



# Legislative Background Brief

for the  
Economic Affairs Interim Committee

August 2011

## Board of Chiropractors

*Prepared by Pat Murdo, Legislative Research Analyst*

**Board = 4 members** (term expiration in parentheses)

<p><b>Licensed Chiropractors = 3</b>          John Sando, Butte (1.1.2012)          Scott Hansing, Helena (1.1.2014)          Cathleen Fellows, Billings (1.1.2013)</p>	<p><b>Public Member = 1</b>          Alice Whiteman, Missoula (1.1.2012)</p>
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Number of Licensees, FY2010 ..... 511

### Revenues FY2008-FY2010 and Budgets for FY 2009-2013

	Revenues		Expenditures	
	Licensing	Other	Personal Services	Operating
FY 2009	\$103,960		\$76,914	
FY 2010	\$103,370	\$845	\$55,265	\$41,737
FY 2011				
FY 2012	not available	not available	\$63,171*	\$35,376*
FY 2013	not available	not available	\$63,161*	\$35,453*

\*Projected

Expenditures, FY 2010	Direct	Indirect	
		Admin	Div. IT/Bureau
Personal Services, incl. per diem	\$47,365	\$3,759	\$4,141
Operating Expenses			
Consulting, Printing, IT, Other	\$2,408		\$1,780
Supplies, incl. Computer	\$1,809		\$964
Postage, mailing, IT network, voice srv	\$1,134		\$1,753
Travel for Board Members	\$7,774		na
Rent and other expenses*	\$3,050		\$8,311
Legal and hearings	\$12,754		--

\*Includes computer and office equipment repair, dues, education & training, and fee collection expense for direct expenses and rent of \$2,643, DLI OIT expense of \$1,739, and indirect agency of \$3,928 for indirect expenses.

**Number of Complaints**

FY 10 ..... 19

**Disciplinary Action** (may be from other years)

FY 10 ..... 1 (20 dismissed)

**Scope of Practice**

"Chiropractic" defined in 37-12-101, MCA, as "the system of specific adjustment or manipulation of the articulations and tissues of the body, particularly of the spinal column, for the correction of nerve interference and include the use of recognized diagnostic and treatment methods as taught in chiropractic colleges but does not include surgery or the prescription or use of drugs". Further, in 37-12-104, MCA, the prohibition on prescriptions and administration of drugs is clarified to allow "use of antiseptics for purposes of sanitation and hygiene and to prevent infection and contagion". The scope of practice further delineated in 37-12-104, MCA, includes permission to "diagnose, palpate, and treat the human body by the application of manipulative, manual, mechanical, and dietetic methods, including chiropractic physiotherapy, the use of supportive appliances, analytical instruments, and diagnostic x-ray in accordance with guidelines promulgated or approved by state or federal health regulatory agencies".

**2011 Legislation Impacting Board or Profession**

- HB 94, sponsored by Rep. Arntzen at the request of the Department of Labor and Industry, generally revises reciprocity and other board functions. (Became law)

**Laws that specifically mention chiropractors**

- Definition of health care provider in 25-9-411, MCA, regarding malpractice, with specific mention in 27-2-205, MCA, regarding actions for malpractice.
- Montana Chiropractic Legal Panel, Title 27, chapter 12.
- Insurance Code, Title 33, regarding health care providers, medical professionals, and health services covering chiropractors. Freedom of choice of practitioner in 33-22-111 includes chiropractors and 33-22-125 specifies how to handle utilization review of chiropractors.
- Licensing statutes in Title 37, chapter 12, with cross-references elsewhere in Title 37.
- Title 39, chapters 51 and 71, included in definitions of health care providers or treating physician.
- Title 41, chapter 3, as a professional required to report child abuse.
- Title 49, chapter 4, a person allowed to issue a handicapped parking permit.
- Title 52, chapter 3, a professional required to report elder abuse.
- Title 53, chapter 6, health care services allowed under Medicaid.
- Title 71, chapter 3, a health care professional allowed to have lien rights.
- Title 87, chapter 2, a person who may certify hunters eligible to hunt from a vehicle.

**Summary of Responses from Survey as made through August 4, 2011:**

*# of Responses from Board of Chiropractor licensees - 3*

- Appreciation for the board's ability to monitor the profession and keep the quality of the profession high. One says it regulates those with unethical business practices.
- Concerns about the scope of practice being too narrow. One person would like the addition of acupuncture and injection of homeopathic products.
- One person would like better choice of continuing education courses.