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ARIZONA CHIROPRACTIC SOCIETY

FEBRUARY 2008 NEWS

Statewide Non-Profit Chiropractic Association Alan M. Immerman, D.C., President and Executive Director



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Lobbyist:

The Honorable
 Debra Brimhall Pearson

Administrative Assistant:

Diane Harris

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Publication Editor
 Alan M. Immerman, D.C.

SENATOR LINDA GRAY'S COPAY/DEDUCTIBLE BILL INTRODUCED AS SB 1152 WITH 46 COSPONSORS

Senator Linda Gray's Chiropractic copayment/deductible legislation has been introduced in the Senate as SB 1152 with 12 Senators and 34 Representatives as cosponsors. ACS lobbyist Debra Brimhall Pearson was asked by Sen. Gray to secure the signatures of the cosponsors. She worked tirelessly and did a terrific job. Having this many cosponsors dramatically increases the chance of victory. Every DC should send Debra an email and thank her. Her address is d64522@aol.com. Please also send an email to Sen. Gray at lgray@azleg.gov thanking her for years of work with ACS on this issue. Last year Sen. Gray introduced SB 1504 for ACS to accomplish the same purpose. It passed the Senate but died in the House.

If this bill passes, copays and deductibles for Chiropractic care will be reduced from specialist to PCP levels. There will be true insurance equality and health care freedom of choice again. This is what ACS has been consistently working on since 2006 when copayments and deductibles were radically increased by many insurers, particularly BCBS. The new legislation will affect all individual and group health insurance plans including BCBS, United,

CIGNA, Aetna, and Humana. HMO plans will not be affected.

Senator Gray, the ACS Legislator of the Year in 2007, issued the following statement to ACS on January 22, 2008:

"I hope SB1152 will help hurting people be able to receive the health care that they need. Thank you to Debra Brimhall Pearson for contacting many legislators who were wanting to sign onto the bill. She did a lot of prep work for me to be able to obtain that many signatures in such a short timeframe."

Grassroots political contacts by you and your patients with legislators have been and continue to be vital to victory. (Thank you to the many doctors and offices that have already contacted legislators!) Get regular notices by signing up for the ACS email list. Send an email asking to be added. to ACS@AZChiropractors.org. Also, join now if you're not already a member if you want this bill to pass. Help us help you. There are still about 1500 DCs in Arizona who do not belong to any association. Go to www.AZChiropractors.org for a membership application and much more information.

SPECIAL THANKS TO MEMBERS OF THE ACS PRESIDENT'S CLUB

Many thanks to our visionary members who contribute \$279 per month to help ACS work hard for chiropractic progress. These doctors are premier members of the ACS President's Club. Special thanks to Drs. Rob van Zweeden, William Zeiler, Leo Rayburn, Trevor Penny, Michael Cormier, Jeff Glaus, Shaun and Nikki Miglore, E.J. Strandlund, Randall Widmaier, Gregg Friedman, Angelo Pisano, Tracy Peruch, Jeff Raiffie, Randy Leraaen, Jeff Rebarcak and an anonymous DC. Please join these leaders today! ACS can do so much more for chiropractic with additional support!

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SB 1271 INTRODUCED WILL NARROW BOARD'S DISCIPLINARY POWERS

Senator Carolyn Allen, Chairwoman of the Senate Health Committee, has introduced SB 1271 Chiropractic Board; Disciplinary Action. This bill will restore the "of ethics" language so that the Board will no longer be able to discipline your license for failing to practice in accord with "recognized standards in chiropractic." Most DCs believe that there are no generally agreed upon recognized clinical standards in chiropractic such as the Mercy Guidelines.

The Board has defined "recognized standards" very broadly to include clinical standards. The Board has thereby interjected itself into all facets of chiropractic clinical practice and meted out frequent and aggressive discipline. By restoring the "of ethics" language, the change in the law will narrow the Board's powers to only discipline your license if you practice contrary to "recognized standards of ethics in chiropractic." This is the way the law was prior to 1995. Pandora's Box was opened and the rest is history.

Finally, with the passage of SB 1271, the tide will turn. Board Chair Dr. Dianne Haydon directly told Senator Allen in December, 2007 that the Board was agreeable to this change. Therefore, the law should pass this year. This is the culmination of a lobbying effort by ACS that has taken place every year since the law was adversely changed in 1995. Please express your gratitude to Senator Allen in an email to callen@azleg.gov. Be sure to briefly tell her your personal Board horror story if you have one.

On December 19, 2007, Senator Allen held a meeting between ACS President Dr. Immerman and Chiropractic Board Chair Dr. Haydon and Executive Director Patrice Pritzl. The

1½ hour meeting was also attended by Senate staff and Patrick Shanahan, State Ombudsman.

The first issue discussed was why there were no other Chiropractors present. Dr. Immerman read an email from an ACS member stating he was afraid to come due to possible reprisals from the Board. Dr. Haydon derisively laughed this off but Sen. Allen took it quite seriously. It was noted that a number of DCs refused to come for the same reason.

Then record keeping was discussed. Dr. Immerman showed the Senator the NCMIC note and explained that there are almost no DCs in this state who would escape discipline if the Board examined their daily progress notes including the DC who wrote the note for NCMIC. Dr. Haydon claimed the Board only goes after doctors whose notes are outrageously deficient such as missing any exam at all. Dr. Immerman pointed out that doctors get disciplined by writing there is pain on palpation but not saying exactly where. No one keeps every detail perfectly in the eyes of this Board, concluded Dr. Immerman.

Dr. Haydon claimed that the Board must fix your record keeping to protect your standing with Medicare due to the OIG report. Dr. Immerman stated that the Board has no business involving itself in the medical necessity documentation business since the Board's mission is to protect the public's health, welfare and safety. If a service is not medically necessary, then the public's health, welfare or safety is not automatically jeopardized. Dr. Immerman argued that the Board must stop acting like an insurance company or Medicare in assuring that you document for medical necessity.

If you don't get paid by an insurer

because you didn't appropriately document, that is your problem, not the Board's. ACS is concerned with your ability to document for medical necessity and getting paid and so advises you to take classes to learn these skills. But ACS does NOT believe the Board should be involved and discipline your license when you fall short in this area.

Dr. Immerman left Sen. Allen with the full 80 page Ombudsman's office complaint filed in 2006 which you can read on the ACS webpage at www.AZ-Chiropractors.org. It is an incredibly detailed document which you should carefully peruse.

Patrice Pritzl stated that the Board has had far fewer complaints from insurance companies in 2007 than prior years. She described her meeting with State Farm and the Department of Insurance where she pled with them to stop flooding the Board with complaints and try to resolve issues on their end first. Apparently, her plea was heard. Dr. Seitz' comment that 80% of Board complaints were probably filed by insurers must have been relevant prior to this meeting. Now, the numbers are lower.

Dr. Haydon stated that the Board had no choice but to discipline doctors since the 2001 Auditor General's report which found that the Board was letting too many DCs go without discipline when a law had been violated. The Board has had no option but to discipline, stated Dr. Haydon. The Board's hands have been tied, she claimed. Dr. Immerman pointed out that for minor violations the Board could simply have issued a non-disciplinary Advisory Letter and completely satisfied the Auditor General's requirements. Dr. Haydon did not respond. The Board had supplied misleading information once again.

Senator Allen is seriously considering ordering a formal audit of the Board by the state Auditor General's office. The Board is audited every ten years but any legislator can order an audit prior to the next one which is scheduled in 2011. ACS is hopeful that an audit will be ordered so that this Board's completely inappropriate conduct can be thoroughly brought to light.

State Rep. Mark Anderson has announced his run for the U.S. House of Representatives, and ACS has announced its endorsement of Rep. Anderson in the Republican primary. Rep. Anderson has signed on as a prime sponsor of SB1152 Chiropractors; copayments and deductibles this legislative session.

This is Mark's 14th year in the state Legislature. He

has been a tireless advocate for Chiropractic and has been named ACS Legislator of the Year many times.

You will recall from a few months' ago that Mark announced he would break with the Republicans in the House and refuse to support Mandate Lite unless it did not include chiropractic. Mark has been true to his word. This bill, if passed, would devastate chiropractic coverage in individual health insurance, thereby dealing a serious

blow to chiropractic patients and doctors. Mark's action has a potent effect of protecting chiropractic.

Mark Anderson is an all-around fine human being in addition to being a great friend of our profession. He is well worth our support. We will remind you

to vote for him and ask your patients to vote for him at the time of the primary. We could have a real friend in Wash-

ington, D.C.!

Join ACS and send Mark an email congratulating him on his announcement for the new Congressional race and thanking him for his years of dedication to freedom of choice for chiropractic care. He has fought for your right to exist since before many of you even started chiropractic school. His email address is markanderson5@cox.net. We are truly blessed to have a friend like Mark Anderson

ACS ENDORSES REP. MARK ANDERSON FOR US CONGRESS DISTRICT 5

NEW ERISA SELF-FUNDED PLAN SOLUTIONS ADDED TO ACS MEMBER BENEFITS

ACS has added two new documents to its list of member benefits. The first is modern and complete instructions from the Arizona Department of Insurance (ADOI) on what to do when an ERISA self-funded health plan denies a claim. The second is a key rule for ERISA that explains how to force the health plan to tell you exactly what to say in an appeal to get payment. This rule is the key rule that you must have to know how to appeal a claims denial by an ERISA plan. We have it ready for you once you join.

Other documents and forms deal with a wide variety of third party payer and Chiropractic Board regulatory issues including timely payment of claims, medical necessity denials, IME report rebuttals, and personalized advice to help members on many issues. ACS President and Executive Director Dr. Immerman has been licensed in

Arizona since 1980 and works full-time helping members. For a full list of current member benefits, go to www.AZ-Chiropractors.org and click on Member Benefits. Join today and get the help you need.

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TOP 10 REASONS TO JOIN THE ARIZONA CHIROPRACTIC SOCIETY

DIANE HARRIS

ACS Administrative Assistant

1. Arizona Chiropractic Society (ACS) is your trade union. Its staff is dedicated to the advancement of chiropractic. Board Members of ACS are Drs. Gregg Friedman, Heide Hartmann-Taylor, Kelly Buth, Michael Cornier, David Brotman, Shawn Miglore, Michael Giacoppo and Alan Immerman.

2. ACS believes in insurance equality and has passed 4 insurance equality laws.

3. This legislative session ACS is working on passing laws that will require insurers to charge the same copayment and deductible for DC physicians as they do for primary care MD and DO physicians.

4. Practicality - ACS is an organization that responds to your actual needs. ACS is in constant contact with its members via email, monthly newsletters, fax and phone.

5. We even have a graduated dues structure.

6. ACS has continued its effort to reign in the Arizona State Board of Chiropractic Examiners.

7. We are at every board meeting or teleconference and impart this information to you.

8. Treasures - vital documents that every office needs to run properly such as record keeping, medical records protocol, grievance letters, health care appeals, ERISA self-funded plan tools, just to name a few.

9. Individual consultation for members on a wide range of topics such as insurance collection, preparation for trial testimony, rebuttal and IME reporting, referrals to attorneys and much more.

10. ACS is vital to your practice. ACS is the organization that is fighting for you at the State Legislature, at the Arizona State Board of Chiropractic Examiners, as well as listening to you as to how your practice needs can be served. Please join today! Everybody is doing it! You will find an application form at www.AZChiropractors.org. Simply fill it out and send it in.

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BY AND ABOUT A NOW UNLICENSED CHIROPRACTOR

The Personal Opinion of Arizona Veteran Chiropractor Leonard Rudnick, D.C.

After about thirty two years of successful practice, I am no longer a licensed Chiropractor. How did this happen? I was never arrested. In more than 52 years of driving, I've had one accident and one ticket. I never hurt a patient or had even a threat of a malpractice suit. I was vice-president of our state Chiropractic Association and served on its legislative committee (requiring driving from Tucson to Phoenix twice a week for a year)

I have a letter from an MD thanking me for the hundreds of patients I referred to him. He also mentioned that, using my credit card, I paid for treatments for about 25% of those individuals. I did this because they were "Medical Failures": (Chiropractic failures as well) and according to their doctors, would certainly die without some intervention.

Through a convoluted series of events, I became somewhat of an expert in the clinical application of Low Intensity Laser Therapy (LILT). In fact, at the fourth annual international convention on LILT in Toronto, Canada

(April 21-23, 2006), my introduction was ".....the doctor who has treated more patients, hands on, than any other in North America, possibly the world".

I have been honest with colleagues, patients and others I have dealt with. I hold myself to very high standards. At one time I applied to become a member of the Board of Chiropractic Examiners. I was told by the Governor's Aide that no Board applicant had ever received as much support from both the Chiropractic associations as I had.

But perhaps I wasn't as good as I should have been about what is best described as clerical issues. Perhaps I shouldn't have told Charles Brown (Chiropractic Board Deputy Director) what I really thought of him. It could be that I was never impressed with any of our current Board members and administrators and didn't hide it.

Do you think it could be about expressing my belief that Charles Brown and a member of the Board were not completely truthful? No, I've done too many good things for something like this to be the reason. Clearly it was time

for more introspection and analysis of the situation.

Please consider carefully what I am going to describe. This represents my opinion, based on research and personal experience. I understand that others have had similar experiences and opinions, but I speak only for myself.

There was an organization that had decided to make up its own rules and/or interpret laws and regulations in ways that few others could imagine, certainly not those who wrote them.

Members prosecute/persecute aggressively. That is, unless you are liked by the administrators and members. Interestingly, members can break laws and not be prosecuted. This happens in spite of the fact that there is a member of the judiciary who should not allow anyone to break the law. However, that representative is a member of this organization and ignores the violations. After all, aggressive prosecution is bound to cause the other members to have enemies who will try to make them look bad.

Continued

Unlicensed Chiropractor – Continued

Members of this group mentally, psychologically and economically ruin lives. When people complain, the organization increases and intensifies its attacks and aggression.

No other administrative group wants to get involved. The judicial branch of the government could help, but their representative is in this group. The legislative branch of the government has done nothing because, after all, it created this organization.

Have you figured out the name of this group as described above? Let me help you. I have described the NAZI Party, Berlin, Germany c.1936. Were you thinking I described the Arizona Board of Chiropractic Board of Examiners, c.2006?

Certainly the Chiropractic Board hasn't murdered anyone. Then again, they have killed spirits and businesses. Their reasons were no more appropriate than persecuting/prosecuting based on religion, nationality or political beliefs.

I never did find "record keeping" in the Chiropractic Law. Nor did I or most others in the Board's sights do anything that jeopardized the wellbeing of the citizens of Arizona. My "crimes", according to this Board were:

1. An error in AD placement by the Yellow Pages. I explained that I missed it because, at the time, my wife was fighting a blood borne E-coli infection. Had I seen the copy, I would probably have not missed the error.

2. I misread Charles Brown's request for two years of continuing education documentation. I sent the past year's immediately. I kept getting notices that I was in violation of the Board Subpoena. I kept refaxing and they kept sending the same response. I finally realized they wanted the documentation from 2 previous years. I didn't have it because I had sent it to them. I called Parker College and had a copy faxed to me within two hours. It was immediately faxed to the Board.

3. I did not have the word D.C. or Chiropractor on my letterhead or fax cover sheet. GUILTY! However, with all the previous communication I had with the Board, they never told me about this oversight. I'm a citizen of the State of Arizona. Don't I deserve protection by the Board? It would have been so easy to point it out so I could correct it. Unless, of course, they were going to go after me. 4. I allegedly had misleading information on my web site about Photo-dynamic Therapy (PDT). This is an FDA

approved treatment for cancer, having a 79% total kill of cancer cells with one 15 minute treatment. It was endorsed by Robert De Lap, MD, chief of Oncology for the FDA and approved in 1998. It involves giving a photo reactive drug intravenously and then using Red Low Intensity Laser Light. During the 9 years I taught about this, no one EVER came to my office expecting that I did this procedure. I put it in my web site to educate people about an FDA approved procedure that could possibly save a life. No one in the world who read about PDT and contacted me was misled. Only this Chiropractic Board! Even so, how was this a danger to the citizens of the State of Arizona? According to my attorney, the Board was upset because I gave people "false hope". The fact that the LILT I use has a 90% success rate even with "end of the line patients" is not sufficient reason to tell people that, even though it is, "based on my 12 years of experience with LILT and that of the Meditech Clinic in Toronto, Canada (their clinic treating more than 200,000 patients with the same percentages)".

I am sure members of the Board will take exception with my comparison with the NAZI Party. I am equally sure that relatives and friends will confirm how wonderful each member is. Of course, the same was true of friends and relatives of members of the NAZI Party who felt exactly the same way.

To break the law and condemn others for doing what you did yourself is inexcusable. It is at least as bad as anything I had done. I never collected \$800,000 payment from a single patient as did a previous Board member. I never disposed of patient records in my garbage can, to be sent to a landfill as is alleged of two sitting Board members. This is obviously a violation of HIPAA act (pertinent personal information was available for those who want to "steal identities" of others). I never stood in front of a meeting of National Convention of State Chiropractic Boards and lied to its participants.

One professional member of the Board (actually more than one) represented Insurance Companies in litigation. I believe the term is, "Insurance Whore". Remarkably, whenever a Chiropractic Physician appeared in court or in arbitration and did better than the Board Member, an anonymous complaint was filed against the Chiropractic Physician. Unfortunately for the Board Member, one of those complaints was sent via the fax machine of their spouse thus identify-

ing the source.

How can anything that I have done possibly compare with the terrible things done by professional and administrative members of the Chiropractic Board? The more one looks, the more evidence one finds. The more one finds, the more the correlation to the NAZI Party becomes stronger. Then again, I express this as my opinion. To the best of my recollection, the right to express my opinion is still guaranteed by the First Amendment of the United States Constitution.

Whatever, the Board does not define me. The things mentioned above are only a small fraction of the wonderful things I have accomplished. I have always said a person should best be judged not by their friends, but rather by their enemies (or those who don't like them). I consider it an honor to be disliked and disrespected by the State of Arizona Board of Chiropractic Examiners.

I am saddened that this Chiropractic Board holds itself to significantly lower standards than it holds most other licensed Doctors of Chiropractic.

Arizona Chiropractic Society Application for Membership

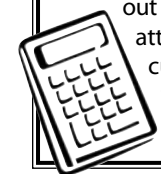
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