

Report of Findings & Recommendations
By the
Nebraska Board of Health
on the Application for a Change in Scope of Practice
of the
Nebraska Chiropractic Physicians Association
to the
Director of Health
and the
Nebraska Legislature

January 23, 1989

Introduction

The Nebraska Regulation of Health Professions Act created a three-tier process for the review of proposals pertaining to the credentialing of health occupations. These three tiers are the technical review committees, the Nebraska Board of Health, and the Director of Health. The Board of Health reviews specific proposals for credentialing only after the technical committees have completed their reports on these proposals. After the Board completes its reports on the proposals, these reports, and those of the technical committees are presented to the Director of Health, who in turn prepares his own report on them. All reports are submitted to the Legislature for its consideration.

Each of these three review bodies issues reports that represent the advice of their membership on the proposals in question. Each report is a separate, independent response to the proposals, and is in no way dependent upon the reports that have preceded it.

The Board of Health reviews credentialing proposals only after receiving a preliminary recommendation on each proposal from an advisory subcommittee selected from its own membership. This subcommittee met on November 1, 1988 in order to give the full Board its advice on the proposal of the chiropractic physicians. The full Board of Health then met on November 21, 1988 and formulated its own, independent report on this proposal. The following pages constitute the body of this report.

Recommendations

In their application the Nebraska Chiropractic Physicians Association sought to add x-rays of extremities and soft tissue and clinical laboratory procedures to their scope of practice. The technical committee decided not to recommend approval of the proposal at this time. The Board of Health decided not to recommend approval of the additional of clinical laboratory procedures to chiropractic scope of practice but did recommend approval of the addition of x-rays of the extremities and soft tissues.

The Deliberations of the 407 Subcommittee

During the deliberations of the 407 Subcommittee of the Board, there was a consensus among the subcommittee members that adding clinical laboratory procedures to chiropractic scope of practice would provide no significant benefit to the public health and welfare. The subcommittee members were also concerned that there was potential for harm inherent in this idea. Lar Voss expressed the concern that chiropractors were not sufficiently trained in laboratory procedures to accurately interpret the results of laboratory tests so as to make an appropriate referral. Mr. Voss was also concerned that adding clinical laboratory procedures to chiropractic scope of practice might create the perception in the public mind that chiropractors can perform all of the services of a medical doctor. Mr. Voss felt that such a perception would create potential for harm to the public, because in his judgment, chiropractors are not capable of providing the same type of care as a medical doctor. Jack Clark expressed concern that approval of the addition of clinical laboratory procedures to chiropractic scope of practice might produce situations in which chiropractors attempt to treat

health problems that are beyond their scope of practice. Janet Coleman expressed concern that the laboratory portion of the proposal was worded so broadly that it would allow chiropractors to perform any diagnostic procedures that they want. Mrs. Coleman stated that the wording of this portion of the proposal was a serious flaw in the proposal.

Dr. Shapiro stated that the interpretation of laboratory tests is a complex process requiring extensive training and education. He stated that venipuncture alone is an "entrée" to a whole battery of tests, which in turn, often require additional tests in order to provide a complete analysis of a patient's condition. Dr. Shapiro was not convinced that chiropractors had the necessary training to do laboratory testing in a manner consistent with this kind of rigor.

There was a consensus among the subcommittee members that x-rays of the extremities and soft tissues should be added to chiropractic scope of practice. Janet Coleman stated that chiropractors need this diagnostic procedure in order to properly diagnose a patient's condition. Mrs. Coleman stated that the current restrictions on chiropractic x-ray procedures create a dilemma for chiropractors. Mrs. Coleman stated that chiropractors are required by law to diagnose a patient's condition, but that the current chiropractic statute takes away the vital tool of x-rays of the extremities that chiropractors need in order to make a thorough diagnosis. Mrs. Coleman felt that this situation creates the potential for harm to the public, and that it should be remedied by eliminating the restrictions on chiropractic x-ray procedures.

The subcommittee members voted unanimously to support the actions of the technical committee on the four criteria of the credentialing review statute. By this action, the subcommittee advised the full Board of

Health not to recommend approval of the proposal as written. However, the subcommittee members unanimously agreed to advise the full Board to recommend approval of the addition of x-rays of the extremities and soft tissues to chiropractic scope of practice.

The Deliberations of the Full Board of Health

After listening to both proponents and opponents of the proposal, the Board members discussed the issues raised by the proposal. This discussion focused on those portions of the proposal pertinent to clinical laboratory procedures. Dr. Shapiro stated that laboratory technology and methods are currently changing so rapidly that even medical doctors find it difficult to keep up with the changes. Dr. Shapiro expressed skepticism about the ability of chiropractors to keep up with these changes, and about their ability to interpret the results of laboratory tests in a manner consistent with the protection of the public.

Dr. Lefler expressed the concern that if chiropractors are not allowed to do laboratory work, chiropractic patients with hypogloxiemia might not get their condition diagnosed. Lar Voss stated that if chiropractors were allowed to draw blood they should be required to send the blood samples to a pathology laboratory for analysis. Dr. Lefler stated that this idea would be too costly to the patient.

Dr. Shapiro moved that the Board members endorse the actions of the 407 Subcommittee. Janet Coleman seconded the motion. Voting aye were Marcum, Coleman, Jeffers, Adickes, Blair, Masek, Kenney, Williams, Shapiro, Voss, and Clark. Voting nay were Lefler and Nelson. By this action the Board members decided not to recommend approval of the proposal as written, but did recommend that x-rays of the extremities be

added to chiropractic scope of practice. Dr. Shapiro emphasized that this recommendation was made only to allow chiropractors to more fully diagnose conditions appropriate for chiropractic treatment, or for referral. It was not to be construed as expanding the scope of practice of chiropractors. Nor did it permit use of any other means of diagnostic imagery, such as CAT scanners or MRIs, not currently used by chiropractors.

Dr. Nelson then moved that venipuncture be reinstated to chiropractic scope of practice and that the Director of Health create any exclusions necessary for the protection of public health. Janet Coleman seconded the motion. Voting aye was Nelson. Voting nay were Marcum, Coleman, Jeffers, Lefler, Adickes, Blair, Masek, Kenney, Shapiro, Voss, and Clark. Dr. Williams abstained from voting. By this action the Board members decided not to recommend the addition of venipuncture to chiropractic scope of practice.