

ICA NEWS!

ARKANSAS SUPREME COURT UPHOLDS CHIROPRACTIC BOARD POSITION IN LANDMARK PT CASE

On April 7, 2005, the Arkansas Supreme Court upheld the findings of lower courts that ruled the State Board of Chiropractic Examiners had the authority and acted correctly in prosecuting a physical therapist for practicing chiropractic without a license. The findings of the Arkansas State Board and the \$10,000 fine they imposed on Michael Teston, PT, were upheld. To support the chiropractic position and the Arkansas Board of Chiropractic Examiners, the International Chiropractors Association (ICA) filed an extensive "*Amicus Curiae*" or friend of the court brief in this landmark case because of its significant potential to halt the efforts of the physical therapy profession to expand into chiropractic's unique territory. ICA's brief in the case of Teston vs. Arkansas Board of Chiropractic was filed on September 14, 2004.

In this high-profile case, a physical therapist in Arkansas was found to be performing "spinal manipulations," for which only chiropractors are licensed. After rigorous review by the Arkansas Board of Chiropractic Examiners, the defendant was found to be in violation of the Chiropractic Practice Act. The Arkansas Chiropractic Board levied a "civil penalty" of \$10,000 following the determination that the chiropractic code had been violated. The PT appealed the decision to the Arkansas Supreme Court.

ICA was invited to submit a brief in the case by the Arkansas Attorney General who was defending the Chiropractic Board, and ICA's efforts were coordinated with the chiropractic community in the state to provide for maximum effectiveness. National physical therapy groups also intervened on behalf of the physical therapist, and briefs were filed with the Arkansas Supreme Court by the American Physical Therapy Association and the Federation of State Boards of Physical Therapy. "The Arkansas State Board appreciates the ICA for its efforts in this important matter and feels this information was invaluable on chiropractic's behalf in this important legal contest," said Dr. Beverly J. Foster, President of the Arkansas State Board of Chiropractic Examiners.

"This is an historic and important case since the professional boundaries between PT and chiropractic are being challenged by physical therapists in an extra-legislative and sophisticated manner," said Dr. Henry Rubinstein, both an attorney and chiropractor, who was hired expressly to take on this vitally important case because of his unique background. "The ICA wants chiropractors who have endured decades of harassment to achieve and maintain the recognition they deserve for the benefits that they bestow upon the public that the physical therapists now want to claim as their own."

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