

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1867
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2016, the Texas Medical Association (TMA) filed a lawsuit against the Texas Board of Chiropractic Examiners (TBCE) challenging TBCE's definition of the "musculoskeletal system" because it included nerves and TBCE's definition of the "subluxation complex" as a "neuromusculoskeletal condition."

A state-by-state review of chiropractic statutes and rules suggests all 49 other states include a nerve/neurological component within chiropractic scope. If successful, TMA's lawsuit would make Texas the first state in the country to conclude chiropractic does not include a nerve/neurological component.

Doctors of Chiropractic complete extensive education and training in nerve issues, and they are tested on the neuromusculoskeletal system. Furthermore, the World Health Organization's (WHO) Guidelines on Basic Training and Safety in Chiropractic defines "chiropractic" as "[a] health care profession concerned with the diagnosis, treatment and prevention of disorders of the neuromusculoskeletal system and the effects of these disorders on general health...."

S.B. 1867 maintains the status quo as it pertains to chiropractic scope of practice, but provides much-needed clarity—precluding a chiropractor from treating conditions that are purely neurological, while ensuring Texans can continue to receive treatment from chiropractors as they have for decades for conditions like sciatica, pinched nerves, and low back pain. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1867 amends current law relating to the scope of practice for chiropractors.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 201.002(a), Occupations Code, by adding Subdivision (3-a) to define "neuromusculoskeletal system."

SECTION 2. Amends Section 201.002(b), Occupations Code, as follows:

(b) Provides that a person practices chiropractic under this chapter (Chiropractors) if the person:

(1) uses objective or subjective means to diagnose, analyze, examine, or evaluate the biomechanical condition of the spine and neuromusculoskeletal system, rather than spine and musculoskeletal system, of the human body;

(2) performs nonsurgical, nonincisive procedures, including adjustment and manipulation, to improve the subluxation complex or the biomechanics of the neuromusculoskeletal system, rather than the musculoskeletal system; or

(3)–(4) makes no changes to these subdivisions.

SECTION 3. Amends Section 201.003, Occupation Code, by adding Subsection (b-1) to provide that this chapter does not permit the unauthorized practice of medicine.

SECTION 4. Provides that the amendments made by this Act are a clarification of existing law in light of ongoing litigation over whether any part of the nervous system is within the scope of chiropractic and do not imply that existing law may be construed as inconsistent with the law as amended by this Act.

SECTION 5. Effective date: upon passage or September 1, 2019.