

840563

Report of the  
Joint Legislative Study Commission  
on the  
Utilization of Venipuncture

March 1984

Commission Members

Senator Don Samuelson, Chairman

Senator Charles Berg

Representative Paul Ogren

Representative David Gruenes

Dr. Thomas Briggs, M.D.

Dr. Chester A. Anderson, M.D.

Dr. Gerald Kari, D.C.

Dr. John Allenberg, D.C.

Legislation Establishing the Commission  
(Laws of Minnesota, for 1983, Chapter 347, Section 8)

A legislative study commission is created to study and report on the utilization of venipuncture for diagnostic purposes in the practice of chiropractic and medicine. The commission shall report its findings to the legislature on October 1, 1984. The commission shall consist of two members of the house of representatives appointed by the speaker of the house and two members of the senate appointed by the majority leader of the senate. There shall also be two doctors of chiropractic and two doctors of medicine, all appointed by their respective licensing boards.

## TABLE OF CONTENTS

	<u>Page</u>
Historical Perspective	1
Findings	3
Recommendations	7
APPENDIX	
A. Suggested Legislation	
B. Minutes of Commission Meeting, October 19, 1983	
Minutes of Commission Meeting, December 15, 1983	
Minutes of Commission Meeting, February 16, 1984	
Minutes of Commission Meeting, February 23, 1984	

## HISTORICAL PERSPECTIVE

Chiropractic was formally recognized in Minnesota law by passage of the initial licensing law in 1919 which defined chiropractic as "the science of adjusting any abnormal articulations of the human body, especially those of the spinal column, for the purpose of giving freedom of action to impinged nerves that may cause pain or deranged function." Chiropractors have used routine blood tests and other diagnostic methods for decades.

The 1975 Minnesota Legislature enacted language (Chapter 362, Laws of 1975) defining the practice of chiropractic to include "those non-invasive means of clinical, physical, and laboratory measures and analytical x-ray of the bones of the skeleton which are necessary to make a determination of the presence or absence of a chiropractic condition." The law further states that the practice of chiropractic "may include procedures . . . used to prepare the patient for chiropractic adjustment or to complement the chiropractic adjustment."

Legislation sponsored by the State Board of Chiropractors was approved in 1977 (Chapter 193, Laws of 1977) amending the scope of chiropractic statutes to (1) require that the chiropractic license examination include the basic sciences including anatomy, physiology,

bacteriology, pathology, hygiene, and chemistry (examined under the Basic Science Law from 1927 to 1977, as were medical doctors and osteopaths); and the clinical sciences including chiropractic physiotherapy, diagnosis, roentgenology and nutrition; and "any other subjects that the board may deem advisable;" and (2) to identify and define conditions under which the Board may revoke, suspend, condition, limit, restrict, or qualify a license to practice chiropractic.

In 1981, the First District Court, in Minnesota Board of Medical Examiners vs. Thomas E. Murr, D.C., ruled that "1. The act of withdrawing blood by venipuncture is beyond the scope of chiropractic practice and constitutes the practice of medicine. 2. Defendant is permanently enjoined from withdrawing blood from patients." This decision was appealed to the State Supreme Court, which affirmed the lower court's decision by a 4-4 vote without a written opinion. The apparent result of the 4-4 decision is that Dr. Murr may not use venipuncture in his practice but the general question of whether other chiropractors may do so is unresolved.

The 1983 Legislature (Chapter 347, Laws of 1983), established this commission, not to examine the broad issue of the scope of practice of health care professionals, but to attempt to resolve the issue of the use of venipuncture in chiropractic. This report represents the commission's findings and recommendations.

## FINDINGS

1. Controversy. As the historical perspective indicates, the authority for chiropractors to use venipuncture and diagnostic techniques in their practice remains in doubt. The controversy centers on the use of the term non-invasive in state law. The term is open to different interpretations, and has increased rather than reduced confusion in this area. One result of this confusion has been continuing disagreements between the Board of Medical Examiners and the Board of Chiropractic Examiners. The commission finds that confusion and controversy exists regarding whether venipuncture may be used by chiropractors and that this situation would most effectively be resolved through legislative action.

2. Education and Licensing. Chiropractors educated at accredited colleges are trained in physical, laboratory, and x-ray diagnostic procedures. The Minnesota Board of Chiropractic Examiners testified that, based on comparative education standards, this training is essentially equivalent to that of a non-specialist medical doctor. Approximately one-quarter of the training hours at an accredited college of chiropractic are spent in diagnostic subjects. Chiropractic colleges also teach venipuncture. The Northwestern College of Chiropractic, the accredited

chiropractic college in Minnesota, has taught venipuncture since 1946. Chiropractors in Minnesota are licensed by the State Board of Chiropractic Examiners. Applicants must have earned one-half of the academic credits required for awarding of a baccalaureate degree from the University of Minnesota or other institution of equal standing, and taken a four-year resident course at an accredited college of chiropractic. The licensing examination includes written testing on (1) the basic sciences, including anatomy, physiology, bacteriology, pathology, hygiene, and chemistry as related to the human body or mind; (2) the clinical sciences, including chiropractic practices, chiropractic physiotherapy, diagnosis, roentgenology and nutrition; and (3) professional ethics, and any other subjects the board may deem advisable. The board may consider a valid certificate of examination from the National Board of Chiropractic Examiners as evidence of compliance with the written test requirement. The examination also includes a practical demonstration of chiropractic techniques. The commission finds that chiropractors trained at accredited colleges of chiropractic and licensed by the Board of Chiropractic Examiners are trained in the areas of venipuncture and diagnostic procedures.

3. Venipuncture. Venipuncture--the puncture of a vein for the withdrawal of blood--is a procedure routinely performed by a wide variety of health care personnel. It is a procedure with a low risk of complications, and is not



properly considered in the same category as major medical procedures, such as spinal taps or surgery. The commission finds that venipuncture is a non-invasive procedure as that word is used in M.S. 148.01, Subd. 3.

4. Diagnostic Procedures. The commission heard testimony that under currently accepted chiropractic treatment practices diagnostic procedures using blood samples are necessary in order to identify the presence or absence of a condition treatable by a doctor of chiropractic. Chiropractors are aware that they are liable for malpractice suits for failure to diagnose or for making an improper diagnosis. The commission finds that chiropractors should be allowed to use venipuncture procedures for which they are trained and examined for the purpose of diagnosing chiropractic conditions and identifying patients who may have conditions requiring treatment by a medical professional.

5. Public Interest. The commission heard testimony that many ill or injured Minnesotans use chiropractors as their initial contact with the health care system. Minnesotans do not limit their use of chiropractors only to those instances when they are suffering back pain or other conditions normally thought of as treatable with chiropractic. They also visit chiropractors with ailments more commonly thought of as medical conditions. The commission finds that because chiropractors are often the initial contact Minnesotans have with the health care system, it is

in the public interest that chiropractors be allowed to use venipuncture and treatment procedures in which they are adequately trained and licensed. In the interests of the public, persons with test results suggesting the possible existence of a condition not treatable by a doctor of chiropractic should be promptly referred to the appropriate medical sub-specialty.

6. Disciplinary Procedures and Legal Recourse.

Chiropractors are subject to malpractice suits for failure to properly carry out their chiropractic function. In addition, the Board of Chiropractic Examiners regulates the profession. Complaint procedures and enforcement tools are outlined in state law. Chiropractors are routinely educated to use venipuncture and diagnostic techniques. Prior to the addition of the term non-invasive to Minnesota Statutes in 1975, chiropractors used venipuncture and diagnosis based on blood samples without any instances of complaints to regulatory bodies, malpractice suits, or other legal action. It was not until the term non-invasive appeared that the Board of Medical Examiners brought suit against Dr. Murr challenging the right of chiropractors to use this technique. The commission finds that adequate remedies exist for persons who suffer harm or injury as a result of the use by chiropractors of venipuncture and diagnostic procedures, and that these procedures have been used for decades without any formal complaints or lawsuits resulting.

## RECOMMENDATION

Legislation should be approved during the 1984 session deleting the term "non-invasive" from M.S. 148.01, Subd. 3.

The commission believes the lower court ruling that venipuncture is an invasive procedure is clearly not in accord with the legislative intent of the 1975 amendments or with modern health care practices. Because no problems existed regarding the use of venipuncture prior to 1975 when the term was added to state law, and because the existing controversy focuses on the use of the term, the commission believes the term should be deleted to clarify that venipuncture is an acceptable chiropractic procedure. The term "non-invasive" seems to have no common definition, and the scope of chiropractic practice is adequately defined without it.

1 A bill for an act

2 relating to occupations and professions; regulating  
3 chiropractic practice; removing the restriction on  
4 noninvasive measures; amending Minnesota Statutes 1983  
5 Supplement, section 148.01, subdivision 3.

6

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

8 Section 1. Minnesota Statutes 1983 Supplement, section  
9 148.01, subdivision 3, is amended to read:

10 Subd. 3. Chiropractic practice includes those noninvasive  
11 means of clinical, physical, and laboratory measures and  
12 analytical xray of the bones of the skeleton which are necessary  
13 to make a determination of the presence or absence of a  
14 chiropractic condition. The practice of chiropractic may  
15 include procedures which are used to prepare the patient for  
16 chiropractic adjustment or to complement the chiropractic  
17 adjustment. The procedures may not be used as independent  
18 therapies or separately from chiropractic adjustment. No device  
19 which utilizes heat or sound shall be used in the treatment of a  
20 chiropractic condition unless it has been approved by the  
21 Federal Communications Commission. No device shall be used  
22 above the neck of the patient. Any chiropractor who utilizes  
23 procedures in violation of this subdivision shall be guilty of  
24 unprofessional conduct and subject to disciplinary procedures  
25 according to section 148.10.

26 Sec. 2. [EFFECTIVE DATE.]

27 Section 1 is effective the day following final enactment.  
-----

Joint Legislative Study Commission on the Utilization of Veni-Puncture

October 19, 1983  
Room 120 Capitol  
5:00 p.m.

Members present: Senator Don Samuelson  
Representative Paul Ogren  
Representative David Gruenes  
Dr. Chester A. Anderson, M.D.  
Dr. Thomas Briggs, M.D.  
Dr. Gerald Kari, D.C.  
Dr. John Allenberg, D.C.

Members absent: Senator Charles Berg

Senator Don Samuelson called the meeting to order and made introductions. Representative Paul Ogren moved that Senator Don Samuelson be elected Chairman. Motion passed.

Senator Don Samuelson explained the purpose of the Legislative Commission was to study the "Scope of Practice" legislation and to report back to the legislature their findings. Senator Samuelson then asked for suggestions as to what the members wished to do first. It was suggested that we visit the University of Minnesota Medical School, the Northwestern Chiropractic College and a Vocational-Technical School. It was also suggested that the Commission should hold three public meetings. Senator Samuelson suggested that if we met once a month the Commission should have a report ready by the first of March before the legislature goes into session.

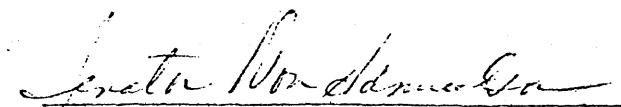
There was a brief discussion as to the best time of day and best day of the week to meet. It was decided that Thursdays were the best and 3:00 p.m. was a good time for all members. It was agreed that the members will try and visit the various schools on November 17th, leaving the Capitol by van at 9:00 a.m.

It was also decided that December 15th at 3:00 p.m. would be the first public meeting. At that meeting the members will hear the history of the legislation already enacted. It was suggested that we contact Larry Fredrickson, (Senate Counsel at the time the legislation was passed). It was also suggested that we contact John Breviu, Attorney General's office for the Department of Health regarding a court case that he handled regarding Veni-Puncture.

Meeting adjourned at 5:50 p.m.

---

Marge McShea  
Secretary

  
Senator Don Samuelson  
Chairman

JOINT LEGISLATIVE STUDY COMMISSION ON THE UTILIZATION OF VENIPUNCTURE

December 15, 1984  
Room 120 State Capitol  
3:00 p.m.

Members Present:

Senator Don Samuelson, Chairman  
Representative Paul Ogren  
Representative David Gruenes  
Dr. Thomas Briggs, M.D.  
Dr. Chester A. Anderson, M.D.  
Dr. Gerald Kari, D.C.  
Dr. John Allenberg, D.C.

Members Absent:

Senator Charles Berg

Senator Don Samuelson, Chairman, called the meeting to order at 3:15 p.m. and introduced Michael Scandrett, Senate Counsel who presented the background on the litigation and legislation of venipuncture. Copy attached marked "Attachment A".

Senator Samuelson asked if nurses do venipuncture. Dr. Chester Anderson replied that anyone who is a licensed M.D. could delegate authority to anyone to draw blood.

Mr. Larry Frederickson, former legislative counsel (present during 1975 legislative period) testified in regards to the hearings. His opinion was:

1. That the committee was not trying to take away anything that the chiropractors were doing at that time, which included drawing blood.

2. Dr. Kubichk, University of Minnesota (testified during hearings of 1975) used the term non-invasive in reference to spinal taps, myelograms, etc.

3. At the time of the hearing (1975), the committee was more involved with the electronic devices that the chiropractors were using above the neck area and not with the drawing blood issue. Frederickson also testified that the legislation was introduced to update the 1919 statutes, and that they were doing routine lab procedures.

The question was also brought up on when the chiropractic schools started teaching venipuncture. Dr. Allenberg responded that his knowledge went back to the early forties. Not sure about what was taught before that date.

Representative Gruenes asked what is the best interest of the public? Are we here to expand the scope of practice? He stated he did not feel qualified to make a decision to expand it. Representative Ogren asked what was the legislative intent in 1975? Do we re-write the language?

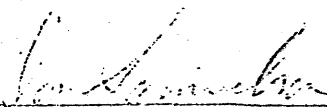
Page 2

Joint Legislative Study Commission on the Utilization of Venipuncture

There was some general discussion and it was decided that the next meeting would be a public hearing and we would take public testimony.

Meeting adjourned at 4:45 p.m.

Marge McShea, Secretary

  
Senator Don Samuelson, Chairman

Senate  
State of Minnesota

Senate Counsel and Research  
480 State Office Building  
St. Paul, Minnesota 55155  
(612) 296-2511

December 13, 1983

TO: Legislative Study Commission on the  
Utilization of Venipuncture

FROM: Michael Scandrett, Senate Counsel

RE: Background: Litigation and Legislation

This legislative study commission was established by the legislature during the 1983 session to study and report on the use of venipuncture in the practice of chiropractic and medicine. Laws 1983, chapter 346, section 8. The legislative decision to create this commission was a response to an ongoing controversy concerning the scope of the practice of chiropractic. The specific issue before this commission is whether venipuncture, a procedure for drawing blood from a vein for laboratory analysis, may be utilized by chiropractors as part of the statutorily defined practice of chiropractic. The wording of the current statute has contributed to uncertainty on this issue. Although a lawsuit commenced as an attempt to resolve this question was heard by the Minnesota Supreme Court, there was no final judicial resolution of the controversy because the Court was evenly divided and did not offer a written



opinion. As a result, the question remains unsettled. The need for a clear-cut delineation of the scope of the practice of chiropractic in relation to the use of venipuncture led to the creation of this commission to study the issue and report to the legislature as a preface to possible future legislative action.

This report describes the legislation and litigation that form the background of the decision of the legislature to create this commission. It is hoped that this background information will contribute to a better understanding of the issue and facilitate the efforts of this commission to accomplish its statutory purpose.

#### THE STATUTORY FRAMEWORK

Minnesota Statutes, section 147.10, defines the practice of medicine. The statute provides, in part:

Any person shall be regarded as practicing within the meaning of this chapter who shall . . . for a fee prescribe, direct, or recommend for the use of any person, any drug, or medicine or other agency for the treatment or relief of any wound, fracture, or bodily injury, infirmity, or disease.

The statute prohibits the practice of medicine by persons who are not licensed medical doctors. Violation of the statute is a gross misdemeanor. Specifically exempted from this prohibition are "persons legally authorized to practice healing or excepted from the practice of healing in this state so long as they confine their activities within the scope of their respective licenses." Chiropractors who are licensed under Minnesota Statutes, chapter 148, come under this exception. Chiropractors do not violate the section 147.10 prohibition against the unauthorized practice of medicine unless they exceed the

statutory scope of chiropractic practice.

The nature and scope of chiropractic practice is defined in Minnesota Statutes, section 148.01. Subdivision 1 defines chiropractic as "the science of adjusting any abnormal articulations of the human body, especially those of the spinal column, for the purposes of giving freedom of action to impinged nerves that may cause pain or deranged function." The scope of the practice of chiropractic is outlined in subdivision 3:

Chiropractic practice includes those non-invasive means of clinical, physical, and laboratory measures and analytical X-ray of the bones of the skeleton which are necessary to make a determination of the presence or absence of a chiropractic condition. The practice of chiropractic may include procedures which are used to prepare the patient for chiropractic adjustment or to complement the chiropractic adjustment. The procedures may not be used as independent therapies or separately from chiropractic adjustment.

In other words, there are two general categories of procedures that are permitted in addition to the actual chiropractic adjustment: (1) non-invasive procedures necessary to determine whether a chiropractic condition exists, and (2) procedures used to prepare the patient for or complement the chiropractic adjustment.

The issue that led to the creation of this commission concerns whether venipuncture is a procedure that comes within the scope of chiropractic outlined by section 148.01. A primary factor contributing to disagreement on this issue is the ambiguity of the term "non-invasive" in subdivision 3 of the statute. It is not clear whether venipuncture is a non-invasive procedure and therefore a permissible chiropractic measure when used to determine the presence or absence of a chiropractic condition. Although the general disagreement regarding the

scope of chiropractic is certainly the product of more than simply the use of the term "non-invasive" in the statute, this term has formed the focal point of litigation and debate on this issue. The position of the Minnesota Board of Medical Examiners has been that venipuncture is an invasive procedure that is beyond the scope of chiropractic practice and therefore can be utilized only by persons licensed to practice medicine. The Minnesota Board of Chiropractic Examiners, on the other hand, has taken the position that venipuncture is a non-invasive procedure necessary to determine whether a chiropractic condition exists and is, therefore, a proper measure to be used in a chiropractic practice.

Subdivision 3 of the chiropractic practice statute, the subdivision that contains the term "non-invasive," was added to section 148.01 in 1975 to clarify the scope of the practice of chiropractic. The original statute had been enacted in 1919 and had remained substantially unchanged for over fifty years in spite of major changes that had taken place in the theory and methodology of chiropractic practice. The original statute simply defined chiropractic as the science of adjusting abnormal articulations of the body and did not further describe the scope of the practice of chiropractic. This definition remained without material change as subdivision 1 of the current statute. By 1975, the typical chiropractor employed many techniques and laboratory procedures, including venipuncture, that had not formed part of a chiropractic practice during the first half of the century. Subdivision 3 was added in 1975 to clarify the scope of chiropractic in relation to these new

procedures.

The legislative history of subdivision 3 suggests that there was no common understanding by the legislature of whether the statute would permit or prohibit the use of venipuncture. For example, the parties to the Minnesota Supreme Court case Minnesota Board of Medical Examiners v. Thomas E. Murr, D.C., discussed later in this report, were able to offer evidence of legislative intent in support of both interpretations of the effect of the bill. The Board of Medical Examiners produced a transcript of a hearing before the Health Care Subcommittee of the Minnesota House Committee on Health and Welfare that included testimony to the effect that the use of the term "non-invasive" in the bill would prevent the existing practice of drawing blood and prohibit any laboratory measures that penetrate the skin. Respondent's Brief and Appendix, pp. 26-27. The defendant, on the other hand, was able to furnish affidavits by members of the House and Senate stating that they had understood the bill as permitting the use of venipuncture. Appellant's Reply Brief and Appendix, pp. A.1. and A.2.

#### LITIGATION: THE MURR CASE

Because the 1975 legislation failed to clearly establish whether venipuncture was within the proper scope of chiropractic practice, a lawsuit was commenced by the Minnesota Board of Medical Examiners in an attempt to obtain judicial resolution of the issue. In 1980, the Board of Medical Examiners brought suit against a chiropractor, Thomas E. Murr, to enjoin his use of venipuncture. Minnesota Board of Medical Examiners v. Thomas E.

Murr, D.C., Court File No. 89459, Dist. Court, First Judicial District, April 14, 1981. The grounds for the lawsuit were that Dr. Murr's use of venipuncture constituted the unauthorized practice of medicine in violation of Minnesota Statutes, section 147.10.

There was no disagreement concerning the facts of the case. The parties agreed that Dr. Murr had, in fact, used venipuncture to obtain a blood sample from a patient. Because there was no need for a trial on the factual issues, the district court judge proceeded directly to a determination of the legal issues, including whether Dr. Murr's actions exceeded the statutory scope of the practice of chiropractic. After examining the statutes and the evidence and arguments offered by the parties, the judge ruled that venipuncture was beyond the scope of the chiropractic practice statute and enjoined Dr. Murr from further use of the procedure.

In his written opinion, the judge first reviewed Minnesota Statutes, section 148.01 and noted that, in order to fall within the scope of chiropractic practice, venipuncture must either (1) prepare for or complement the chiropractic adjustment, or (2) be a non-invasive means of determining whether a chiropractic condition exists. After deciding that venipuncture does not prepare for or complement the chiropractic adjustment, the judge proceeded to the second issue of whether venipuncture is a non-invasive means of determining the presence of a chiropractic condition.

The court found that the definition of "invasive" given in Blakiston's Gould Medical Dictionary, Fourth Edition, fairly

represented the definitions of the term offered by both parties:

Invasive, adj: 1. Tending to invade healthy cells or tissue; said of microorganisms or tumors. 2. Characterized by instrumental penetration of the viscera or nonsuperficial tissues of the body; said especially of diagnostic or therapeutic techniques such as biopsy, catheterization.

However, even though the parties substantially agreed on the technical definition of "invasive," they disagreed on whether venipuncture was an invasive procedure under the definition. Expert opinions from both chiropractors and medical doctors were offered in support of both positions. The court commented that the difference of opinion on whether venipuncture is an invasive procedure was not simply a function of professional affiliation but that there was a division within the ranks of each profession.

In support of the position that venipuncture is not an invasive procedure, the defendant noted that certain veins commonly used for venipuncture are termed "superficial" veins and therefore venipuncture involving these veins does not constitute the "instrumental penetration of . . . nonsuperficial tissues." The defendant also argued that venipuncture does not involve the invasion of healthy cells or tissue as is the case when dye or other substances are injected into the body. The plaintiff argued to the contrary that the puncturing of the skin and the wall of the vein constitutes penetration of nonsuperficial tissues and an invasion of healthy cells or tissue.

The district court agreed with the Board of Medical Examiners that venipuncture is an invasive procedure and therefore beyond the scope of chiropractic practice. The judge

ruled that Dr. Murr's use of venipuncture was the unauthorized practice of medicine in violation of Minnesota Statutes, section 147.10, and that the plaintiff was entitled to an injunction restraining Dr. Murr from future use of venipuncture.

This decision was appealed to the Minnesota Supreme Court. Unfortunately, at the time the case was considered by the Supreme Court, the Court consisted of eight justices instead of nine due to the resignation of one of the justices. The remaining eight justices were evenly divided concerning the Murr case. Because the Court was evenly divided and did not issue a written opinion, there was no conclusive judicial determination on the issue of whether venipuncture falls within the scope of the practice of chiropractic. While the Supreme Court decision affirmed the order of the district court in the Murr case, it is unclear under Minnesota law whether this affirmance has any precedential value as applied to chiropractors other than the defendant in that case, Dr. Murr. A petition for rehearing of the Murr case was denied by the Supreme Court. After this lengthy attempt to resolve the issue by litigation, it remains unclear whether the current statute permits the use of venipuncture in chiropractic practice.

The history of the controversy that led to the legislative decision to create this commission demonstrates the need for a clear determination of the proper scope of the practice of chiropractic. The reasoning of the district court and the

arguments of the parties described in this report have been presented not in support of their validity but to contribute to a better understanding of the issue before this commission and to demonstrate the uncertainty that exists under the current statute. I would be happy to answer any questions raised by this report. In addition, many of the persons who were directly involved in the legislation and litigation on this issue are available to answer questions or provide further information.

MC/lc



JOINT LEGISLATIVE STUDY COMMISSION ON THE UTILIZATION OF VENIPUNCTURE

February 16, 1984  
Room 120 State Capitol  
3:00 p.m.

Members Present: Senator Don Samuelson, Chairman  
Representative Paul Ogren  
Representative David Gruenes  
Senator Charles Berg  
Dr. Chester A. Anderson, M.D.  
Dr. Thomas Briggs, M.D.  
Dr. Gerald Kari, D.C.  
Dr. John Allenberg, D.C.

Senator Don Samuelson called the meeting to order at 3:15 p.m. and called on the first speaker, Arthur Poore, Executive Secretary, Minnesota Board of Medical Examiners. Mr. Poore stated that only Medical Doctors that are licensed to practice medicine and surgery should draw blood.

Dr. Steve Mulder, M.D., Renville, Minnesota stated he was on staff at Renville County Hospital and worked closely with Dr. Chester Anderson. Stated he didn't oppose Chiropractors doing Venipuncture but did question their ability to interpret blood tests.

Dr. Robert Kaiser, M.D., stated he practices with the Willmar Family Physicians also stated that he didn't oppose Chiropractors doing Venipuncture but did question their ability to interpret blood tests. He also stated that he thought it was against the law for Chiropractors to perscribe medications but thought this was being done. When questioned if that had been reported to the Minnesota Board of Medical Examiners, Mr. Poore replied that it hadn't. Senator Berg asked if we should ban Chiropractors and Dr. Kaiser replied that he thinks Chiropractors should be disciplined.

Katherine A. Cairns, R.D., M.P.H., President of the Minnesota Dietetic Association spoke next and a copy of her testimony is attached.

Dr. Robert Fitzgerald, D.C. was the next speaker and stated that he accepts Venipuncture but that Chiropractors should not get into medical differential diagnosis.

Dr. McElroy, M.D., testimony related to the study of Chiropractic training on the use of Venipuncture and diagnosis. He stated Chiropractors are qualified and should be allowed to continue Venipuncture for the protection of their patients. He explained some possible cases that would have the same conditions as a chiropractic condition and that a blood test would be necessary.

Dr. Gordy Miller, D.C. is a past President of Minnesota Chiropractors Association. Dr. Miller spoke on the history of Chiropractic. He stated that the Chiropractors were not expanding the scope of practice since Chiropractors have been drawing blood since 1919.

Dr. Leonard Faye, representing the Council on Chiropractic Education, which is a federal accredited agency for Chiropractors.


February 16, 1984 meeting of the Commission on Venipuncture

Dr. Ron Harris, Board of Governors representing the American Chiropractic Association which is a national organization of Chiropractors and he also represents the majority of practicing Chiropractors in the State of Minnesota (1000) licensed. A copy of their policy statement is attached.

Dr. William Hyman representing the Board of Chiropractic Examiners explained the policy decision of the board in regard to Venipuncture. He also stated that there have been no complaints against Chiropractors on Venipuncture and no malpractice suits filed. He pointed out certain statutes that govern the practice of Chiropractic and that they are required to report certain types of diseases. He also stated that they can sign health and death certificates. A copy of their policy statement is attached.

The meeting adjourned at 6:10 and it was decided the Commission will meet again on February 23, 1984 at 3:00 in Room 120, State Capitol

Marge McShea, Secretary

  
\_\_\_\_\_  
Senator Don Samuelson  
Chairman

JOINT LEGISLATIVE STUDY COMMISSION ON THE UTILIZATION OF VENIPUNCTURE

February 23, 1984

Room 120, State Capitol

Members Present:

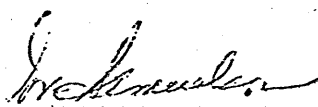
Senator Don Samuelson, Chairman  
Representative Paul Ogren  
Representative David Gruenes  
Dr. Chester Anderson, M.D.  
Dr. Gerald Kari, D.C.  
Dr. John Allenberg, D. C.

Members Absent:

Senator Charles Berg  
Dr. Thomas Briggs, M.D.

Senator Don Samuelson called the meeting to order at 3:30 p.m. After a very brief discussion, Senator Samuelson stated that he felt the commission should try to put together a report to present to the 1984 Legislature. No action was taken and the meeting adjourned at 3:50 p.m.

Marge McShea  
Secretary

  
\_\_\_\_\_  
Senator Don Samuelson  
Chairman