

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bill 1121 (Substitute S-3 as reported)  
Sponsor: Senator Bill Bullard, Jr.  
Committee: Health Policy

Date Completed: 10-14-02

### **RATIONALE**

Article 15 of the Public Health Code regulates the health care profession, and within Article 15 there are parts that govern specific fields within 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 has been 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 would amend Article 15 of the Public Health Code to prohibit 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 was a chiropractor licensed under Article 15. The bill specifies that an individual could 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.

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 would prevent intrusion into chiropractic scope of practice by those not legally entitled to practice chiropractic. In this way, the bill would help to emphasize that chiropractic is a distinct field of health care.

**Response:** 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 should include a provision limiting chiropractic to humans.

#### **Opposing Argument**

The bill specifically would prohibit 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 would inadvertently limit the ability of licensed physicians to administer or offer certain treatments or opinions. While there is no objection to protecting the scope of practice of chiropractic, it should not be done in a way that would prevent other health professionals from treating patients.

**Response:** The bill would not limit the scope of practice of medical doctors or osteopaths, or any other health professional, because it would not amend the parts of Article 15 that regulate those practitioners.

Legislative Analyst: George Towne

### **FISCAL IMPACT**

The bill would 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.