

COVID-19 Guidance for Chiropractors

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[Updated and Amended April 2, 2020] COVID-19 Guidance for Chiropractors - Continued Operation of Chiropractic Offices in Colorado Permitted

With rapidly changing federal, state, and local government orders and guidance on the COVID-19 public health crisis, many allied health professionals are asking whether their services are “essential” or “critical,” such that they may continue to operate and provide patient services. On April 2, 2020, the Colorado Department of Regulatory Agencies [“DORA”] confirmed that chiropractic care is a critical service.

Chiropractors in particular have faced challenges obtaining clear guidance from the DORA and the Colorado Board of Chiropractic Examiners regarding continued operation of chiropractic offices, so DORA’s updated guidance is welcome news for chiropractors and the patients that rely on their services across the state.

Our prior guidance dated March 27, 2020 analyzed Governor Polis’ Executive Order D 2020 009, DORA’s March 25, 2020 Response to Frequently Asked Questions (“FAQ”), and DORA’s March 27, 2020 Email to Chiropractors entitled “Prohibition on Chiropractic Elective Procedures,” and advised that any chiropractor choosing to perform in-person chiropractic procedures or adjustments runs a high risk of being subject to civil, criminal, and disciplinary consequences absent a showing that the treatment at issue meets one of the narrow exceptions listed in the March 27, 2020 DORA Email. The new guidance reduces that risk significantly.

DORA’s April 2, 2020 email to chiropractors entitled “Guidance for Chiropractic Procedures” that confirms chiropractors are a critical service in the State of Colorado, and confirms that chiropractors may continue to treat patients at the “discretion of the provider.” DORA urges chiropractors to evaluate the need for a chiropractic procedure on a case-by-case and patient-by-patient basis. Chiropractic procedures are permitted when **“an injury or illness is at risk of progression or the patient’s health is at risk of rapid deterioration.”** In-person wellness and maintenance visits are not permitted under the current guidance, but telehealth is a viable option for chiropractors wishing to maintain contact with patients who do not require acute treatment.

Chiropractors must make individual decisions regarding whether to continue their chiropractic operations, and must also consider orders regarding physical distancing, increased sanitation procedures, reduction of workforce, and implementation of COVID-19 policies and procedures. Chiropractic recordkeeping and documentation will be critically important for chiropractors opting to treat acute patients during this time. For questions on this guidance or assistance making a decision regarding your practice, please contact Katherine Otto, a Partner at Messner Reeves LLP, who has extensive experience advising Colorado chiropractors.