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BILL ANALYSIS

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House Bill 5759 (Substitute H-3 as passed by the House)
House Bill 6201 (Substitute H-2 as passed by the House)
House Bills 6407 through 6411 (as passed by the House)
Sponsor: Representative Kathy Angerer (H.B. 5759, 6201, & 6409)
Representative Marie Donigan (H.B. 6407)
Representative Bert Johnson (H.B. 6408)
Representative Joe Hune (H.B. 6410)
Representative Edward Gaffney, Jr. (H.B. 6411)
House Committee: Health Policy

CONTENT

House Bill 5759 (H-3) would amend the Public Health Code to revise the definition of "practice of chiropractic", which means 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 bill would delete the reference to the nervous system's relationship to the spinal column and instead would refer to the nervous system and musculoskeletal system and their interrelationship with other body systems.

Currently, the term includes diagnosis, including spinal analysis, to determine the existence of spinal subluxations or misalignments that produce nerve interference, indicating the necessity for chiropractic care. The bill would delete this language. Instead, the term would include the following: the diagnosis of human conditions and neuromuscular and skeletal disorders related to subluxations, misalignments, and joint dysfunctions for the purpose of detecting and correcting those disorders or offering advice to seek treatment from other health professionals in order to restore and maintain health; and the evaluation of conditions or symptoms related to misalignments, subluxations, and joint dysfunction through physical examination, the taking and reviewing of patient health information, the performance or ordering of tests, and the use of x-ray or other imaging technology.

Additionally, the term includes the chiropractic adjustment of subluxations or misalignments, and related bones and tissues for the establishment of neural integrity using the body's inherent recuperative powers for health restoration and maintenance. The bill would refer to the adjustment of joint dysfunction, as well.

The term also includes the use of analytical instruments, nutritional advice, rehabilitative exercise, and adjustment apparatus regulated by promulgated rules, and the use of x-ray machines in the examination of patients to locate spinal subluxations or misaligned vertebrae. The bill would include the use of physical measures and delete the reference to the use of x-ray machines to locate subluxations or misaligned vertebrae.

The bill states that "practice of chiropractic" would not include the use of x-ray, except for diagnostic purposes only, or the performance of an invasive procedure involving a body orifice or cavity that is not part of or related to a procedure or test allowed by promulgated rules.

House Bill 6201 (H-2) would amend the Public Health Code to require the Department of Community Health (DCH), in consultation with the Michigan Board of Chiropractic, to promulgate rules establishing criteria for the performance and ordering of tests and the approval of analytical instruments, imaging technology, and adjustment apparatus for use in examining and treating patients for spinal subluxations and misalignments that produce nerve interference or joint dysfunction. (This would replace a current requirement that the Board promulgate rules establishing criteria for the approval of analytical instruments and adjustment apparatus for use in examining patients in locating spinal subluxations and misalignments.) Additionally, the bill would require the DCH, in consultation with the Board, to promulgate rules requiring each applicant for license renewal to complete as part of the educational conferences required under the Code an appropriate number of hours or courses in new imaging technology and extraspinal treatment.

House Bills 6407 through 6410 would amend various statutes to provide that reimbursement or coverage for expenses would not be required for a practice of chiropractic service, unless it were included in the definition of "practice of chiropractic" under the Public Health Code as of January 1, 2008.

House Bill 6407 would amend the Insurance Code and would apply to personal protection insurance. House Bill 6408 would amend the Insurance Code and would apply to coverage under a prudent purchaser agreement that provides for benefits for services that are within the scope of practice of chiropractic, and an insurance policy or certificate that provides for reimbursement for any service that may be performed legally by a licensed chiropractor.

House Bill 6409 would amend the Nonprofit Health Care Corporation Reform Act and would apply to a health care corporation (Blue Cross and Blue Shield of Michigan) certificate, including a certificate under a prudent purchaser agreement, that provides for benefits for services that are within the scope of practice of chiropractic.

House Bill 6410 would amend the Prudent Purchaser Act and would apply to a prudent purchaser agreement that provides for benefits for services that are within the scope of practice of chiropractic.

House Bill 6411 would amend the Worker's Disability Compensation Act to provide that an employer would not be required to reimburse charges for a chiropractic service unless it were included in the definition of "practice of chiropractic" as of January 1, 2008.

House Bills 5759 (H-3) and 6201 (H-2) are tie-barred to the other bills.

MCL 333.164601 (H.B. 5759)
333.16423 & 333.16431 (H.B. 6201)
500.3107b (H.B. 6407)
500.3107b et al. (H.B. 6408)
550.152 & 550.1502a (H.B. 6409)
550.53 (H.B. 6410)
418.315 (H.B. 6411)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

House Bill 5759 (H-3) is not expected to have an impact on State or local expenditures. Although the bill would expand the scope of chiropractic practice, it would not impose any fiscal mandates on State or local government.

House Bill 6201 (H-2) would direct the Department of Community Health, in consultation with the Board of Chiropractic, to develop and promulgate additional rules governing the

use of imaging technology by licensed chiropractors. In this regard, the bill would likely produce a modest increase in administrative costs borne by the Department.

House Bills 6407 through 6410 would give insurers the option to cover or not to cover the expanded chiropractic scope of practice. It is difficult to forecast how insurers would react to this option. If they opted not to cover the expanded scope of practice, there would be no impact on insurance rates paid by State and local government for their employees. If these services were covered, there would be a slight impact.

House Bill 6411 would include chiropractic services as an eligible expense for worker's compensation claims. To the extent that State or local governments are employers, this could increase claim costs. The amount of these increases would depend on the level of increase in claims.

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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.