

COVID-19 Guidance for Chiropractors

MESSNER REEVES LLP

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Katherine K. Otto
646.595.1102
kotto@messner.com

[Effective April 6, 2020] COVID-19 Guidance for Chiropractors - Chiropractic Services in Colorado Limited Through April 26, 2020

On April 6, 2020, Governor Polis issued Executive Order D 2020-027 extending the expiration of the Governor's previous Order D 2020-009 to April 26, 2020. Executive Orders 2020-009 and 2020-0027 mandate cessation of all elective or non-essential treatment, surgeries, and procedures and mandate inventory of personal protective equipment. These Orders ["PPE Orders"] have impacted and limited the practice of chiropractic in the State of Colorado. Chiropractic care has been deemed a critical service, and is thus exempt from Governor Polis' "Stay at Home" Orders [D 2020-017 and 2020-024], but the prohibition on non-essential care from the PPE Orders has resulted in the closure of many chiropractic offices. That prohibition extends at least until April 26, 2020, though Governor Polis has expressed willingness to lift the prohibition early if public health officials advise it is no longer necessary. He may also choose to further extend the expiration of the Orders beyond April 26, 2020.

Under the existing guidance from the Colorado Department of Regulatory Agencies ["DORA"], chiropractors may continue to treat patients 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 that operate in defiance or ignorance of the PPE Orders are vulnerable to disciplinary complaints and investigations, as well as potential civil and criminal penalties.

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. It is also strongly advised to enact temporary policies and procedures for operations to limit or mitigate the risk of discipline. 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.