

Senate Fiscal Agency  
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**SFA**



**BILL ANALYSIS**

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Senate Bill 1121 (as enrolled)  
Sponsor: Senator Bill Bullard, Jr.  
Senate Committee: Health Policy  
House Committee: Health Policy

**PUBLIC ACT 734 of 2002**

Date Completed: 1-6-03

**RATIONALE**

Article 15 of the Public Health Code regulates the health care profession, and parts within Article 15 govern specific fields of the profession. For instance, Part 175 prohibits a person from practicing as a physician's assistant unless he or she is licensed or otherwise authorized under Article 15, and Part 164 similarly prohibits an unlicensed or unauthorized person from engaging in the practice of chiropractic.

Article 15 also, as a rule, prohibits someone from holding himself or herself out as a particular health care professional unless he or she is licensed or otherwise authorized. Reportedly, however, some massage therapists and some physician's assistants have advertised that they provide chiropractic services. It was suggested that Article 15 be amended to prohibit individuals from presenting themselves as able to perform chiropractic services unless they are licensed chiropractors.

**CONTENT**

**The bill amended Article 15 of the Public Health Code to do the following:**

- **Limit the practice of chiropractic to licensed chiropractors.**
- **Extend certain restrictions to specialty field licenses.**
- **Specify that the bill's provisions do not affect the scope of practice of medicine, osteopathic medicine and surgery, or physical therapy.**
- **Place in Article 15 statements of intent regarding the bill's provisions.**

The bill prohibits an individual from announcing or holding himself or herself out to the public as being able to perform a chiropractic adjustment, chiropractic manipulation, or other chiropractic services or chiropractic opinion, unless the individual is a chiropractor licensed under Article 15. The bill specifies that an individual may not engage in the practice of chiropractic, including performing a chiropractic adjustment, manipulation, or other chiropractic services or chiropractic opinion, unless licensed, or otherwise authorized by a chiropractor under Article 15.

Article 15 provides that the "practice of chiropractic" means that discipline within the healing arts that deals with the nervous system and its relationship to the spinal column and its interrelationship with other body systems. The bill retains this provision but refers to the *human* nervous system.

Article 15 prohibits an individual from announcing or holding himself or herself out to the public as limiting his or her practice to, as being specially qualified in, or as giving particular attention to a health profession specialty field for which a health profession board issues a specialty certification, without first having obtained a specialty certification. Under the bill, this prohibition also applies to a health profession specialty field license.

The bill provides that it "...is intended to codify existing law and to clarify and cure any misinterpretation of the operation of sections 16261, 16401, and 16411 since the effective date of their enactment". (These are the sections amended by the bill.)

The bill also provides that it "...is not intended to affect the authority of a veterinarian to delegate certain functions as provided by law".

MCL 333.16261 et al.

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Under Article 15, it is unlawful for an individual not licensed as a particular health professional to perform services that fall within the scope of that health profession. Article 15 also contains a general provision prohibiting an unlicensed individual from using an insignia, title, letters, or words to induce a belief that he or she is licensed, lawfully entitled to practice a health profession, or otherwise in compliance with Article 15. Despite this provision, reportedly some massage therapists and some physician's assistants have advertised their ability to perform certain chiropractic adjustments and manipulations or other services. By specifically prohibiting an individual from holding himself or herself out to the public as being able to perform chiropractic services, unless licensed, the bill will help prevent intrusion into chiropractic by those not legally entitled to practice. In this way, the bill emphasizes that chiropractic is a distinct field of health care.

### **Supporting Argument**

Reportedly, some chiropractors have held themselves out to the public as being able to perform, and have performed, chiropractic services on animals. The treatment of animals should be left to veterinarians. The bill specifies that the practice of chiropractic means that discipline within the healing arts that deals with the human nervous system.

### **Opposing Argument**

Although the bill specifically prohibits an individual from performing a chiropractic "adjustment" or "manipulation" or giving a "chiropractic opinion" without being a licensed chiropractor, these terms are not defined. This raises questions of whether the bill inadvertently limits the ability of licensed physicians to administer or offer certain treatments or opinions. While there is no

objection to protecting the practice of chiropractic, it should not be done in a way that prevents other health professionals from treating patients.

**Response:** The bill does not limit the scope of practice of medical doctors or osteopaths, or any other health professional, because it does not amend the parts of Article 15 that regulate those practitioners. Further, the bill expressly states that its provisions do not affect the scope of practice of medicine, osteopathic medicine and surgery, or physical therapy.

Legislative Analyst: George Towne

## **FISCAL IMPACT**

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Maria Tyszkiewicz

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.