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July 22, 1980

Garrett F. Cuneo
Executive Secretary
Board of Chiropractic Examiners
921 11th Street, Suite 601
Sacramento, CA 95814

Legal Op. No. 80-18

Dear Mr. Cuneo:

Your letter of June 16, 1980, to Richard Spohn, Director of Consumer Affairs, was referred to the departmental Legal Office for reply.

Therein you contend that advice rendered by this office may be interpreted to hold that physical therapists may engage in spinal manipulation which is the practice of chiropractic.

At issue is a procedure known as spinal mobilization utilized by some physical therapists for physical rehabilitative purposes. This technique is used for the purpose of mobilizing joints to increase the availability of joint motion. This technique is used in the therapeutic treatment of joints other than the spine as well. Mobilization of the spine and other joints through the use of rotation and other physical pressure constitutes in our opinion the use of physical properties including passive exercise for the treatment of physical conditions and is specifically authorized in the physical therapist's scope of practice which is set forth in Section 2620 of the Business and Professions Code. Therefore, we do not believe that a physical therapist is practicing beyond his or her legal scope of practice by utilizing such technique.

We are and have been mindful of the opinions issued by the Attorney General regarding the practice of chiropractic by a physical therapist (59 Ops. Cal. Atty. Gen. 7; 39 Ops. Cal. Atty. Gen. 169). In our opinion the performance of joint mobilization by a physical therapist is not the adjustment and manipulation of hard tissues as a chiropractic technique. Joint mobilization performed by physical therapists is not done for the purpose of treating or preventing diseases or for maintaining the structural and functional integrity of the nervous system and is thus not the practice of chiropractic. (Cf. Title 16 Cal. Adm. Code Section 302)

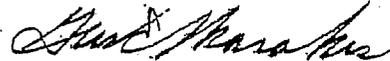
In fact, the Attorney General recognized in 59 Ops. Cal. Atty. Gen. 7 at page 12 that:

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"[a] comparison of the statutory definition of physical therapy and the accepted definition of chiropractic, and specifically the definition adopted by the Board of Chiropractic Examiners in section 302, Title 16, California Administrative Code, reveals that physical therapy and chiropractic each involve the use of physical agents used by the other. We do not believe that this common use of agents presents a major problem because a chiropractor is prohibited by Section 2630 from practicing physical therapy as such and a physical therapist is prohibited by section 15 of the Chiropractic Act from practicing chiropractic." (Emphasis added.)

We primarily view this controversy not as a matter of legal interpretation, but an interprofessional squabble, often referred to as a "turf battle." Therefore, any future meetings on this matter would not produce any appreciable benefits to the parties involved. We believe this letter to be dispositive of the issues at hand.


GUS E. SKARAKIS
Chief Counsel

GES:slc

cc: Richard Spohn
Donald J. Wheeler
Physical Therapy Examining Committee