



HONG KONG CHIROPRACTORS' ASSOCIATION
香港脊醫學會

**在僱傭條例（香港法例第57章）下
認可註冊脊醫簽發的病假證明為合法的醫生證明書**

執行摘要

1 就勞工處反對以上議題的主體考慮及提議、香港脊醫學會(學會)促請立法局人力事務委員會委員、支持學會就上述事宜所作出的建議。

2 勞工處工作小組反對以上議題是雇主要考慮到

(a) 因不同國家在勞工法例制度下對脊醫的取向有很大的差異、所以有必要採取較審慎的態度、

(b) 只有小數工傷雇員索償脊醫診治的費用、反映公眾對脊醫認識不深、

(c) 所有脊醫均在私人市場執業、而香港並沒有提供脊醫訓練的本地專上學院、就有關所需的病假及工傷仲裁、則難以尋找中立的權威人士提供醫學意見、

(d) 如雇主及保險承保人將被賦予新的法律責任、應先讓有關人士對脊醫診療有更深入的认识、避免不必要的爭拗。

提議中更指出就上述事宜進行一項更全面的調查、以評估脊醫治療在本港的普及程度。同時、亦會繼續與各相關人士保持溝通、密切留意脊醫的發展。

3 學會對勞工署的建議、認為現時沒有充份理據承認脊醫簽發的醫生證明書、深表遺憾。學會亦知道若市民要獲得脊醫有效的治療、研究報告中已詳盡指出有關人士所必須積極面對的主體問題。首要的便是立法局、政府與相關人士都必須明白及接受脊醫治療所採用的脊椎手法治療(spinal manipulation)對常見的功能性神經-肌肉-骨骼系統疾病如腰背痛、頸痛和頭痛等問題已經科學研究証實具有**安全、良好的療效並合乎成本效益**。而具成本效益的脊醫治療可為雇員、雇



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主、市民和醫療系統帶來龐大的經濟收益。認可脊醫簽發的醫生證明書能給予雇員、雇主及市民享有直接使用脊醫服務的渠道、進而減低成本並可提升在醫療服務上的自由選擇權。

4 香港脊醫學會促請立法局人力事務委員會委員和政府、慎重考慮脊醫治療可帶給市民、勞方及資方更高的醫療和經濟效益。落實積極處理勞工處就研究報告中明確指出有關事項的主體問題、並支持增加脊醫治療認受性及供應量例如：

(a) 政府應該立刻開始為雇員、雇主及市民全力宣傳和推廣有關脊醫診治對極普遍的神經—肌肉—骨骼系統的功能性疾病、例如腰背痛、頸痛及頭痛等的安全和具成本效益的治療、

(b) 政府首要便是立刻把脊醫納入在醫院管理局、公營醫療門診服務中、增加脊醫診療的供應量、

(c) 政府應積極推行在本地專上學院提供脊醫訓練。

5 香港脊醫學會認為只要政府、勞資雙方和市民都認同脊醫診療的效益、共同落實和積極參與提高脊醫治療的應用率和供應量、學會深信香港市民將來必定可以得到脊醫診療帶來的健康成果。

香港脊醫學會病假證明工作小組

主席：脊醫 陳顯強

成員：脊醫 林葉展美

脊醫 李天德

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二零一一年六月七日



HONG KONG CHIROPRACTORS' ASSOCIATION

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Recognition of sick leave certification issued by registered chiropractors as a valid medical certificate under the Employment Ordinance Cap 57

Executive Summary

1 The Hong Kong Chiropractors' Association (HKCA) is seeking the support of the Members of the Legco Panel on Manpower in addressing the main considerations and suggestions of the Labour Department as it recommends against the captioned proposal.

2 The findings and considerations of the Labour Department substantiating its recommendation against the captioned proposal are (a) as there are different approaches in different countries, it is necessary to adopt a more prudent approach in dealing with chiropractic practices under labour legislation; (b) as there are few claims for the cost of chiropractic treatment by injured employees, the public have limited knowledge of chiropractors; (c) as all chiropractors are in private practice and there are no tertiary institutions providing chiropractic training, it would be difficult to identify proper authority for arbitration purposes; and (d) as employers and insurers would have to assume new legal obligations, their understanding about chiropractic should first be enhanced. It is suggesting to continue communicating with stakeholders and monitoring the development of chiropractic; and to commission a comprehensive survey to gain updated information about knowledge and utilization of chiropractic services.

3 The HKCA is disappointed at the Labour Department's recommendation but points out that the findings and considerations clearly identify the inadequacies that need to be addressed in order for our community to reap the benefits that chiropractic treatment is now well-proven to offer. The HKCA believes that the Government, Legco and stakeholders should first understand and accept that Chiropractic treatment using spinal manipulation is **scientifically proven to be effective, safe, and cost-effective treatment** for functional neuromusculoskeletal disorders such as low back pain, neck pain and headache which commonly affect the general public. The HKCA further believes that the utilization of cost-effective chiropractic treatment for numerous functional neuromusculoskeletal disorders would **provide huge cost savings to employees, employers, the general public and the public healthcare system**. Moreover, recognizing sick leave certification issued by registered chiropractors would allow the general public to have full direct access to chiropractic services, providing further cost savings and enhancing the freedom of choice in healthcare.



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4 Therefore, the HKCA is urging the Members of the Legco Panel on Manpower and the Government to seriously consider the benefits that chiropractic services can provide our community, concretely address the inadequacies that have been identified by the Labour Department, and staunchly support the wider utilization and availability of these services by -

(a) **launching an intensive public health education campaign** to inform employees, employers and the general public about chiropractic treatment as effective, safe and cost-effective treatment for common functional neuromusculoskeletal disorders such as low back pain, neck pain and headache;

(b) **expanding the availability of chiropractic services to the public health sector** including the public hospitals and outpatient clinics; and

(c) **establishing a chiropractic educational programme** to educate and train chiropractors locally.

5 The HKCA is optimistic that with concerted effort to immediately take constructive measures to increase utilization and availability of chiropractic services, we can look forward to the day when Hongkong citizens would reap the benefits that chiropractic health services can offer.

HKCA Working Group on Sick Leave Certification

Chairman : Dr Henry HK Chan, DC

Members : Dr Mazy CM Lam, DC

Dr Edward TT Lee, DC

Dr Sandra TK Leung, DC

Dr Alexander SC Tsang, DC

07 June 2011



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Recognition of sick leave certification issued by registered chiropractors as a valid medical certificate under the Employment Ordinance Cap 57

Purpose

1 The Hong Kong Chiropractors' Association (HKCA) is seeking the support of the Members of the Legco Panel on Manpower in addressing the main considerations and suggestions of the Labour Department as it recommends against the captioned proposal.

Considerations and Suggestions of the Labour Department

2 In a letter dated 20 May 2011, the Labour Department informed the HKCA that as a result of its in-depth study conducted in regard the captioned proposal, it has four major considerations -

- (a) As there are significant differences in the approaches adopted by different countries, it is necessary to adopt a more prudent approach in dealing with chiropractic practices under labour legislation.
- (b) As demonstrated by the small number of claims for the cost of chiropractic treatment by injured employees under the current Employees' Compensation Ordinance, the public have limited knowledge of chiropractors.
- (c) As all chiropractors are in private practice and there are no tertiary institutions providing chiropractic training, there would be difficulty identifying neutral and independent authority to offer medical opinion or arbitrate disputes should medical certificates issued by chiropractors be opposed or challenged by employers or insurers.
- (d) As employers and insurers will have to assume new legal obligations, their understanding of chiropractic should first be enhanced to avoid unnecessary disputes relating to the issuance of medical certificates.



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3 Having found that there currently are not enough reasons to recognize medical certificates issued by chiropractors under the labour legislation, the Labour Department is recommending against the captioned proposal and is suggesting to continue communicating with stakeholders and monitoring the development of chiropractic in Hongkong and in other countries; and to commission a comprehensive survey to gain updated information about the community's knowledge and utilization of chiropractic services.

HKCA Petition and its Rationale

4 While the HKCA is disappointed at the recommendation not to recognize medical certificates issued by chiropractors, we wish to point out that the Labour Department's findings and considerations clearly identify the very issues about chiropractic services in Hongkong that need to be addressed, namely, stakeholders' limited knowledge about chiropractic, and the under-utilization and lack of suitable chiropractic resources. Accordingly, the HKCA wishes to pursue the firm commitment of the Government and Legco to initiate measures to promote and improve chiropractic services if Hongkong is to reap the benefits that chiropractic treatment is now well-proven to offer.

5 First of all, the HKCA believes that there has to be an essential understanding and rational acceptance by the Government, Legco and stakeholders that Chiropractic treatment using spinal manipulation is **scientifically proven to be effective, safe, and cost-effective treatment** for functional neuromusculoskeletal disorders such as low back pain, neck pain and headache which commonly affect the general public.

6 The HKCA further believes that with the escalating exorbitant private and public healthcare expenditure, it would be sensible for the Government, Legco and stakeholders to consider utilizing cost-effective healthcare options such as chiropractic treatment. Reliable scientific studies have shown the extent to which significant cost savings can be realized from the utilization of chiropractic treatment for common functional neuromusculoskeletal disorders. Take back pain, for example, in the USA, with a 54-80% lifetime prevalence rate²³, it accounts for more than USD100 billion in annual healthcare costs and is the second leading cause of physician visits and hospitalization.¹⁷ A large-scale study demonstrated that in the cohort provided medical plus chiropractic services, savings included an overall cost reduction by 28%, hospitalization reduced by 41%, back surgeries reduced by 32%, and cost of medical imaging reduced by 37% versus the cohort solely provided with the same medical services.¹⁷ Similar



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cost saving advantages have been documented for chiropractic treatment of neck pain and cervicogenic headache.¹⁻¹⁸

7 Moreover, the HKCA believes that recognizing medical certification issued by registered chiropractors removes a barrier to access and allows the general public to directly avail of chiropractic services, hence, realizing additional cost savings from foregoing unnecessary medical referrals, and enhancing the community's freedom of choice in healthcare.

HKCA Proposals

8 The HKCA believes that with the understanding and acceptance of the proven value of chiropractic treatment as crucial justification for promoting and improving chiropractic services for the benefit of our community, the Government and Legco could consider the following proposals that address the Labour Department's considerations and would result in wider utilization and availability of the chiropractic services.

9 To address the Labour Department's considerations in Paragraphs 2(b) and 2(d) that there is limited knowledge of the public, employers and insurers about chiropractic, the Government should **launch an intensive public health education campaign** to inform employees, employers and the general public about chiropractic treatment as effective, safe and cost-effective treatment for common functional neuromusculoskeletal disorders such as low back pain, neck pain, and headache. Just as the Government has done for other public health concerns like during the bird flu, SARS and H5N1 outbreaks, when at first the community knew nothing about these diseases, the Health Department launched a highly effective multimedia public health education campaign which garnered international praises for the manner in which Hongkong handled itself in the face of these serious health threats. Low back pain does not pose such life-threatening risks, but it is a very common and costly debility for which chiropractic treatment is effective and highly cost-effective at that. Should business-oriented stakeholders such as employers, insurers, and the public purse (i.e., the Government itself) be informed, they would greatly appreciate the cost savings afforded by utilizing chiropractic services.

10 To address the Labour Department's consideration in Paragraph 2(c) that all chiropractors practicing in Hongkong are in private practice, the Government should **expand the availability of chiropractic services to the public health sector including the public hospitals and outpatient clinics**. Aside from having chiropractors working in the public sector as a source of independent authority for the purposes of arbitration, the addition of chiropractic



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services would definitely improve the cost-effectiveness and economic efficiency of Government-funded healthcare delivery to the general public, providing timely relief of the financial burden resulting from the current poor choice of medical practices being made available there for the treatment of common functional neuromusculoskeletal disorders such as low back pain, neck pain, and headache. Furthermore, as chiropractic services do play a role in evidence-based integrative healthcare systems abroad, like in the US Veterans Administration²⁴ and the US Defense Health Program for the US Military²⁵, it could easily contribute to the Government's recent healthcare reform initiative mapped as collaborative healthcare 共建民康.

11 To further address the Labour Department's consideration in Paragraph 2(c) that there are no tertiary institutions providing chiropractic training, the Government should **establish a chiropractic educational programme to educate and train chiropractors locally**. A properly accredited chiropractic programme in a tertiary educational institution in Hongkong would be the first in China, considering, too, that Hongkong is the first jurisdiction in Asia to have chiropractic legislation in place. It should be noted that although there are accredited chiropractic educational programmes in other Asian countries like Japan, Korea and Malaysia, Hongkong is still unique in having specific chiropractic legislation to safeguard the well-being of the community. Moreover, a local chiropractic educational programme would figure well in the Government's plan to develop Hongkong into an Education Hub and would provide students wishing to join the healthcare industry a wider choice of professional programmes. And eventually, apart from the chiropractic school providing independent authority for arbitration purposes, by the time its first set of students graduate, given the Government's measures to increase utilization of chiropractic services and the dearth of local chiropractors, these graduates could easily fill the need for more chiropractors and go on to serve the community.

12 In regard the Labour Department's consideration in Paragraph 2(a) that a more prudent approach should be adopted, the HKCA acknowledges that today may not be the right time for Hongkong to recognize medical certification issued by chiropractors as Hongkong lacks the robust market conditions of supply and demand for chiropractic services, the context in which these certifications are supposed to work. Upon further examination, different market conditions in the different countries are precisely the reason for the different approaches that are adopted in dealing with chiropractic practices under labour legislation. In many countries, the market for chiropractic services is rapidly evolving but at different rates and logically, each jurisdiction would adopt its practices according to what would be most beneficial for its community. This, too, would be the course for Hongkong. The Government, upon taking measures to increase utilization and availability of chiropractic services, would set the appropriate stage for



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recognizing medical certificates issued by chiropractors under labour legislation, and in so doing, it would provide additional cost savings and greater benefit to our community.

13 In regard the Labour Department's suggestions in Paragraph 3, the HKCA agrees that the Government should continue communicating with stakeholders and monitoring developments abroad, but these measures would do little to concretely address the inadequacies that have been identified. Furthermore, conducting the proposed comprehensive survey would not be cost-effective unless it is done after the Government undertakes constructive measures such as our suggestions in Paragraphs 9, 10, and 11 when a meaningful change in the utilization and availability of chiropractic services could be observed.

Support Sought

14 Therefore, the HKCA is urging the Members of the Legco Panel on Manpower and the Government to seriously consider the benefits that chiropractic health services can provide our community, concretely address the inadequacies that have been identified by the Labour Department, and staunchly support the wider utilization and availability of the chiropractic services by -

- (a) launching an intensive public health education campaign to inform employees, employers and the general public about chiropractic treatment as effective, safe and cost-effective treatment for common functional neuromusculoskeletal disorders such as low back pain, neck pain and headache;
- (b) expanding the availability of chiropractic services to the public health sector including the public hospitals and outpatient clinics; and
- (c) establishing a chiropractic educational programme to educate and train chiropractors locally.

Closing Remarks

15 As scientific research increasingly proves chiropractic health services as a cost-effective healthcare option, and as more countries, burdened by exorbitant healthcare expenditure, continue to offer chiropractic services to their citizens, Hongkong could soon take a turn. The



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HKCA is optimistic that with concerted effort involving the community, the Government, and the chiropractic profession to immediately take constructive measures to increase utilization and availability of chiropractic services, we can look forward to the day when Hongkong citizens would reap the benefits that chiropractic health services can offer.

16 Additional information is attached in the annexes for your convenient reference. Should you wish to discuss the matter further, please contact Dr Henry HK Chan, DC by phone at 2586 1333 or by email to drhhkchan@gmail.com and we would be happy to meet with you.

HKCA Working Group on Sick Leave Certification

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Annex 1 Cost-effectiveness of chiropractic treatment

1 An early milestone study in 1993 by a health economist, Dr P Manga on low back pain concluded that chiropractic management of low-back pain was effective, cost-effective, safe, and resulted in higher levels of patient satisfaction.³ In a further study in 1998, Dr Manga found a 20-60% savings in total costs (direct costs for healthcare plus indirect costs for disability and time off work) for a matched group given chiropractic care for back pain versus a group given medical care.⁴ These conclusions have been repeatedly verified by many other studies which also found similar cost-effectiveness of chiropractic management for neck pain and cervicogenic headache.⁵⁻¹⁶

2 Two more recent studies are noteworthy. The first study by Legoretta et al. reported in 2004, was conducted over a 4-year period involving 1.7 million members of a managed care network in the US where 1 million members were provided medical services and the remaining 700,000 members were provided the same medical services plus chiropractic services. The study reported that the cohort provided with chiropractic benefit had significantly lower claims costs per person not only for back pain and neuromusculoskeletal problems but also for total care costs. With back pain, for example, savings in the chiropractic care cohort included overall cost reduction by 28%, hospitalization reduced by 41%, back surgeries reduced by 32% and cost of medical imaging reduced by 37%. It was also found that when chiropractic services were provided, (1) they were used in direct substitution for medical services; (2) they were applied not only for back pain but for other conditions seen by chiropractors including spinal pain, rib disorders, headache, extremity problems, myalgias and arthralgias; and (3) patients were willing to choose and did choose chiropractic care.¹⁷

3 The second noteworthy study known as the Mercer Report, by Harvard health economist, Choudhry, and Milstein published in 2009, was done to estimate the impact on healthcare spending from extending chiropractic coverage for back and neck pain in US health benefit plans using data from a health benefits consulting firm involved with 80 large employer health benefits plans covering about 3 million members. The assessment was reported in terms of the unit 'QALY' - quality adjusted life years, which reflects the impact of a given treatment on the quality and length of a patient's life. The study found that for back pain, chiropractic care compared "*extremely favourably to the cost-effectiveness of most widely used therapies and that offering chiropractic care for low-back pain is very good value relative to widely accepted thresholds...*" In regard neck pain, a similar conclusion was arrived at - there are better clinical results at an average lower cost per patient than medical physician care.¹⁸



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Annex 2 Benefits to the employees, employers, general public, and the public healthcare system

The increased utilization of cost-effective chiropractic treatment for common functional neuromusculoskeletal disorders such as back pain, neck pain and headache would result in benefits to the employees, employers, general public, and the public healthcare system -

- 1 Cost saving by employees to have direct access for chiropractic treatment without extra payment for an initial medical consultation and referral. Low-back and neck pain patients will be free to choose in a multidisciplinary healthcare system and will be encouraged to seek the most cost-effective treatment for their condition, i.e., chiropractic care.
- 2 Cost saving by employees when employees can be certified in a valid medical certificate to be unfit for work by a chiropractor without the need for a prior consultation with a medical practitioner, dentist or Chinese Medicine practitioner, and their employers shall promptly pay the sickness allowance. Employees would then be less likely to defer effective treatment averting a chronic condition and lengthening recovery period. Chronic conditions prolong patients' suffering and would usually require protracted treatment which results in a higher overall cost of healthcare.
- 3 Cost saving by employers and insurers when effective, safe, and cost-effective treatment is made directly available to their employees, minimizing direct costs of treatment and indirect costs of compensation for disability and time off work, thus optimizing economic efficiency.
- 4 Cost saving by the healthcare system by providing direct access to chiropractic care in the public sector. The cost-effectiveness of chiropractic treatment for various common functional neuromusculoskeletal disorders such as low back pain, neck pain, and headache would also provide timely relief of the financial burden resulting from the current poor choice of medical practices being made available in the public health sector for this type of disorders.



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Annex 3 *Present status of chiropractic services in Hongkong*

1 Although chiropractic management for neuromusculoskeletal disorders is now well utilized abroad, the utilization of chiropractic services in Hong Kong remains minimal with very low levels of supply and demand which is largely due to the lack of public awareness about chiropractic.

2 The Thematic Household Survey No 26 published in Aug 2006 by the Census and Statistic Department of Hong Kong estimated that only 0.8% of the population (about 44,300 persons) aged 15 and over received chiropractic treatment in the last 12 months before the survey.¹⁹ Compared to the United States, for the period 1997 to 2006, there was an annual average 5.58% of adults aged 18 and over (about 12.6 million persons) who visited a chiropractor.²⁰

3 At present there are some 137 chiropractors registered with the Hong Kong Chiropractors Council resulting in a dismal chiropractor-to-population ratio of 1 per 51,800. In 2009, there were about 88,478 chiropractors in the US and 7,324 in Canada resulting in a chiropractor-to-population ratio of 1 per 3,180 in the USA and a ratio of 1 per 4,592 in Canada.²¹

4 The numbers aside, the non-recognition of sick leave certification issued by registered chiropractors poses another barrier to the utilization of chiropractic services as employees are deterred from directly consulting chiropractors for effective and cost-effective management of their neuromusculoskeletal problems. Employees have no choice but to first consult a medical practitioner, dentist or Chinese Medicine practitioner to get a valid sick leave certificate and request to be referred to a chiropractor. Employers and insurers would also have to pay more for ineffective treatments and workday loss.

5 In addition, the availability of chiropractic services in Hong Kong is limited to the private sector. And although the public health sector is already financially overburdened, it does not offer chiropractic services to the general public which is proven cost-effective in the management of various neuromusculoskeletal disorders.



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Annex 4 Resources

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- 6 Jarvis KB, Phillips RB et al. (1991) *Cost per Case Comparison of Back Injury of Chiropractic versus Medical Management for Conditions with Identical Diagnosis Codes*, J Occup Med, 33:847-52.
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- 15 (2004) *United Kingdom Back Pain Exercise and Manipulation Randomised Trial: Cost Effectiveness of Physical Treatments for Back Pain in Primary Care*, (UK BEAM), *BMJ* 329:1381.
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- 17 Legorreta AP, Metz RD, Nelson CF et al. (2004) *Comparative Analysis of Individuals with and without Chiropractic Coverage, Patient Characteristics, Utilization and Costs*, *Arch Intern Med* 164:1985-1992.
- 18 Choudhry N, Milstein A (2009) *Do Chiropractic Physician Services for Treatment of Low-Back and Neck Pain Improve the Value of Health Benefit Plans? An Evidence-Based Assessment of Incremental Impact on Population Health and Total Health Care Spending*, Harvard Medical School, Boston, Mercer Health and Benefits, San Francisco.
- 19 Thematic Household Survey Report No 26, HKSAR Census and Statistics Department, Aug 2006 (Internet) http://www.censtatd.gov.hk/freedownload.jsp?file=publication/stat_report/social_data/B11302262006XXXXB0100.pdf&title=Thematic+Household+Survey+Report+-+Report+No.26&issue=-&lang=1.
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