Response to the Draft Code of Professional Practice

Dr John Swatland, 3/4/2010

I have spoken with a number of my colleagues at length regarding this Code and they have been universally opposed to much of the tone and content the document. To name two, Dr Lawson Heath (who is on holidays at present) and Dr Adam Baker (who may submit his own feedback to you), with whom I practice. I can report that they are as critical as myself if not more so. I have not heard of any support at all for the document to date.

I have viewed the document along with a number of submissions and thoughts of other chiropractors and in general, without repeating their questions or statements, I am in agreement with the content and sentiments of Drs Cowie and Postles.

My General Points and thoughts

- The code appears to me to be unduly cumbersome, restrictive and proscriptive. It will create a mountain of reactive and unnecessary work and expense for the new board. Some things should remain general and be interpreted on a case by case basis in the light of the evidence and circumstances at the time. To make specific rules is unnecessary here. If you don't really need to say anything or make a rule then please don't.

- The tone, in places, is negative, controlling and fear-based. I believe the code, if adopted, would be significantly limiting to the practice and growth of chiropractic on both individual and professional levels. The sections regarding public screenings in particular appear to be a restraint of trade and could open the board to ACCC or legal challenge with the associated cost, energy and time wasting.

- I find the sections concerning the examination and adjusting of children to be contrary to my education (chiropractic, RMIT), my principles (preventive in this case) and bizarre. A recent paper came to my attention concerning the radiological examination of children so I have referenced it here. It specifically states "*The SOFMMOO recommends systematic radiography prior to cervical manipulation and in case of back or neck pain in patients of less than 25 years of age*." (1) Specific prohibitionary statements such as in the Draft Code relating to this should be left out completely.

- The document echoes the recent Victorian State Chiropractors paternal and patronising efforts which I find both disappointing and concerning. Why should the chiropractor's board need a code that is so restrictive and punitive in its tone? Why so defensive?

- In my opinion this code projects the impression that the board has a lack of confidence in the chiropractors it is to regulate and has already instilled an unfortunate wariness and suspicion in among chiropractors of any future board activities.

In my opinion Australia is already weighed down with unnecessary rules, regulations and red tape. Our profession already has enough obstacles and opposition from the outside to burden it. Please do not make it any worse than it is.

In conclusion I and my colleagues strongly oppose the adoption of the Draft Code in its current form.

My Recommendations

In the past I have had discussions with Peter Cowie and my recommendation is that we follow his example and the NSW experience.

I think that the new board could begin again on a positive, pro-active foundation with an open communicative style with the intention of prevention as Dr Cowie states. I am especially in agreement with the common sense approach in his statement "*It is respectfully submitted that the National Board concentrate on developing robust complaints handling procedures that begin with positive education of the profession and utilise strong peer review components*." (2)

I would like to see my profession and the new National Board act with a strong and mature leadership in producing a positive, streamlined and simple document that acts in unison with the current cross-professional code.

This would create a spirit of freedom of practice along with a personal responsibility that is more healthy, desirable and appropriate, that the profession can grow and thrive under in the future.

With respect I thank you for the consideration of my comments.

References

(1) Ann Readapt Med Phys. 2007 Mar;50(2):111-6; discussion 117-8. Epub 2006 Oct 19.

[Is systematic radiography needed before spinal manipulation? Recommendations of the SOFMMOO]

[Article in French]

Maigne JY, Goussard JC, Dumont F, Marty M, Berlinson G; Société franşaise de médecine manuelle orthopédique et ostéopathique (SOFMMOO).

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Comment in:

- Ann Readapt Med Phys. 2007 Oct;50(7):629-30; author reply 630.

OBJECTIVES: The French National Health Authority recommends systematic radiography before lumbar manipulation. However, current research shows radiography to have more disadvantages than advantages. **For the cervical spine, in cases of complication following cervical manipulation, the lack of prior radiography is a fault, even if such x-ray results would have advised manipulation.**To establish clear recommendations on this topic, we searched in the literature for complications of spinal manipulations that could have been prevented had preliminary radiography been performed to determine whether these complications were anticipated or not by the international guidelines. MATERIAL AND METHODS: Literature search.

RESULTS: For the lumbar and thoracic spine, the international guidelines are sufficient, except in cases of aneurysmal bone cyst, which can appear until the age of 25 years. For the cervical spine, **despite a lack of data in the literature**, **prudence and medicolegal issues justify the performance of systematic radiography.**

CONCLUSION: The SOFMMOO recommends systematic radiography prior to cervical manipulation and in case of back or neck pain in patients of less than 25 years of age. In all other cases, the international guidelines provide sufficient recommendations.

(2) "I repeat that the complaints handling procedures in NSW begin with talks to students, talks to the profession at association meetings, items in the bulletin about matters that have arisen and the provision of advice and recommendations to chiropractors who have been found to have developed management procedures that have caused a complaint." *Dr Peter Cowie, Discussion Paper on the Draft Code of Professional Practice for Chiropractors in Australia.*

(3) "It is respectfully submitted that the National Board concentrate on developing robust complaints handling procedures that begin with positive education of the profession and utilise strong peer review components to address any trends in conduct that may develop in the future." *Dr Peter Cowie, Discussion Paper on the Draft Code of Professional Practice for Chiropractors in Australia.*