

S

B

509

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: SB NO. 509  
 Title: "An Act relating to the practice of physical therapy"  
 Sponsor: H F S S Committee  
 Requestor: H F S S & I & C  
 Date of Request: 2/28/84

FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.  
 Program Category Affected: Public Protection  
 BRU, Program or Subprogram(s) Affected: Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

ANALYSIS: Attach a separate page for analysis

Prepared By: Darrell Miller Phone: 465-2535  
 Division: Occupational Licensing Date: Feb 29, 1984  
 Approved by Commissioner: Richard A. Lyon Date: 3/16/84  
 Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

12/1/83

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K-STATE CAPITOL  
JUNEAU, ALASKA 99811

January 8, 1981

Mr. Keith Godfrey, President  
Board of Chiropractic Examiners  
3800 Lake Otis Parkway  
Anchorage, AK 99504

Re: Refusal by Physical Therapists  
of Chiropractic Referrals  
J-66-318-81

Dear Mr. Godfrey:

The division of occupational licensing of the Department of Commerce and Economic Development has referred to our office the question raised by Adrian Barber in his letter to you of August 8, 1980 (enclosed). I understand that you wish an attorney general's opinion regarding the validity of AS 08.84.120(8) and AS 08.84.160, which preclude physical therapists from accepting referrals or prescriptions from chiropractors.

First, it is correct that the statutory sections do exclude chiropractors from the classes of health care providers from whom physical therapists may accept referrals or prescriptions, since AS 08.84.160 specifically names health care providers from which a physical therapist may accept prescriptions, and does not include chiropractors. Also, the Chairperson of the Physical Therapy Board, Ms. Donna Klokkevold, informs us that that board does interpret the statute to exclude referrals from chiropractors and that physical therapists do not accept such referrals.

The validity of the statutory provisions is questionable, as the exclusion of chiropractors may represent a serious antitrust violation. This is probably a question of federal law, however, under the Sherman Antitrust Act <sup>\*</sup>/ The extension

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<sup>\*</sup>/ As you are aware, several lawsuits have been brought by or on behalf of chiropractors in other states in which this issue is being litigated.

January 8, 1980

of antitrust doctrine into the area of health care is a fairly recent trend in the law, and it is not possible to state definitely what the law is on the particular point that you raise.

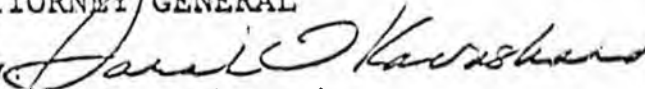
Our office can only state that, as a general matter, a law must be followed until (1) it is amended or otherwise changed by the legislature; or (2) it is attacked and found invalid by a proper court. Our office has no power to invalidate the determinations of the legislature, although, in situations where we believe a particular provision is clearly unconstitutional, we will advise an agency to not carry out or enforce it. These particular provisions appear questionable not only on antitrust grounds, but also on grounds that a patient has a right to the full course of treatment recommended by the health care provider of his or her choice. Further, they appear subject to attack on the constitutional grounds of equal protection and right to privacy. However, they are not so clearly infirm that we may confidently state that they are invalid.

We suggest that you contact the governor's legislative assistant regarding a possible change in AS 08.84.120(8) and AS 08.84.160. Then, if legislative change is not forthcoming, your board may want to consider a legal action attacking the provisions in question.

I hope this answers your questions. If I can be of any further assistance, please feel free to contact me.

Sincerely,

WILSON L. CONDON  
ATTORNEY GENERAL

By   
Sarah T. Kavasharov  
Assistant Attorney General

STK/blc

cc: Keith Specking, Legislative Assistant  
Office of the Governor

Ms. Donna Klokkevold, Chairperson  
Physical Therapy Board

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

February 20, 1981

Ms. Donna Klokkevold  
Chairperson  
Physical Therapy Board  
3800 Lake Otis Parkway  
Anchorage, AK 99504

Re: Validity of AS 08.84.120(8) and  
AS 08.84.160  
Our File: J-66-318-81

Dear Ms. Klokkevold:

On January 8, I sent to you a copy of a letter to Mr. Godfrey, president of the Board of Chiropractic Examiners, regarding the questionable validity of the above statutory provisions. I wonder if your board has had time to review the provisions and what is the board's view about retaining them? Our office believes that their validity is so questionable that an effort should be made to change them, but the first step in the process of change is to determine whether the boards may work this out and agree upon a recommendation that the governor may submit to the legislature.

Please let me hear from you regarding this.

Thank you.

Sincerely,

WILSON L. CONDON  
ATTORNEY GENERAL

By: 

Sarah T. Kavasharov  
Assistant Attorney General

STK:wjp

cc: Keith Godfrey, President  
Board of Chiropractic Examiners

Harry Treager, Director  
Division of Occupational Licensing

Keith Specking, Legislative Assistant  
Office of the Governor



OFFICIAL BUSINESS

CHAIRMAN  
RULES COMMITTEE

# Alaska State Legislature

## Senate

April 12, 1983

JAN FAIKS  
POUCH V  
CAPITOL BUILDING  
JUNEAU, ALASKA 99811

Dr. Jon Godfrey  
3800 Lake Otis Parkway  
Anchorage, AK 99504


Dear Jon,

Thank you for your letter and accompanying brochure on chiropractic services.

I am happy to hear that you are working with the Department of Health and Social Services. As you probably know, our Alaska Statute 47.07.030 requires that additional medical services desired through Medicaid must be approved by the legislature. As your recommendations materialize, you may want to recommend that a House or Senator bill be drafted. I will be willing to work with you on this endeavor.

I appreciate learning of the services you provide. I agree, chiropractic care should not be denied under Medicaid.

Sincerely,

  
Jan Faiks,  
Senator

JF:ch

suspension after a hearing to which has been suspended or that the applicant is able to in the application of discipline from earlier decisions explained in findings of fact or ch 162 SLA 1980)

ive personal pronouns in conformity AS 01.05.031(c) and § 4, Chapter 58, 1982.

shall impose and collect the

or examination, \$50; on, \$20; \$50; be every four years, \$200. LA 1968; am § 12 ch 162 SLA

ennial" following "initial and renewal" paragraph (4), and deleted former paragraph (5), which read: "associate license,

All fees collected by the board of state. (§ 35-3-30 ACLA 1949)

and Penalties.

be a misdemeanor. A person without a license in violation of or, and upon conviction is punished, or by imprisonment for not more than 90 days, or by suspension of the defendant's certificate of registration. (SLA 1955)

Revisor's notes. — This section introduces a requirement which does not exist in this chapter, viz., filing a certificate with the board. It is the board's duty to maintain a registry. Editor's notes. — This section was amended by the revisor of statutes to remove personal pronouns in conformity

with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Collateral references. — Practicing medicine, surgery, dentistry, optometry, podiatry, or other healing arts without license as a separate or continuing offense. 99 ALR2d 654.

Sec. 08.20.210. Fraudulent certificates. Any person who obtains or attempts to obtain a chiropractic certificate by dishonest or fraudulent means, or who forges, counterfeits, or fraudulently alters any such certificate is punishable by a fine of not more than \$500, or by imprisonment for not more than six months, or by both. (§ 4 ch 53 SLA 1955)

Article 4. General Provisions.

Section

08.20.220 Chiropractic defined

Sec. 08.20.220. Chiropractic defined. Chiropractic is the science of locating and correcting interference with nerve energy transmission and expression within the human body, and the employment and practice of drugless therapeutics, including physiotherapy, hydrotherapy, mechanical therapy, phytotherapy, electrotherapy, chromotherapy, thermotherapy, thalmotherapy, correcting and orthopedic gymnastics, and dietetics which includes the use of foods and those biochemical tissue building products and cell salts found within the normal human body, without the use of drugs or surgery. (§ 35-3-22 ACLA 1949)

Opinions of Attorney General. — It is illegal and criminal for a chiropractor, without additional qualifications, to prescribe drugs or medicine to sick or injured persons. 1961 Op. Att'y Gen., No. 23. Money cannot be expended from the Workmen's fund for the payment of charges for medicines prescribed by chiropractors. 1961 Op. Att'y Gen., No. 23.

Collateral references. — Chiropractors as within term "physician" in rule as to privileged communications. 68 ALR 177.

Kind or character of treatment which may be given by one licensed as chiropractic. 86 ALR 630.

Chapter 24. Collection Agencies.

Article

- Collection Agency Board (§§ 08.24.011 -- 08.24.021)
Powers and Duties of Department of Commerce and Economic Development (§ 1 -- 08.24.071)
Licensing (§§ 08.24.090 -- 08.24.386)

Revisor's notes. — The Collection Agency Board has been terminated under the provisions of AS 08.03 and AS 44.66.

AS 08.03.010(b)(3) established a termination date of June 30, 1980.

March 23, 1984

PO Box 897  
Juneau, AK  
99802

Dear Senator Josephson,

The attached is the material I plan to present to the Senate HESS committee hearing on March 26th in regard to the proposed Senate Bill #509.

I'd like to summarize for you the reasons the Physical Therapy Association is opposed to this bill. First of all, Chiropractic does not emanate from a medical/scientific basis. Their philosophy is that all healing begins with a properly adjusted vertebral column. The medical community challenges this at least in part, since no reproducible research has given this approach any validity.

On the other hand, the profession of Physical Therapy has grown out of the medical profession and follows the traditional medical approach. Physical Therapy is accepted and endorsed by the AMA. Whereas, chiropractors never have been acknowledged by the American Medical Association.

The reason a referral from a medical doctor is required for Physical Therapy is so that the necessary diagnostic work (ie. X-rays, blood tests, urine tests) can be done prior to the initiation of treatment to rule out other conditions for which Physical Therapy would be inappropriate. Other than X-rays, the chiropractor does not use these diagnostic tests. Therefore, the patient referred from the chiropractor would have an incomplete diagnosis, as viewed from the medical philosophy. Ethically, how could I treat a patient for a condition if I was unsure that this in fact, was the patient's problem?

Furthermore, the American Physical Therapy Association (APTA) national Code of Ethics states that Physical Therapists may only accept referrals from medical doctors, osteopaths, dentists, and podiatrists. If a Physical Therapist does not follow this Code of Ethics he/she can not belong to the APTA. I personally am not willing to give up this membership, and would not accept referrals by chiropractors even if the proposed changes in the Physical Therapy practice act were adopted.

Please feel free to contact me for any further input.

Respectfully,



Beth Hansen, LPT

cc: Pat McAdoo, LPT, President  
Alaska Physical Therapy Association

It has come to the attention of the Alaska Physical Therapy Association that the chiropractors of the state have taken it upon themselves to legislate change in the Physical Therapy practice act to include referrals from chiropractors. Let it be known at this time, the Alaska chapter, as well as the American Physical Therapy Association strongly oppose the actions of the chiropractors of this state based on the lack of medical relevance.

Historically,, the chiropractors have claimed to promote health and prevent disease simply through the adjustment of the spine. In fact, in a recent publication included in the Anchorage Daily News, the chiropractors infer that periodic chiropractic treatments will reap an individual occupation and income benefits, improve your golf game, tennis game and your appearance. Chiropractic care will also keep you younger longer and will help the youth have more energy and prevent learning disabilities. These views are not supported by the members of the medical community.

The profession of Physical Therapy on the other hand was established under the auspice of the medical profession and scientific research. It has been recognized, therefore, that a Physical Therapist is in a sense a part of the medical profession and the therapists' expertise lies in the same realm as the doctors'.

Under the mandate of the present law, Physical Therapists have excluded referrals from chiropractors. We feel very strongly that chiropractic referrals are inappropriate because of a lack of medical relevance and feel the current law should stand as is.

We have been advised by our national association through the law firm of Tucker, Arensberg, Very and Ferguson of Pittsburgh that the position we have taken to resist amendments to our practice act is not in violation of antitrust laws, nor is the freedom of choice or privacy impermissibly limited by restriction of referral sources.

1. Antitrust: According to our counsel, almost all recent litigation among various healthcare providers has involved one individual or professional group suing another individual or professional group; that is, all have been private parties. The applicable principal from antitrust law is that there should be free and open competition unrestricted by private agreements. Since Physical Therapists in Alaska are excluding referrals from chiropractors under mandate of state law rather than by an agreement among themselves, it is extremely unlikely that the Physical Therapists could be sued for an antitrust violation. As a general principle, it appears that state laws with a valid purpose other than restricting competition are exempt from antitrust attack. The present law, in no way restricts competition, but does restrict referrals for sound medical reasons.


2. Freedom of Choice: Although our constitutional freedoms are broad, the Alaska Physical Therapy Association knows of no basis in the federal or state constitutions for a right of freedom of choice in making referrals to Physical Therapists. Therefore, we feel we are not in violation of constitutional freedom of choice in restricting Physical Therapy referrals.

3. Equal protection and the right of privacy: Numerous cases have held that state laws classifying and regulating such groups as physicians, chiropractors, osteopaths, optometrists, and so on, do not violate equal protection. United States Code Ann., Amend. 14, § 1 n. 779-786 (Cum. Supp. 1977). Any "equal protection and right to privacy" challenge to the existing law would have to be brought by a patient who was deprived of protection or privacy by the requirements --in this case, the restriction of referrals.

In summary, we strongly oppose the amendment effort initiated by the chiropractors of this state. It is our belief as members of a medical profession that restricting referrals from nonmedical professionals is in no way in violation of antitrust, freedom of choice, equal protection, and the right privacy, and is in the better interest of the patient. Furthermore, attempts by nonmedical professionals to change our practice will be met with the utmost resistance. It is our hope that this letter makes it evident that the Physical Therapists of this state do not feel chiropractic referrals are appropriate because of lack of medical relevance, but we in no way wish to restrict or violate the constitutional rights of others.

Prepared by Denice Blefgen, LPT

Respectfully submitted,

  
Beth Hansen, LPT



alaska chiropractic society

Handwritten: *Neerof*  
*Senator*

JON GODFREY, D.C.  
President  
3800 Lake Otis Pkwy.  
Anchorage, Alaska 99504  
562-2345

MYRON SCHWEIK  
Vice Presid  
P.O. Box 1  
Eagle River, Ala  
694-922

C.  
2

March 28, 1984

RECEIVED

APR 4 1984

Josephson

Sen. Joe Josephson  
Sen. Vic Fischer  
Sen. Paul Fischer  
Sen. Richard Halford  
Sen. H. Pappy Moss  
Health, Education and Social Services  
Alaska State Legislature  
Pouch V, Mail Stop 3100  
Juneau, Alaska 99811

RE: SB 509

Dear Senators:

I thank you for the opportunity to partake in the March 26, 1984 teleconference concerning both SB 509 and SB 510.

Being first to testify does have its drawbacks. Specifically, the inability to respond to the testimony of those who follow, which is of great assistance if you are to make a point.

As evidenced by the duplicate testimonies of the witnesses for the Physical Therapists, their comments were divided somewhere between comments that were germane to SB 509 and that which was not: More specifically, the issue of independent practice or practice without referral. I will further address that issue in my summation.

I found the testimony which directly addressed SB 509 to be typically bias in nature, and unnecessarily protective. Might I give the committee a brief history.

After the 1981 A.G.'s opinion letter, Dr. Gene Kremer and I, as invited guests of the Physical Therapy Association, made a presentation to them. We spent approximately two hours confronting the issue at hand. We spent much time in an effort to explain the need for interprofession communication. We found that the P.T.'s were for the most part, totally ignorant of the Chiropractic profession. They knew nothing of our educational requirement or scope of practice. We attempted to fill in the voids. We, the Alaska Chiropractic Society, have waited for some further contact over these three years since our meeting, but it has not been forthcoming.

Their lack of voluntary participation is what precipitated our endorsement of SB 509.

We, the Alaska Chiropractic Society, have elected to approach the problem through legislative change, rather than through the court system.

On the National level, the National Physical Therapy Association is currently enjoined as defendants in a class action suit, along with the American Medical Association, and others, for their antitrust/restraint or trade practices. The case is currently at the Supreme Court level. And, although the American Osteopathic and American Hospital Association did settle prior to trial, the Physical Therapists have steadfastly held with the A.M.A., from which they derive almost all of their keep.

The A.C.S. feels that the attitude taken by the Physical Therapists Association in Alaska is purely an extension of their National Policy which was evidenced by their members' testimony at the teleconference. The National Code of Ethics, if quoted verbatim, smacks of Restraint of Trade in itself.

The Chiropractic Profession is somewhat older than the Physical Therapists, ours being founded in 1895. Our educational standards, which were alluded to at the teleconference, are standard across the nation. Under the U.S. Department of Higher Education functions the Council on Chiropractic Education, whose responsibility it is to guarantee these standards.

All Chiropractic Colleges require for matriculation at least two years of Liberal Arts or Sciences which must include satisfactory completion of specific subjects in the biological sciences. They are: General or Inorganic Chemistry - 6 semester or 9 quarter hours which must be taken with associated laboratory; Organic Chemistry - 6 semester or 9 quarter hours with laboratory; Biology - 6 semester or 9 quarter hours with laboratory; Physics - 6 semester or 9 quarter hours with laboratory; and 3 semester hours of Psychology. The balance of the 60 semester or 90 quarter hours would be the general lower divisional studies.

There are approximately fifteen Chiropractic Colleges in the United States, all having the same pre-entrance requirements, and having approximately the same overall course requirements necessary for graduation with a Doctor of Chiropractic Degree. Although there may be a small variation in curriculum from college to college, the core subjects are set down by the Council on Chiropractic Education, and must be at least 4400 class room hours in length, which computes to 4 academic years plus.

I am sending along the only College Catalogue in my possession from a Philosophically conservative institution (narrow scope of practice philosophy.)

One of the points of view presented by the physical therapists during the teleconference was diagnosis and differential diagnosis. These are not interchangeable terms and should not be confused as they appear to have been by the P.T.'s.

Senators  
RE: SB 509  
Page Three

As primary health care providers and primary portals of entry into the health care field for many patients, it is essential that we as chiropractors, have the ability to determine whether or not the symptoms manifested by the patient are those which would be treated best by the chiropractic discipline or medical discipline.

To that end, you will note in the college subject outline, under both various systemic diagnosis courses and chiropractic procedures, many hours are attributed to diagnosing in general and a goodly amount of hours for specific differential diagnosis.

This should answer the question on general and differential diagnosis. The area which maybe more specific for the physical therapists is covered under course number PP322, which would indicate the ability to recognize the problem (diagnose) and indicate both type and frequency of the chosen therapy.

To validate the knowledge acquired by successful Chiropractic students, we do not rely upon the testing programs of the individual institutions. In all States, before the graduate Chiropractor can obtain a license to practice, he must successfully be certified by the National Board of Chiropractic Examiners which is administered in two parts, the second includes Physical Therapy, clinical diagnosis and differential diagnosis and is an extremely, comprehensive test of the doctors's knowledge. And finally, each individual State retains the right to examine the doctor in both written and practical forms; Alaska also requires written, and or, practical physio therapy.

Our educational, professional educational standard, and testing procedures are on par with both medical and osteopathic doctors, and all, greatly surpass those of the Physical Therapist.

I feel that the expressed concerns of the physical therapist is very shallow and without practical merit. I feel that the patient referred for P.T. will arrive with a diagnosis and treatment outline in hand.

This is contrary to what I have been told by the P.T.'s to "isolate and treat" the problem. It is interesting that by law the MD is responsible for the diagnosis and treatment for, and he does not generally do so. And the P.T., who by law cannot diagnose and treat human ailments, does.

Senators  
RE: SB 509  
Page Four

The P.T.'s seem to think that either we cannot or do not use standard medical terminology which they can understand or vice versa. Those are simple misunderstandings and mechanically things which I doubt have any real bearing on the problem; and if it did, could easily be overcome.

Medicine has traditionally denied that what Chiropractors do, has any bearing on the patients health, and have denied the principle of our philosophical attitude towards health; saying in essence, spinal adjustments, spinal manipulations, spinal mobilization, do no good at all. Fortunate for us, most likely, because it is the basis upon which we practice; it is our specialty and we would hope to preserve our specialty as being separate and distinct and nonduplicatable by other professions. This includes the Physical Therapists. It is my understanding that P.T., in its overall application, is supportive therapy; and augmentation to primary care. Spinal manipulation or adjustments are under the current scope of practice of the primary care physicians- the Chiropractors.

We would be in favor of including the terminology preventing spinal joint mobilization because on a National level P.T.'s have been slipping that term in their own definitions, which then allows them to manipulate the joints of the spine, a practice of Chiropractic.

The Alaska Chiropractic Society seeks a change in the scope of practice, defined by Alaska Statute which governs Physical Therapists, which would encompass this thought.

That they may not incorporate or practice any form of joint mobilization of the spine, spinal column, or its immediate articulations by hand.

This would allow them to continue to utilize manual therapy, traction, etc., but preclude them from duplicating, or emulating Chiropractic treatment of spinal conditions, which are done almost exclusively by hand when treated by a Chiropractic physician.

Since they appear to lack any great understanding of spinal biomechanics and spinal orthopedics, we feel that as a safeguard to the public, they not be encouraged. On the other hand, they seem to have a fair grasp of other arthrodeal joints of lesser complication, i.e., shoulders, elbows, wrists, phalanges, knees, ankles and possibly jaws. I say of lesser complication to mean that although when treated, there is a much lesser likelihood that there will also be a neurophysiological reaction.

Senators  
RE: SB 509  
Page Five

It is unfortunate then, that the Physical Therapists seem to get stuck on their own bias about receiving patient referrals from Chiropractic physicians.

Chiropractic physicians as a whole, I do believe, have little trouble understanding what the Physical Therapists do and where their usefulness in the delivery system is. Since the patient is held in the highest regard, we only want to provide the best for them. And if we wish the patient to receive our own care, we wish to have that ability.

There is something to be said for convenience of care, also we would like to be able to refer a patient to P.T. without having to have the patient chase across town, but down the hall would be acceptable. It is for that reason that most physical therapists are directly associated with medical orthopods or hospitals.

Whether the P.T.'s wish to function independently, or without referral, is a different question than is addressed in SB 509. I feel they felt that it was opportune to address the issue, if their statute was going to be opened up.

They were great on citing national trend, and national P.T. association opinions. It was their national association's opinion that they couldn't accept chiropractic referrals, that they didn't want to be employed by M.D.'s. They, however, cited one state whose law said M.D.'s could not employ P.T.'s and six states in which they could work without referral, and I believe, twenty-one states that currently allow them to "Initially treat a patient."

Our position is that it would be an extremely difficult situation. In order for them to do an adequate and safe job, they would still have to rely upon such indentifiers as differential diagnosis, specific diagnosis, x-ray interpretation, laboratory test summations and interpretations, and a meriade of other issues. Public safety would be an issue.

I think they function well within the system they are currently in, save the additional referral/employment base from the chiropractic physician.

Senators  
RE: SB 509  
Page Six

Thank you for your consideration of this additional  
testimony.

Sincerely yours,

ALASKA CHIROPRACTIC SOCIETY

A handwritten signature in black ink, appearing to read 'Jon J. Godfrey', with a long horizontal flourish extending to the right.

Jon J. Godfrey, D.C.,  
President

JJG/kds

MSG 84-00028402 PRTY 1 03/26/84 16:36:26 ORIG: SOL\$ IN= 0009 OUT= 0017  
FROM: BECKY/SOLDOTNA TO: TOM/JUNEAU  
TARGET: LJH6 SUBJ: ~~S~~-HESS 3-5

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STILL WAITING TO PARTICIPATE

MONICA SAFRANE

MSG 84-00028389 PRTY 1 03/26/84 16:06:12 ORIG: LG00 IN= 0006 OUT= 0016  
FROM: REBA/GLENNALLEN TO: TOM/MODERATOR  
TARGET: LJH6 SUBJ: SB 509 & 510 T/C

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OMNI #3

2. DR. VICKIE NELSON TO TESTIFY  
COMMUNITY CHIROPRACTIC CENTER

*difference between mobilization  
& manipulation.*

DR. NELSON HAS A TIME CONSTRAINT WITHIN 30 MINUTES

MSG 84-00028360 PRTY 1 03/26/84 15:14:45 ORIG: LG00 IN= 0005 OUT 9009  
FROM: REBA/GLENNALLEN TO: TOM/MODERATOR  
TARGET: LJH6 SUBJ: SB 509 & 510 T/C

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OMNI #2

DR. DALLAS NELSON HAS ASKED TO TESTIFY AS SOON AS POSSIBLE.  
HE HAS APPOINTMENTS SCHEDULED IN THE NEXT TEN MINUTES.

MSG 84-00028365 PRTY 1 03/26/84 15:22:27 ORIG: LM00 IN= 0005 OUT= 0011  
FROM: MARY/MATSU TO: TOM  
TARGET: LJH6 SUBJ: SEN HESS - TC

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OMNI† 2

TO PARTICIPATE - STILL HAS NOT ARRIVED  
1. ALICE HOLINGER

TO OBSERVE:

2. MARY POMEROY, L.P.T. - P O BOX 871036, WASILLA 99687

MSG 84-00028345 PRY 1 03/26/84 14:48:07 ORIG: LA19 IN= 0013 OUT= 0002  
FROM: BARBARA/JACKIE IN ANCHORAGE TO: TOM IN JNUTC  
TARGET: LJH6 SUBJ: (S) HESS, 3/26,

OMNI #2  
3. GARY MCCARTHY  
4. PATRICIA MCADOO  
5. SUSAN V. PETTIS

ANC



MSG 84-00028346 PRY 1 03/26/84 14:56:52 ORIG: LA19 IN= 0014 OUT= 0004  
FROM: JACKI/ANCHORAGE T/C TO: TOM/JNUTC  
TARGET: LJH6 SUBJ: (S) HESS 3/26

OMNI #3 FROM ANCHORAGE  
TO TESTIFY:

6. DONNA KLOKKEVOLD  
7. DIANE OLSON  
8. HAL EGBERT

ANC

MSG 84-00028351 PRY 1 03/26/84 15:04:38 ORIG: LA19 IN= 0015 OUT= 000  
FROM: BARBARA/JACKI ANCHORAGE TO: TOM IN JNUTC  
TARGET: LJH6 SUBJ: (S) HESS, 3/26

OMNI 4 IN ANCHORAGE

TO SPEAK:  
9. LYNN VODNICK  
10. MARCIA WAKELAND

ANC

PLEASE NOTE THAT HAL EGBERT WOULD LIKE TO SPEAK BEFORE GARY MCCARTHY...  
THIS IS AGREEABLE WITH EVERYONE HERE

ALSO, PLEASE NOTE THAT BILL O'CONNOR WILL BE SPEAKING TO SR 510. OTHER  
PARTICIPANTS WILL BE SPEAKING TO 509 BUT DR. JON GODFREY WILL BE  
SPEAKING TO BOTH.

MSG 84-00028357 PRY 1 03/26/84 15:05:00 ORIG: LM00 IN= 0004 OUT= 0008  
FROM: MARY/MATSU TO: TOM  
TARGET: LJH6 SUBJ: S HESS - 3/26

OMNI # 1

TO PARTICIPATE: (BUT, HAS NOT YET ARRIVED)  
1. ALICE HOLINGER

MSG 84-00028336 PRTY 1 03/26/84 14:38:18 ORIG: LA19 IN= 0012 OUT= 0001  
FROM: JACKI/ANCHORAGE T/C TO: TOM/JNUTC  
TARGET: LJH6 SUBJ: (S)HESS, SB 509 & SB 510; 3/26

OMNI #1 FROM ANCHORAGE  
TO TESTIFY:

1. DR. JON GODFREY
2. BILL O'CONNOR/ATC SB 510

TO OBSERVE:

1. WILLIAM E. SUMNER

AMC

~~JON~~

\*\*\*\*\*

MSG 84-00028378 PRTY 1 03/26/84 15:40:29 ORIG: LK00 IN= 0007 OUT= 0015  
FROM: JUNE G/KETCHIKAN TO: TOM/MODERATOR  
TARGET: LJH6 SUBJ: SB 509, 510. SEN. HESS

OMNI #2

HERE TO OBSERVE:

2. WILLIAM D. PFEIFER D.C., 130 CARLANA-LOWER, KETCHIKAN, ALASKA 99901.  
(907)225-4090  
EOM/JUNE G.

MSG 84-00028369 PRTY 1 03/26/84 15:25:34 ORIG: LM00 IN= 0006 OUT= 0012  
FROM: MARY/MATSU TO: TOM  
TARGET: LJH6 SUBJ: SEN HESS

OMNI #3

ALICE HOLINGER HAS ARRIVED AND IS PREPARED TO SPEAK AT THE CHAIR'S  
CONVENIENCE.

MSG 84-00028367 PRTY 1 03/26/84 15:26:54 ORIG: LK00 IN= 0006 OUT= 0013  
FROM: JUNE G/KETCHIKAN TO: MODERATOR/TOM  
TARGET: LJH6 SUBJ: SB 509,510. CHIROPRACTIC P.H.

OMNI #1

HERE TO OBSERVE:

1. R. CLARK DAVIS, D.C., 320 BAWDEN, SUITE 306, KETCHIKAN, ALASKA 99901.  
(907) 225-6815.

EOM/JUNE G.

MSG 84-00028374 PRTY 1 03/26/84 15:32:35 ORIG: LF01 IN= 0012 OUT= 0014  
FROM: TRACIE/FBX TO: JNU T/C TOM  
TARGET: LJH6 SUBJ: SEN HESS CHIROPRACTOR/THERAPY 3/26/84

OMNI #2

FAIRBANKS PARTICIPANTS

TO TESTIFY:

1. DR. G. S. KHALSA, D.C.

-----EOM

MSG 84-00028344 PRTY 1 03/26/84 14:52:56 ORIG: LS00 IN= 0009 OUT= 0003

FROM: FALEENE/SITKA TO: MODERATORS  
TARGET: LJH6 SUBJ: S HESS SB509, 510 T/C

-----  
OMNI #1 FROM SITKA:

OBSERVING AND TAPING:

1. GINGER O'CONNER; C.A.  
REPRESENTING YOUNG CLINIC OF CHIROPRACTIC MEDICINE

EOM

MSG 84-00028348 PRTY 1 03/26/84 15:03:43 ORIG: LF01 IN= 0011 OUT= 0005  
FROM: TRACIE/FBX TO: JNU T/C TOM  
TARGET: LJH6 SUBJ: SEN HESS CHIROPRACTIC/PHY THERAPY 3/26

-----  
OMNI #1  
FBX PARTICIPANTS

TO TESTIFY:

TO OBSERVE:

1. SHARON MAUER

-----EOM

MSG 84-00028341 PRTY 1 03/26/84 15:05:35 ORIG: LG00 IN= 0004 OUT= 0006  
FROM: REBA/GLENNALLEN TO: TOM/MODERATOR  
TARGET: LJH6 SUBJ: SB 509 - SB 510 T/C

\*\*\*\*\* SIGN IN SHEET \*\*\*\*\*

\*\*\*\*\*

MARCH 26, 1984 ----- DATE  
GLENNALLEN/REBA ----- SITE/MODERATOR  
HESS SB 509 & SB 510 ----- SPONSOR/SUBJECT

\*\*\*\*\*

1. DR. DALLAS NELSON TO TESTIFY  
GLENNALLEN CHIROPRACTIC CENTER



Barbara Peniston  
PO Box 3341  
Palmer, Alaska 99645  
March 21, 1984

Senator Joe Josephson, Chairman  
HESS Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

RECEIVED

MAR 23 1984

Josephson,

Dear Senator Josephson,

I am writing to you to speak in  
opposition to Senate Bill 509. This Bill  
was proposed without consent of the  
local Chapter of the American Physical  
Therapy Association and is in direct  
contrast to their professional attitudes.  
We have long been a part of the Medical  
Professional Community, receiving  
referrals from Physicians and Dentists.  
In my view, Chiropractors do not  
have the same high degree of training  
which would allow us to continue  
to provide high quality care to the  
public. Please help protect the  
public and vote against this  
Bill.  
Thank you.

Sincerely  
Barbara Peniston  
Licensed Physical Therapist

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

POUCH D  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-2534

DIVISION OF OCCUPATIONAL LICENSING

March 16, 1984

RECEIVED

MAR 19 1984

Honorable Joseph P. Josephson  
Chairman, Senate Committee on  
Health, Education & Social  
Services  
Pouch V  
Juneau, Alaska 99811

Josephson,

Dear Senator Josephson:

Re: Senate Bill 509 - An Act Relating to the  
Practice of Physical Therapy

The signators of this correspondence are all members of the Alaska State Physical Therapy Board. Although we would have preferred to meet with you and your committee in person, budget restrictions prevent this. We would ask that when this piece of legislation is heard before your committee strong consideration be given to making the legislative teleconference network available. We would be more than willing to testify.

As the State licensing board for physical therapists, we are opposed to Senate Bill 509.

It is imperative that you are advised that the State physical therapy profession and this board did not seek this legislative change and are uncertain as to who might have. We have never been contacted or requested for support or professional information in its adoption. We would further note that the legislation is a change to statutory authority and mandate under AS 08.84. The entire intent of the legislation, apparently, is to add the word "chiropractic" as it appears on lines 13 and 14 of the proposed bill. Since we have never been advised or consulted in regard to this legislation, we could only assume that your requesters are attempting to require another licensed profession to concede to their demands.

There is a definite philosophical difference in the approach to the practice of the healing arts by the chiropractors in relation to physical therapists and traditional medicine.

Historically, it has been the consensus that physical therapists do not desire to become involved with the chiropractic profession in filling prescriptions or being under the direction of a chiropractor because of what we identify as their insufficient medical training and diagnostic approach.

March 16, 1984

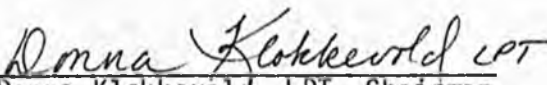
The physical therapy profession by law accepts prescriptions and directions from the traditional medical profession. Presently, chiropractors have the statutory ability to practice a form of physical therapy that is classified as physiotherapy, and it seems unnecessary for them to refer patients to physical therapists.

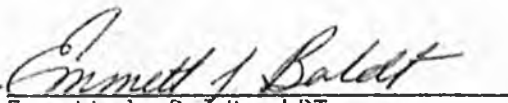
We would request that the legislators, in accepting testimony in regard to the subject matter, be aware of the fact that this has been a contention by members of the chiropractic profession since early in 1980. There have never been consumer complaints in regard to the physical therapists refusing to fill prescriptions or follow the directions of medical practitioners. We would also encourage the legislators to review the intent of the chiropractors in their endeavors to require another legally mandated and statutorily authorized profession to be required to fill prescriptions or follow directions from a profession they do not agree with in theory or practice.

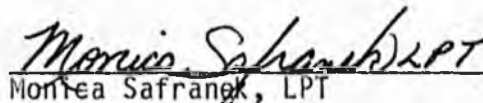
Again, we would ask that, at the time of hearing of Senate Bill 509, you give all consideration to using the legislative teleconference network and providing the physical therapy profession the opportunity to respond to you with their own opinions. Again, we would like to point out that this board has never been approached nor consulted by the chiropractic profession or the Chiropractic Board of Examiners in Alaska. We would appreciate the opportunity to discuss our differences with members of your staff at your convenience.

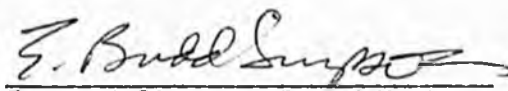
Thank you for consideration of our position.

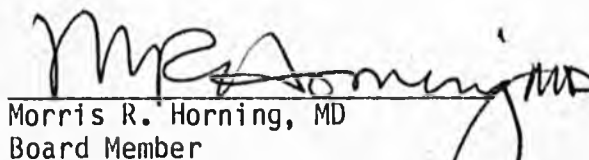
By:

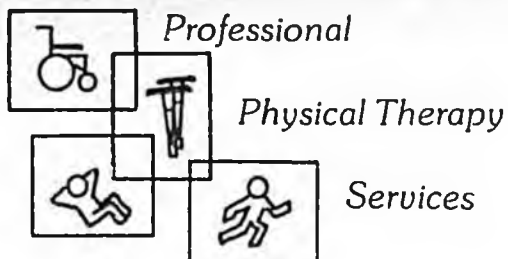
  
Donna Klokkevold, LPT, Chairman  
State Physical Therapy Board

  
Emmett J. Boldt, LPT,  
Board Member

  
Monica Safranek, LPT  
Board Member

  
E. Budd Simpson, Board Member  
(Public Member)

  
Morris R. Horning, MD  
Board Member



Barbara Smith, LPT  
Linda Olmstead, LPT  
Diane Olson, LPT  
Denice Blefgen, LPT

March 22, 1984

Senator Victor Fischer,

I am concerned about Senate Bill #509, which proposes to add Chiropractors to those practitioners who may refer patients for physical therapy treatment.

My opposition with referrals from chiropractors is their practice does not emanate from a medical/scientific basis. Their philosophy is that all healing begins with a properly adjusted vertebral column. The medical community challenges this at least in part since no reproducible research has given this approach any validity. On the other hand, the profession of physical therapy has grown out of the medical profession and follows the traditional medical approach. Physical therapy is accepted and endorsed by the American Medical Association, whereas Chiropractors never have been acknowledged by the AMA.

In addition, I feel that this move would be a regression to the practice of physical therapy, as there is a nation wide move for physical therapists to practice without physician referral. This is presently law in six states and in more than fifteen states therapist may evaluate, but not treat without referral.

I feel that in the interest of continued advancement of the physical therapy profession, that Alaska also strive toward physical therapy practice without physician referral.

Sincerely,

*Diane Olson LPT*

Diane Olson LPT

4120 Laurel Street, Suite 103  
Anchorage, Alaska 99504  
(907) 562-0606