Texas Medical Association v. Texas Board of Chiropractic Examiners (Tex. App. 3rd Cir.)

Topics Covered: Scope of Practice

Issue
The issue in this case is whether the scope of practice rules of the Texas Board of Chiropractic Examiners (TBCE) exceed the scope of practice allowed under Texas statutory law.

AMA Interest
The AMA believes the public should be protected against health professionals who practice outside the scope of their training and licensure.

Case Summary
This suit challenges certain provisions of TBCE’s Scope of Practice Rule, Tex. Admin. Code § 78.13, as exceeding the boundaries of the Texas Chiropractic Act (TCA). In particular, the Texas Medical Association (TMA) asserts the Scope of Practice Rule –

(a) Improperly authorizes chiropractors to perform “Technological Instrumented Vestibular-Ocular-Nystagmus;”
(b) Defines “musculoskeletal system” to include “nerves;”
(c) Defines “musculoskeletal system” as a “neuromusculoskeletal condition;” and
(d) Uses the term “diagnosis.”

After a bench trial, the court found in favor of TMA and adjudged that the Scope of Practice Rule exceeds the scope of practice allowed under the TCA. TCA appealed to the Texas Court of Appeals, Third Circuit, where briefing has been completed.

Litigation Center Involvement
The Litigation Center contributed to the Texas Medical Association’s legal expenses.