June 7, 2012

Lisa Durden, Division Director
Secretary of State
Professional Licensing Boards Division
Georgia Board of Chiropractic Examiners
237 Coliseum Drive
Macon, GA 31217

RE: Manipulation Under Anesthesia Proposed Rule 100-18-.01

Dear Ms. Durden:

With more than 6,500 physician members, the Medical Association of Georgia (MAG) is the leading voice for the medical profession in Georgia. With that in mind, MAG would like to comment on a change that the Georgia Board of Chiropractic Examiners has proposed for Rule 100-18-.01, which is related to chiropractic patient manipulation while the patient is under anesthesia.

The Board has proposed a new rule to be adopted that defines the requirements for authority to perform manipulation under anesthesia. This rule addresses basic entry-level requirements for Doctor of Chiropractic training which includes a mandatory training program at a CCE-accredited college or school, and a minimum number of hours for proctored live training. The rule further dictates that licensed chiropractors must always remain in compliance with Georgia law.

MAG believes that the proposed rule could subject patients to unintentional risk.

The underlying issue is whether chiropractic manipulation of a patient under anesthesia is considered as the use of drugs, thereby violating the provision of law established for chiropractors. O.C.G.A. 43-9-1(2) provides that “the term [chiropractic] shall not include the use of drugs or surgery.” General Anesthesia may be characterized as a drug pursuant to O.C.G.A. 26-3-2(6)(C), “Drug” means articles other than food intended to affect the structure or any function of the body of man. As written, the rule would allow chiropractors to care for a patient in a totally sedated state whereby their muscles are more relaxed so that their body can be manipulated with ease. But to achieve this relaxed state, the patient would have to receive general anesthesia which would effectively affect the function of the body of man, as acknowledged in the law. And under anesthesia, the patient’s aren’t able to respond to the pain or discomfort that might typically be associated with chiropractic manipulation.
Additionally, when general anesthesia is administered, informed consent is required per O.C.G.A. 31-9-6.1(a). Except as otherwise provided in this Code section, any person who undergoes any surgical procedure under general anesthesia, spinal anesthesia, or major regional anesthesia or any person who undergoes…must consent to such procedure and shall be informed in general terms of the following…

When a patient is required to provide informed consent, they must be made aware of the nature and purpose of the proposed surgical procedure, the likelihood of success and whether there are any practical alternatives. Informed consent is required to make patients aware of unexpected, potentially tragic and life changing instances associated with a procedure conducted while a patient is unconscious.

O.C.G.A. 43-9-1(2) clearly prohibits drug use during chiropractic procedures. Therefore, chiropractic manipulation under anesthesia is in violation of Georgia law, and MAG respectfully urges the Board to reconsider its proposal.

MAG looks forward to working with the Georgia Board of Chiropractic Examiners in the future to ensure that we continue to provide our patients with the best care possible.

Please accept my sincere thanks for your time and consideration.

Sincerely,

Sandra B. Reed, M.D.
President

SBR/eab

Copy: Mr. Donald J. Palmisano Jr., MAG Executive Director/CEO