Dan Murphy, DC, DABCO is a nationally renowned nutrition speaker. He is constantly reviewing the scientific literature on chiropractic, nutrition, and injury. With over 30 years of chiropractic practice experience, Dr. Murphy will provide you with a lively, informative seminar. The US is becoming more educated about healthy living and nutrition and this seminar will prepare you to answer questions your patients will be asking.

Dan Murphy, DC, DABCO will be in the Denver area May 4-5 to speak about “Basic Nutrition.” By attending this seminar not only will you receive 12 PACE approved CE Credits but you will become more knowledgable about nutrition and how to implement it into your practice.

This is a great way to start expanding your practice and reach out to a larger audience of people who want to be naturally healthy.

To register for this event: CLICK HERE.
2013 Seminars

(CE credits guaranteed for Colorado DC’s; one for every hour of class)

(Sevenues, Dates, and Times are as exact as possible but subject to change, so please confirm details before the seminar.)

May 4 & 5, 2013 (Saturday 10:00 am – 6:00 pm; Sunday 8:00 am – 12:00 pm)
Dan Murphy DC presents “Nutrition Basics”; Denver Marriott South, Littleton, Colorado; $250.00 for professionals; Students/Assistants - $125.00; 12 CE’s: The ever-popular Dr. Dan himself returns to wow and impress with new research and nutritional connections to health that will boggle your mind. Includes highlights from the wildly popular Phoenix Inflammation seminar! Many attendees reported that this was the BEST seminar they had ever attended!!! Co-sponsored by the CO Chiropractic Association. Easy online registration through the CCA website: http://coloradochiropractic.org/registration/eventDetail.cfm?eventID=606

May 9, 2013 (Thursday 6:00 pm – 8:30 pm) “Dine and Diversify” with Brandon Lundell DC; Denver Marriott South, Littleton, Colorado; FREE seminar and FREE gourmet gluten and dairy-free dinner. 2.5 CE’s: Methylation is critical to optimal health, and epigenetic influences on methylation are within our control. Nutrition and lifestyle matters when it comes to DNA methylation! Join us for the Inflammation/Methylation connection and see what the methylation buzz is about.

May 18, 2013 (Saturday 10:00 am – 4:00 pm) “Advanced Nutritional Technology Training with Donald Sowell”; Garcia’s Restaurant, Denver, Colorado; FREE seminar and FREE LUNCH! 6 CE’s: Always wanted to optimize the “tech” stuff to market your practice and nutritional sales, but don’t know where to start? This class is for you! We will show you how to display those presentations and promote your practice. We are updating the new technology offered since last year.

June 13, 2013 (Thursday 6:00 pm – 8:30 pm) “Dinner with the Doc” presented by David Lee, DC; Garcia’s Restaurant, Denver, Colorado; FREE seminar and FREE DINNER! 2.5 CE’s: Nutritional Pearls with Dr. David Lee: Nutritional protocols have never been more fun to learn! Prizes, seminars, and nutrition product credit will be raffled off. Get an extra raffle ticket for bringing a guest practitioner; receive two extra tickets with purchase of a test kit! Office staff welcomed!

July 13, 2013 (Saturday 10:00 am – 4:00 pm) Brandon Lundell DC, DABCI presents “Inflammation – From the womb to the tomb”; Denver Marriott South, Littleton, Colorado; $60.00 for Professionals; Students/Assistants $30.00; 6 CE’s: FREE LUNCH! Dr. Brandon Lundell presents valuable information on Inflammation and the importance of incorporating blood/lab test information. Understanding inflammation can empower you as a practitioner to help your patients. If you missed this critically-acclaimed lecture in Phoenix of this year, you have another chance!

July 18, 2013 (Thursday 11:00 am – 1:00 pm) Jeff Prystupa, DC and Lynn Toohey, PhD present a FREE “Snack & Science” luncheon seminar. “Detoxification and Thermography – optimizing health with pro-active protocols”; 3955 E. Exposition Ave., Suite 406, Denver, CO 80209; FREE seminar and FREE LUNCH; 2 CE’s: Dr. Prystupa and Dr. Toohey will explore the environmental influences on health, and the techniques and protocols to use for being pro-active for the most optimal health scenario outcomes.

September 21 & 22, 2013 (Saturday 9:00 am – 5:00 pm; Sunday 8:00 am – 12:00 pm) Frank Jarrell DC and Steve Edids DC are back to present “Spinal Reflex Analysis and Nutritional Protocols”; Denver Marriott South, Littleton, Colorado; $125.00 for Professionals; Students/Assistants $65.00; 12 CE’s: Dr. Frank Jarrell, presents “Spondylogenic Reflex Syndromes, Subluxations and Nutritional Support: Powerful Outcomes through SRA and Nutri-West”. Dr. Jarrell discusses options for unresolved cases of chiropractic, orthopedic and therapeutic care, providing insight into the pathophysiology of the “spondylogenic reflex syndrome” (SRS). Case examples of SRA, adjusting, spinal stabilization and nutritional support (with guest speaker Steve Edids DC, BS, FIACA) will be presented that demonstrate grossly improved outcomes.

FUNCTIONAL HEALTH SERIES I and II:

Truly implement and comprehend, as you incorporate blood/lab tests and functional health into your practice – Brandon Lundell DC, DABCI can show you how.

Receive a certification for completing a course in Functional Health (Lab Interpretation, including serum, saliva and stool tests) and Comprehensive Lifestyle, Dietary, Nutritional, and Holistic Protocols. The demand for this training is being met! Take one or all five of the series (Part III, Part IV and Part V will be offered in 2014). Certificates of achievement are awarded after each class, with a special Advanced Certificate issued for completion of all five Parts in the “Functional Health Series”.

August 10 & 11, 2013 (Saturday 9:00 am – 6:00 pm; Sunday 8:00 am – 12:00 pm) “Functional Health Series I – Introduction to Functional Medicine”; Embassy Stes., Airport, Denver, Colorado; $125.00 for Professionals; Students/Assistants $60.00; 12 CE’s for CO: we will apply for your state CE’s if you give us enough notice): Brandon Lundell, DC, DABCI. Making Functional Medicine practical, Dr. Brandon Lundell shows you the ropes and introduces the Functional Health paradigm; labwork, case studies, following a manual, devising protocols… etc. If you’ve wanted to learn how to do blood chemistry, the opportunity is here! Road maps are provided to individually tailor programs for each patient, including health protocols, with diet, lifestyle and supplement recommendations.

October 5 & 6, 2013 (Same times & place) Dr. Brandon Lundell presents “Functional Health Series II”; Embassy Stes., Airport, Denver, Colorado; $125.00 for Professionals; Students/Assistants $60.00; 12 CE’s: (we will apply for your state CE’s if you give us enough notice): A powerhouse two-day weekend and the second in a series! Dig deeper into the realm Functional Health. Dr. Brandon Lundell presents Part II of the Functional Health series, with timely topics (metabolic disorders, methylation, inflammation, metabolism, multi-system effects of insulin resistance, etc.) and the importance of incorporating blood/lab test information. More labs and case studies included.

2014 continuation of the series (dates TBA) will include: Part III – Functional Hormones; Part IV – Functional Endocrinology (GI, leaky gut, IBD (Crohn’s & UC); GERD, etc.); Part V – Case Studies – Pulling it all together.

www.nutriwest.com

Please call Nutri-West Colorado Sales Representative for More Info: Dr. Lynn Toohey 866-271-8888 303-662-9997 Email: drtoohey@nutri-west.net
The CCA Legislative Team has been working since last year to strengthen legislative contacts and support candidates who are favorable to the chiropractic profession. This state legislative session has evolved into a busy agenda that has the CCA taking an active role in several areas impacting you, your patients, and your profession.

During the fall of 2012, each candidate for state office was thoroughly researched, and in many cases, interviewed in person prior to CCA endorsement. In addition, current polls and voter history was researched for all state house and senate districts in Colorado. Financial support was provided to many candidates though the CCA Small Donor Committee and Colorado Chiropractic Political Action Committee (CC-PAC) funded by YOUR donations. The team felt confident that all candidates receiving funds would support the health care and small business issues important to the chiropractic profession.

For the first time, the CCA published a Voter Guide with endorsed candidates listed for use by you and your patients. After the election, the CCA scored over a 98% success rate – out of 85 races supported, 83 of the supported were elected.

In addition, team members attended numerous fundraisers for both political parties, further strengthening our connections and professional influence.

The CCA Legislative Team is constantly reviewing and assessing legislative needs. CCA Legislative Co-Chairs Dr. Jim Farrell and Dr. Bob Bridge talk with CCA Lobbyist Mike Beasley on a weekly basis to explore any issues that may emerge during the week. CCA President Dr. Mike Masteller also is involved nearly daily on legislative and legal issues.

As you know, the legislative and regulatory process is fluid and ever-changing. By the time you read this, much may have changed. The CCA wants to improve our communication to you regarding this process and welcomes questions and comments. Please check our on-line bill tracker anytime at http://www.coloradocapitolwatch.com/bill-tracker-votes/0/1041/2013/0/ for up to the minute information on the status of bills we are following in the state legislature.

Below is a brief outline of some of the issues the CCA Legislative Team is working on. Again, much may have changed since this writing.

**Insurance Intermediaries/Third Party Administrators:**
Senate Bill 13-124 was recently introduced and is designed as a consumer protection bill to clarify the role of intermediaries with insurance companies and providers. The CCA legislative team is working closely with the bill's sponsor to hone this bill's purpose.

**Chiropractic Physician Status:**
We were set to have a bill regarding this and had secured a sponsor. The situation with the CBCE (see below) and the stance of a few key legislators has made passing this bill highly unlikely. The legislative team is working to maintain open communication and hopes to continue proposing this legislation to better identify doctors of chiropractic and their scope of practice.

**State Board of Chiropractic Examiners:**
A CCA representative attends every Colorado Board of Chiropractic Examiners (CBCE) meeting, often provides a brief presentation, and has forged an excellent working relationship with the current program director. A proposed change to Rule 7 (C) that would have defined "administer" to include "injection" has been dropped. The Department of Regulatory Agencies and the Attorney General's Office asked the legislature to accelerate their normal review of the rule in January 2013. The joint legislative committee found the CBCE had exceeded its legislative authority when it promulgated the rule and voted unanimously to strike it down. The CBCE has since signed their intention to repeal the rule at their January 2013 meeting which should then let the legislature step away from the issue. Due to a change in Colorado law (HB12-1008) every rulemaking agency is required to let the legislature know what rules they expect to be revised via report by OCTOBER of each year. The CBCE meeting of August 8, 2013 which was set aside for rulemaking will now be a CBCE retreat so that it is in line with new requirements. There will be NO rulemaking for CBCE in 2013 – the next rulemaking will be in 2014.

**Affordable Health Care/Colorado Benchmark Plan:**
The CCA Insurance Committee is working with the governor's office and Department of Insurance representatives to provide a question and answer sheet for you and your patients regarding the effect of the new national Affordable Health Care plan. There are still many areas that are unclear and need further direction from the federal government. It appears that those who currently have insurance through employers will continue to keep their plans – if they meet the required parameters. The Colorado Health Care Exchange will be a marketplace where consumers can shop for insurances to fit their needs. For those who qualify, subsidies on a sliding scale will be available to assist them with premiums.

**SB - 58 Handicapped parking stickers:**
The CCA got an amendment added to provide physical therapists and chiropractors authority to issue temporary parking permits. The bill passed a House committee unanimously 12-0 and now will be heard on the House floor. PLEASE contact your State House Representatives and ask them to vote YES on this bill.

**SB 204 – Additional Seats on CBCE**
This bill adds one more doctor of chiropractic and one more consumer to the Colorado Board of Chiropractic Examiners (CBCE). This will reflect the popularity of chiropractic and the size of our state to match states with similar populations, and is likely to pass. If passed, this may be effective upon signature, so the Governor could appoint this summer. If you are interested in serving on the CBCE board and/or you know a layperson/patient who will be interested, please go to the Governor's web site for an application.

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**Acupuncturists Regulation:**
The statute governing acupuncturists is up for a sunset review by the legislature this year. The CCA has been tracking this process since last year and has worked closely with the acupuncture association and the regulatory policy analyst. The bill (Senate Bill 13-172) was successfully amended in committee to include a prohibition of spinal manipulation, adjustment or mobilization. The bill is currently being reviewed in committee in the next few weeks.

**Insurance Intermediaries/Third Party Administrators:**
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The CCA has followed this issue for several years since the passage of the Affordable Health Care Act. In 2011, Colorado decided to set up its own insurance exchange. This was a result of SB11-200 which was sponsored by a bipartisan group of Senators and Representatives. At that time, it was understood that the insurance plan used by Colorado state employees would serve as the “benchmark” plan here in Colorado.

The Governor’s office appointed a group to oversee the creation of the Colorado Health Benefit Exchange (COHBE) www.getcoveredco.org. COHBE also worked with the Colorado Department of Insurance (DOI) and stakeholders, like the CCA, in this process. The Exchange will serve as a marketplace for consumers to shop for insurance. By providing easy to understand information about qualified health plans, the new Exchange marketplace will give individuals and small businesses in Colorado more control, quality choices and better protections when buying health insurance. It is scheduled to be ready by October 2013.

The Benchmark Plan is a basic plan that includes the minimum benefits that must be offered by insurance companies. Insurance carriers may also offer many other plans. The Benchmark will probably be primarily used for individual and small group consumers who are not currently covered under insurance plans. Consumers covered by current plans that meet the Benchmark will keep their insurance coverage.

The CCA has worked with the COHBE, the Governor’s office, and the DOI to insist that chiropractic care be included in the Benchmark plan. We have also written to the United States Secretary of Health and Human Services and all federal Senators and Congresspersons. Unfortunately, the Benchmark Plan that is currently in place does not include chiropractic care, acupuncture, massage, dental, and other benefits. We remain committed to including chiropractic care in ALL insurance plans including the Benchmark Plan.

Our goal is for doctors of chiropractic may serve as primary care doctors and as rehabilitative service providers including ALL chiropractic services. The current Benchmark would be effective for 2014 through 2015 at a maximum, but we will continue to fight for inclusion of chiropractic services in this current plan.
Upcoming Events 2013

CE Hour requirements for 2011-2013 Colorado relicensing period:
15 CE hours between November 1, 2011 and October 31, 2012
AND
15 CE hours between November 1, 2012 and October 31, 2013
Must have valid health care provider level CPR card AND at least four hours total of documentation/record keeping every two years.

- **X-Files Basic Training**
  March’s 9-10 class was cancelled due to weather reschedule date will be available soon.
  
  | March Class will be rescheduled | November 16-17 | July 20-21 |

  Colorado law requires that unlicensed personnel taking ANY TYPE of x-rays (including digital) in chiropractic clinics receive at least 24 hours of training. This course provides 12 hours of training with instructions on how to complete the remaining 12 hours at your clinic.

- **“Doctored” Screening in Grand Junction**
  Thursday, April 25
  “Doctored” will be showing in grand Junction. For tickets please contact Dr. Randy Roman 970-243-8896 or Dr. Wes Sheader 970-254-2954.

- **District 5 Lunch Meeting**
  Thursday, April 11
  Join us for free lunch sponsored by Anabolic Labs. Get updates on Legislative and Association Issues. 12:30-1:30 p.m. An optional tour is available of the Anabolic factory at 1:30 p.m.

- **CCEP Extremity Adjusting Seminars**
  April 20-21 | June 8-9
  May 4-5 | July 13-14

- **Chiropractic Clinical Nutrition**
  Next Class - Saturday, May 11
  Saturday, August 10 | Saturday, October 12

  Dr. David Seaman presents the first of a three part series regarding clinical nutrition. Final class date TBD.

- **New Doc Lunch Series**
  Wednesday, March 27 - Know Your Colorado Rights, Regulatory Issues with Deann Conroy of DORA
  Join new Colorado DCs for lunch and learning from 11 a.m.-1 p.m. Lunches will continually be held on the 4th Wednesday of the month at the CCA Conference Room

- **Documentation and Medicare with Dr. Mario Fucinari**
  Saturday, June 29
  6 Hours of CE - 9 a.m. - 6 p.m.
  Dr. Mario Fucinari will speak about documentation and recordkeeping for 4 hours fulfilling the state requirement. The following 4 hours will be on MEDICARE only two (2) of these hours are considered continuing education. Sponsored by NCMIC - Attend this NCMIC 8 hour seminar and receive a 5% discount for three years on the renewal of your NCMIC malpractice insurance premium. (PRICING AVAILABLE SOON)

- **Sports Physical and CPR Combo Classes**
  Certify to perform Junior High and High School Sports Physicals.
  

- **Documentation and CPR Combo Classes**
  Kathy Mills Chang fulfills the four required hours of Documentation. Dr. Mark Wolff provides professional level CPR training.
  
  | Denver | Thurs. July 11 | Sat. Aug. 17 | Thurs. Oct. 31 - last day for CE |

- **Annual Convention 2013**
  September 13-15, 2013
  Hyatt Regency Denver Tech Center

- **Documentation and CPR - Final Weekend for CE**
  Saturday Oct. 26 Documentation
  Sunday Oct. 27 CPR
Looking Back on Forward Progress

Chiropractic in Colorado was organized in 1910, which fact is not generally known to most of us and especially to the younger practitioners.

It all started early that year, according to the late Dr. Charles Brown, who once gave us this account: "Shortly after February 1, 1910, I went to the office of Dr. Abraham Cobb, who among other things was an accomplished vaudeville actor in his day, with the suggestion that we form a chiropractic organization in Colorado. He readily agreed and then and there was born the Colorado Chiropractic Association. He agreed that I would be President and he, the Secretary. I would pay the expenses of the association the first year and he would take care of the bookkeeping. Our membership consisted of the then practicing chiropractors, who were - Dr. Alvin K. Cobb, Dr. J. Hamilton Jones, Dr. C. C. Howell, Dr. and Mrs. Horn and me - (Dr. Charles Brown). Dr. and Mrs. Horn had only recently opened a chiropractic school at 1615 E. Colfax, Denver.

"The following January (1911) session of the Colorado Legislature saw the first chiropractic licensing bill introduced. I had the measure introduced - the first 'fight' for chiropractic in Colorado - but the medical profession was totally unaware of any threat, and knew still less about chiropractic, so there wasn't any fight.

"But," said the senators, "we can't legislate for only six of you people, get a greater number and we'll give you a law!" So in 1913 another bill was introduced. By this time medical opposition had been given time to learn what chiropractic offered and there was lots of opposition. Feeling ran high and during the debate on the bill, one Senator Pierson caustically replied to an opponent of the measure: 'I'd rather be rubbed to death than dragged to death.' That year, the measure met with a tie vote.

"A similar measure met defeat in the 1915 term of the legislature. Then, we thought, it might be time to temper our ambition for a while and a compromise was worked out with the opposition, resulting in 1917, in an 'inclusive act' which permitted chiropractic licensing under the Colorado Medical Board. No exam was required - $25.00, a diploma and an affidavit of moral character completed the medical-chiropractic license. But even then there existed a dissident group headquartered on a referendum to the people. This try failed.

Dr. Brown concluded these remarks by paying tribute to all who helped in these years and especially to Dr. Frank K. Clagett who later played an important role in Association politics.

The C.C.A. rolled along gradually picking up new members, until in 1919, records show 78 members among whom were some names familiar to us today, such as - Drs. Claude Beck, J.J. Grissom, Pearl Ruby, Bob and Sally Meldau and W.I. Runnels. Dr. Sally Meldau was Secretary in 1919 and the members of January 1919 show that, even then, the C.C.A. was carrying on a successful educational program with a paper entitled 'Blood Pressure' being presented by Dr. Helen Gagford.

Even in those early days, the pioneer chiropractors saw the value in organization and organized education leading to progress in chiropractic and the development of our present post graduate educational act.

Legislatively, the profession was fortunate in having a Chiropractic Act passed in 1933 mainly due to the efforts of Senator (then Representative) Neal Bishop. This Act was amended in 1962 and 1965. The 1962 amendment was the so-called 'Comprehensive post-graduate education clause'. Opposition from a small group has always been present regarding the legality of this clause. However, it has withstood all efforts to change or repeal it and the provisions of this clause have been incorporated in many other states chiropractic laws. The 1966 amendment did two things - (1) raised the educational requirements from 3600 hrs. to 4800 hrs. and (2) increased the annual renewal fee from $5.00 to $15.00. Then, in the 1969 General Assembly, the entire law was reclassified resulting in one of the best chiropractic practice acts in the U.S.

Administratively, the C.C.A. was chartered in 1933 as a non-profit association. It grew with the years and so did the problems and work. A central office was established and help was needed, so Mr. Herb Kelly was hired as Secretary part-time. During the war years Mr. Kelly became a full time Director - doing all the work for the chiropractors. He continued in this job until 1951, when he passed away. Dr. L.A. Bertilpi was then hired as Secretary in 1951, continuing in this job until 1961 when he left the chiropractic field. The position was then filled at that time by Dr. L.O. Gearhart, who is the present Secretary.

The association was reorganized in 1950-52, during the term of the then President, Dr. L.O. Gearhart and got on a dues paying basis. Consolidation of assets and planning were adopted with modern business procedures being enacted.

Much could be written regarding the part each chiropractor played in our history. All helped in raising chiropractic, over a period of 30 years, to a higher level of public esteem. Many names stand out in Colorado Chiropractic history. Some of you may remember a number of these - Drs. Besse, Bensch, Holman, Elliot, Budd, Davidson, Gates, Burwell, Norgate, the Johnson twins, Boyett, Grissom, Jackson, Spears, Wunsch and others. They all fought for what they believed in — chiropractic.

CHIROPRACTIC COLLEGES

Most of us pay little attention to the chiropractic colleges, let alone support them. The colleges struggled along in the early years locally, as well as nationally. Dr. Brown stated that as early as 1910 a Dr. and Mrs. Horn opened a college on East Colfax in Denver. The records do not show the fate of this school.
Policyholders of NCMIC’s Malpractice Insurance Plan will soon receive a premium dividend for the 17th year in a row.* As of 2013, NCMIC will have returned more than $112 million to policyholders.

The premium dividend is just one of many reasons our D.C.s appreciate NCMIC. Take it from Dr. John D’Amanda:

“I don’t know of any other companies that give back through a premium dividend. With NCMIC, you support the company and they support you.”

John D’Amanda, D.C.
Crossroads, Texas

Find out all the ways you can benefit from being with the NCMIC Malpractice Insurance Plan.
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The CCA eUpdate is published monthly. Its purpose is to provide news about activities of the various committees and information concerning current developments of interest to the membership. Articles, reports, letters, opinions, advertisements, statements, and editorial comments do not necessarily represent the position of the CCA. No endorsement of any item should be inferred unless specifically identified as the official policy of the CCA. All material may be edited for clarity or space, and publishing decisions are based on quality of writing, timeliness, and potential interest to the readers. The CCA eUpdate reserves the right to edit or reject all materials. The CCA eUpdate accepts advertisements and inserts from a variety of sources, but makes no independent investigation or verification of any claim or statement contained in the advertisements. Inclusion of advertisements should not be interpreted as an endorsement by the CCA of any product or service offered through the advertisement program.

Colorado Chiropractic Association
The voice of Colorado chiropractic since 1917.
www.coloradochiropractic.org - cca@coloradochiropractic.org
8751 E. Hampden Avenue  #B-7 Denver, CO  80231-4929 - 303-755-9011 OR 800-829-0339

Standing Meetings 2012

**Mesa County Chiropractic Association Meeting**
First Wednesday each month
- April 3
- June 5
- August 7
- May 1
- July 3
- September 4

12:30 to 1:30 p.m. at UTEC Culinary Restaurant at 2508 Blichman Ave in Grand Junction. You may order ahead by calling 970-255-2641. Please contact Dr. Wes Sheader for more information at drsheader@newlifechiropractic.org or 970-254-2954.

**Colorado Chiropractic Association Board of Directors Meeting**
locations vary - typically 10 a.m. to 2 p.m. - please check with CCA for details

Next Meeting: Thursday, May 16

**Colorado Women’s Chiropractic Association**
Second Tuesday of every odd numbered month
- May 14th
- September 10th
- July 9th
- November 12th

7-9 p.m. CCA Conference Center. Each meeting features a guest speaker and an open forum for ideas and discussion. Contact Dr. Rebecca Noren for more info (303) 984-1111 or noren23@msn.com

**Colorado State Board of Chiropractic Examiners**
Usually 4th Thursday every other month
- March 21th
- September 26th
- May 23th
- November 14th
- July 25th

Colorado State Board of Chiropractic Examiners (CSBCE). Meetings generally start at 9 a.m. Location is 1560 Broadway, Denver. Check the board’s web site for room and agenda: www.dora.state.co.us/chiropractic/boardmeetings.htm
In its important decision on January 22, 2013, the Colorado Supreme Court abandoned 60 years of precedent and abolished the sudden emergency doctrine. The jury instruction regarding the sudden emergency doctrine, which now will no longer exist, stated as follows: “A person, who, through no fault of his or her own, is placed in a sudden emergency, is not chargeable with negligence if the person exercises that degree of care that a reasonably careful person would have exercised under the same or similar circumstances.” While at first blush, the instruction sounds reasonable, the court held that it was being too often misapplied, and it was misleading jurors.

The underlying case abolishing the doctrine involved an auto collision outside of Telluride, Colorado where the defendant driver lost control when he hit an icy patch. The investigating officer testified that an icy patch regularly forms during the winter in the portion of the lane in which the defendant was driving. The defendant acknowledged that he had previously driven in that area and had experienced the ice patch and “was aware of the possibility” that the ice might be present. The trial court gave the sudden emergency doctrine over the objections of the plaintiff that the ice was not a sudden emergency since ice was common and could be expected in the winter, the defendant had knowledge that ice commonly formed in that location, and the defendant’s own actions caused the alleged “sudden emergency.”

The Colorado Supreme Court agreed with plaintiff’s arguments and found that the sudden emergency instruction should not have been given; however, it went one step further and abolished the doctrine altogether. The court found that when a trial court instructed a jury on sudden emergency after instructing it on general negligence, the jury could interpret the sudden emergency doctrine as an exception or modification of the general negligence standard of care. This interpretation could prejudice a plaintiff by misleading the jury to apply a reduced standard of care. Lastly the court found that the sudden emergency instruction could unduly focus the jury’s attention on the defendant’s actions during and after the emergency and ignore the defendant’s actions before the sudden emergency. The court stated that, “Focusing on the allegedly-negligent party’s actions during and after the alleged emergency can prejudice the party alleging negligence by causing the jury to lose sight of the very negligence that caused the emergency in the first place.”

Found that the sudden emergency doctrine could lead a jury to incorrectly apply a less stringent or different standard of care. The court found that if the trial court instructed a jury on sudden emergency after instructing it on general negligence, the jury could interpret the sudden emergency doctrine as an exception or modification of the general negligence standard of care. This interpretation could prejudice a plaintiff by misleading the jury to apply a reduced standard of care. Lastly the court found that the sudden emergency instruction could unduly focus the jury’s attention on the defendant’s actions during and after the emergency and ignore the defendant’s actions before the sudden emergency. The court stated that, “Focusing on the allegedly-negligent party’s actions during and after the alleged emergency can prejudice the party alleging negligence by causing the jury to lose sight of the very negligence that caused the emergency in the first place.”

Defendants can still argue that in a true sudden emergency, we do things that we don’t normally do. However, defendants must now make the argument without the confusion and potential to mislead the jury that the old sudden emergency instruction created. Should you have any questions about this recent development in the law, feel free to contact me.

Melissa Winthers is an attorney at Fleishman & Shapiro P.C. She represents people who have been injured in collisions and can be reached at 303-861-1000 or mwinthers@colorado-law.net.
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72%

60%

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Register now!
Understanding Chronic Cold and “Flu-like” Symptoms

By Dr. David Seaman, DC

In pathological terms, the symptoms that we typically associate with the common cold are referred to as an “acute phase response.” What is not commonly understood is that the same acute phase response occurs with tissue injury, trauma or surgery, neoplastic growth or immunological disorders, such as rheumatoid disease (1,2).

The body responds to such challenge to homeostasis by turning on the immune system. To be clear, the immune system is turned on, such that immune cells liberate pro-inflammatory cytokines, the most common being interleukin-1 (IL-1), interleukin-6 (IL-6), and tumor necrosis factor (TNF), which can lead to fever, loss of appetite, fatigue, negative nitrogen balance, and muscle catabolism (1,2). In other words, feeling sick and sickness symptoms are due to the immune system being activated, not weakened. Interestingly, a common cold remedy is chicken soup, which is thought to reduce cold symptoms by inhibiting the immune system (3).

The psychological and intellectual challenge to overcome regarding the acute phase response is embracing the fact that not only infectious agents are capable of turning on the immune system to generate an acute phase response. This misperception is exemplified by the notion that if one has an acute phase response during the “flu” season, the cause must be the flu. It should be understood that most people who get flu symptoms, assume they have the flu and stay home until they recuperate. If one goes to the hospital they will likely be tested for the flu and the outcomes of such testing are revealing.

In week #4 for the 2013 flu season, which ended on January 26, a total of 10,581 tests were performed and only 2,701 or 25.5% were positive (4), which means that 75% of individuals who were thought to have the flu, by the patient and doctor, did NOT have the flu. In other words, most people who have the “flu” don’t have the flu.

So, what do they have? For sure, they have an acute phase response and that is the most important piece of information to understand.

What about patients who live in a chronic “flu-like” state?

Small intestine bacterial overgrowth (SIBO) provides an example of how “flu” symptoms can be present without infection with influenza. First, it is important to remember that flu symptoms develop due to immune system activation, not weakening or inhibition. “The immune response to bacterial antigens is known to lead to sickness behavior including flu-like symptoms of fatigue, anxiety, depression, and impaired cognition” (5). Patients with SIBO have immune system activation and extraintestinal symptoms that are often flu-like in quality (5).

SIBO develops due to the consumption of fiber-free sugar, flour, and refined oils (6), which make up approximately 60% of the average American’s diet (7). The overgrowth of bacteria in the small intestine leads to a chronic low-grade systemic endotoxemia, which leads to patients feeling like they are “always” coming down with something.

A key symptom that helps to identify SIBO is bloating within 1 hour of eating. The culprit is high-glycemic index foods that function to feed the overgrown bacteria (5). Approximately 20% of the adult population has IBS, which appears to be largely caused by SIBO. Patients with widespread pain that is diagnosed as fibromyalgia also commonly have SIBO as the cause (8). Clearly a substantial percentage of the population lives in a chronic state that manifests with “flu-like” symptoms.

In general, the treatment for SIBO is to stop feeding the bacteria, which means switching to a paleo diet that consists exclusively of omega-3 fish and eggs, lean meat and chicken, vegetables, fruit to tolerance, and nuts. Supplements should focus on psyllium, peppermint oil, and probiotics (9,10). Omega-3 fatty acids and spices like turmeric are also useful (11,12). For certain patients, antibiotics may be necessary (5).

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  - Chiro@state.co.us

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- Thursdays
- March 21st
- Sept. 26th
- May 23rd
- Nov. 14th
- July 25th

The Michael Skolnik Medical Transparency Act of 2010

Senate Bill 10-124 enacts the "Michael Skolnik Medical Transparency Act of 2010" to extend reporting requirements to many health care professionals who apply for or renew a license, certification, or registration, on or after July 1, 2011. The Division of Registrations is in the implementation process at this time. Please refer back to [www.dora.state.co.us/chiropractic/statuterulespolicies.htm](http://www.dora.state.co.us/chiropractic/statuterulespolicies.htm) for additional information as it becomes available.

**Click for CCA By-laws**
(revised September 2011)
**Do You Hate Those Shopper Calls? Turn Them into New Patients**

*By Dr. R. A. Foxworth, FICC, MCS-P*

“Do you hate those shopper calls? Do you dread answering your busy phone and hearing this? Many chiropractic offices do, but the great news is that you have a secret weapon...ChiroHealthUSA membership.

If they are asking about costs, that's a great sign, although many offices don’t see it that way. They are sincerely interested in getting to the bottom of their problem, so they picked up the phone and they want to be responsible and know about the costs. As a ChiroHealthUSA member, you can meet those needs in two ways: First, you can directly answer their question with a specific answer. Second, by offering ChiroHealthUSA membership, you can make high quality, affordable care available to those members of your community who are uninsured, under-insured, or partially insured such as your Medicare patients.

It can be handled as simply as this:

CA: “When was the last time you saw the doctor?”

Patient: I haven’t seen the doctor before.

CA: “Will you be using insurance to assist you with your financial responsibility?”

Patient: No. I don’t have any insurance; I’ll be paying cash.

CA: “By any chance, do you have one of those Discount Medical Plan Organization cards, like ChiroHealthUSA?”

Patient: No, I’m not. What's that?

CA: “ChiroHealthUSA is a Discount Medical Plan Organization, especially for those like you who are uninsured. Members qualify for our ChiroHealthUSA fee schedule, and enjoy a very nice savings from our actual fee. For instance, an initial visit in our office can be as high as $250 depending on what the doctor finds, but as a ChiroHealthUSA member, your first visit will not be more than $125 in our office. You can apply for membership right in our office and will be eligible for that discount on your first visit. Membership is only $39, and, that membership covers you and your immediate family members for an entire year. As you can see, even with the annual membership fee, it’s an excellent value. Let’s get you in to see the doctor today. Would morning or afternoon be better for you?”

Patient: Sounds terrific...how about this afternoon?

Who wouldn’t say yes to this? Practice this scripting until it flows naturally with your personality and watch how easy it is to turn shoppers into new patients.

Dr. Foxworth is a certified Medical Compliance Specialist and President of Chi-roHealthUSA. A practicing Chiropractor, he remains “in the trenches” facing challenges with billing, coding, documentation and compliance. Dr. Foxworth is a 1984 Honors Graduate, (Cum Laude), of Cleveland Chiropractic College in Kansas City, MO. He served as Staff Chiropractor for the G.V. Sonny Montgomery VA Medical Center 4 years and is a member of the American Chiropractic Association and a 3 term past-president of the Mississippi Chiropractic Association. He was voted by his peers as Chiropractor of the Year for several years and is currently a Fellow of the International College of Chiropractic. He was appointed to the Mississippi State Board of Health by Governor Kirk Fordice and again by Governor Ronnie Musgrove and served 12 years, two of them as Chairman. You can contact Dr. Foxworth at 1-888-719-9990, info@chirohealthusa.com or visiting the ChiroHealthUSA website at www.chirohealthusa.com
Diagnosis and treatment is made simple through understanding the biomechanical functions of each joint. Clinical findings are discussed and demonstrated in this intensive hands-on seminar. Learn a whole new approach to diagnosing shoulder, arm and hand subluxations, entrapments and thoracic outlet syndromes. Know the kinetic chain of the lower extremity like you have never learned it before. Learn the etiology of soft tissue injuries, the general mechanism of soft tissue healing, and how to apply these principles to initiate and carry out musculoskeletal rehabilitation programs. Posture, both static and kinetic, is discussed and demonstrated. Understand that treatment of the human structure requires an approach that encompasses the total structure. Areas beyond the articulation must be evaluated and altered for complete healing to occur. Recognize the interrelationship and the necessary intimacy of the spine to the extremities. Extremity dysfunction can and does affect the overall performance of the neuromusculoskeletal system. Thus, a “global” method of evaluation, analysis, and management is necessary. Understanding the signs, symptoms, and syndromes in a ‘whole body’ management format will solidify the practical application of the principles taught in all modules. The most challenging patients are those that improve, but never completely resolve their complaints. Learn basic algorithms that will aid in establishing or reinforcing practical proficiency in management protocols.

The Founder Dr. Kevin Hearon is an internationally acclaimed expert on extremity adjusting, gait and foot orthotics. He has taught on 13 postgraduate faculties and has published four books, 15 DVDS and a wall chart. Doctors at all levels of athletics have taken courses from Dr. Hearon since 1980. He is the president of the Council on Extremity Adjusting, an international educational organization dedicated to Equipping chiropractors in the treatment of extremities.

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All Seminars start on Saturday 8am to 6pm with a one hour break for lunch, lunch not provided, and finish on Sunday 8am to 2pm. Seminar prices are $375 per seminar ($425 for late registration) and $35 for CE credit per seminar.

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Chiropractors are listed in 2013’s HHS OIG Work Plan. CMS/Medicare continues to target violators and insurance companies are investing more resources in the enforcement of provider agreements.

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- 75% of chiropractors graded their documentation as “poor”
- An average chiropractic practice leaves $31,000 in missed reimbursement on the table every year
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- When surveyed, 4 out of 5 chiropractors incorrectly thought they were able to provide first-visit “freebies”

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By submitting this application I am committing to a minimum of 1 year membership, at said level, with the Colorado Chiropractic Association (CCA). I agree to uphold the code of ethics and bylaws of the Association and to abide by the rules and regulations set forth, including timely payment of dues. If I wish to cancel membership I will do so in writing. I understand that by providing my fax number, email address, and other business/personal information, I hereby consent to receive faxes, emails, texts and other electronic communication sent by, or on behalf of, the Colorado Chiropractic Association unless I notify the CCA to remove my info from the communication list.

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Donating to the CC-PAC, Colorado Chiropractic Political Action Committee, is the best way to protect your patients rights and patient access to chiropractic treatment in Colorado. Your contribution will be used to support positive, pro-chiropractic contacts with state legislators. Each Colorado legislative session fosters issues that impact doctors of chiropractic and their patients. The Colorado Chiropractic Association, CCA, keeps updated on these issues and together with our lobbyists push for a pro-chiropractic agenda. There is always a need for a well-funded PAC. Please contribute today. Thank you!

(Staff, spouse, family, friends and patients can contribute too.)

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Questions? Call 800.829.0339 or 303.755.9101

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Club CCA members provide on-going support for the CCA and the chiropractic profession through advertising, donations, and the excellent products and services they provide to Colorado DCs. PLEASE consider a club CCA member for your chiropractic product and service needs.

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Kathy Mills Chang - kathy@kmcuniversity.com
1-855- TEAM-KMC
Susan McClelland - mcclelland.consulting@usit.net

Resources
Join the Novitas JH MAC Transition email list at https://www.novitas-solutions.com/transition/jh/lists.html
Join Medicare (CMS) email list: http://www.cms.gov/Medicare/Medicare.html
You will be required to receive claim payments via electronic fund transfer
Novitas will acknowledge receipt of your EFT form with a letter.

Send Claims to: Part B Claims for COLORADO
Noviats Payer ID: 04112
Novitas Solutions
Attn: Part B Claims
PO Box 890107
Camp Hill, PA 17089-0107
Provider inquires: 1-855-252-8782
Index for contact info Novitas Solutions: https://www.novitas-solutions.com/contact/index.html

Check Local Coverage Determinations (LCD) with Novitas: https://www.novitas-solutions.com/policy/jh/32718-44.html
Navigating Novitas Solutions website start here: https://www.novitas-solutions.com/site-map.html

PLEASE NOTE: Kathy Mills Chang and Susan McClelland are consultants in this arena and may require a fee for extensive questions.

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March 2013

Please direct INSURANCE questions to
CCA Insurance Chair
Dr. Greg Crawford
e-mail to:
greglcrawforddc@aol.com
or FAX to 970-493-2105