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TEXAS SUPREME COURT DELIVERS LANDMARK DECISION PROTECTING RIGHTS OF TEXAS CHIROPRACTORS

AUSTIN, FEBRUARY 2 – The Texas Supreme Court delivered a landmark victory to Texas chiropractors on January 29, ending a decade-long dispute with the Texas Medical Association (TMA) over the role of the nervous system in chiropractic practice with its ruling in *Texas Board of Chiropractic Examiners et al v. Texas Medical Association*.

The Supreme Court unanimously upheld the Board’s definitions of the “musculoskeletal system” and “subluxation complex” that referenced nerves and, in a split decision, upheld the Board’s rule pertaining to vestibular ocular nystagmus testing (VONT).

“After a decade of litigation and hundreds of thousands of wasted taxpayer dollars, TMA has finally reached a dead end on the nerve issue,” declared TCA President Dr. Mo Jahadi, a chiropractor based in Cedar Park. “The real winners are chiropractic patients in Texas and across the country who rely on doctors of chiropractic as the healthcare provider of their choice.”

Leaning heavily on its previous denunciation of TMA in *Texas State Board of Examiners of Marriage and Family Therapists v. Texas Medical Association*, the Court determined that the Board “could reasonably consider neural involvement in the musculoskeletal system in defining the scope of chiropractic.” The Court also noted that the Board’s rule “merely recognizes the reality that musculoskeletal dysfunctions cannot be diagnosed or treated without considering associated nerves.”

Echoing its opinion in the Marriage and Family Therapists lawsuit, the Court accused TMA of “making too much” of the Board’s rules’ referencing nerves and reiterated that judges should defer to Board rules in order “to prevent expensive and time-consuming usurpations of administrative agencies’ policy-making work.”

Former TCA President Dr. Devin Pettiet, a chiropractor from Tomball, recalled the state association’s past efforts to negotiate a compromise with TMA. “In 2018, during our darkest hour, our legislative team and I met with representatives of TMA to attempt a resolution of the nerve issue,” Pettiet said. “TMA refused to negotiate. It is unfortunate that this legal battle stretched for years. It could have been avoided.”

“TCA is dedicated to protecting Texans’ right to choose their healthcare provider, and we won’t be intimidated by anticompetitive lawsuits,” said Dr. Tyce Hergert, a former TCA President from Southlake. “Hopefully, this victory sends a message.”

In addition to thanking the Texas Supreme Court for reversing the lower courts’ decisions, Dr. Jahadi lauded the efforts of Texas chiropractors as well as state and national organizations such as Parker University, Texas Chiropractic College, Palmer College of Chiropractic, American Chiropractic Association, Federation of Chiropractic Licensing Boards and National Board of Chiropractic Examiners, among others, for their roles in this landmark decision. “It was a team effort and we’re extremely proud of the outcome,” Jahadi said. “

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ABOUT TCA: The Texas Chiropractic Association (TCA) is the essential voice for chiropractic in Texas. TCA provides protection, state-wide advocacy, information and education for the nearly 6,200 doctors of chiropractic (DCs) who are licensed to practice in Texas, including its more than 2,000 members. TCA works hard to advocate the position that the citizens of Texas should have adequate access to the health care of their choice and that DCs are adequately represented in the government's decision-making process.