Arizona Association of Chiropractic
Chiropractic Scope of Practice Sunrise Application

August 28, 2013

The Honorable Chester Crandell, Chair, Joint Legislative Audit Committee
The Honorable John Allen, Vice Chair, Joint Legislative Audit Committee
1700 West Washington
Phoenix, Arizona 85007

Dear Senator Crandell and Representative Allen,

Pursuant to ARS 32-3106, The Arizona Association of Chiropractic is herein making application for increased scope of practice (see ARS 32-925) to include the authority to prescribe a limited number of prescription medications to include prescription strength dosages of ibuprofen, prescription strength dosages of naproxen, methocarbomol, cyclobenzaprine and dexamethasone. We suggest that the specific medications enumerated be included in ARS 32-925 so as to clarify that the expanded scope is specifically limited.

The requirements for the application are delineated and addressed as follows:

1. **A definition of the problem and why a change in scope of practice is necessary including the extent to which consumers need and will benefit from practitioners with this scope of practice.**

A change in scope to allow for the use of a very limited number of non-narcotic prescription medications is an opportunity for doctors of chiropractic to enhance care for their patients. It would also provide a potential cost savings for patients (and their insurance companies), as it will allow treatment without additional health care attendance. A qualified doctor of chiropractic will be able to prescribe limited non-narcotic prescription medications without the need for referral to additional health care professionals.

It is further proposed that for a chiropractic physician to prescribe the aforementioned medications that they be required to obtain specialty certification similar to that provided for in ARS 922.02 where documentation of successful completion of a minimum of hours of study in pharmacology...
at an accredited college of chiropractic or postgraduate study with an instructor qualified to instruct in pharmacology and documentation of having passed a board of chiropractic examiners’ approved pharmacology examination. Such specialty certification is permissive and would only apply to chiropractic physicians who would seek such certification.

We would seek stakeholder input during the oversight committee and legislative process to determine the appropriate amount of supplemental education necessary to qualify a chiropractic physician for application for certification in pharmacology.

A doctor of chiropractic is defined in Arizona statute as a “portal of entry” who is authorized to treat patients without a referral from another health care provider. Following appropriate diagnosis from a doctor of chiropractic with a specialty certification in limited pharmacology, a patient could receive additional proper treatment without an additional referral.

Several chiropractic physicians have experienced patients with clinical symptoms that require treatment to reduce swelling and address pain prior to adjustment where the application of therapeutic procedures is insufficient. In those cases prescribing muscle relaxants and/or prescription strength non-narcotic pain medication can expedite the adjustment of the spine or bodily articulations. At the present time this would require the chiropractic physician to refer the patient to a primary care physician at an added perhaps unnecessary cost.

We believe that enough chiropractic physicians would seek to obtain certification in pharmacology to make this an appropriate addition to chiropractic scope of practice.

2. The extent to which the public can be confident that qualified practitioners are competent including:
(a) Evidence that the profession's regulatory board has functioned adequately in protecting the public.

The Board of Chiropractic Examiners would be in charge of overseeing and licensing chiropractic physicians to perform the additional services included in any expanded scope of practice. The Arizona Board of Chiropractic Examiners has a strong record of excellence and has had no creditable complaints filed against it. The past two audits in the sunset process have been very favorable. The chiropractic profession is committed to collaborating with other healthcare professionals to improve the quality and delivery of healthcare services to the citizens of Arizona.

ARS 922.02 delineates that in order to practice a chiropractic specialty a licensee shall be certified in that specialty by the board and must submit documentation of successful completion of a minimum number of hours of study in the specialty at an accredited institution or postgraduate study with an instructor on the active or postgraduate staff of an accredited institution that is qualified to teach the specialty; a complete application as prescribed by the board of chiropractic examiners; and, documentation of having passed a board of chiropractic examiners’ approved examination on the specialty.

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1 ARS 32-925
2 In the 2012 Legislative Session the Arizona Board of Chiropractic Examiners sunset audit legislation (SB1007) was passed and signed by Governor Brewer on 3/13/2012
It is our intent to draft the legislation with a strong educational component and regulatory language agreed upon by those stakeholders who may become involved in this issue and conforming it to the appropriate Arizona statutes as well as the Arizona Administrative Procedures Act.

(b) Whether effective quality assurance standards exist in the health profession, such as legal requirements associated with specific programs that define or endorse standards or a code of ethics.

The laws governing the practice of chiropractic and the rules adopted by the Board of Chiropractic Examiners establish a clear and distinct set of standards for the determination of unprofessional and dishonorable conduct. In addition, national membership organizations such as the American Chiropractic Associations and the Arizona Association of Chiropractic have exacting standards for ethical behavior by licensed members of the profession.

(c) Evidence that state approved educational programs provide or are willing to provide core curriculum adequate to prepare practitioners at the proposed level.

The State of Arizona has nationally known schools of higher education that have the facilities and faculty necessary to provide the core curriculum adequate to prepare chiropractic physicians for certification in pharmacology. These include A. T. Still University School of Osteopathic Medicine; Midwestern University College of Osteopathic Medicine; University of Arizona College of Medicine; and, University of Arizona College of Pharmacy.

In addition colleges of chiropractic currently include in chiropractic core curricula extensive curricula in biochemistry and pharmacology. Further, many chiropractic colleges offer masters and doctorate degrees in advanced chiropractic practices including pharmacology.

There are currently four regionally accredited chiropractic educational institutions that teach the chiropractic advanced practices, including the University of Western States (UWS), Texas Chiropractic College (TCC), Southern California University of Health Sciences (SCUHS) and National University of Health Sciences (NUHS). NUHS President Dr. James Winterstein and Dr. Joe Brimhall are strong advocates for the expansion of practice scope for chiropractic physicians. Dr. Winterstein has committed that NUHS would be pro-active in sending teachers to the state to certify and educate chiropractors in advanced practices. Along with the four accredited chiropractic institutions, there are also independent and certified providers who educate and instruct chiropractic physicians.

This application proposes that doctors of chiropractic who wish to receive an advanced practice designation would need to provide documentation that they have successfully completed the adequate

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3 See Arizona Administrative Code R4-7-901. Advertising of a Deceptive and Misleading Nature and R4-7-902. Unprofessional or Dishonorable Conduct
4 See http://www.acatoday.org/level2_css.cfm?T1ID=15&T2ID=160 for the ACA ethical standards page
5 Currently only NUHS teaches the entire AP-C which is a Master of Science Advanced Clinical Practice degree
6 Dr. Michael Taylor, DC has conducted independent advanced practice classes in New Mexico and is affiliated with NUHS
education through an accredited institution approved by the Arizona Board of Chiropractic Examiners in clinical and didactic pharmacology.

In addition to the initial educational training requirements and the current continuing education hours, Doctors of Chiropractic with a pharmacology certificate would be required to complete additional hours of Continuing Medical Education (CME).

It is also important to note that the Council on Chiropractic Education ® has established educational standards for the accreditation of chiropractic education. The Council on Chiropractic Education gives schools autonomy in setting their own curriculum consistent with the individual mission of each institution.

The American Chiropractic Physicians Credentialing Center would oversee approval of the curriculum as well as provide credentialing services. Lastly, with regard to educational training for this additional scope, the Board of Chiropractic Examiners currently has the authority to approve continuing education and other required educational obligations for chiropractors licensed in this state. We believe that the Board of Chiropractic Examiners would capably oversee this.

3. The extent to which an increase in the scope of practice may harm the public including the extent to which an increased scope of practice will restrict entry into practice and whether the proposed legislation requires registered, certified or licensed practitioners in other jurisdictions who migrate to this state to qualify in the same manner as state applicants for registration, certification and licensure if the other jurisdiction has substantially equivalent requirements for registration, certification or licensure as those in this state.

An increase in chiropractic scope of practice would be of benefit to the public both in the availability of health care service as well as reducing the overall cost of health care. In fact expansion of the scope of practice would be a benefit to the public, to chiropractic physicians in Arizona as well as to chiropractic physicians in other states who move their practice to Arizona and seek to license here. Rather than restricting entry into the practice this new scope will provide the opportunity for additional authority not currently enjoyed by portal of entry chiropractors for patients who choose to see a chiropractic physician prior to seeking any other treatment.

We also note that existing law allows for reciprocity. Language in the enabling legislation could allow the Board of Chiropractic Examiners to authorize reciprocity under this existing authority if a chiropractor holds certification for the expanded scope from a licensing board in another state or country in which, in the opinion of the board, the licensing requirements are at least substantially equivalent to those of Arizona and the other state or country grants similar reciprocal privileges to chiropractors licensed in Arizona.

4. The cost to this state and to the general public of implementing the proposed increase in scope of practice.

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7 See ARS 32-922.01
As previously noted, existing laws governing chiropractic physicians already provides for regulation of certification in specialties\(^8\). By including certification in scope to allow for the use of a very limited number of non-narcotic prescription medications, the Board of Chiropractic Examiners will be able to utilize existing fee structures to defer any cost of regulation. In other words, legislation that would allow for the expansion of chiropractic scope of practice would not require the inclusion of any new or additional costs to the state.

We do note, however, that a state general fund appropriation may be requested by the Board of Chiropractic Examiners for the purposes of implementation of the provisions of any legislation to enact this proposal and that such appropriation likely should be exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations

We respectfully recommend that the Joint Legislative Audit Committee refer this application to the Health Committee of Reference for consideration of this proposal.

Copy to:
Senator Judy Burgess
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Senator Steve Gallardo
Senator Katie Hobbs
President Andy Biggs, Ex-officio
Representative Paul Boyer
Representative Andrea Dalessandro
Representative Martin Quezada
Representative Kelly Townsend
Speaker Andy Tobin, Ex-officio
Senator Nancy Barto, Chair, Senate Health and Human Services Committee
Representative Heather Carter, Chair, House Health Committee
Marianne Yamnik, Senate Health and Human Services Committee Analyst
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\(^8\) See ARS 32-922.02