

Chiropractic Unity Betrayed?

WAS THERE AN AGREEMENT BETWEEN ACA, ACC, ICA AND WCA?

Editorial Staff

If So, Why Did the ICA and WCA Violate the Agreement?

On January 23, 2002, President Bush signed into law the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001. The bill opened the door for doctors of chiropractic to serve and be fully integrated into the Department of Veterans Affairs (DVA) health system.¹ At that time, the event was heralded as an effort in unity between the American Chiropractic Association (ACA), the Association of Chiropractic Colleges (ACC), the International Chiropractors Association (ICA), and the World Chiropractic Alliance (WCA).

Now, less than two months later, that unified effort has fallen apart. The issue at stake is an agreement between all four organizations (ACA, ACC, ICA, WCA) to continue their unified stance in the nomination of candidates for the Chiropractic Advisory Committee that will "provide direct assistance and advice to the Secretary (of Veterans Affairs) in the development and implementation of the chiropractic health program."

All four chiropractic organizations signed the following agreement referring to "language for VA legislation":

"As per the staff discussions this memo is to confirm that the aforementioned organizations are in agreement regarding language for VA legislation as distributed. Please sign this memo and fax back to me at (301) 913-9146.

"Also in addition to the language as distributed, the aforementioned organizations will write a letter to the Secretary of the Department of Veterans Affairs at the appropriate time supporting the addition of a second ACC member to the Oversight Advisory Committee. Dr. Carl Cleveland will be nominated.

"If you are in agreement to this understanding, please have the appropriate person from each organization with authority sign and return this memo." (*Emphasis added.*)

The proposed "language" agreed upon by the four organizations included the following section that deals specifically with the appointment of the members of the National Defense Authorization Act (Department of Defense) Oversight Advisory Committee as the Chiropractic Oversight Advisory Committee for the DVA. This would have allowed the same five doctors of chiropractic (DCs George Goodman, Reed Phillips, Rick McMichael, Richard Beecham, Ronald Evans, and Peter Ferguson) who served on the DoD Oversight Committee to serve on the DVA Advisory Committee:^{2,3}

(c) ESTABLISHMENT OF CHIROPRACTIC OVERSIGHT ADVISORY COMMITTEE -

(1) *Establishment.* -

Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall reconstitute the Oversight Advisory

Committee (hereinafter referred to as 'the Committee') established under section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337) and its membership, and appoint additional members to such Committee as outlined below, to assist and advise the Secretary with regard to the development and implementation of the plan required under subsection (a) of this Section. (*Emphasis added.*)

(2) *Additional Membership* - The Committee shall include the following additional members: blockquote>(A) the Under Secretary for Health Affairs at the Department of Veterans Affairs, or his or her designee; and

(B) representatives from the National veterans service organizations.

As it turned out, the language drafted and agreed upon by the four organizations was not ultimately used in the legislation that was passed into law. In its place, the following language (specific to the issue of the Chiropractic Advisory Committee) was passed:

"(g) CHIROPRACTIC ADVISORY COMMITTEE

(1) The Secretary shall establish an advisory committee to provide direct assistance and advice to the Secretary in the development and implementation of the chiropractic health program.

(2) The membership of the advisory committee shall include members of the chiropractic care profession and such other members as the Secretary considers appropriate."

The issue is this: Now that different language has been adopted, are the four organizations bound to support the five chiropractic members of the DoD Oversight Committee (plus Dr. Carl Cleveland) for the DVA Advisory Committee, or are they free of their commitment to unified action by the passage of different language than that recommended?

ACC Speaks First

After several rounds of communication between the organizations, the Association of Chiropractic Colleges (ACC) drafted a letter to the other three organizations outlining their frustrations. The letter, dated March 14, 2002, was signed by every college president present at the meeting⁴ and made the following statements:

"The Department of Veterans' Affairs legislation signed into law by the president of the United States earlier this year to provide chiropractic services to our nation's veterans was a watershed moment for chiropractic patients and the chiropractic profession. This resulted from the united efforts of the ACC, the ACA, the ICA and the WCA. We are disappointed that efforts to secure the Advisory Committee members, as outlined in the original agreement among the four organizations, have not remained united.

"At the meeting of the Association of Chiropractic Colleges Board in New Orleans, the ACC presidents present unanimously voted to adhere to the original agreement. We therefore submitted a letter to Secretary Principi and to the White House seeking appointments as outlined in the Memorandum of Agreement of August 28, 2001.

"The ACC presidents firmly believe that a prudent agreement was reached last August and that we are bound by that pledge. It is our conviction that this group of nominees will continue to accomplish objectives benefiting the entire profession when working in the highly political environment of the Department of Veterans' Affairs. A marked change in membership holds the potential to place the entire project at risk.

"We intend to achieve our legislative goals and work toward a reconciliation of our relationship. The Veterans' Affairs legislative victory, achieved in the face of unrelenting opposition and open hostility, is too important and the benefits to our profession and patients too great to allow this issue to break our resolve to work together."

ACA Even More Vigorous

On March 19, the ACA issued its own letter addressed to the ICA and WCA.⁵ The ACA makes it clear that it not only believed that there was an agreement between the four organizations, but that it believed the ICA and WCA violated that agreement:

"As you know, during negotiations that took place last year over the proposed content of legislative language to mandate the inclusion of chiropractic care within the Department of Veterans Affairs (DVA) health care system, the ACA, ACC, ICA and WCA jointly agreed to support the appointment of the chiropractic members of the DoD Chiropractic Oversight Advisory Committee, with the addition of Dr. Carl Cleveland III, to serve on a similar advisory committee regarding the DVA health care system.

"Regrettably, now that the enabling legislation has been signed into law and the DVA has initiated the process to establish the required advisory committee, your organizations have chosen to break the agreement and refuse to support the appointment of the chiropractic members of the DoD Oversight Advisory Committee, who have six years of valuable experience in a very similar situation, plus Dr. Cleveland, to the newly mandated DVA Advisory Committee.

"Your decision to break this important agreement constitutes a flagrant breach of faith and trust that in no way can be justified. It is an egregious and irresponsible action that is wholly unworthy of organizations that purport to represent the best interests of the chiropractic profession. (*Emphasis theirs.*)

"Further, your lack of support at this critical juncture simply plays into the hands of those parties that wish to further exploit and contain the influence of the chiropractic profession. It is no great secret that for years the opponents of our profession have capitalized on the so-called lack of unity within the chiropractic profession as both an excuse and tactic to retard the profession's growth and opportunities. This was and remains a calculated strategy on their part. Unfortunately, your organizations are now serving those forces - including a hostile DVA bureaucracy - which would prefer, above all, to see the profession represented on the DVA Advisory Committee in a fractured and divided way. (*Emphasis theirs.*)

"When faced with a congressional mandate to implement the chiropractic benefit two years ago, the obstructionist bureaucracy in the Veterans Administration allowed the National Association of Chiropractic Medicine (NACM) to participate. The VA knew full well that this fringe group and others would disrupt any constructive work in developing the chiropractic provision. This same bureaucracy is still at work in the VA

and, if we are not united, the VA will be given another opportunity to harm proper implementation of the chiropractic benefit. (*Emphasis theirs.*)

ICA Responds

The ACA's letter was responded to by the ICA and the WCA. The following comments were included in the ICA's response⁶:

"That being as it may, please note that the International Chiropractors Association did, indeed, agree to support legislative language that would, if passed, have reconstituted the Department of Defense (DOD) Chiropractic Advisory Committee, with the addition of Dr. Carl S. Cleveland, III to that body. If that language had been adopted by Congress, ICA would have abided by our agreement without hesitation or reservation and this communication would be completely unnecessary. I must emphasize that ICA's agreement was to support legislative language that would have reconstituted the DOD Committee. THAT PROPOSAL WAS REJECTED OUT-OF-HAND BY CONGRESS AS INAPPROPRIATE, AND UPON THIS DECISIVE CONGRESSIONAL REBUFF, ICA CONSIDERED AND CONTINUES TO CONSIDER ANY PREVIOUS AGREEMENT REGARDING THIS ADVISORY COMMITTEE PROPOSAL TO BE TERMINATED. (*Capitalization theirs.*)

"To characterize ICA's position as a 'flagrant breach of faith and trust' is a hysterical, self-serving reaction to the resounding rejection of a line of policy that our organizations did agree to support. ICA believes that the intent and will of Congress, as reflected in the language that was passed, to configure a new advisory committee, also extended to personnel. That Congress has rejected the DOD Committee initiative, without even serious discussion we are told because of the obvious negative elements, should be easy enough to understand, and the pursuit of this already rejected approach can do nothing but embarrass the chiropractic profession in the eyes of policymakers, including members of Congress, whose respect and goodwill chiropractic urgently needs.

"ICA also wishes to address the implication made in your letter that somehow the submission of names other than those who comprised the DOD Committee will provide greater opportunity for representatives of the National Association of Chiropractic Medicine (NACM) to participate in the officially appointed committee. Please be advised that ICA has learned that input from the NACM was solicited weeks ago by the Department of Veterans Affairs, at the behest of senior program managers, and that their nominees have already received and completed White House personnel office forms. That any activity on the part of ICA, ACA, ACC or WCA could have prevented this from happening is self-deceptive and wishful thinking because it is our view that the agency itself is possibly seeking their participation in a stooge capacity to echo their anti-chiropractic orientation. Also, please do not think that ICA, ACA, ACC and WCA are the only organizations or interests submitting names for this advisory committee. We are aware that dozens, perhaps hundreds of individual doctors of chiropractic across the nation have asked their members of Congress to put their names forward for consideration for these positions."

WCA Responds

The WCA's letter echoed some of the same sentiments and included these comments:⁷

"First, the agreement, which took place last year, has not been violated. The draft legislation agreed upon by the ACA, ACC, ICA, and WCA was substantially modified by Congress. During last year's negotiations, WCA expressed grave concern with the proposed 'reconstitution' of the DoD advisory committee. We agreed that IF the Congress reconstituted the DoD advisory committee, we wanted representation. Furthermore, we agreed to support the nomination of Carl Cleveland III. WCA NEVER agreed to refrain from submitting other nominees.

"Congress chose not to reconstitute the DoD advisory committee. Instead, in it's wisdom, the Senate and House of Representatives provided for an open process to select members of the VA advisory committee.

"For the record, WCA stands ready to write a letter in support of the nomination of Dr. Cleveland per the agreement. Furthermore, as explained in our e-mail to ACA and ACC officials dated March 11, 2002, WCA supports equitable representation and unified action:

"We recommend that a joint list of recommended candidates be submitted by the ACA, ACC, ICA, and WCA. The list would include the six candidates proposed by the ACA/ACC, as well as the candidates proposed by the ICA and WCA.

"Your allegations that we have broken our agreement are insulting and without merit. Our commitment to the chiropractic profession and the patients they serve is steadfast. Despite your accusations, insults, and false premises, we still stand ready to proceed with unified action, providing for equitable representation before the VA.

"Please note that we are not opposing your slate of nominees. We simply want our nominees included as well. This is not a "slap in the face" to anyone.

"Your statement that a balanced presence will result in "fractured and divided representation" is a tacit admission that you do not want us there, and do not want our point of view represented. This is the antithesis of unified action!

"NACM and our adversaries will seek to disrupt chiropractic inclusion of the VA regardless of who else is appointed. There is no evidence that excluding ICA and WCA nominees will prevent this. To the contrary, we feel that the best way to minimize the impact of the NACM and other adversaries is to submit a comprehensive, balanced list of highly qualified nominees. The more qualified nominees we submit, the more likely we are to gain appointees."

Unity Lost?

All four chiropractic organizations agree that there was an agreement. The issue appears to center on what the agreement meant and how long it was good for.

Both the ICA and WCA have nominated their own slate of candidates for the DVA Advisory Committee and have no plans to withdraw those nominations. Neither organization has actively supported the five DoD Oversight Committee members, nor have they actively supported Dr. Carl Cleveland. When asked, the ICA and WCA stated that they don't believe they broke the agreement, and believe that a unified slate of chiropractic nominees would have little or no effect on the choices made for the Chiropractic Advisory Committee.

The final question comes down to the "next time" there is a legislative issue before Congress. Will the four groups be able to work together in the future?

References

1. "Chiropractic VA Bill Sent to President for Signature," *Dynamic Chiropractic* January 28, 2002. www.chiroweb.com/archives/20/03/17.html.
2. "Military Moves on Chiropractic Demonstration Project," *Dynamic Chiropractic* December 2, 1994. www.chiroweb.com/archives/12/25/04.html.
3. "DOD Wants YOU," *Dynamic Chiropractic* May 22, 1995. www.chiroweb.com/archives/13/11/03.html.
4. Life University College of Chiropractic and L'Université Du Québec À Trois-Rivières were not in attendance. A complete copy of the letter can be found at www.chiroweb.com/unity/accletter.
5. The ACA's letter is two pages long. A complete copy of the letter can be found at www.chiroweb.com/unity/acaletter.
6. The ICA's letter is three pages long. A complete copy of the letter can be found at www.chiroweb.com/unity/icaletter.
7. The WCA's letter is two-pages long. A complete copy of the letter can be found at www.chiroweb.com/unity/wcaletter.

APRIL 2002