



**SPROTT NEWSOM**  
**QUATTLEBAUM MESSENGER**  
A Professional Corporation

2211 Norfolk, Suite 1150  
Houston, Texas 77098  
Phone: (713) 523-8338  
Fax: (713) 523-9422  
quattlebaum@sprottnewsom.com

**Michele Quattlebaum**  
Shareholder  
Board Certified – Personal Injury Trial Law  
Texas Board of Legal Specialization

November 9, 2016

Sunset Advisory Commission

RE: Sunset Advisory Commission Review of the Texas Board of  
Chiropractic Examiners

Dear Commission:

Thank you for the opportunity to make a public comment on the preliminary Staff Report of the Sunset Advisory Commission.

I have been a licensed attorney in the state of Texas since 1981. My involvement with the chiropractic community began shortly after I became licensed. I am board certified in Personal Injury Trial Law by the Texas Board of Legal Specialization. In my capacity as a trial attorney, I have a focus in the defense of chiropractors and other health care professionals in malpractice cases and before their respective boards of examiners. I have represented chiropractors in at least 5 states. Additionally, I teach risk management, ethics, and documentation. With my 35 years of experience in the defense of health care professionals of many specialties and licenses, I have an intimate knowledge of the matters contained in the commission's report. I have the perspective of interacting with several different boards of examiners on a professional basis and can objectively compare the workings of each board.

From an overall perspective, statistics show that chiropractic is one of the safest health care professions available to the public. On a daily basis the doctors of chiropractic in Texas literally change the lives of patients with their hands. With manual treatments, as well as physical modalities, they provide relief of pain and symptoms, which in many instances, have gone unresolved with traditional medical care. The patients, who seek their care by tens of thousands each day, are often able to return to work and to activities of daily living without the cost of surgery and prescription medication. Chiropractic is known to be a safe alternative for the treatment of many conditions, including particularly herniated discs. Chiropractic treatment is documented to be safer

than over the counter medication. Their treatments provide functional improvement to the tens of thousands of patients each day. Additionally, even with maintenance care, the Centers for Medicare and Medicaid Services **recognizes that chiropractic care “prevents disease, promotes health and prolongs and enhances the quality of life” of the patients.**

Statistics show that the risk of injury to patients is only a small percentage of that of medical doctors and other health care professions. While all health care comes with complications and risks, the known complications of chiropractic care is minimal. Law suits are minimal, and settlements or verdicts on those law suits are even less.

With regard to the Issues and Recommendations of the Staff Report, I have the following comments:

### **Issue 1**

While the Recommendations set forth in Issue 1 are reasonable and should be implemented, I do take exception with the conclusion of the Staff that the TBCE in some way does not prioritize severity of the violations. The resolutions of the enforcement division do take into account severity as well as mitigation and enhancement factors.

### **Issue 2**

The Facility Registration process is extremely important in Texas. It should not be discontinued. The risk to the patient does stem in many situations to the facility and not particularly the actual chiropractor. In Texas non-licensed individuals are allowed to own chiropractic clinics, causing office procedures, marketing and billing to be controlled by non-licensed individuals. Particularly young chiropractors go to work for these clinics with no authority to review or change the procedures in the clinics. Many enforcement issues stem from these non-chiropractic owners. Without facility registration, there is no oversight over these owners. While it might appear to one with limited understanding of the profession to only be an administrative function and not patient safety or fraud prevention, it can be a serious issue. The Facility Registration should not be discontinued as long as there are non-chiropractic owned clinics.

### **Issue 3**

The recommendations in Issue 3 are reasonable.

#### **Issue 4**

The recommendation of the finger printing and background checks is reasonable. Additionally, finger printing and background checks should be conducted of every facility owner. The applicants should not be allowed to take the jurisprudence exam an unlimited amount of times.

#### **Issue 5**

Of the recommendations in the Staff Report the one that gives me great concern is the question raised in Issue 5. The conclusion of the Commission should not be consolidating the organization with any other agency. I have practical day to day interaction with this board as well as several of the other health care boards. It is without hesitation that I can attest that the organization and performance of this Board is exceptional. To place the chiropractors in the state under a general board would denigrate the profession, and cause road blocks to the oversight of patient care and interaction with the profession. The doctors in Texas are educated well, and are well trained in their profession. I have witnessed throughout the past 35 years that other professionals do not accurately understand chiropractic and the treatments provided. Particularly, medical doctors most often cannot even describe the basic concepts of the profession and typically misunderstand and misstate the treatments. While the profession should be regulated, it should be done so in a stand-alone organization. It has been operated with a limited staff for many years, and has done a professional and result oriented job. While all agencies can improve with the resolutions of the other issues, the TBCE will thrive and provide protection of the public while maintaining the integrity of a profession that deserves the utmost of respect. The TBCE has progressed immensely since the last Sunset Review.

Thank you for the opportunity to make a public comment on the Staff Review.

Sincerely,

*Michele Quattlebaum*

Michele Quattlebaum