4 April 2010

Chair, Chiropractic Board of Australia

I present my submission and remarks per the proposed document.

Code of professional practice for chiropractors in Australia

5. Working with the broader community

5.1 Spinal postural assessment and public place marketing

The objective of these activities should be to promote the chiropractic profession by raising the public's awareness of the potential positive benefits of chiropractic.

ANSWER: I don't agree. The objective is to promote the services that each individual chiropractor is offering the general public in their community and to promote the benefits of chiropractic care. This is usually performed by providing personal effort and financial expense by the individual chiropractor when conducting these assessments. So it's OK in the first instance to promote the individual who happens to be a chiropractor.

These activities should be done in the full knowledge that there is no objective data to support the reliability and validity of screening for spinal disorders.

ANS: I don't agree. Notice, I purposely did not use the word 'screening' before the word assessment in my previous paragraph. Why shouldn't a chiropractor be able to perform an examination cursory or comprehensive as they deem appropriate, as they would perform in their office daily and what would be invalid about that?

It is the responsibility of the individuals involved to ensure that all necessary permits are in place prior to the commencement of the public place marketing. No notification to the Board is necessary. The aim of this code is to assist practitioners in performing this service in a safe and responsible manner.

5.1.1 The purpose of postural assessments is to give the participant an overview of the general state of their posture. The participant needs to be advised that it is not a comprehensive examination.
Any information provided to a participant at an assessment of this nature must be scientifically and clinically relevant and should not in any way engender fear, or be designed to engender fear.

ANS: I have a problem with the words 'Spinal posture assessment' in the same sentence as public place marketing. It presumes to target postural screening assessments as the (only) method of public place marketing which is untrue and limited.

5.1.2 Practitioners should not tout for business. Business cards may be provided to participants upon their request, but neither the obtaining of contact information from participants nor the making of appointments at the time of an assessment is permitted. Practitioners should not make unsolicited contact with participants subsequent to an assessment.

ANS: I strongly object to this proposed statement. I believe ACCC would be interested in hearing your reasoning for making such a statement and it would likely be found this proposed statement would contravene ACCC laws surrounding restricting free trade which is illegal. Chiropractors should have the autonomy and right to be able to tout and solicit for business (as they do in their own offices daily by asking a patient who is satisfied to refer another person by way of example) as they see fit without fear of recrimination as long as it is done ethically and appropriately. If concern about ethics and appropriateness is your point, then that should be stated firmly without any directive about infringement of touting and soliciting as this activity is not considered illegal.

5.1.3 Such assessments can only be performed by a registered chiropractor or a registered student participating in an approved supervised practice program. Such students must be in their final year of study in an accredited course to become a chiropractor.

5.1.4 No fee is permitted to be charged for such assessments; however participants may make donations to a charitable organization nominated by the practitioner.

ANS: I object to this proposed statement. Again, for the same reason I cite in my previous paragraph, it is inappropriate to state that a service being rendered which has value, cannot for any valid reason other than the documents say so, not permit a chiropractor to have the right to charge a fee for services rendered. The 'donation' I see as silly semantics in that taking money from the general public is ethical and OK if it goes to a charitable organisation but not ethical and OK if it directly benefits the chiropractor providing the service (even though the chiropractor likely has incurred expenses). Shouldn't the chiropractor have the right to exercise their own discretion when charging a fee whether inside or outside of their office? The chiropractor should have the right to be rewarded financially for their personal effort and for financial expenses incurred.

5.1.5 Public spinal screening must also comply with the provisions of the *Health Practitioner Regulation National Law Act* 2009 that relate to advertising and the guidelines issued on advertising.
5.1.6 During the conduct of spinal screenings no attempt should be made to:
• Offer a definitive diagnosis or any form of treatment; or
• Deliberately create a false outcome of the screening; or
• Engender fear in the mind of the participant; or
• Promise or guarantee any cure or favourable outcome from any recommended treatment; or
• Use equipment and/or procedures that do not constitute an integral part of the routine practice of the chiropractor.

In conclusion, I think I understand why it is felt these proposed points of professional practice are warranted. However, because of the unethical and inappropriate behaviour of several chiropractors in the state of Victoria, I do not see justification in wresting the autonomy away from each individual chiropractor in exercising their own discretion and choice nationwide due to a few 'bad eggs' These individuals and individuals similar to these, who act unethically and inappropriately should be dealt with individually. The above proposed code of practice rules which read as though they were initiated in Victoria and to adopt these Victorian rules of the Chiropractic Act verbatim or even the spirit of them nationally I object to strongly. They are draconian and bring no enlightenment.

In the state of Western Australia to which in 2011 I will have practice 30 years, chiropractors by in large to my recollection have never been afflicted with the 'Victorian experience' with unethical behaviour surrounding chiropractors performing spinal postural assessment rendered to the general public. Rather, Western Australia has always been a progressive state in being proactive in chiropractic public relations in any manner that appears ethical. Public spinal screenings make up part of the general public's awareness about chiropractic in my opinion.

Many genuine people have entered a chiropractors office through the portal of providing a spinal postural assessment (typically free) who would never have darkened the doorstep of a chiropractors office otherwise and today remain loyal avid advocates of the chiropractic profession. Why? Because the Chiropractor has got out of the four walls of their office and reached out into the community face to face and personally spoken to people how chiropractic may help them.

Realistically, to expect chiropractors to promote chiropractic at personal effort and financial expense to themselves without the ability to promote who they are, what they are and where they are by way of a business card for instance is a bit rich and fanciful in the least and perhaps unrealistic I would suggest.

Respectfully submitted by:

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I declare my interest in that I have done and currently do perform spinal checks on the general public for no fee and further that I do invite members of the general public to make an appointment without duress or undue coercion and at their discretion. To date, I am unaware of any member of the general public bringing a formal complaint against me for unsatisfactory or unethical conduct at such an event.