

ATTENDING * Holds membership status with ICRS

Ayla	Azad	Canadian Chiropractic Association
Gemma	Beierback	Canadian Chiropractic Examining Boards*
Sira	Borges	Latin America Federation of Chiropractic FLAQ
Bridget	Bromfield	Chiropractic Association of South Africa*
Richard	Brown	World Federation of Chiropractic*
Donna	Cohen	International Chiropractic Regulatory Society (ICRS)
Louisa	Conradi	World Congress of Chiropractic Students
Terry	Crisp	Council on Chiropractic Education - Australasia
Christina	Cunliffe	McTimoney College of Chiropractic*
Julie	Finn	Federation of Chiropractic Licensing Boards
Evalie	Heath	Chiropractors Association Zimbabwe
Nick	Jones	ICRS / General Chiropractic Council – United Kingdom*
Philippe	Larivière	Federation of Canadian Chiropractic*
Brian	Miller	World Congress of Chiropractic Students
Wayne	Minter	ICRS Chair / Chiropractic Board of Australia*
Brian	Nook	FICS – International Federation of Sports Chiropractic
Gerald	Olin	Canadian Chiropractic Association
Keith	Overland	FICS – International Federation of Sports Chiropractic
Stephen	Pallister	Carterton Chiropractic Clinic
Cynthia	Peterson	Councils on Chiropractic Education International* & the European Council on Chiropractic Education
Lisa	Richard	ICRS Board / Federation of Canadian Chiropractic*
Glenys	Sharman	ICRS Board / New Zealand Chiropractic Board*
Egill	Porsteinsson	Kiropraktik - Iceland
Yi Kai	Wong	Association of Chiropractic Malaysia*

TEMPORARY PRACTICE AND REGULATION

ABSTRACT: The 19 / 20 May 2023 ICRS Forum focused on temporary practice by chiropractors in a jurisdiction other than where licensed / registered for the purposes of treating athletes, teaching seminars, providing care during disasters, mission trips, research, and telemedicine.

Requirements for temporary practice vary greatly among the regulated jurisdictions throughout the world. Does the board have authority over the practice of chiropractic by anyone within its borders? Does it retain jurisdiction over its own licensees / registrants who travel outside the state or country?

FICS, Fédération Internationale de Chiropratique du Sport (International Federation of Sports Chiropractic), has over 30 years of experience with the sports application of temporary practice. Solutions to ensuring regulatory compliance and liability coverage have included developing a certificate of uniform training and promoting the adoption of temporary legislation.

An online reference with current requirements would provide both practitioners and regulatory boards valuable information to comply with laws and to adopt or streamline regulatory systems. Data should focus on the best interests of the patients.

Deadline for comments is 20 June 2023.

Dr Wayne Minter welcomed the attendees to the May 2023 ICRS Forum, thanking everyone for a great turnout on an important issue, despite the fact that time is inconvenient for some. He explained that the topic was initially planned to broadly address “Mobility and Regulation” until it became apparent the discussion will need to be broken down into two issues: 1) temporary practice and 2) relocation after registration in another jurisdiction.

He acknowledged the traditional custodians of the lands on which we all meet for their continuing connections to land, sea, and culture, and noted the contributions of elders past and present.

WHAT IS TEMPORARY PRACTICE?

In jurisdiction OTHER THAN where licensed / registered:

- Treating athletes (open groups as well as following teams)
- Teaching seminars
- Providing care during disasters
- Mission trips
- Conducting research
- Telemedicine

CURRENT STATUS: REPORTS FROM ICRS REGULATORY MEMBERS

New Zealand – Mrs Glenys Sharman, Registrar and General Manager of the New Zealand Board of Chiropractic, explained that cases are dealt with on a case by case basis, with no cases having come before the board in recent years. Historically, the Board required instructors to hold an Annual Practicing Certificate, although more recently “Temporary Registration” has been offered. She described the technical requirements of the policy for Visiting Chiropractors:

<https://www.chiropracticboard.org.nz/wp-content/uploads/2021/08/Visiting-Chiropractors-Policy.pdf>

No policies are presently in place for those traveling with sports teams. Reviewing the entire situation is planned in the relatively near future.

United Kingdom – Mr Nick Jones, Chief Executive Officer and Registrar of the UK’s General Chiropractic Council, described the fact that the GCC policy emanates from the protection of the consumer public. He noted that the Council is not required to be notified in the event of traveling instructors or those treating athletes, but care from unregistered chiropractors must not be provided to the general public. Care may be provided to the specific team with which the practitioner travels or those in attending a professional seminar. For missions or other events, there is no requirement to register but visiting chiropractors should not be treating the public.

Canada – Dr Philippe Larivière, President of the Federation of Canadian Chiropractic, covered Canada’s unique situation. The FCC represents 11 chiropractic regulatory boards, with the authority vested in each provincial or territorial government. He addressed the requirements in Québec where he also serves as president of the Ordre. Chiropractors who are not registered in Québec but are seeking temporary practice must apply to register with the board, pay the requisite fee, show registration elsewhere in good standing, have liability insurance. They may treat only their own team or those persons in the seminar they are presenting. There are no provisions for mission or disaster care by those not registered in Québec.

Australia – Dr Wayne Minter, Chair of the Chiropractic Board of Australia, presented the requirements by the Board and Ahpra (the Australian Health Practitioner Regulation Agency). Temporary practice is entitled “limited registration” under the national law. Detailed policies and application materials are available on Ahpra’s chiropractic board website:

<https://www.chiropracticboard.gov.au/Registration/Registration-types.aspx#limited> *Limited registration in the public interest* would be the category that would apply to most overseas chiropractors looking to practice in Australia for a short time, including for sporting events. The requirements are scheduled to be reviewed in the next few years with an eye toward how to best protect the public while streamlining the application process.

THE FICS EXPERIENCE – TEMPORARY CHIROPRACTIC PRACTICE: REGULATORY IMPACT ON ATHLETES

FICS, Fédération Internationale de Chiropratique du Sport (International Federation of Sports Chiropractic), has been promoting quality care by those involved in sports for over 30 years. Secretary-General, Dr Keith Overland, provided an overview of the organization and some of the current challenges FICS has encountered. He thanked Dr Simon Lawson (International Sports Federation Commission Chair) and Dr Brian Nook (International Sports Federation Commission Representative to FICS) for their input in the presentation.

FICS has a very short video (less than two minutes) that provides an excellent understanding of the many types of sports that the organization supports: <https://vimeo.com/771291906/dbb3c3841a>

FICS presently has 5,000 members, and works with 32 national chiropractic sports councils, maintains relationships with 19 chiropractic institutions and another 19 international sporting federations. FICS offers International Certificate in Sports Chiropractic (ICSC) that requires the completion of 10 modules (approximately 100 hours) or equivalent. The ICSC is required to be

selected for a FICS team working at international games. About 500 FICS members maintain an active ICSC, including taking regular updated education every two years in head injuries.

FICS contracted with the 2022 World Games in Birmingham, Alabama USA, with about 50 chiropractors treating 3,400 patients at ten venues over the course of two weeks. A computerized system developed by Dr Brian Nook was employed to collect data from the athletes. In order to allow chiropractors and other providers from all over the world to treat athletes, temporary legislation was adopted by the State of Alabama via Act 381:

<https://casetext.com/statute/code-of-alabama/title-41-state-government/chapter-9a-occupational-licensing-order-of-limited-relief/section-41-9a-4-licensure-of-health-care-professionals-for-the-eleventh-world-games>

Section 41-9A-4 - Licensure of health care professionals for The Eleventh World Games. This legislation specifically permitted those licensed / registered in any state or country to treat their athletes at authorized locations during the World Games, except those credentialed by FICS were allowed to treat any member of the World Games family. Passing short-term legislation is time and labor intensive but has opened a precedent for dealing with regulatory requirements.

In addition, the US Congress passed the *US Sports Medicine Licensure Clarity Act*, effective beginning in 2018. This extends liability insurance coverage and satisfies licensure requirements for US chiropractors and other sports medicine providers to travel with their teams for certain categories of events. Notification of the malpractice carrier and compliance with other stated requirements are required for liability insurance coverage. Full text of the adopted legislation: <https://www.congress.gov/bill/115th-congress/senate-bill/808/text>

As presently stated, for the upcoming 2024 Paris Olympics the only chiropractors to be permitted to work in the polyclinic will be those registered in France.

Liability insurance carriers may require that legal actions against a covered chiropractor be filed in the country where the policy is registered.

The legal authority to provide sports chiropractic services may require approval under general law, for example by the Minister of Health or equivalent.

In summary, Dr Overland recommended that both regulatory requirements and liability coverage for sports chiropractic need to be priority issues. He noted that chiropractic in the sports world is the “tip of the spear” in bringing greater cultural authority for the profession, as well as governmental and media recognition. He pointed out that chiropractic’s “conservative first” approach is a powerful weapon against the opioid crises, and stated that all people deserve access to chiropractic care regardless of where they reside or where their athletic talents bring them.

Dr Overland offered FICS’ support in any way possible for ICRS efforts to gather information and work toward fair and standardized requirements around the world. He can be reached through the FICS website: www.FICS.SPORT

TEMPORARY PRACTICE: LICENSURE / REGISTRATION ISSUES

ICRS executive director Donna Cohen reminded attendees that the role of regulatory boards is to

- 1) establish reasonable frameworks to lessen risk to public, and to
- 2) take proportionate regulatory action if frameworks are breached by health professionals.

She noted that the authority of regulatory boards varies: some retain authority over their registrants regardless of where they go in the world, while others find their authority limited by law to the practice of chiropractic within their boundaries, whether by registrants or not. Ideally, boards should have authority over both.

Ms Cohen drew attention to the draft language establishing *Patient Rights and Responsibilities* that will undergird any future ICRS actions and programs relating to temporary practice. This document was provided to all who preregistered for this Forum and also is available on the ICRS website:

<https://www.chiroregulation.org/icrs-may-2023-forum.html>

Does temporary practice present a problem, given that chiropractic is inherently safe in the hands of licensed providers, there is no data to show how many patients are being hurt or abused, most temporary care does not involve payment? However, potential damage to the public may include physical hurt, failure to recognize or diagnose a condition, and professional boundary transgressions including sexual misconduct.

She asked whether regulatory boards / agencies need to know who is visiting in their jurisdictions, whether chiropractors are aware of differing legal scopes of practice. She concluded that most of the concern seems to center on good people trying to do the right thing: regulators wanting to set up reasonable frameworks to preclude problems and practitioners wanting to obey requirements they cannot identify.

The first step for ICRS, with help from the stakeholders, will be to create a reference database of existing requirements. Future steps will include identifying core components (not model language) of what should be included in patient intake and report of care.

DISCUSSION

Mr Jones observed that the overall approach to temporary practice will be based on the maturity of the profession.

Professor Cunliffe noted that if FICS – a robust and professional organization - is unaware of the many varied requirements, how can we expect the public and the practitioners to comply with the detailed requirements? She reminded everyone that the purpose of regulation is to have processes in place to deal with bad outcomes. She asked how the various credentials can be properly validated, including both liability insurance and location of licensure.

She described the GCC model of regulation, wherein once registered, “body, mind and soul belong to the GCC.” In other words, registrants are expected to comply with the GCC requirements no matter where they go in the world. However, she noted, reasonable chiropractors need to know what is reasonably expected of them. And the public reasonably expects that regulators will have addressed the issue of temporary practice.

Dr Nook reiterated that portability is a sign of maturation of a profession. He described a successful mission wherein proper communication, respect, and working with chiropractors already in country overcame objections. He observed that treating one's own team has become fairly common, but now event organizers are asking for help supporting the event, not just the athletes. The Alabama 2022 World Games took more than two years to adopt the necessary legal provisions.

Dr Minter noted that the 2032 Olympic Games in Brisbane are coming quickly and any amendments to laws will take time. He also commented that public protection involves more than physical harm – conduct issues create other levels of harm as well. The US case involving female gymnasts was cited.

Dr Overland suggested that we should search for examples of other countries and professions whose regulations we would consider to be excellent, while also helping other countries that may be unaware of the complexities of temporary practice. He reaffirmed that regulation is necessary.

Professor Cunliffe stated that sporting events may tend to be highly managed and controlled, but on the other end of the spectrum are seminars (not just academic) that attract unwitting students. Rogue elements must be addressed as part of the regulatory involvement in temporary practice.

Dr Nook commended the UK model where “wherever you go, you are still one of us” as a useful approach. The challenge of temporary practice may be further complicated where attempts are made to adapt what a chiropractor can do in a country where the profession is misunderstood, not recognized, or completely illegal. Each successful experience with qualified practitioners who are culturally sensitive and aware begins to build historical foundation and reference examples.

Dr Minter reminded attendees to register their comments and suggestions regarding the *Draft Patient Rights and Responsibilities*, and also to volunteer to help create and distribute a survey to build the online database. **Deadline is 20 June 2023.**

He summarized the Forum, noting the requirements differ greatly around the world, and developing online reference data will be helpful. He observed that the temporary legislation adopted for the Alabama 2022 World Games highlights a need for different approaches for large sporting events involving temporary practice.

He thanked everyone for attending and extended an invitation to continue the discussion in October in Australia, in conjunction with the WFC's Biennial Congress.

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