



July 23, 2007

### ***Letter to the Editor***

#### **New Interpretation of Chiropractic Law Ties Hands of New Jersey Healers**

A recent New Jersey court decision states that chiropractors' manipulative treatment must be limited only to the spine and not clinically related joints, like the upper and lower limbs. Simply stated, this is *bad medicine* for thousands of New Jersey residents who turn to chiropractic to help them deal with everything from neck and back, soft tissue and limb pain to complete holistic healthcare.

For more than a half-century chiropractors have used their education and training to do more than just align patients' spinal columns. Although the spinal adjustment is the *cog in the wheel* of our profession, offering many tens of thousands of New Jerseyans relief from spinal pain, it also provides great benefit when treating other ailments linked to misaligned spinal vertebrae.

Today's chiropractor, throughout New Jersey and the country, focuses on a wellness lifestyle, with special emphasis on improving the patient's quality of life while assisting them with returning to more enjoyable activities of daily living. Nationwide, some 7.4% of the population has experienced the benefits of chiropractic care with impressive ratings in regard to patient satisfaction.

According to a report in the *Annals of Internal Medicine*, chiropractic is the largest, most regulated and highly recognized of all complementary and alternative healthcare professions. Approximately 60,000 chiropractors are in active practice throughout all 50 states, as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands. Rated number seven in the country, New Jersey is home to approximately 3000 practicing chiropractors.

These recognized doctors train for at least four years at one of 16 chiropractic colleges accredited by the Council on Chiropractic Education (CCE), an agency recognized by the U.S. Secretary of Education. In addition, Doctors of Chiropractic must pass national board examinations and become state-licensed before treating patients in our state.

Even the medical community has noted that chiropractic serves as an important component in regard to total health care. A recent article in the *Washington Post* quoted Dr. William Lauerman, MD, chief of spine surgery and a professor of orthopedic surgery at Georgetown University Hospital, who said "I'm an orthopedic spine surgeon and a big believer in chiropractic."

The case that prompted the state appellate court to rule that chiropractors practicing in New Jersey could only perform spinal adjustments arose when a Brick Township woman sued her chiropractors alleging malpractice after cartilage in her knee was torn. In the suit, she claimed that all chiropractors practicing in the state should be limited to adjusting spinal joints, only. However, after a full jury trial the chiropractors were found not at fault and the patient appealed her "no cause" verdict. The resulting appeal is where the recent decision precluding the adjustment of "extra spinal" (outside of the spine) joints was issued.

No matter what the individual situation was with this litigant, the work of one practitioner should not become a benchmark -- or in this case, an inhibitor -- for the entire profession. When someone files a malpractice suit, an entire discipline is typically not affected. However, that is

exactly what happened in this instance due to the appellate court's narrow interpretation of chiropractic law in our state which went well beyond the facts of this particular case.

Chiropractors will always have detractors who attempt to make the public believe that chiropractic care is ineffective and inappropriate. And then there are a few politicians who will be influenced in trying to find ways to keep chiropractors out of mainstream healthcare. Regardless of the games being played, try telling this to one of any number of patients who returned to more enjoyable activities or full time employment as a result of visiting with their chiropractor and receiving regular, gentle chiropractic care, thus avoiding surgery or drugs.

The appellate decision is now being appealed to the New Jersey State Supreme Court. Most importantly, the state legislature recently recognized the negative impact of this decision on their constituents and took immediate action. A few months ago the state Assembly passed a bill that would clarify the long standing fact that a chiropractor's scope of practice in New Jersey includes the adjustment of extra spinal joints clinically related to the spine. However, due to last minute time restraints during budget negotiations, the Senate tabled this legislation until the fall session.

In the meantime, the hands of chiropractors are tied. We are bound by the law interpreted through the appellate court and must forego providing this safe and efficacious treatment to our patients who have benefited from it in the past. Chiropractors are highly educated, experienced, and tested in performing extra spinal adjustments but must limit the scope of their treatment until the Supreme Court overturns this ruling or the Legislature clarifies the scope of chiropractic practice in New Jersey. Until then, unfortunately, it will be the patients who suffer most.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sigmund Miller". The signature is fluid and cursive, with a large initial "S" and "M".

Sigmund Miller, DC, FICC – Executive Director  
Association of New Jersey Chiropractors