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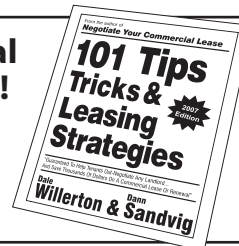
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# ARIZONA CHIROPRACTIC SOCIETY

## OCTOBER 2007 NEWS

Statewide Non-Profit Chiropractic Association

Alan M. Immerman, D.C., President and Executive Director



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Alan M. Immerman, D.C.

## BOARD CHAIRPERSON HAYDON CRITICIZES “PROPAGANDA”

In the Fall 2007 Chiropractic Board Newsletter, Board Chair Dianne Haydon, DC, criticized those who “fear regulation of chiropractic physicians,” and who “distribute propaganda with little more than half truths, misrepresented facts and personal opinion that seek to create an atmosphere of distrust regarding the activities of the AZBOCE.” It is clear that this criticism was aimed at ACS publications.

The timing was particularly interesting in that the Board’s newsletter was published shortly after Judge Miller of Pima County Superior Court ruled against the Board. Judge Miller is not ACS. Judge Miller is a neutral party. He fully agreed with ACS that the Board is inconsistent in the way it handles cases, and that the punishment often bears little or no relationship to the offense charged. Judge Miller reversed almost all of the discipline the Board imposed on Paul Pratt, D.C. This was a complete repudiation of the Board and, thus, of

Chair Haydon.

Judge Miller, therefore, has in essence rendered a judgment regarding whether the Board or ACS is presenting the truth. He decided in favor of ACS and Dr. Pratt. Therefore, one may safely conclude that it is the Board that is distributing propaganda, half truths, misrepresented facts and personal opinion. The atmosphere of distrust regarding activities of the Board has been created by the actual actions of the Board itself, not by those reporting those actions such as ACS. You may read details about this court case at [AZChiropractors.org/arizona-board.html](http://AZChiropractors.org/arizona-board.html), together with key documents. In addition, you should read ALL of the posted documents on the ACS webpage regarding the Board. The extensive documentation is there to show that the Board is not acting properly and deserves all of the criticism it receives from ACS. Dr. Haydon did not supply any documentation or facts to rebut ACS.

## SPECIAL THANKS TO MEMBERS OF THE ACS PRESIDENT’S CLUB

Many thanks to our visionary members who contribute \$200 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 Zweedon, William Zeiler, Charles McDonald, Leo Rayburn, Trevor Penny, Michael Cormier, Jeff Glaus, Shaun and Nikki Miglore, E. J. Strandlund, Randall Widmaier, Gregg Friedman, Angelo Pisano and an anonymous DC. Please join these leaders today! ACS can do so much more for chiropractic with additional support!

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## TYPICAL PROFESSIONAL LIFE FOR A CHIROPRACTOR WITH THE PRESENT BOARD OF EXAMINERS

Chiropractors in Arizona live in perpetual fear of the Board. No wonder since, as Judge Miller stated, the Board is inconsistent in the way it handles cases, and that the punishment often bears little or no relationship to the offense charged. Moreover, in Dr. Pratt's case the Judge threw out almost all of the punishment as too severe. Judge Miller only confirmed what ACS has been reporting for the past two years, thoroughly documented at [www.AZChiropractors.org](http://www.AZChiropractors.org).

A typical scenario begins with a PI patient not satisfied with the amount of money he or she received in the final settlement. The patient then files a frivolous fee complaint against the doctor. When the complaint is received, the Board issues a subpoena for the complete file including all records, x-rays, billing and financial records, etc. This is true even though the Board has no legal authority to

discipline your license over a fee matter, and all of the other healthcare regulatory boards in Arizona routinely dismiss these cases without sending a subpoena for the entire file. ACS calls these "fishing expedition" subpoenas.

When the patient's complete file is received by the Board, it is subject to a very comprehensive examination. Some of the elements are described on the Board's webpage. The Board will determine if your recordkeeping is proper, whether you practice in accord with undefined and unwritten "recognized standards," whether your clinical decision making is appropriate, whether you referred the patient when you should have, whether you should not have ordered the extra tests you ordered, etc., etc. All of this because of a fee complaint over which the Board has no authority. By the time the Board is done fully examining all details of the file, they usually

find a problem.

Before the advent of the 2006 ACS campaign to reform the Board, such problems inevitably led to the following on your permanent record on the internet for all to see: "Unprofessional or dishonorable conduct with a character likely to deceive or defraud the public." All healthcare plans would have terminated your membership with the subsequent loss of scores of new patients from your practice. Now, the Board appears to have remembered that its true mission is to protect the health, welfare and safety of the public, and that it should be extremely selective before it destroys a doctor's career. The AAC has sided with the Board throughout this entire battle, having originally asked the Governor to appoint Drs. Haydon and Baker to the Board, and still supporting their continued presence on the Board.

## KEEPING THEM HONEST – ACS EXAMINES AAC

CNN has a regular program called "Keeping Them Honest." This program takes a look at a wide variety of advertisements, claims, position papers, and the like, and examines them to see if they are true. CNN subjects them to a "truth test."

From time-to-time, ACS will do the same for the chiropractic profession in regard to the Arizona Association of Chiropractic (AAC) and its statements and claims.

The AAC has repeatedly sent out publications saying it "spearheaded" the passage of HB 2115 Professions; Disciplinary Action; Continuing Education, the 2007 law which gives the Board the option to order you to

take CE courses rather than disciplining your license. ACS has repeatedly said that this bill was the product of a joint lobbying effort by ACS and AAC. The latter is the truth. Both organizations knew there was a serious problem with the Board that needed addressing, and that the Medical Board had adopted the same solution the year before. It did not take a rocket scientist to figure out that chiropractic should do the same in 2007. There was no opposition at the Legislature. Therefore, for AAC to beat its chest over passage of this bill is silly since no one opposed it and the vast majority of legislators agreed it was the right course of action. ACS

was at every planning meeting with AAC, and testified at every hearing. In addition, ACS heavily lobbied legislators, just as did AAC. In fact, ACS has a copy of a letter sent by the AAC lobbyist to the AAC executive director reporting on the meeting to finalize details of the bill which mentioned ACS' involvement. If you would like to see a copy, send an email to [ACS@AZChiropractors.org](mailto:ACS@AZChiropractors.org). Conclusion: The AAC presented a distorted version of the truth to make it appear as if only the AAC was involved in passing HB 2115. This was not honest.

In regard to the copay/deductible bill, the AAC often mentions this legislation in its publications but never discusses the fact that it was an ACS bill. ACS came up with the idea on its own, went to Senators Gray and Rios and asked them to introduce the bill, and led the lobbying effort. Without ACS, there would be no effort to legislatively lower copays and deductibles from specialist to PCP levels. One certainly does not get this impression from AAC publications. This is another obvious departure from the truth.

## ACS IS AN ACA, ICA AND WCA ALIGNED ORGANIZATION, AAC IS ACA ALIGNED ONLY

Inquiring doctors often ask what the differences are between ACS and AAC. One is that ACS is ACA, ICA and WCA oriented, whereas AAC is ACA oriented. Consider the following evidence.

The Arizona ACA delegate is a member of AAC, not ACS. The only ACA Governor residing in Arizona is a member of AAC, not ACS. A member of the Federation of State Chiropractic Licensing Boards is a member of the AAC, not ACS. A member of the CCGPP committee is a member of the AAC, not ACS. The Arizona ICA representative, Karen R. Jacobson, DC, FICA, is not only an ACS member but also a Board member.

In the 2007 legislative session, unbeknownst to the profession and even its own membership, the AAC signed onto an AHCCCS bill that defined chiropractic as a treatment

only for neck and back pain. Current Arizona scope of practice law says chiropractic is for neuromusculoskeletal conditions and subluxations. The AAC was willing to give up subluxations in the AHCCCS bill in order to get a few votes. ACS was not. All of this is available in the form of written bill language to anyone who submits an email request to [ACS@AZChiropractors.org](mailto:ACS@AZChiropractors.org).

ACS is serious about its "Live and Let Live" philosophy. ACS holds that there is room in chiropractic for those who wish to practice pure orthopedics with full physiotherapy and rehabilitation, and those who wish to practice pure subluxation-based chiropractic as taught by the Palmers. If you exclusively focus on orthopedics and pain management and not on wellness, subluxation correction, and healthy lifestyle coaching, then you have choices for associations in Arizona. However, if you want to do any of the latter, ACS is the only organization that will truly represent and serve you. We have been doing this consistently since 1991.

## MEMBER BENEFITS THAT EVERY ARIZONA OFFICE NEEDS TO OPERATE PROPERLY

ACS has many member benefits including a multitude of documents and forms to 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 has been licensed in Arizona since 1980

and works full-time helping members. If you are interested in joining, we invite you to call and get the names of a few of our members – call them and see if they think it is worthwhile being a member of ACS. We predict you will join immediately. For a full list of current member benefits, go to [www.AZChiropractors.org](http://www.AZChiropractors.org) and click on Member Benefits.

## REP. MARK ANDERSON AGREES TO LEAD HOUSE REPUBLICAN EFFORT TO REMOVE CHIROPRACTORS FROM MANDATE LITE

Last legislative session, Mandate Lite almost passed the legislature. This bill was a "Majority Program" bill in the House, meaning that ALL Republicans signed onto it. Now, thanks to the ACS' lobbying effort, a leading Republican, Rep. Mark Anderson will not vote for Mandate Lite if it includes chiropractic. In addition, he will ask other like-minded Republicans to join him. This is a great victory for ACS brought to you by your lobbyists Dr. Alan Immerman and former state representative Debra Brimhall Pearson.

## ARIZONA CHIROPRACTIC BOARD PROPOSES FINAL NEW RULES

The AZ Chiro Board on 8/10/07 published its new proposed rules in the Arizona Revised Register. You will find the new proposed rules on the ACS website at [AZChiropractors.org/arizona-board.html](http://AZChiropractors.org/arizona-board.html) for your review. Be sure to review these rules with the finest of all fine tooth combs. These are the rules which, if adopted, you will be required to adhere to in your practice. If you deviate, your license can be revoked.

The next step in the process is the Governor's Regulatory Review Council (GRRC). GRRC will hold a public hearing to determine whether the proposed rules should be adopted. GRRC has the final say. GRRC will not allow the state to adopt inappropriate new rules.

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