STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 565

STATE OF NEW JERSEY

DATED: DECEMBER 14, 2009

The Senate Commerce Committee reports Senate Committee Substitute for Senate Bill No. 565 without recommendation.

This committee substitute amends and supplements the existing statutes governing chiropractors, and includes provisions concerning their scope of practice and licensing standards. The substitute bill provides generally that it is within the lawful scope of the practice of chiropractic to “diagnose, adjust, and treat the articulations of the spinal column and other joints, articulations, and soft tissue and to order and administer physical modalities and therapeutic, rehabilitative and strengthening exercises.” The bill also specifies that a licensed chiropractor may use the title doctor, or its abbreviation, however, it shall be qualified by the words doctor of chiropractic, chiropractor or chiropractic physician, or its abbreviation, D.C.

Regarding the scope of practice, the bill adds definitions for the “practice of chiropractic,” “prescription” and “chiropractic subluxation.” The “practice of chiropractic” is defined as a philosophy, science and healing art concerned with the restoration and preservation of health and wellness through the promotion of well-being, prevention of disease and promotion and support of the inherent or innate recuperative abilities of the body. “Prescription” is defined as a written direction of remedy for a disease, illness or injury and the instructions for using that remedy. “Chiropractic subluxation” is defined as a complex of functional, structural or pathological articular lesions or a local or systemic aberration of the nervous system caused by injury, pressure, traction, stress, torsion, or by chemical or electrical irritation, stimulation, or inhibition of a nerve that compromise neural integrity as determined by chiropractic analytical procedures.

The bill provides that a chiropractor licensed by the State Board of Chiropractic Examiners may:

(1) Use methods of treatment including chiropractic practice methods, physical medicine modalities, rehabilitation, splinting or bracing consistent with the practice of chiropractic, nutrition and first aid and may order such diagnostic or analytical tests, including diagnostic imaging, bioanalytical laboratory tests, and may perform such other diagnostic and analytical diagnostic tests including reagent
strip tests, X-ray, computer-aided neuromuscular testing, and nerve conduction studies, and may interpret evoked potentials;

(2) Sign or certify temporary or permanent impairments and other certifications consistent with a chiropractic practice such as pre-employment screenings; and

(3) Provide dietary or nutritional counseling, such as the direction, administration, dispensing and sale of nutritional supplements, including, but not limited to, all food concentrates, food extracts, vitamins, minerals, herbs, enzymes, amino acids, homeopathic remedies and other dietary supplements, including, but not limited to, tissue or cell salts, glandular extracts, nutraceuticals, botanicals and other nutritional supplements; provided the chiropractor has successfully completed a course of study approved by the board concerning human nutrition, consisting of not less than 45 hours from an appropriately accredited college or university.

The above activities shall be subject to the requirement that any chiropractic diagnosis or analysis be based upon a chiropractic examination appropriate to the presenting patient, except that a licensed chiropractor who, at any time during the examination has reasonable cause to believe symptoms or conditions are present that require diagnosis, analysis, treatment, or methods beyond the scope of chiropractic shall refer an individual to a practitioner licensed to practice dentistry, medicine or surgery in this State or other appropriate licensed healthcare professional. However, this shall not preclude a licensed chiropractor from rendering concurrent or supportive chiropractic care to any patient so referred.

In further regards to the scope of practice, the bill provides that a chiropractic analysis which identifies the existence of a chiropractic subluxation may be the basis for chiropractic care, even in the absence of a subjective complaint or other objective findings. The current law is more narrow, stating that a chiropractic analysis which identifies the existence of a subluxation may be the only basis for chiropractic care.

The bill also makes it unlawful for any person not duly licensed in this State to practice chiropractic to render a utilization management decision that limits, restricts or curtails a course of chiropractic care. The intent of the provisions concerning utilization management is for insurance purposes only. Further, the intent is not to render the current utilization management system moot but to require the inclusion of a chiropractor when making a utilization management determination with respect to chiropractic care.

Concerning the licensure requirements of chiropractors, the bill requires that licensed chiropractors complete 30 credits of continuing chiropractic education during each biennial registration period. A minimum of two of the 30 credits must consist of the study of State laws and regulations governing chiropractic professional ethics or record keeping and documentation as it pertains to the practice of
chiropractic in this State, and a minimum of two credits shall consist of nutrition education.

The board shall establish certain guidelines concerning continuing educational programs and the institutions that offer those programs. The board shall also establish credit guidelines for the educational programs and monitor compliance of the continuing education requirements.

Any person who fails to complete the prescribed continuing education requirements set forth in the bill shall be liable to a civil penalty of not more than $500 or a designated number of additional hours of continuing chiropractic education, or both, as imposed by the State Board of Chiropractic Examiners for a first offense. A second or subsequent offense by a licensed chiropractor may be considered professional misconduct.

Finally, the bill requires that the board establish standards pursuant to which a chiropractor shall maintain medical malpractice liability insurance coverage, at appropriate amounts, as set forth by the board in regulations.