

DEPARTMENT OF HUMAN RESOURCES
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



CAROLEE C. KUBO
DIRECTOR

NOEL T. ONO
ASSISTANT DIRECTOR

April 2, 2014

The Honorable Angus L.K. McKelvey, Chair
and Members of the
Committee on Health
House of Representatives
State Capitol, Room 325
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair McKelvey and Members of the Committee:

SUBJECT: Senate Bill No. 2478, HD1, Relating to Health

The City and County of Honolulu respectfully opposes S.B. 2478, HD1, which seeks to expand the scope of practice for chiropractors. In addition to the concerns that have been previously raised by the medical community as to the efficacy of such treatment, expanding the ability of chiropractors to treat the whole body would significantly increase costs in workers' compensation.

The City, therefore, asks that S.B. 2478, HD1 be held. In the alternative, we request that the Committee limit the reimbursement and number of allowable treatments for chiropractic care for workers' compensation to the same amounts that currently exist in the motor vehicle insurance laws.

Thank you for this opportunity to testify.

Sincerely,

A handwritten signature in black ink, reading "Carolee C. Kubo".

Carolee C. Kubo
Director

**PRESENTATION OF THE
BOARD OF CHIROPRACTIC EXAMINERS**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-SEVENTH LEGISLATURE
Regular Session of 2014

Wednesday, April 2, 2014
2:10 p.m.

TESTIMONY ON SENATE BILL NO. 2478, H.D. 1, RELATING TO HEALTH.

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Robert Klein, D.C., and I am the Chairperson of the Board of Chiropractic Examiners ("Board"). Thank you for the opportunity to present testimony in support of Senate Bill No. 2478, H.D. 1, Relating to Health.

The Board reviewed and discussed this bill at its January 23, 2014 Board meeting.

Section 1 of this bill defines and clarifies the chiropractic scope of practice.

Section 2 of this bill clarifies the additional post-licensure examinations that the Board may require.

Finally, Section 3 of this bill allows a chiropractor to use the term, "chiropractic physician".

The Board supports Senate Bill No. 2478, H.D. 1, as it will update the scope of practice for chiropractic to reflect standards of care, practices, and terminology which keeps abreast with the advances in health care and the profession.

The Board respectfully requests your Committee's approval and passage of this measure. Thank you for the opportunity to testify on Senate Bill No. 2478, H.D. 1.



HAWAII MEDICAL ASSOCIATION

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Phone (808) 536-7702 Fax (808) 528-2376 www.hmaonline.net

TO:

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus L.K. McKelvey, Chair

Rep. Derek S.K. Kawakami, Vice Chair

DATE: Wednesday, April 02, 2014

TIME: 2:10 pm

PLACE: Conference Room 325

FROM: Hawaii Medical Association

Dr. Walton Shim, MD, President

Dr. Linda Rasmussen, MD, Legislative Co-Chair

Dr. Ron Keinitz, DO, Legislative Co-Chair

Dr. Christopher Flanders, DO, Executive Director

Lauren Zirbel, Community and Government Relations

Re: SB 2478

Position: Opposition.

The Hawaii Medical Association stands in opposition to SB 2478 at this time. There is evidence in many states that expanding scope in this fashion will result in unnecessary tests, increased cost of medical care, and unnecessary and inappropriate treatment. Under the ACA insurance companies no longer have any choice and much reimburse up to the State's scope of practice. Keeping this in mind we must be very mindful of all scope of practice changes and the effect of this on premium costs.

We would like to offer the following amendments if the committee wishes to move this bill forward. However, we do believe that there are still costs associated with this bill that can be better addressed by insurance testimony.

Suggested amendments:

Remove Page 3 Lines 8 – 11 or the language "Use an other method of examination for diagnosis and analysis taught by an accredited chiropractic college and approved by the board in accordance with this chapter and rules adopted pursuant to this chapter."

Officers

President - Walton Shim, MD President-Elect – Robert Sloan, MD
Secretary - Thomas Kosasa, MD Immediate Past President – Stephen Kemble, MD
Treasurer – Brandon Lee, MD Executive Director – Christopher Flanders, DO

Why? This language gives the board unprecedented authority to define scope of practice in any number of ways with no oversight.

Remove the use of the term “physician”.

Why? This is confusing to patients.

Thank you for the opportunity to provide this testimony.

TESTIMONY OF JANICE FUKUDA

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Angus L.K. McKelvey, Chair

Representative Derek S.K. Kawakami, Vice Chair

Wednesday, April 2, 2014

2:10 p.m.

SB 2478, HD1

Chair McKelvey, Vice Chair Kawakami, and members of the Committee, my name is Janice Fukuda, Assistant Vice President, Workers' Compensation Claims at First Insurance, testifying on behalf of Hawaii Insurers Council. Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately one third of all property and casualty insurance premiums in the state.

Hawaii Insurer Council **opposes** SB 2478, HD1. Throughout the early and mid-1990's, property and casualty insurers were under severe scrutiny by the Legislature because of the rising cost of insurance, particularly motor vehicle and workers' compensation insurance. Our analysis showed that increasing medical costs were attributed to the treatment of soft tissue injury, largely by chiropractors. There were a number of law changes from 1993 to 1998 to the motor vehicle insurance law as well as the workers' compensation law. As a result, costs for these types of insurance has decreased significantly and stabilized for a number of years.

Chiropractors have made attempts over the years to expand their scope of practice. Since the motor vehicle insurance law was changed to limit the number and amount of chiropractic reimbursement, costs have stabilized in this area. Workers' compensation insurance however does not have the same cost controls in place. Expansion of chiropractors' scope to the whole body would increase costs in workers' compensation. Currently, a chiropractor's office visit ranges from \$176 to \$ 200 vs. \$50 to \$176 for a medical doctor's office visit. The cost difference is because chiropractors are able to

charge for manipulation and up to four procedure codes per visit. Even though utilization is limited per treatment plan, additional treatment plans are routinely submitted.

The 1997 Legislature dealt with the issues of chiropractic treatment versus other medical disciplines in Act 78. This bill seeks again to expand chiropractic beyond the scope established in that Act after much in depth testimony as to the medical and financial implications. We believe the various medical disciplines, including chiropractic, are appropriately defined in Title 25 of the Hawaii Revised Statutes and these proposed amendments should not be enacted.

The consequence of their expanded scope of treatment will be higher costs in these areas. It will erode years of legislative reform and will contribute to increasing medical costs for motor vehicle and workers' compensation insurance. Hawaii Insurers Council is also concerned about the quality of care for injured persons and we believe chiropractors' treatment should be limited to the spine.

Therefore, we respectfully request that SB 2478, HD1 be held. However, if this committee feels it is appropriate to move the bill, we ask that you at least limit the reimbursement amount and the number of treatments as it exists in the motor vehicle insurance law. The following language should be inserted where appropriate to Chapter 386-21:

"Chiropractic treatments shall be allowed for not more than the lesser of thirty visits at no more than \$75 a visit plus no more than five x-rays at no more than \$50 each."

Thank you for the opportunity to testify.

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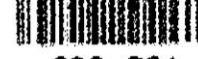
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Hawaii State Chiropractic Association

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March 31, 2014

Committee on Consumer Protection and Commerce

Chair, Rep. Angus McKelvey

For Hearing on

Wednesday, April 2, 2014

At 2:15 pm

Conference Room 325

TESTIMONY IN SUPPORT OF SB 2478

Aloha Rep. McKelvey and members of the committee:

I have been the Executive Director of the Hawaii State Chiropractic Association for 15 years and its President for the last 7 years. I have been in practice for 26 years in Hawaii. I know my profession well as well as the doctors who provide chiropractic service to thousands of Hawaii residents who rely on our care for their various problems.

From the time I started practice, I have been frustrated by a chiropractic practice act in Hawaii that insufficiently describes what chiropractors can do based on education, national certification, and licensure. The bill before you, SB 2478, passed out of the Senate CPN Committee unamended because it understood how important it is to have a practice act that truly reflects the practice based on established qualifications.

Some of the people who oppose our attempt to update our practice act know little about the service we provide. They call this bill an "expansion" of practice. It is an indication that they barely understand the profession of chiropractic. They have a narrow impression of what chiropractic is. Whether it is that they don't know much about chiropractic care or they don't want to know more than they do, the effect is the same. Their limited knowledge of our practice should not be given serious consideration.

Some people oppose updating our practice act for purely economic reasons. Keeping the practice act in its present form permits them to continue to deny chiropractors reimbursement for treatments we are able and qualified to deliver. The Hawaii Insurers' Council's cost figures for chiropractic, for example, are inflated and they don't provide reliable data to justify their allegation of cost comparisons with medical doctors. If anything, the figures should be reversed. Insurers simply don't want to pay for services, even if it provides resolution and relief. They make their decision of what they are willing to pay for based purely on economics and not on whether the service is medically necessary.

Please don't be persuaded by turf battles. Chiropractic provides services that are not provided by traditional medical care. When chiropractic first came on the scene in Hawaii in 1925, it was put into the Medical Board. By the 1940's, however, the legislature, in its wisdom, understood that chiropractic was unique as a profession and established the Chiropractic Board. We have had our own board ever since.

The medical establishment as an organization has done little to learn about chiropractic and its place in healthcare delivery. Fortunately, over the last decade, medical health plans like HMSA, Kaiser, HMAA, and UHA have included chiropractic among its benefits. National plans such as United Healthcare and Blue Cross/Blue Shield have had chiropractic coverage for many years. Medicare has also recognized chiropractic for decades, as has the workers' compensation systems across the country. Chiropractors have always acknowledged the necessity and value of the services provided by our allopathic colleagues. However, we have not felt their appreciation of the services we provide, even though more and more doctors, as individuals, are referring their patients to chiropractors today.

It's time for the medical profession to acknowledge that the world is moving to an integrative model of healthcare delivery and that no doctor, alone, has all the answers. The Governor's recent State Innovative Model (SIM) plan included many different services. I sat shoulder-to-shoulder with medical doctors and health plans in the development of this model as a member of the Coordinated Care Network Committee. The broad agreement was that we have to stop looking at medical care as services operating as silos. Patient-centered care, the medical model of the future, will require all healthcare professionals to work together and provide patients the best of integrative care.

Chiropractic is a unique service and deserves a practice act that describes the parameters of its practice. Detractors such as payors and those who feel competitive with us have motives that are not focused on providing the best of quality care to our citizens. We need multiple disciplines and a truly integrative approach to healthcare delivery in the 21st century. We need to lead the way, instead of being bogged down by old precepts and prejudices. We're looking to our elected leaders to be above the fray and enact reasonable laws that protect not only our professions and organization, but that also protect the public by providing them the best services possible and giving them choice and access, without which we remain in the shackles of old school medicine.

ADDITIONAL NOTE:

In the hearing before your committee on March 7, you heard testimony from Dr. Michael McLean, DC, who identified himself as the President of the ICA (International Chiropractic Association). The ICA is an ultra-conservative branch of the chiropractic profession with few members nationally, many of whom are chiropractic students and not actual licensed practitioners. The American Chiropractic Association, on the other hand, is the largest professional association with more than 7 times the membership of the ICA. The ACA fully supports this bill as you saw in their testimonies.

Dr. McLean isn't a Hawaii Resident. He is a permanent resident of Virginia Beach, VA, where he has his practice. He is only an occasional visitor to Hawaii because his wife maintains a practice here. His wife, Pat, is also not a resident of Hawaii. Neither of them vote in Hawaii. Yet, Dr. McLean seems intent on influencing Hawaii policy-making by his testimony. Please disregard his testimony as not reflective of how chiropractic serves the people of Hawaii. We don't want our profession defined by a person who isn't living his practice in Hawaii and won't even be affected by the passage of SB 2478.

Additionally in the hearing, you heard from Dr. Nicholas Opie, DC. Dr. Opie is a member of the ICA and was once its representative from Hawaii. Dr. Opie was disabled by a stroke many years ago and has been unable to practice. An update of the practice act for chiropractors, therefore, will not affect him, either. Dr. Nick Opie's testimony does not reflect the practice and philosophy of the majority of chiropractors in Hawaii, nor the rest of the country. His views are skewed by a very narrow view of chiropractic that hasn't evolved since the early 1900's, whereas the education and training of chiropractors in accredited colleges have advanced beyond those early fundamental beliefs. As chiropractic moves forward into the future to serve the public in better and more effective ways, Dr. Opie will not be part of that movement.

As a democratic profession, we support the right of our colleagues to disagree. We are not a cookie-cutter profession. But, we should be cautious to put into perspective the opinions of the few with the rights and privileges of the many.

And, whether modern medicine can accept it or not, there is also modern chiropractic medicine. Our reasoned judgment should support best practices in medicine and, by doing so, protect the public interests with better laws.

We urge you to support SB 2478. Thank you for considering these comments.

A handwritten signature in black ink, appearing to read 'Gary Saito', with a large, stylized loop at the beginning.

Dr. Gary Saito, DC
President and Executive Director
Hawaii State Chiropractic Association

Healing Hands Chiropractic

45-510A Kamehameha Hwy

Kaneohe HI 96744

808-753-1242

James Finley DC

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus L.K. McKelvey, Chair

Rep. Derek S.K. Kawakami, Vice Chair

Date: 4/02/2014

Time: 2:10 PM

Place: Conf Room 325

I SUPPORT SB 2478 HD1

Aloha Chair McKelvey and members of the committee:

My name is Dr. James Finley and I am a practicing **Chiropractor** in the State of Hawaii. I have had the opportunity to practice chiropractic on the **Windward** side of Oahu for over 11 years. I am a current member of the Hawaii State Chiropractic Association. I am board certified from the National Board of Chiropractic Examiners, and have passed all **four** national chiropractic boards.

I hold a Bachelor of Science degree in Pre-Med from Louisiana State University. After LSU, I attended 4 years of graduate school at Life University-College of Chiropractic. The requirement to become a Doctor of Chiropractic is a 4 year undergraduate bachelor degree in addition to the 4 years of Chiropractic study, for a total of 8 years of college and graduate school education. Our education standards to become a doctor of chiropractic mirror that of Dentists. It is important to note that to be any kind of doctor in the United States we all must take the same foundational education courses. We all must understand physiology, anatomy, pathology and public health. On average, Chiropractors actually have 200 more hours of class time and clinical study time than medical doctors do. A recent review of both medical and chiropractic colleges found that chiropractors are required to have nearly double the amount of education hours for physiology and anatomy while in subjects such as x-ray and orthopedics we have over 150 more hours in each subject alone. For the subject on **diagnosis**, the ratio is 408 hours for chiropractors to 113 for medical doctors.

Life University is a CCE, Council on Chiropractic Education, accredited Chiropractic College. The CCE is the agency that is overseen by the US Department of Education. I **earned** this post graduate level of education to one day be able to apply my knowledge and skills as a Chiropractic Physician.

After I graduated chiropractic school in the late 90s, I practiced in a state where chiropractors were referred to as Chiropractic Physicians. When I moved to Hawaii over a decade ago, I quickly noticed that we were not yet referred to as Chiropractic Physicians. This was a demotion in title and practice for me however I accepted it because I was determined to make a life for myself and my family in this beautiful state. I am in favor to retain the terminology of chiropractic physician in this bill.

Our scope of practice in the State of Hawaii is out of date and has not afforded me these rights as a Doctor. The current scope actually hinders us from helping our patients. Our hands are tied in terms of treatment, diagnosis and deciding and providing the appropriate healthcare. Chiropractic is more than just the spine. Chiropractors are highly educated and trained to address the whole body and neuro-musculoskeletal system. The current scope restricts chiropractors to the spine only. I believe the scope of practice should be **updated to reflect the healthcare that we were trained to administer**. Even the US federal government programs such as Medicare refer to Doctors of Chiropractic as Chiropractic Physicians.

Chiropractors are Doctors first, and we have a responsibility to the public to deliver care that we are qualified to perform.

I urge this committee to pass SB2478 HD1.

Thank you for this opportunity to **support SB 2478**.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Finley DC', with a stylized, cursive script.

James Finley DC

PUKALANI CHIROPRACTIC INC.**Andrew M. Janssen, D.C.**

- *Certified Disability Evaluator*
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April 1, 2014

TO: House Consumer Protection & Commerce Committee FAX: 1-800-535-3859
Chair Rep. Angus McKelvey

RE: Hearing on Wednesday, April 2, 2014
2:10 p.m. in Conference Rm 325

Aloha Chair McKelvey and members of the committee:

My name is Andrew M. Janssen and I am a chiropractic on Maui in practice for over 20 years. I have undergone intensive schooling and training in order to provide my patients, ranging in age from infancy to 90+ years old, with safe, non-narcotic treatment. Many of them come to me after seeing allopathic physicians and getting no relief. And still many more people are unaware of the benefits of chiropractic care can provide to them. It is about time that we health providers get recognized for the positive contributions we make to improve the health conditions of the community. Thus, I humbly urge this committee to pass SB 2478 HD1.

Thank you for your time and consideration to this matter.

In good health,

Andrew M. Janssen, D.C.

Wasserman Chiropractic Inc.**1325 S. Kihei rd. #102A****Kihei, Hi, 96753****(808) 875-0073****(808) 875-0247 fax****Attn: House Consumer Protection & Commerce Committee****Chair Rep. Angus McKelvey****RE: Hearing on Wednesday, April 2, 2:10 pm in Conference room 325**

Aloha, Chair McKelvey and members of the committee:

"I support SB 2478 HD1" My name is Dr. Shana Wasserman-Amouyal D.C. I have been in practice and own Wasserman Chiropractic in Kihei for 10 years and own property in North Kihei as well.

The purpose of this bill is to update the Hawaii Chiropractic Practice Act by clarifying the scope of practice of today's chiropractic profession.

Chiropractic is and always has been about the neuromusculoskeletal system of the whole body. Chiropractic care is not about the spine only! Insurance and healthcare entities limited chiropractic benefits to the spine only as an economic strategy to limit their costs by restricting chiropractic services to only those areas they were willing to pay for. It was not a decision about what chiropractors are qualified to deliver in healthcare. We are regarded as chiropractic physicians, and other states already include this designation in their practice acts. I want this committee to recognize the chiropractic scope of practice as it is meant to be practiced today according to our education, certification, and license.

"I urge this committee to pass SB 2478 HD1"

Mahalo, Dr. Shana Wasserman D.C.



**KLEIN NATURAL HEALTH
and WELLNESS CENTER**

Rachel M. Klein, N.D., D.C., D.A.C.N.B.

2070 Kilauea Avenue Hilo, Hawaii 96720 : Fax (808) 959-4580 : Phone (808) 959-4588

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus McKelvey, Chair

Rep. Derek Kawakami, Vice Chair

DATE: Wednesday, April 2, 2014

TIME: 2:00pm

PLACE: Conference Room 325

TESTIMONY IN SUPPORT OF SB 2478 HD1

Dear Chair McKelvey and members of the committee:

I support SB2478 HD1 and encourage you to pass this measure!

I am a newly licensed chiropractic practitioner in Hawaii, having just returned to my home town of Hilo after five long and difficult years of training to become a chiropractic physician.

As a recent graduate, I have been trained to diagnose and treat a wide variety of bodily conditions and to work within the broader health care system using appropriate examinations and referrals to provide the best possible patient care. Chiropractic college trained me to treat the whole body (not just the spine) and to serve as a primary care physician, not only a musculoskeletal specialist.

I practiced for about a year and a half in Illinois where I attended school. In that jurisdiction, typical for most of the U.S., I was considered a physician. I had the responsibility to serve as a primary care practitioner. My training, like that of all D.C.s, prepared me to fulfill that role.

SB 2478 HD1 would bring Hawaii's standards up to a national norm. It would allow our chiropractic doctors to act in the role for which they have been trained, not limiting them to a narrow scope of activities. It would result in better natural health services being available for Hawaii's public.

Please pass SB 2478 HD1. Thank for the opportunity to give this testimony

Sincerely,

Rachel M. Klein, N.D., D.C., D.A.B.C.N.



Back In Action Chiropractic, Inc.

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email: info@mauichiropractic.com

March 31, 2014

House Consumer Protection & Commerce Committee
Chair Rep. Angus McKelvey

Hearing on Wednesday, April 2
2:10 pm in Conference room 325

Re: SB 2478 - SCOPE OF PRACTICE ACT

Dear Chair McKelvey and members of the committee

"I support SB 2478 HD1"

Aloha my name is Dr. Eric Wruck, DC. I am practicing on the island of MAUI, and I SUPPORT SB 2478 HD1. I have been practicing here on Maui since 1996. And have lived here with my family from childhood. When I returned home after college, I realized the limited scope we currently have would limit and negatively affect the care of my patients. Most states now take advantage of expansive education and training we have received and are realizing the much needed service we provide in the overall healthcare dilemma our country is currently facing. As you know through our extensive education we are neuromusculoskeletal specialists for the whole body and offer excellent conservative treatment measures and appropriate referrals. By bringing our practice act this will allow us to participate in patient care within the original scope of our education and further help alleviate bottling necking in the current healthcare system. We also act as portal of entry physicians in identifying other conditions and diagnosis's and referring to the appropriate healthcare provider or specialists in the system thereby relieving pressure in the triage component of the healthcare dilemma.

Across many countries and federal programs we are seen as specialists of the neuromusculoskeletal system of the whole body. We are regarded as chiropractic physicians in many programs, and that other states already include this designation in their practice acts. We want this committee to recognize the chiropractic scope of practice as it is meant to be practiced today according to our education, certification, and license

We want to bring the practice act in line with the curricula of the accredited chiropractic colleges, with the National Board Examinations, and with Hawaii's Administrative rules describing the practice of chiropractic.

Anyone who thinks this bill is an expansion of our practice act knows little to nothing about what chiropractic actually is and the service it can provide within our accredited educational background. It illustrates a lack of knowledge about national chiropractic standards of practice in the 21st century.

Chiropractic was never about the spine only. Chiropractic was always about the neuromusculoskeletal system of the whole body. There are specific insurance and healthcare entities that are motivated by limited chiropractic benefits to the spine only as an economic strategy to limit their costs by restricting chiropractic services to only those areas they were willing to pay for. It was not a decision about what chiropractors are qualified to deliver in healthcare.

Chiropractic is the third-largest doctoral level healthcare profession in the country, behind only MD's and dentists. Chiropractors are already regarded as physicians in major federal programs such as Medicare, in many private healthcare plans, and in state programs like workers' compensation. Thirteen other states already define chiropractors as chiropractic physicians.

The Hawaii Insurers' Council claim that chiropractic visits cost \$175-\$200 does not have a basis in fact. I know this as a practicing physician on Maui as a FACT this is untrue. A simple review of the CPT procedure codes would relay that fact. They provide no evidentiary data that this is the average cost of chiropractic services in Hawaii.

Dr. Nick Opie's testimony does not reflect the practice and philosophy of the majority of chiropractors in Hawaii, nor the rest of the country. His views are skewed by a very narrow view of chiropractic that hasn't evolved since the early 1900's, whereas the education and training of chiropractors in accredited colleges have advanced beyond those early fundamental beliefs. Chiropractic has become integrated in most large-scale healthcare programs because of the continual improvement of our education and training.

Dr. Michael McLean, while testifying in Hawaii, is not a resident of Hawaii. He resides in Virginia Beach, VA, where his practice is also located. He is only an occasional visitor to Hawaii. He does not vote in the State of Hawaii, yet is attempting to manipulate policy-making in Hawaii by testifying before you. The passage of this bill will not affect his life or his practice, but his testimony is attempting to affect our local doctors who live and work here. There are more than 60,000 chiropractors in the U.S. Dr. McLean represents only about 8% of practicing chiropractors in the country and only 4 % of the chiropractors in Hawaii.

"I urge this committee to pass SB 2478 EP1. Thank you."

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Wruck', with a long horizontal flourish extending to the right.

Dr. Eric Wruck, DC

KLEIN CHIROPRACTIC CENTER

Robert E. Klein, D.C., F.A.C.O.

2070 Kilauea Avenue Hilo, Hawaii 96720 : Fax (808) 959-4580 : Phone (808) 959-4588

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus McKelvey, Chair

Rep. Derek Kawakami, Vice Chair

DATE: Wednesday, April 2, 2014

TIME: 2:00pm

PLACE: Conference Room 325

TESTIMONY IN SUPPORT OF SB 2478 HD1

Dear Chair McKelvey and members of the committee:

I have submitted previous testimony on behalf of the Board of Chiropractic Examiners, in my official capacity as Chairman of that body, within the Department of Commerce and Consumer Affairs, in support of SB 2478. Below is my personal testimony on this matter.

I have been licensed and practicing as a Doctor of Chiropractic here in Hawaii since 1980 (thirty-four years) and have been active in the affairs of this profession throughout that time. I have been an officer in the Hawaii County Chiropractic Society, Hawaii Chiropractic Association and Hawaii State Chiropractic Association. I'm a member of the American Chiropractic Association, the largest national group representing chiropractors, and I currently serve as Hawaii's state delegate to that organization. I currently chair the Hawaii State Board of Chiropractic Examiners and also serve on the National Board of Chiropractic Examiners, administering practical examinations which are used for licensing our doctors in Hawaii. In addition, I am Hawaii County Regional Director for ChiroPlan Hawaii, our state's largest chiropractic independent practice association.

SB 2478 HD1 conforms to the very best national standards in chiropractic practice. It clarifies our statute to match already existing administrative rules, removing ambiguity. It closely matches the "model practice act" recommended for states by the Federation of Chiropractic Licensing Boards. It will serve both to protect public safety and to promote the greatest utilization of the skills and training which the chiropractic profession can offer to the people of Hawaii.

Please approve SB 2478 HD1. Thank for the opportunity to give this testimony

Sincerely,



Robert E. Klein, D.C., F.A.C.O.



COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus L.K. McKelvey, Chair

Rep. Derek S. K. Kawakami, Vice Chair

Date: Wednesday, April 2, 2014

Time: 2:10 pm

Place: Conference Room 325

TESTIMONY IN SUPPORT OF SB 2478, HD1

Dear Chair McKelvey and Members of the Committee:

Thank you for the opportunity to testify in support SB 2478, HD1 on behalf of the American Chiropractic Association (ACA). The ACA is the largest professional association in the United States advocating for over 130,000 doctors of chiropractic (DCs), chiropractic assistants (CAs) and chiropractic doctoral students. ACA promotes the highest standards of ethics and patient care, contributing to the health and well-being to an estimated 27 million individuals annually across the United States. We believe this update to statutory language defining the practice of chiropractic in Hawaii will prove beneficial to the patient population served by our members.

We strongly support the efforts of the chiropractic profession in Hawaii and across the U.S. to uphold and profess to practice to the highest standards of our education and training. We also strongly believe that the practice laws and administrative regulations should fully reflect our clinical training and education, translating that into everyday chiropractic practice. This affords the health care consumer the broadest of choices in healthcare providers and the delivery of their services.

The language of SB 2478, HD1 gives the people of Hawaii the ability to access Chiropractic Physicians who can practice at the highest clinical level. Additionally, the practice law that is here put forth allows for Chiropractic Physicians to continue to upgrade their education and services as medical science advances in the future.

Please pass out from your Committee SB 2478, HD1 to give the people better health care choices now and in the future.

Thank you for the opportunity to testify **in support of SB 2478, HD1.**

Sincerely,

A handwritten signature in black ink that reads 'Anthony W. Hamm'.

Anthony W. Hamm, DC
President



Governor, District 7 (HI, CA & NV, Guam, American Samoa & Commonwealth of Northern Mariana Islands)

Joseph G. Morelli, Jr., D.C., F.I.C.C.

94-050 Farrington Hwy., Ste. E1-1B

Waipahu, HI 96787-1841

T: (808) 671-2685

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To: Rep. Angus L. K. McKelvey, Chair
Rep. Derek S. K. Kawakami, Vice Chair
COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

From: Joseph G. Morelli, Jr., D.C., F.I.C.C., District VII Governor,
American Chiropractic Association

Date: Wednesday, April 02, 2014

Time: 2:10 pm

Place: Conference Room 325

Subject: **Testimony in SUPPORT of SB 2478, HD1**

My name is Dr. Joseph G. Morelli, Jr., and I am a Doctor of Chiropractic in Hawaii, practicing here in Waipahu for the past 36 years. I currently hold the elected office as the District 7 Governor on the Board of Governors of the American Chiropractic Association. I represent the local Hawaii Doctors of Chiropractic and also represent all the Doctors of Chiropractic in California, Nevada, Guam, American Samoa and the Mariana Islands.

The American Chiropractic Association is the largest Chiropractic professional representative organization in the world. We represent more than three times as many Doctors of Chiropractic than any other association in the U.S. and the world. I give this as testimony to voice our strong support to the intent of **SB 2478, HD1**.

The update of the practice act before you, SB 2478 streamlines the licensing language of the law regarding Doctors of Chiropractic here in Hawaii. We believe that the updating of the existing language of the law this bill amends will go a long way in allowing additional access and choice in the health care providers and services for the general Hawaii public.

Additionally, the simplification of the practice act language allows for Doctors of Chiropractic to practice as they are trained now, and in the future as clinical medical/chiropractic science advances. SB 2478 allows the doctors in their offices to keep up with clinical and educational changes thus meeting the highest national standards as the needs of our patients require.

Please pass **SB 2478, HD1** from your committee for the sake of the health of the Hawaii public, helping to insure that the medical/chiropractic care delivered in our islands is the best that it can be with ease of access.

kawakami3-Benigno

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 01, 2014 4:45 AM
To: CPCtestimony
Cc: jpleiss1@gmail.com
Subject: Submitted testimony for SB2478 on Apr 2, 2014 14:10PM

SB2478

Submitted on: 4/1/2014

Testimony for CPC on Apr 2, 2014 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
James Pleiss	Individual	Support	No

Comments: My name is James A Pleiss, DC and I have practiced on Maui for over 30 years. I am currently vice-chair of the Hawaii State Board of Chiropractic Examiners. I support SB2478 HD1. This will serve to update our practice act to conform to national standards. PLEASE AMEND THE BILL TO ADD THE WORDS "AND PROCEDURES" AFTER THE WORD "PHYSICAL MODALITIES". SO IT SHOULD READ "PHYSICAL MODALITIES AND PROCEDURES". This will accurately depict our training and current licensing in Hawaii. Thank you.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Randy R. Collins, DC, DABCO

2810 Paa St., #4 Honolulu, HI 96819

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus L.K. McKelvey, Chair

Rep. Derek S.K. Kawakami, Vice Chair

TESTIMONY IN SUPPORT OF SB 2478, HD1

Dear Chair McKelvey and members of the committee:

The Chiropractic profession has been growing since its inception in 1895. Like other professions we appreciate and respect our early pioneers' efforts, but understand that with time professions grow and develop, and rarely remain the same as they were originally. Research and education cause us to question procedures and make changes to improve the delivery of Chiropractic treatment. There continues to be a few vocal "chiropractic fundamentalists" which believe to this day that the early pioneers of this profession discovered chiropractic as whole and complete and unalterable, even in the face of new scientific information. SB 2478 allows us to practice with the most up to date education as taught by CCE accredited Chiropractic Colleges. CCE accreditation is recognized by the U.S. Dept. of Education. Passing SB 2478 protects the consumer by allowing Chiropractors to utilize the latest procedures and modalities they were trained to perform in college. We cannot allow others to stagnate an entire profession from learning and advancing as science and understanding changes.

Thank you for the opportunity to testify in support of SB 2478, HD1.

Sincerely,



Randy R. Collins, D.C., D.A.B.C.O.

Paul Willems, D.C.
P.O. Box 80230
Haiku, HI 96708

April 1, 2014

House Consumer Protection & Commerce Committee

Chair McKelvey and members of the committee

Please support SB 2478 HD1

I have been a doctor of chiropractic since 1989 holding license to practice in 5 states. I have been practicing in Maui Hawaii since 2000. Hawaii has been in dire need of updating it Chiropractic practice act as it neither reflects the training chiropractors receive nor the scope of practice seen in other states.

In the fourteen years I have practiced in Hawaii twice there has been issue with the very basic right of ordering laboratory tests like a common blood panel. Fortunately this has been remedied but resulted in the public being denied access to this basic service by their doctor of chiropractic.

I personally have a bachelors of science degree in Human Biology with post graduate training in Nutrition before attaining my doctorate degree in chiropractic. Please be informed that the required course work for matriculating into Chiropractic College in 1986 was IDENTICAL to that necessary for Medical, Osteopathic, Optometry, Dental, or Veterinary college.

Under my chiropractic license I have performed DOT exams for the state of Indiana, athletic exams for high school students, and written countless medical reports for workers compensation and auto accident injuries. Chiropractors are trained as primary care portal of entry physicians. We do not prescribe pharmaceuticals or perform surgical procedures. We have been fully trained to recognize when referral to medical specialists is necessary.

Chiropractors are interested in treating the neuromusculoskeletal system of the body, and can best do so with a clear scope of practice law. Here in Hawaii the public is best served by updating that law so that it reflects the education received by chiropractors and is on par with other states.

Many doctors of chiropractic have advanced training or specialization in orthopedics, neurology, nutrition, radiology, or sports injury. Chiropractors and the public we serve will benefit from an updated Scope of Practice act.

We are asking this committee to recognize the chiropractic scope of practice as it is meant to be practiced today according to our education, certification, and license.

I strongly suggest this committee pass SB 2478 HD1

Sincerely,

Dr. Willems

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Edward de Deo DC
5470 Koloa Rd 2F
PO Box 388
Koloa, HI 96756
808 346-7730 (c)
March 31, 2014

To: House Consumer Protection & Commerce Committee
Chair Rep Angus McKelvey,
April 2, 2014, 2:10 pm

My Testimony Supporting SB 2478 HD1

Hello Rep McKelvey and Committee Members:

I am a 29 year practicing Doctor of Chiropractic on the island of Kauai.
I have also served as **Vice President** of the **Hawaii State Chiropractic Association** and as Kauai Island Director for many years.

Upon reviewing the proposed bill **SB 2478 HD1**, I'm happy to see the inclusion of many merits that would recommend it for implementation in the State of Hawaii.

To my eye it embodies an accurate, up-to-date description of the scope and limits of current 21st century Chiropractic Practice. This bill will act as a true and honest assessment of the capacities that the thoroughly trained Chiropractor gleans from the multi-year education process followed by the rigorous National Board of Examiners testing criteria (that all doctors must pass before beginning their career of service).

Thank you in advance for your wise support of this most worthy bill.

Edward de Deo, DC

DR. SHANTI, D.C., INC.
P. O. Box 23362, Honolulu, HI 96823

HOUSE CONSUMER PROTECTION & COMMERCE COMMITTEE

Rep. Angus McKelvey, Chair

DATE: Wednesday, April 2, 2014
TIME: 2:10 AM
PLACE: Conference Room 325

TESTIMONY IN SUPPORT OF SB 2478 HD1

Dear Chair Mc Kelvey and members of the committee:

I am Dr. Sandee Shanti, D.C., and a practicing Doctor of Chiropractic here on Oahu. I have been practicing chiropractic for 16 years now. I am the Ambassador (State Representative) to the State of Hawaii from Life University, School of Chiropractic in Georgia. I am currently the Oahu Island Director for the Hawaii State Chiropractic Board. I have previously held the office on the Hawaii State PTSA Board, as the State Health and Safety Director. I have also held the Vice President position on the Hawaii State Chiropractic Board.

After reading SB 2478-HD1, I understand that the purpose of this bill is to update the Hawaii Chiropractic Practice Act by clarifying the scope of practice of today's chiropractic profession. SB 2478-HD1 is clear in that it is NOT an expansion of our practice act, it just unites Hawaii's Administration rules to national chiropractic standards of practice in the 21st century.

This bill would bring the practice act in line with the CCE regulations required through the United States Department of Education to accredit Doctor of Chiropractic degree programs, the curricula of the accredited chiropractic colleges, the high standards of the National Board Examinations, and with Hawaii's Administrative rules describing the practice of chiropractic.

All accredited Chiropractic Colleges and Universities must maintain a set of high standards dictated by the Council on Chiropractic Education (CCE) in order to maintain their accreditation. The CCE is the only agency recognized by the United States Department of Education to accredit Doctor of Chiropractic degree programs. The CCE is approved and regulated by our Federal Government.

A graduate from an accredited Chiropractic College or University cannot sit the National Boards unless the graduate is from an accredited Chiropractic College or University. The National

Board of Chiropractic Examiners, administers comprehensive testing to ensure that all graduates have the knowledge and expertise to professionally perform the duties of a Chiropractic Physician – just as the medical doctors must pass their boards.

Chiropractic is the third-largest doctoral level healthcare profession in the country, behind only MD's and dentists. Chiropractors are already regarded as physicians in ALL Federal programs such as Medicare, DOT commercial driver license examiners, on military bases as chiropractic physicians, in many private healthcare plans, and in state programs like workers' compensation. Over a dozen other states already define chiropractors as chiropractic physicians.

The current Scope of Practice Act is out of date to what our education has been and currently is by the standards set by the CCE and National Board of Chiropractic Examiners. Under the current Hawaii Scope of Practice Act, we are not allowed to practice at what is considered the standard of care nationally. The current Practice Act prevents us from offering our patients total health care which is the essence of chiropractic. Chiropractic was never about the spine only, but about the neuromusculoskeletal system of the whole body. Mainly on the involvement of correcting the nervous system so that the body may regain its optimal nerve flow, enabling the body's ability to heal itself through the improved nerve flow to the entire body.

I am in support of SB 2478-HD1, to update the scope of practice for chiropractic to reflect standards, practices, and terminology accepted by the National Board of Chiropractic Examiners; which is the testing/examining Board that the State of Hawaii relies upon for its licensure of Doctors of Chiropractic in Hawaii Nei.

SB2478-HD1 will bring the Doctors of Chiropractic in the State of Hawaii up to national standards; which will improve the health of our communities. I thank you for your time and urge you to please consider approving this Bill.

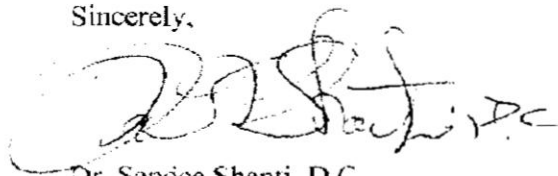
I would like to make a point about Dr. Michael McLean, D.C. of Virginia Beach, Virginia. He is currently the President of the ICA (International Chiropractic Association), and does maintain a DC license in the State of Hawaii. Dr. Michael McLean, while testifying in Hawaii, is not a resident of Hawaii. He resides in Virginia Beach, VA, where his practice is also located. He is only an occasional visitor to Hawaii. He does not vote in the State of Hawaii, yet is attempting to manipulate policy-making in Hawaii by testifying before you. The passage of this bill will not affect his life or his practice, but his testimony is attempting to affect our local laws and doctors who live and work here. There are more than 60,000 chiropractors in the U.S. Dr. McLean represents only about 8% of practicing chiropractors in the country and maybe only 4 % of the chiropractors in Hawaii.

As far as Dr. Nick Opie's testimony. His testimony does not reflect the practice and philosophy of the majority of chiropractors in Hawaii, nor the rest of the country. Dr. Opie has had a very long and excellent career in chiropractic. He went to school long before the requirements of a

BA or BS prior to entering a chiropractic university, the many CCE's requirements and regulations on approved chiropractic universities, and the five National Boards Exams that we must take for approved licensure. Unfortunately, he has been retired for some time and not actively involved with chiropractic universities in the recent years. He would be fantastic in that endeavor! His views, though, are a bit skewed by a very narrow view of chiropractic that hasn't evolved since the early 1900's, whereas the education and training of chiropractors in accredited colleges have advanced beyond those early fundamental beliefs. Chiropractic has become integrated in most large-scale healthcare programs because of the continual improvement of our education and training.

Thank for the opportunity to testify in support of SB 2478-HDL, I URGE YOU TO PLEASE SUPPORT THIS BILL. MAHALO

Sincerely,

A handwritten signature in black ink, appearing to read "Dr. Shanti, D.C.", with a stylized flourish at the end.

Dr. Sandee Shanti, D.C.



Dear Representatives McKelvey, Kawakami, and Committee Members of
Consumer Protection & Commerce,

My name is Nicholas Opie, DC, a chiropractor practicing in Kailua for over 33 years. I am the past Chairman of the Hawaii State Board of Chiropractic Examiners, and also serve my profession as the Hawaii Representative to the International Chiropractors Association.

I am in support of SB 2478 HD1 since it came out of the Committee on Health. I had previously been opposed to the language originally used to draft this Bill. Also I have worked with Dr. Michael McLean of Lahaina to further improve the language of SB 2478 HD1 to avoid duplication of several phrases and make minor adjustments to the Bill, mainly to Section 1.

We find it problematic where in first sentence reads . . . **of the body and the treatment of the human body by the application of . . . clinical nutrition methods . . .** This could be construed to say that chiropractors could treat the whole body and its diseases with clinical nutrition. I recommend inserting the word same as below to specify "treatment of the joints and tissues of the human body" which is more consistent with neuromusculoskeletal conditions and the intent of this Bill.

Also the phrase which begins with, "**Chiropractic is a portal of entry . . . whose practice includes all hygienic, sanitary, and therapeutic . . .**" Obviously chiropractors can't possibly practice **all** therapeutic measures. So my suggestion is to delete the word all.

I would also suggest adding the words "**the oral administration of clinical nutrition**" There are a few chiropractors on the mainland who advocate using injections to administer vitamins and supplements. This language would prevent that.

Dr. McLean and I offer the following amended language which is more clear and concise, while keeping the meaning and intention of SB2478 HD1. I have looked at most state laws regarding chiropractic practice and find that many states have language very similar to my proposal. It is my opinion that this amended Bill for HRS 442-1 will allow the best practice of chiropractic for Hawaii. For your committees consideration may I offer the following:

"§442-1 Chiropractic defined. Chiropractic is the system of specific adjustment or manipulation of the joints and tissues of the human body and the treatment of **same** by the application of manipulative, manual, mechanical, physical modalities, or clinical nutritional methods for which

those persons licensed under this chapter are trained. Chiropractic is a portal of entry for consumers to obtain services from licensees whose practice includes hygienic, sanitary, and therapeutic measures incident to humans.

A person licensed to practice under this chapter may examine, analyze, diagnose, and treat the human body to:

- (1) Correct, relieve, or prevent neuromusculoskeletal conditions by any physical, electrical, or thermal method;
- (2) Use or recommend the oral administration of clinical nutrition;
- (3) Use or order diagnostic imaging;
- (4) Use or order laboratory testing;
- (5) Use any other general method of examination for diagnosis and analysis taught in an accredited college of chiropractic which has been recognized and approved by the State Board of Chiropractic Examiners in accordance with this chapter and rules adopted pursuant to this chapter;
- (6) Provided that licensees shall not perform surgery or direct the use of legend drugs.

I have no objections to Section 2 or Section 3. In fact chiropractors are considered physicians under the medicare laws, and many other state laws include the term "Chiropractic Physician" as being synonymous with chiropractor, D.C., and Doctor of Chiropractic.

Thank you for considering my comments and suggestions. I can be reached at (808) 261-3557 and would gladly be available for any questions.

