, 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** SB 2478. 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 SB 2478 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.