21 May 2010

Dr Philip Donato
Chairperson Chiropractic Board of Australia

I present my submission in response to the code of conduct for the chiropractor's revised draft.
My interest is focused on the below section within the draft.

Preamble

After reviewing the osteopath and physiotherapy code of conduct drafts and not observing any mention of spinal screening within their codes, I do not see the point in the board's developing guidelines for such a specific event. I would like to submit appendix 1 be **deleted entirety** and, rather, that the board focuses on more general advertising guidelines only. There are many 'other' events which are NOT and cannot be addressed in this draft document and to attempt to name them all and develop guidelines for each would be folly. However be that as it may, I will comment on the following:

Appendix 1: Guideline in relation to Public Spinal Screening

The aim of this guideline is to assist chiropractors in performing public spinal screening in a safe and responsible manner.

This draft needs to define the term 'spinal screening'. It is a broad-based term and has different connotations of meaning for chiropractors and is open to varied interpretation.

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 Chiropractic Board of Australia (the Board) is necessary.
Chiropractors undertaking public spinal screening should also be aware and comply with the provisions of the *Health Practitioner Regulation National Law Act 2009* that relate to advertising and the Board's guidelines on advertising found at: www.chiropracticboard.gov.au.
Good practice in relation to public spinal screening involves:

a) ensuring that members of the public are aware that the purpose of a spinal screening is to give the participant an overview of the general state of their posture and is not a comprehensive spinal examination.

Is the board suggesting rather stipulating, that it is improper for a chiropractor to be thorough and against board guidelines which rather flies in the face of the spirit of attempting to protect the public. If a chiropractor believes s/he needs to render a more thorough rather than cursory examination, s/he should be able to use their own discretion depending on the presenting circumstances of each individual being screened. Is the board really recommending that a chiropractor be prosecuted for being thorough? How ridiculous. May I courteously submit, the board consider striking out the words as highlighted above in yellow. The word overview is prescriptive enough in its intent, yet allows a chiropractor the latitude to do what s/he deems to be appropriate.

b) ensuring that any information provided to participants is not false, misleading, deceptive or elicits unwarranted fear in the mind of the participant

c) providing the participant with a business card at their request, but should not include obtaining contact information from participants or the making of appointments at the time of the screening.

The words highlighted in yellow above should be deleted entirely. I take the opposite point of view and that is, it is unethical NOT to reveal who, where and what you are to the public in advance in the event that a participant wishes to bring a complaint against a chiropractor who they believe may have acted inappropriately or unethically. Therefore, I submit this draft should read that a chiropractor must reveal who they are by displaying their business cards. The public cannot presume to know they are able to request a business card. Further, if a participant wishes to remain anonymous to the chiropractor who is conducting the screening when bringing a complaint against a chiropractor to the board, they may feel uncomfortable or timid in making such a request.

The words above highlighted in turquoise I strongly object to and this ought to be deleted entirely. This practice is common in society, too numerous to mention and there is nothing illegal about it. If a participant wishes to make an appointment at the time, they should have the right to do so if they so desire. The proposed statement would likely contravene ACCC laws by attempting to restrict free trade. Chiropractors should have the autonomy and right to be able to use their own discretion when making appointments and obtain contact information if necessary, without fear of recrimination as long as it is done ethically, appropriately and without duress.

d) that unsolicited contact is not made with participants after a screening

e) that they are only performed by a registered

chiropractor or a registered student participating in an approved supervised practice program (students should be in their final year of study in course approved by the Board to become a chiropractor)

f) no fee being charged for the screening, however participants may make donations to a charitable organisation nominated by the chiropractor.

I object to the above proposed statement. It is inappropriate to state that a service which has value prohibits a chiropractor in exercising their right to charge a fee for services rendered. When performing spinal screening more often than not, a chiropractor has paid a fee to rent floor space and incurred other sundry costs. Therefore, it follows that a chiropractor should have the right to exercise their discretion whether or not to charge a fee to offset their costs. Further, it should be up to the chiropractor if s/he wishes to invite the public to make a donation to a charitable organisation.

Respectfully submitted

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