

## Conflict in Minnesota

### LACS OPPOSE ACUPUNCTURE BOARD EXAM DEVELOPED BY CHIROPRACTORS

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On Jan. 29, 2004, licensed acupuncturists and acupuncture students braved double-digit subzero weather to fill a Minneapolis hearing room and contend with representatives of the Minnesota Board of Chiropractic Examiners (MBCE). The public hearing, convened by Judge Beverly Heydinger, was called in response to an outpouring of opposition to an MBCE proposal to adopt an acupuncture board exam developed recently by the National Board of Chiropractic Examiners (NBCE).

Minnesota chiropractors can currently register with the state as acupuncture providers after completing 100 hours of unspecified acupuncture training. The MBCE proposal would require the additional passage of the NBCE board examination. The MBCE originally attempted to adopt the examination without a public hearing, but a slurry of petitions signed by students from Northwestern Health Sciences University (NWHSU), which offers degree programs in both acupuncture and chiropractic, forced the matter to Judge Heydinger, who called the hearing.

"Passing this exam implies entry-level competency in acupuncture based on 100 hours of training," testified Mark McKenzie, LAc, dean of the acupuncture college at NWHSU. "Not to mention that successfully passing this exam will allow chiropractors to advertise themselves as 'nationally board certified in acupuncture,' the same privilege extended to licensed acupuncturists who pass the much more rigorous NCCAOM exam."

In a statement made at the opening of the hearing, MBCE Executive Director Larry Spicer, DC, contended that he could "count on the fingers of one hand" the number of adverse incidents involving chiropractors performing acupuncture since the 100-hour training was adopted. He argued that 100 hours of training was appropriate to the limited scope of practice under Minnesota law, which states that chiropractors can only use acupuncture as an "adjunct to chiropractic adjustment" and not as an "independent therapy."

John Pirog, LAc, offered testimony opposing Dr. Spicer's argument. "Acupuncture is acupuncture," he stated, "and the risks are the same, regardless of whether it is being performed as an independent modality or as a 'complement to chiropractic adjustment.'" He quoted two studies from the United Kingdom that showed a higher rate of adverse incidents among physicians and physiotherapists performing acupuncture as opposed to services performed by licensed acupuncturists. "If the state of Minnesota can require 350 hours of training to become a licensed manicurist," argued Mr. Pirog, "DCs can certainly afford to spend more than 100 hours to learn acupuncture."

Acupuncturists were not alone in voicing disagreement over the MBCE proposal. NWHSU Provost Charles Sawyer, DC, objected to the subject matter of the NBCE examination. "Simply stated, the exam is too broad in scope and lacks sufficient emphasis on content most relevant to the practice of chiropractic in Minnesota," he said. Aside from Dr. Spicer and two representatives of the NBCE, no

one at the hearing offered testimony supporting the proposal to adopt the examination.

help write the examination. She painted a picture of a disorganized test-writing conference in which a 100-question exam was cobbled together in a single weekend by test writers who had failed to write questions in advance, and had forgotten to bring textbooks or other educational materials.

"I was the only acupuncturist at the conference who was not a chiropractor," Nystrom testified. "I was the only one who brought test questions with me, and not one of my questions was put in the examination." She also stated that her attempts to isolate the safety questions into a separately graded module, as is done in NCCAOM's written examination, were rebuffed by the chiropractors present.

It was the low safety content of the NBCE exam - only 10 percent of the 100-question test - that was referenced by several of the speakers as the most compelling reason for blocking use of the exam. "A candidate could miss every single safety question and still pass the NBCE acupuncture exam," testified Pirog, a statement that went unopposed by the two representatives of the NBCE present.

All speakers at the meeting spoke on record, and their comments were taped and transcribed by the Minnesota Office of Administrative Hearings. As of this writing (Feb. 19, 2004), the matter has not been decided by Judge Heydinger, who is charged with determining whether the MBCE proposal meets Minnesota's statutory requirements for "need" and "reasonableness." A decision is expected by early April.

APRIL 2004