



CALIFORNIA CHIROPRACTIC ASSOCIATION

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## **California Chiropractic Association Sets the Record Straight *Group strongly rejects questions of improper conduct***

Sacramento, CA -- The California Chiropractic Association (CCA) issued a statement today in response to discussions at a joint legislative committee hearing yesterday about its role in recent actions by the state Board of Chiropractic Examiners (BCE). The hearing was convened by the Senate Business, Professions and Economic Development Committee and the Assembly Business and Professions Committee.

At the hearing, some committee members questioned whether CCA and its representatives impermissibly interfered with a criminal proceeding by asking the state chiropractic board at its March 1 public meeting to affirm its long-standing position that a technique called manipulation under anesthesia (MUA) is within the scope of practice of doctors of chiropractic. Litigation is pending on a related subject in San Joaquin County.

Speaking on behalf of the organization, CCA President John Bueler, DC, flatly rejects that assertion, and offers the following comments:

“The California Chiropractic Association strongly supports the mission of the state Board of Chiropractic Examiners to protect the public. We also believe the state board has a responsibility to provide guidance to the chiropractic community to help us serve our patients in the best possible manner. It was in this vein that CCA petitioned the state board to once again reiterate that MUA is legal.

“The state Board of Chiropractic Examiners has affirmed that MUA is within the doctor of chiropractic’s scope of practice on at least six occasions over the past 17 years.

“At the March 1 BCE meeting, our association asked the board to address MUA because there was confusion caused by formal statements made by its then-Executive Director Catherine Hayes. Ms. Hayes directly contradicted the state board’s long-standing position that MUA is within the chiropractic scope of practice by stating that she believed MUA was not within the chiropractic scope.

“CCA’s request was intended to dispel confusion and elicit clear guidance from the state board on the legality of MUA as this determination impacts insurance reimbursement, facility privileges, licensure issues, and, of course, treatment protocols.

“CCA’s request was consistent with the standard regulatory process whereby a member of the regulated community petitions a regulatory board for an action in a noticed public meeting. It is a basic tenet of the democratic process that citizens can petition their government, and the First Amendment guarantees the right of the public to do so.

“The BCE is the authorized entity to interpret chiropractic scope and was acting in its lawful capacity in adopting the resolution. It was and always is at the discretion of the BCE whether to adopt, modify or reject any proposal. By addressing MUA, the state board was fulfilling its obligation to provide guidance to the public and affected constituencies.

“To suggest that the public cannot petition the government to act on a subject matter that is separately the subject of a lawsuit offends the Constitution. It also offends common sense because otherwise simply filing a lawsuit would be a tactic to squelch debate on an issue before state regulatory boards.”

**The following leading criminal law and litigation experts are available for comment on the subject:**

- Robert Philibosian, Of Counsel at Sheppard, Mullin and former Los Angeles District Attorney, (213) 617-5420;
- Jon Streeter, Partner at Kecker & Van Nest and past-president of the Association of Business Trial Lawyers of Northern California, (415) 391-5400.

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**On six separate occasions since 1990, the state Board of Chiropractic Examiners – comprised of different appointed members at each occurrence – affirmed that manipulation under anesthesia is within the scope of chiropractic. Please see:**

- *Minutes of the Public Meeting of the Board of Chiropractic Examiners*, September 13, 1990
- Advice letter from the Board of Chiropractic Examiners, signed by Executive Director Vivian Davis, to Garrett F. Cuneo, Executive Director, California Chiropractic Association, dated April 13, 1993
- Advice letter from the Board of Chiropractic Examiners, signed by Dr. Raymond Ursillo, undated
- *Minutes of the Public Meeting of the Board of Chiropractic Examiners*, September 28, 2000
- Letter from the Board of Chiropractic Examiners, signed by Genie Mitsuahara, Continuing Education Coordinator, to Ms. Marianne Martin, M.A., dated November 18, 2004
- *Proposed Regulation 361, Final Statement of Reasons*, submitted by Board of Chiropractic Examiners, August 26, 2005.