

The Board of Chiropractic Examiners has established this “Newsflash” page as a means to keep the public and the profession apprised of current circumstances that may impact licensed Arizona doctors of chiropractic, consumers of chiropractic care and the general public. Please use this page to read up on current news regarding the practice of chiropractic in Arizona, regulatory issues or concerns, directions on how to find the resources to differentiate rumor from fact, and the Board’s response to false or misleading information that may be disseminated.

Current as of October 22, 2007.

Rulemaking Update:

The Board is in the process of promulgating a rule amendment to Article 11. Chiropractic Assistants, R4-7-1102 and R4-7-1103. The proposed rule was published on March 30, 2007. A period of 30 days was provided for submission of written comment or to request an oral hearing. The Board did not receive any comment on the proposed rule or a request for hearing. The rule was published again in a Notice of Supplemental Proposed Rulemaking on August 10, 2007. Another period of thirty days was provided for submission of written comment or to request an oral hearing. No written comment was received nor was an oral hearing requested.

There is now information being circulated that the rule will prohibit chiropractic assistants from performing many therapies. That is not what the rule does. The rule states that chiropractic assistants may perform therapies and identifies a number of therapies which have prompted inquiries to the Board over the years. The rule does not limit chiropractic assistants to those therapies only. However, because there is confusion, the Board will add language to clarify that the rule is not all inclusive of the services that a chiropractic assistant may perform by adding language “may include, but not limited to” and “may administer, but not limited to”, contingent upon approval of the Governor’s Regulatory Review Council.

The Board would like to acknowledge that this posting is due in large part to constructive cooperation and communication with the Arizona Association of Chiropractic.

Renewals! The license renewal applications for 2008 are being mailed at this time. If you have not received your renewal application by November 15, 2007, please contact the Board to confirm that we have an accurate and current address.

Continuing Education! The most pressing question for licensees in completing their license renewal applications is whether or not they have taken continuing education that qualifies for license renewal. The Board has provided a detailed check list on this web site to assist you in establishing the qualifications for continuing education credit. You will find the link for that check list on the home page of the website.

False or Misleading Information!

Some incorrect information has recently been disseminated in apparent response to the Board’s annual newsletter. The Board communicates with the profession via newsletter on an annual basis. The newsletter updates licensees on any new laws that have taken effect, current issues or concerns that have

or may have an impact on licensed Arizona doctors of chiropractic and guidelines on how licensees and the public can find facts rather than relying on rumor regarding actions of the Board.

The Board does feel a responsibility to clarify when false information is being disseminated because such information can have a negative impact on both members of the profession and the public. The Board, however, will try to address that issue by giving readers guidance on how to find the facts for themselves so that they can arrive at their own conclusions.

The Board would like to address the following:

1. P. Dianne Haydon, D.C. is the newly elected Chair of the Board of Chiropractic Examiners. The Board's fall newsletter included a message from Dr. Haydon to the profession. Dr. Haydon has expressed her observation regarding the distribution of propaganda with little more than half truths, misrepresented facts and personal opinion that seek to create an atmosphere of distrust regarding the activities of the AZBOCE. The following addresses some of the issues reflected in that concern.
2. It has been falsely disseminated that a Superior Court Judge overturned the Board's decision in the case of an appeal of a Board action and that the Board's annual newsletter was sent out as a means to distract from that ruling. Actually, the Judge filed an Under Advisement Ruling on July 6, 2007. The Board's newsletter was issued in September of 2007, as it was in 2006, 2004 and 2002. The Board has found that the newsletter is most effective in helping licensees with renewal instruction if issued in fall.
3. The misinformation also represents that the Superior Court ruled against the Board in the matter of Paul Pratt vs. The Arizona Board of Chiropractic Examiners. Actually, the Judge found that the Board's findings of violations of law in the matter were substantiated. He agreed with part of the sanction imposed by the Board and remanded the case back to the Board for review of the record and reconsideration of the terms of probation. A final Board Order has been issued in this matter. The Superior Court Under Advisement Ruling can be obtained through the Arizona Superior Court, Pima County Case No. C20064644. The Board Order in the matter of Case No. 2005-108 is available through the Board office.
4. There has also been misrepresentation that the Board has become a proxy for the insurance companies and that the past Board Chairman, Craig Seitz, D.C. has stated that 80% of complaints are filed by insurance providers. Dr. Seitz has confirmed that he has never told any person that 80% of complaints are filed by insurance companies, nor is there any basis for that statistic. It would appear that the number has been made up without any supporting data. In addition, it must be recognized that The Board is required to investigate a complaint filed by a known party, regardless of who the complainant may be. This is true of all health regulatory boards.
5. There has also been misrepresentation that the majority of the Board members benefit financially by working for insurance companies. There are three practicing chiropractors on the Board. One Board member performed IME's and claims reviews on behalf of both chiropractic professionals and insurance companies at about 10% to 15% of his professional time. The rest of his professional revenues were generated from patient care. One Board member performed IME's or claims reviews at about 1% of her professional time in the past, with the rest of her professional revenues generated from patient care. The third member did no IME's or claims reviews and has recently ended his term of service.
6. The Board did engage the services of a legislative liaison in 2006 for a contract of \$20,000, although a statement that it was paid for by tax dollars is incorrect. The Board does not receive any funding from taxes. It is common for State agencies to be represented by legislative liaisons. Lobbyist are required to file with the Secretary of State and those filings are public. As a result of the Board's legislative effort, a bill that would have prevented any doctor of chiropractic who

receives insurance payment for patient care from sitting on the Board was changed to limit the restriction to licensees who receive insurance compensation as agents of an insurance company. The Board also engaged the services of a legislative liaison in 2007 for a contract of \$17,000. The legislative liaison for the Board worked in cooperation with the lobbyist for the Arizona Association of Chiropractic in the passage of a bill that authorizes the Board to issue a non-disciplinary Order for Continuing Education.

7. There has also been misrepresentation that the Board issues subpoenas as “fishing expeditions” when a complaint that is a fee dispute is filed. Actually, a complaint cannot be determined to be a fee dispute until an investigation has been completed. A critical part of the investigation includes issuing a subpoena for the patient record, if the complaint is related to patient care. It is a violation of law to fail to comply with a Board subpoena. If the investigation, which can include a review of the record, interview with the licensee, interview with the complainant or any other witnesses and review of any other pertinent files that either party present, does not indicate a violation of law, the matter will be dismissed. If the Board investigation finds evidence of a violation of law, the Board cannot simply disregard that information any more than any other entity that enforces a law. The complaint process is outlined in another section on this website.

The best way to find out what actions or omissions are found to violate the Chiropractic Act is to look at the Orders that have been issued by the Board. The Orders are available through this web site by looking up the name of a doctor of chiropractic. A list of actions that have been taken within a period of time can be obtained through the Board office as well. The Board can also issue non-disciplinary advisory letters that are public record, but we currently require a request through the Board to obtain those letters. The Board does not post a copy of an advisory letter on the web site so that we can explain that the letter is not a disciplinary action when a copy is requested.