‘Attention’, Chair, Chiropractic Board of Australia
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Submissions to the Chiropractic Board of Australia
Consultation Draft Code of Conduct for Chiropractors dated May 7th 2010

Chair,

Code of Conduct for Chiropractors.

Thursday 20th May, 2010

Submission to Chiropractors Board of Australia
Re: Code of Professional Conduct for Chiropractors

By Dr Clinton McCauley (Chiropractor)

I wish to reply to the recent guidelines as they are currently being presented to the profession by the National Chiropractic Board.

Again, I am writing with such disappointment that the supposed gatekeepers of the Chiropractic profession have chosen to use guidelines that are so out of line with the beliefs of the broader Chiropractic community.

I acknowledge the effort they have made in creating a document that is a vast improvement on the first, yet there are still many issues that remain unclear, ambiguous and completely disrespectful to the broader Chiropractic community.

I believe that there are still restrictions that these laws and guidelines will impose on the profession and will continue to be a restriction of freedom that prevents me from actually practicing chiropractic as I have in the last fifteen years. I am not going to stand idle and let these laws pass without a fight.

It really disappoints me that the profession has very little time to actually ponder these proposed changes and it still mystifies me why, like all the other medical professions the Chiropractors Bord of Australia can’t adopt the general guidelines for professionals without all the extra guidelines that continue to cause such uproar. Again I believe these guidelines DO NOT represent the beliefs of the general chiropractic population. The document is still antagonistic and derogatory of a profession it is supposed to support.

It is evident the authors of the ‘codes and guidelines’ document, and its revised version, are seeking to pursue their political agendas, and force their personal opinions onto the chiropractic profession under the guise of standards or codes of the board. The documents are rife with vagueness, restrictions to practice that are unsubstantiated in the published literature, and arbitrary limits that are scientifically invalid and potentially damaging to the public. There are seemingly irrelevant statements, of which the true purpose of, are being

hidden or deliberately left obtuse by the authors. The documents are clearly not in the spirit of ‘simplifying the professional regulatory system and strengthening public protection’.

There is definitely a lack of clarity on definitions of many words throughout the entire document and as such creating ambiguity. With this comes a distinct lack of direction and meaning and as such can lead to any interpretation, causing potentially a lot of confusion. I refer to the points made by Drs Culley, Postles and Cowie in their submissions. I also completely agree with all their points, along with those of Dr McCibbin and Dr Gordon Benz.

I refer to my first submission “The Registration Board expects the chiropractic profession to believe they can be trusted to create these guidelines, and then they attempt to inhibit the practice of chiropractic through them. I believe the Board is attempting to impose massive restrictions on the profession itself. I feel strongly that the process that has created the guidelines is faulty and it therefore is not possible to accept them as they have compromised the integrity of what the Board stands for.”

In the introduction, you state “within an ethical framework”, yet there is no definition of what an ethical framework is and who has defined it, if we don’t know whose framework or their beliefs we are meant to be following then we are in trouble. The ethical framework of medicine would be, in some areas, vastly different from the chiropractic perspective. As I said in my first letter, we can’t trust the CBA to create guidelines with no clarity. Please don’t be ambiguous on values either. CLEARLY STATE the professional values you wish us to use and define them or don’t put it in there. There is so much scope, it is potentially opening us to major problems.

I understand when I am given the responsibility to practice chiropractic, I need to have the power and freedom to be self determined. I can only relate to the patients when I can freely communicate my message from my specialized knowledge and experience, not only applying evidence based science, as all other professions are permitted to do.
Again I am being restricted to practicing medical type “treatment”. “Taking steps to alleviate the symptoms and distress of patients, whether or not a cure is possible”.

If we do not take steps to act upon this we are not performing “Good Practice”. This is not consistent with the chiropractic premise and the respect for the body which that entails. Symptoms are indicators not to be alleviated. I would suggest that this is medical ethic and chiropractic sees our responsibilities in a different context. Also the mention of “cure” flies in the face of your prohibition of this word in the context of chiropractic via the advertising guidelines. This is completely contradictory within the code itself.

The chiropractor’s personal views (philosophy) will always affect some people adversely. It is not the responsibility for a chiropractor to be all things to everyone and so because of this a chiropractor will cater to a certain section of society and others will be alienated by this preference. For example, a chiropractor who only delivers relief treatment due to an allopathic ethics will adversely affect those patients who would therefore be deprived of corrective care or other higher levels of chiropractic care and the opposite is true also. This section should be deleted.

“Ensuring that the diagnosis is relevant, justifiable and based on sound clinical reasoning.” For decades limited exclusions under the medical Act restricted the practise of chiropractic. Diagnosing and/or claiming to treat named disorders raised the spectre of the possibility of chiropractors being charged with practicing medicine without a license. There needs to be more specifics or it needs to be deleted.

There is a need for clarification with regard to the outer perimeters of what the codes/regulations will require registrants to be able to diagnose and equally importantly, what diagnoses are we precluded from making? The codes/regulations need to include that clarification for the protection of the patients and chiropractors. Where do we fit into the scope of practice and more importantly, with the lack of clarity, it is also opening us up to being severely restricted in how we practice from a legal perspective.

“Practicing in accordance with the current and accepted evidence base of the chiropractic profession, including clinical outcomes” The words “accepted evidence base” should be removed and replaced with the words “currently accepted by peers.” Given that there is no evidence that practitioners who utilise evidence based therapies have better outcomes than anyone else the inclusion of this clause has no basis

If practice is always in “accordance with”, where is the opportunity for the growth and development of the profession? You suggest that every time a chiropractor performs an adjustment that is not published he/she is in breach of the ethics of the profession! I see the call to confine chiropractic for only ‘evidence based’ chiropractic as a massive threat to patient and practice well being. **Who decides what is accepted, I certainly hope it is not the Board.**

“ …. and not providing unnecessary services.” There is a very grave need to clearly define ‘unnecessary services’, what is the criteria for deciding that and who decides what is or is not; ‘unnecessary service’?. It treats chiropractors with contempt. Chiropractors should always discriminate and make decisions (bias) as to the most appropriate service for a person who consults them.

“Good practice involves offering assistance in an emergency…”
What does emergency mean? Is that in our offices? Is it at a road traffic accident? This is a huge impost to demand chiropractors to “continue to provide that assistance until services are no longer required”. We are not paramedics. The codes/regulations should not legally compel chiropractors to treat patients in emergencies

How another person handles his or herself in any context can not call into question the “conduct” of the chiropractor. It is ridiculous to entertain this demand in a document entitled “Code of Conduct for Chiropractors”. This is outside of the control of the chiropractor and is an abuse of your power to make this a condition of registration.

“Ensuring the amount, time and quality of care delivered do not differ for those patients (with similar conditions) on a pre paid financial agreement to those who are not”.

This is a ridiculous sub-section. To even make suggestion that a Chiropractor does not give full care to everyone they see is demeaning. **I don't use pre-paid agreements and that comment angers me!**

"becoming familiar with, and using wherever necessary, qualified language interpreters and cultural interpreters .." who pays for this service? What about using non-qualified members of their own families as language interpreters and cultural interpreters? What are those arrangements for solo chiropractic practices where the norm is seeing a diverse range of patients speaking different languages? Does that mean we need to hire a language interpreter and of course that means many as there are many languages spoken in Australia.

"Caring for children and young people brings additional responsibilities for chiropractors"
Caring for children brings no more additional responsibilities than caring for any other person in society. Every person who we see brings additional responsibilities so **why single out children unless you have another agenda?** Every point that you make under this section could be equally applied to any other group of the population, athletes, elderly, pregnant women.

"Good practice recognises that providing care to close friends, work colleagues and family members can be inappropriate because of a lack of objectivity, possible discontinuity of care and risks to the chiropractor or patient."

In my experience, such claims are utterly unfounded. Wouldn't it be more likely that we would take as much care, professionalism and knowledge as any other member of the public?

Maybe that is what the writers of this document do, I surely don't.

Where is the chiropractic evidence underwriting this claim? Which profession's "good practice" recognises that?

"Ensuring that it is clear to the patient, the family and colleagues who has ultimate responsibility for coordinating care of the patient"
Good practice is about empowering people to assume the ultimate responsibility for their care.

"a) Complying with statutory reporting requirements, including those under the National Law refer to……"
Anything that we need to know about this Code of Conduct for Chiropractors should be included here.
I submit to you that you include the Board Guidelines on Mandatory reporting in the Code of Conduct for Chiropractors and any other document you refer to, so it is in one document.

"b) …. If token gifts (flowers and chocolates) are accepted making a file note or informing a colleague. This exemplifies overly stringent regulation, its inclusion contrasts to no inclusion of more urgent matters.

c) not pressuring patients or their families to make donations to other people of organisations. This comment is demeaning.
Please delete b) and c)

c) “Understanding the principles of immunization against communicable diseases”
I agree with Dr Mar Postles “There is no need or relevance for this requirement here. You may as well demand that chiropractors understand the Krebs cycle or any other biological process. If you mean that chiropractors should support mass vaccination then state it and don’t beat around the bush with euphuisms”.
Please delete this section.

d) “For chiropractors who are able to prescribe…”
Chiropractors **aren’t** able to prescribe so this should not be there. If they can prescribe it is under another licence and registration and therefore another professional code.

The Code of Conduct for Registered Health Professionals is well written, articulate, open and positive in its framing and a chance to further our professional standards across all the health professions.

The Code of Professional Conduct for Chiropractors is improved yet still poorly written, restrictive, insular and negative in it framework and as such should not be accepted in its current proposal. There needs to be **even** more discussion and deliberation over the proposed changes and I protest to the guidelines as they are. These need to be changed before legislation comes in as I believe once implemented, it will be extremely difficult for any changes to be made at all.

Again this quote sums it up **“Don’t let the negative few overpower the positive many”**
And that is what this is, fear mongering at its best! Its inclusion, as it is, will only hamper the proper development of new and necessary guidelines as the challenges to the new act become apparent.

I would respectfully suggest that the Code of Professional Conduct for Chiropractors be reviewed again as it will only cause confusion and place an unnecessary regulatory burden for little to no effect. With necessary discussion and debate with everyone involved, then a newer draft for chiropractic conduct can be written.

Wouldn't it be great if the benefits of chiropractic were told en mass instead of the alternative? Wouldn't it also be great if for once the truth was told that chiropractic is safer than the medical alternative?
The rate of harm arising from chiropractic care pales when compared to iatrogenic risk.

Recognition by researchers state the medical system is as a, or, the leading cause of death and injury in society today. This obliges the architects of the codes/regulations to ensure registrants minimise risk to patients by informing them about the iatrogenic epidemic.

For the protection of the patients and chiropractors the codes/regulations must recognise and respond to rather than ignore the extent of medical harm within the health care system.

Again, I ponder these questions as I look at potentially the most damaging legislation to come about in the chiropractic profession. I am still completely disheartened by the so called experts attempting to choke the profession with their belligerence.

I submit that the Chiropractic Board of Australia amends the revised code to reflect the aforementioned changes

Yours sincerely,

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