



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 968 (as enacted)  
Senate Bills 970 through 973 (as enacted)  
House Bills 5091 and 5105 (as enacted)  
Sponsor: Senator Wayne Kuipers (S.B. 968)  
Senator Gilda Z. Jacobs (S.B. 970)  
Senator Roger Kahn, M.D. (S.B. 971)  
Senator Randy Richardville (S.B. 972)  
Senator Jason E. Allen (S.B. 973)  
Representative Kathy Angerer (H.B. 5091)  
Representative Marie Donigan (H.B. 5105)

Senate Committee: Economic Development and Regulatory Reform (S.B. 968 & 970-973)  
House Committee: Health Policy

Date Completed: 5-11-10

## **CONTENT**

**Senate Bill 968 amended the Public Health Code to revise the scope of practice for chiropractors by referring to the discipline that deals with the human nervous system and the musculoskeletal system and their interrelationship with other body systems, instead of the discipline that deals with the nervous system and its relationship with the spinal column and interrelationship with other body systems, and make other changes to the definition of "practice of chiropractic".**

**House Bill 5091 amended the Public Health Code to revise rule-making and educational requirements pertaining to the practice of chiropractic.**

**Senate Bills 970 through 973 and House Bill 5105 amended various statutes governing insurance to specify that reimbursement or coverage is not required for chiropractic services unless those services were included in the Public Health Code's definition of "practice of chiropractic" as of January 1, 2009.**

Senate Bill 970 amended the Prudent Purchaser Act; Senate Bill 971 amended the

Nonprofit Health Care Corporation Reform Act; Senate Bill 972 amended the Worker's Disability Compensation Act; and Senate Bill 973 and House Bill 5105 amended the Insurance Code.

The bills were tie-barred and took effect on January 5, 2010.

### **Senate Bill 968**

#### **Practice of Chiropractic**

The bill defines "practice of chiropractic" as the discipline within the healing arts that deals with the human nervous system and the musculoskeletal system and their interrelationship with other body systems. The term includes the following:

- The diagnosis of human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, for the purpose of detecting and correcting those conditions and disorders or offering advice to seek treatment from other health professionals in order to restore and maintain health.
- The evaluation of conditions or symptoms related to subluxations,

misalignments, and joint dysfunction through physical examination; the taking and reviewing of patient health information; the performance, ordering, or use of tests; the performance, ordering, or use of x-ray; or the performance, ordering, or use of tests that were allowed under Section 16423 of the Code as of December 1, 2009.

- The chiropractic adjustment of subluxations, misalignments, and joint dysfunction and the treatment of related bones and tissues for the establishment of neural integrity and structural stability.
- The use of physical measures, analytical instruments, nutritional advice, rehabilitative exercise, and adjustment apparatus regulated by rules promulgated under Section 16423.

(The performance, ordering, or use of tests in the practice of chiropractic is regulated by rules promulgated under Section 16423 of the Code, which House Bill 5091 amended.)

Previously, "practice of chiropractic" meant the discipline within the healing arts that deals with the human nervous system and its relationship to the spinal column and its interrelationship with other body systems. The term included the following:

- Diagnosis, including spinal analysis, to determine the existence of subluxations or misalignments that produce nerve interference indicating the necessity for chiropractic care.
- The chiropractic adjustment of spinal subluxations or misalignments and related bones and tissues for the establishment of neural integrity using the inherent recuperative powers of the body for restoration and maintenance of health.
- The use of analytical instruments, nutritional advice, rehabilitative exercise and adjustment apparatus regulated by rules promulgated by the Michigan Board of Chiropractic, and the use of x-ray machines in the examination of patients for the purpose of locating spinal subluxations or misaligned vertebrae of the human spine.

Under the bill, the practice of chiropractic does not include any of the following:

- The performance of any procedure that cuts or punctures the skin.
- The dispensing or prescribing of drugs or medicine.
- The use of x-ray, except for diagnostic purposes only.
- The performance of an invasive procedure involving a body orifice or cavity unless allowed by rules promulgated under Section 16423, and limited to examinations involving the ears, nose, and throat.
- The treatment of fractures or dislocations.
- The performance or ordering of non-x-ray diagnostic imaging tests that were not allowed under Section 16423 as of December 31, 2009.

Previously, the practice of chiropractic did not include the performance of incisive surgical procedures, the performance of an invasive procedure requiring instrumentation, or the dispensing or prescribing of drugs or medicine.

#### Other Definitions

The bill defines "musculoskeletal system" as the system of muscles, tendons, ligaments, bones, joints, and associated tissues that moves the body and maintains its form.

"Dislocation" means complete disruption in the normal relationship of two bones forming a joint resulting in no contact of the articular surfaces. A dislocation does not include a subluxation.

"Joint dysfunction" means a joint that is impaired so that it does not function properly.

#### **House Bill 5091**

The bill requires the Department of Community Health (DCH), in consultation with the Board of Chiropractic, to promulgate rules to establish criteria for the performance and ordering of tests and the approval of analytical instruments and adjustment apparatus to be used for the purpose of examining and treating patients for subluxations and misalignments that produce nerve interference or joint dysfunction. Previously, the Code required the Board of Chiropractic to promulgate rules to establish criteria for the approval of analytical instruments and adjustment

apparatus to be used for the purpose of examining patients in locating spinal subluxations and misalignments of the human spine.

In addition, the Code previously allowed the Board to require a licensee seeking renewal of a license to give the Board satisfactory evidence that during the two preceding years the applicant had attended at least two, two-day educational conferences approved by the Board, in subjects related to the practice of chiropractic and designed to further educate licensees. Under the bill, the DCH, in consultation with the Board, must promulgate these rules, as well as rules requiring each applicant for license renewal to complete as part of the educational conferences an appropriate number of hours or courses concerning the expanded scope of practice under Senate Bill 968.

#### **Senate Bill 970**

Under the Prudent Purchaser Act, an organization may enter into a prudent purchaser agreement with one or more health care providers of a specific service to control health care costs, assure appropriate utilization of health care services, and maintain quality of health care. Under the bill, if coverage under a prudent purchaser agreement provides for benefits for services that are within the scope of practice of chiropractic, the Act does not require coverage or reimbursement to be provided for a chiropractic service unless that service was included in the definition of practice of chiropractic under the Public Health Code as of January 1, 2009.

#### **Senate Bill 971**

Under the Nonprofit Health Care Corporation Reform Act, which governs Blue Cross Blue Shield of Michigan (BCBSM), a health care corporation (i.e., BCBSM) may enter into participating contracts for reimbursement with professional health care providers practicing legally in Michigan for health care services, or with health practitioners practicing legally in any other jurisdiction for health care services that the professional health care providers or practitioners may legally perform.

Also, under the Nonprofit Health Care Corporation Reform Act, for purpose of

doing business as an organization under the Prudent Purchaser Act, a health care corporation may enter into prudent purchaser agreements with health care providers pursuant to the two Acts.

Under the bill, in either case, if a certificate provides for benefits for services that are within the scope of practice of chiropractic, a health care corporation is not required to provide benefits or reimburse for a chiropractic service unless that service was included in the definition of practice of chiropractic under the Public Health Code as of January 1, 2009.

#### **Senate Bill 972**

The Worker's Disability Compensation Act requires an employer to furnish, or cause to be furnished, to an employee who received a personal injury arising out of and in the course of employment, reasonable medical, surgical, and hospital services and medicines, or other attendance or treatment recognized by Michigan law as legal, when they are needed. Under the bill, an employer is not required to reimburse or cause to be reimbursed charges for a chiropractic service, unless that service was included in the definition of practice of chiropractic under the Public Health Code as of January 1, 2009.

#### **Senate Bill 973**

Under Chapter 34 (Disability Insurance Policies) and Chapter 36 (Group and Blanket Disability Insurance) of the Insurance Code, for the purpose of doing business as an organization under the Prudent Purchaser Act, an insurer authorized to write disability insurance, or group disability or family expense insurance, that provides coverage for hospital, nursing, medical, surgical, or sick-care benefits, may enter into prudent purchaser agreements with providers of hospital, nursing, medical, surgical, or sick-care services pursuant to Chapter 34 or 36 and the Prudent Purchaser Act. Under the bill, if coverage under a prudent purchaser agreement provides for benefits for services that are within the scope of practice of chiropractic, an insurer is not required to provide coverage or reimburse for a chiropractic service unless that service was included in the definition of practice of chiropractic under the Public Health Code as of January 1, 2009.

Also under Chapter 34, if an insurance policy or certificate provides for reimbursement for any service that legally may be performed by a chiropractor licensed under the Public Health Code, reimbursement under the policy or certificate may not be denied if the service is rendered by a person so licensed. Under the bill, that provision does not require coverage or reimbursement for a chiropractic service unless that service was included in the Code's definition of practice of chiropractic as of January 1, 2009.

### **House Bill 5105**

Under Chapter 31 (Motor Vehicle Personal and Property Protection) of the Insurance Code, personal protection insurance benefits are payable for, among other things, allowable expenses consisting of all reasonable charges incurred for reasonably necessary products, services, and accommodations for an injured person's care, recovery, or rehabilitation. Under the bill, reimbursement or coverage for expenses within personal protection insurance coverage is not required for a chiropractic service unless that service was included in the definition of practice of chiropractic under the Public Health Code as of January 1, 2009.

MCL 333.16401 (S.B. 968)  
550.53 (S.B. 970)  
550.1502 & 550.1502a (S.B. 971)  
418.315 (S.B. 972)  
500.3405 et al. (S.B. 973)  
333.16423 & 333.16431 (H.B. 5091)  
500.3107b (H.B. 5105)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

#### **Senate Bill 968 & House Bill 5091**

The bills expanded the scope of chiropractic services. If the legislation leads to increased use of x-ray and other imaging technology, the cost of insurance for State and local employees may increase by a nominal amount.

#### **Senate Bills 970-973 & House Bill 5105**

The bills will have no fiscal impact on State or local government.

Fiscal Analyst: Steve Angelotti

S0910\968es

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.