

November 10, 2004

To: Martha O'Connor, Ph.D.
Executive Vice-President
The Council on Chiropractic Education

From: Gerard W. Clum, D.C.

Re: Proposed changes to the *Standards for Doctor of Chiropractic Programs and Requirements for Institutional Status*

Dear Dr. O'Connor,

Pursuant to the "Call for public comment" relative to proposed changes¹ in the *Standards* noted above I offer the following input:

Standards, Section 2, III., B., 2, page 16 and *Standards*, Section 2, IV., C. page 48:

"If the DCP is a part of an institution offering other programs, the governing board of the institution housing the program must have adopted and follow policies to **assure that the members of the governing board do not have any real or perceived conflict between their personal interests and the best interest of the institution, its programs and affiliated entities**, and no member of the governing board may be a member of the board or administrative staff of another program/institution accredited by the COA. **Any member of the governing board with a conflict of interest must be removed promptly and will not be eligible to serve on the governing board until one year after the conflict of interest is resolved.**"

"d. Any member of the governing board with a conflict of interest must be removed promptly and will not be eligible to serve on the governing board until one year after the conflict of interest is resolved."

¹ Text in black in the Arial font is existing in the CCE Standards, text in red in the Arial font is a proposed change in the Standards, text in New Times Roman is the feedback and commentary of the author of this memorandum

The issue of “perceived” conflict of interest is an ambiguous matter and not a matter that is subject to clear and uniform application or interpretation. The language of the change leaves it open to many questions, for example:

1. Does the requirement imply a perceived conflict on the part of a member of the governing board, on the part of a majority of the governing board, on the part of the Commission on Accreditation, on the part of a member of the profession or on the part of a member of the general public?
2. Many institutions enjoy the services as members of their governing board of persons who are affiliated with banking institutions that are used by the institution. This provision would seem to eliminate the possibility of service to the institution by such persons.
3. Further, these provisions do not contemplate a conflict of interest that is disclosed to the other members of the Board and the use of safeguards to assure that the governing board members restrict their authority in matters related to the conflict. Rather these provisions eliminate such persons from any service to the institution. These provisions will not add clarity to the *Standards* and could serve to be used to unnecessarily and inappropriately limit the service of experienced and dedicated persons to accredited institutions and programs.

We request the rejection of these proposals by the Board of Directors of the CCE.

Standards, Section 2., III., C., 2, page 17:

“The curriculum required for the DCP must include the following subjects (not necessarily in individual courses for each subject): anatomy; ...adjustive techniques; **non-adjustive therapeutic procedures;**”

The term “non-adjustive therapeutic procedures” is so broad it renders any meaningful interpretation and application impossible. For example, is an abortion a “non-adjustive therapeutic procedure”? The inclusion of this provision opens the content of a Doctor of Chiropractic curriculum to anything and everything in the universe of health of health care in addition to adjustive procedures.

This is an illogical and an irresponsible change in the *Standards*.

We request the rejection of this proposal by the Board of Directors of the CCE.

Standards, Section 2, III., C., 2., page 17

“The curriculum required for the DCP must include the following subjects (not necessarily in individual courses for each subject): anatomy; biochemistry...adjustive techniques; **physiological therapeutics**;...”

The issue of inclusion of physiological therapeutics as a required course within a Doctor of Chiropractic curriculum is an unnecessary and unwarranted intrusion into the decision-making of Doctor of Chiropractic degree programs and institutions.

The CCE has long held that it does not dictate a philosophical perspective with respect to the discipline of chiropractic. The inclusion of this requirement contradicts such an assertion.

In the past the argument has been offered that this change was needed by selected boards of chiropractic examiners across the country. With all due respect to those boards, their administrative needs are NOT a reason to change educational requirements and/or clinical competency requirements.

The current optional nature of the subject matter is adequate for the boards and for the institutions. If an institution or program chooses not to offer the subject matter under consideration and so advises its students of the potential for limitations in licensure upon completion of that institution's degree program then the matter has been disclosed and addressed appropriately.

The inclusion of this requirement will serve to further fractionalize the educational community of the profession. It will not add anything meaningful to the curriculum offered by any program or institution and will start the CCE down a slippery slope of curriculum mandates as to the extent of clinical interventions an institution must present within its program. As the National Board of Chiropractic Examiners now offers an acupuncture examination and various boards allow for such procedures the inclusion of

this subject matter, against the desire and will of institutions, must logically be appreciated as being around the corner.

We request the rejection of this unnecessary and damaging proposal by the Board of Directors of the CCE.

Standards, Section 2., III., B., 4., g., page 17

“The disclosure of graduation rates, federal Title IV loan default rates, student performance on national board examinations, any available data on placement rates and success of program graduates in obtaining jurisdictional licensure, **must occur in written (catalog and/or insert) or electronic form (institutional web pages) on October 1, annually. Graduation rates, Title IV default rates, and NBCE pass rates may be disclosed, by date, for the entire annual period, or may be disclosed as a cumulative average (and weighted for NBCE pass rates) for a two-year period using the current year as the second of the two cumulative years.”**

There are a number of problems with the proposed changes reflected above. In certain situations (Title IV default rates for example) the data involved is not available on October 1 of any given year. This proposal would allow the data received after October 1 to be delayed in posting until October 1 of the following year.

The proposed changes in the method of reporting NBCE pass rates will promote greater confusion and manipulation of the data to reflect the best view of the institution/program as opposed to a consistent and comparable view of the program or institution.

We request the rejection of this proposal by the Board of Directors of the CCE.

Standards, Section 2, III., E., 1., b., page 18-19 and *Standards*, Section 2., III., E., 4., page 19

“(2) Each person teaching radiology courses, to include radiographic anatomy, radiological interpretation and imaging physics, must be certified chiropractic radiologists or radiology residents (be in an approved residency program seeking such

certification). These persons should meet all other CCE requirements for faculty positions in addition to holding diplomate status of the American Chiropractic Board of Radiology (DACBR).

(4) All radiology courses, including radiological anatomy and x-ray positioning, should be taught by instructors with specific credentialing in Radiology such as a Chiropractic Radiologist (DACBR) or a Medical Radiologist (DABR), rather than any chiropractor.”

The proposals outlined above serve only the needs of the American Board of Chiropractic Radiology and its Diplomates. This is an unnecessary and inappropriate intrusion into the faculty selection and assignment rights and authorities of the programs and institutions. This provision limits qualified persons who are not Diplomates of the American Board of Chiropractic Radiology from providing instruction in chiropractic degree programs.

This is an unprecedented faculty requirement within the *Standards* of the CCE. It does not serve the institutions or students impacted. This provision would essentially cause the institutions and programs of the CCE to be held hostage by the Diplomates of the American Board of Chiropractic Radiology with respect to salaries and teaching assignments.

The phrase “...rather than any chiropractor.” Is insulting to all chiropractors in its tone and intent.

We request the rejection of this proposal by the Board of Directors of the CCE.

Standards, Section III., E., 4., (new) page 19

“The DCP must comply with the 1940 Statement of Principles on Academic Freedom and Tenure and the 1970 Interpretive Comments by the American Association of University Professors. (SEE ATCH 6)”

We request the rejection of this proposal by the Board of Directors of the CCE.

Standards, Section III., F., 1., e., (new), page 20

“e. All matriculants to the DCP must submit to a criminal background check as part of their fitness assessment to enter the chiropractic profession.”

This is an unwarranted and unenforceable requirement of matriculants-not institutions or programs. If a student refuses such a background check after admission to a program or institution are they to be dismissed?

This provision appears to be the work of the licensing community and seeks to defer some of their duties to the institutions. Once admitted, institutions would be left to determine what type of offense would cause a person to be unfit for the profession. These determinations may or may not match the determination of examining boards at the time of licensure. This situation would then accrue tremendous liability for programs and institutions as it would be argued that the background check was to assure the students ultimate “fitness” for entry into the profession. Or, the student not admitted under this requirement, would argue that the institution or program inappropriately denied them the opportunity to pursue a career.

This is a dangerous provision fraught with liability that seeks to have the institutions and programs resolve matters that are the jurisdiction of boards of examiners. The provision would begin to have some meaning if the respective boards agreed to accept the judgment of the institutions or programs with respect to past history

We request the rejection of this proposal by the Board of Directors of the CCE.