

*Knowledge
replaces
fear.*

Illinois Chiropractors: Scope of Practice and Duty to Refer By Glen D. Crick, Attorney at Law

Note: This article is addressed to those who hold a license to practice as a Chiropractic Physician in Illinois. The suggestions presented reflect the opinions of Glen D. Crick, an attorney licensed to practice in Illinois only, and are based on his twenty-seven years' experience investigating, directing investigations and prosecutions, and defending those who become the subject of investigations and prosecutions conducted by regulatory and administrative agencies in Illinois and other states. Because of the widespread difference in how Chiropractors are regulated in other States, the suggestions may or may not be applicable to a Chiropractic Physician licensed outside Illinois. A Chiropractor licensed in a state other than Illinois is advised to contact Mr. Crick or an attorney licensed in that state to determine applicability. The suggestions presented are not to be considered "legal advice" and by reading this article, no attorney client relationship is formed with Mr. Crick or Glen D. Crick, Ltd.

Chiropractors and Medical Doctors in Illinois are licensed under the Illinois Medical Practice Act. The only distinction between Chiropractic Physicians and Medical Doctors in Illinois is that Chiropractors may not use drugs or operative surgery in their practice. Both can treat any human ailment, disease, defect, or condition. The Chiropractor also has that same duties and obligations as a Medical Doctor and may be held to the same standard of care.

The duties and obligations of a Chiropractic Physician who treats a patient with an ailment, disease, defect, or condition that is usually not viewed as being within the scope of Chiropractic practice are relatively easy to address. The Chiropractor should not treat conditions that are beyond his or her training, experience, or skill.

For example, it is obvious that a Chiropractor can adjust and otherwise treat a patient who has

cancer for muscular skeletal conditions that are not related to the cancer.

In theory, the Chiropractor may also treat the cancer. However, since he or she is held to the same standard as a Medical Doctor, in order to do so he or she would have to have the training, experience, and skill that is required of a Medical Doctor who treats cancer. Most Medical Doctors do not treat cancer. Patients with cancer are routinely referred to an Oncologist. Because of the additional training and experience an Oncologist has, an Oncologist is held to a higher standard of care. A Chiropractor who undertakes to treat cancer will be held to the same standard of care as an Oncologist. And, should something go wrong or a complaint be made, the first questions asked will be about the training, experience, and skill of the Chiropractor in treating cancer.

Medical Doctors have a duty to examine any new patient they accept. A necessary part of the examination is the recording of vital statistics in order to establish a base line for the monitoring of the patient's health. When, in the course of examining or treating a patient a Medical Doctor diagnoses or has reason to believe that a patient has an ailment, disease, or defect that is beyond the Medical Doctor's training, experience, and skill, he or she is under an obligation to refer the patient to another physician who is more qualified to treat the patient.

A Medical Doctor is also obligated to conduct or order any tests necessary to diagnose a suspect condition. Though there do not appear to be any Illinois cases that address the issue directly, it is obvious that Chiropractor is under the same obligation. A problem arises when a Chiropractor views his role as limited to

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adjusting and manipulating the spine and does not see himself or herself as having a responsibility to monitor other aspects of the health of the patient as well.

When seeing a new patient, a Chiropractor is well advised to first determine whether the new patient has a Primary Care Physician and, if so, to document any communication the Chiropractor has with the physician regarding any medical conditions of the patient that are beyond the training, experience, and skill level of the Chiropractor. Further, the Chiropractor has an obligation to alert the Primary Care Physician to any condition or change in the patient's condition that might indicate the presence of a heretofore untreated disease, defect, or condition or the exacerbation of a known condition. All such communications must be documented in the patient's file in case the Primary Care Physician does not act on the information provided, to the detriment of the patient.

A Chiropractor who treats a patient who does not have a Medical Doctor as their Primary Care Physician or who selects the Chiropractor to act as their Primary Care Physician assumes the responsibility to monitor the ongoing health of the patient for medical issues as well as treating the patient by traditional Chiropractic methods. A Chiropractor must not hesitate to conduct and/or order any tests necessary to monitor the ongoing health of such patient and, as necessary, to refer the patient to another Physician who has more training or experience in treating a particular disease, defect, or condition.

About the Author

Glen D. Crick is an attorney who, since 1987, has concentrated his practice in representing healthcare and other licensed professionals before the Illinois

Department of Financial and Professional Regulation, and other governmental entities in Illinois and in other states. Mr. Crick served as Director of Enforcement for the Department from 1980 to 1987, and was responsible for overseeing all investigative and prosecutorial activities of the Department. Prior to that, he was the supervisor of the Northern Illinois Fraud Investigations Unit of the Illinois State Police, Financial Fraud and Forgery Bureau.

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