



6. Dr. Redenbaugh testified that the characteristic that distinguished the practice of chiropractic from other occupations is that "Chiropractors go behind the elastic barrier of resistance and take the articulation into what is called the parapsychological space."
7. Dr. Redenbaugh testified that manipulating a joint without going beyond the elastic barrier and entering the parapsychological space was an action that anyone could perform and was not the practice of chiropractic, but the manipulations of joints by the Defendant highly likely entered the parapsychological space.
8. No evidence was presented that Dr. Redenbaugh's definition or the course work that he described had been approved by the Oklahoma State Board of Chiropractic Examiners.
9. Dr. Redenbaugh could not testify that Defendant Kennedy had on any occasion engaged in a manipulation that went beyond the elastic barrier of resistance and took the articulation in the parapsychological space, except that he deemed it highly likely the manipulation of joints by the Defendant would not enter the parapsychological space.
10. Ms. Kennedy testified that in manipulating joints she always stopped short of the elastic barrier of resistance, but acknowledged a captivation did occur during some manipulations.

#### **CONCLUSIONS OF LAW**

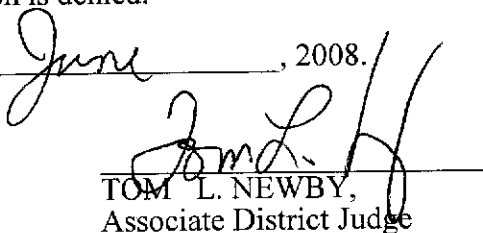
1. The court has jurisdiction of the parties and subject matter.
2. The practice of chiropractic medicine is a two-part definition:  
... The scope of practice of chiropractic shall include those diagnostic and treatment services and procedures which have been taught by an accredited chiropractic college and have been approved by the Board of Chiropractic Examiners. 59 O.S. § 161.2(A).

3. To secure a permanent injunction, the Plaintiff must prove by clear and convincing evidence
  - A. That Plaintiff engaged in the practice of "chiropractic" medicine, and
  - B. That such violation is continuing or is likely to continue in the future.
4. No evidence was offered that any of the definitions or courses described in this case has been "approved by the Board of Chiropractic Examiners". In the Plaintiff's Response to Defendant's Motion to Dismiss filed March 29, 2004, the Plaintiff stated the "Scope of Practice" for chiropractic practitioners was adopted by the Board of Chiropractic Examiners at OAC 140:1-1-2. OAC 140:1-1-2 does not, according to the current provision examined by the court, set forth any approval by the Board of Chiropractic Examiners of the specific treatment services and procedures which have been taught by an accredited chiropractic college. Absent this express approval by the Board of Chiropractic Examiners, there is no evidence before the Court allowing a determination of whether or not the Defendant has engaged in the practice of chiropractic and Plaintiff's proof fails.

ORDER

The motion for a permanent injunction is denied.

SO ORDERED THIS 3 DAY OF June, 2008.

  
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TOM L. NEWBY,  
Associate District Judge