

We Get Letters & E-Mail

Separating Fact from Fallacy: A Reply From Leader International

Dear Editor:

The August 10th issue of Dynamic Chiropractic ran a very factual story called "A Tale of Two Tables." Unfortunately, numerous calls, letters and face-to-face conversations with both doctors and fellow vendors, along with an intentionally misleading letter filled with half-truths, fabrications and misstatements submitted to you by Mr. Jeff Gibbens, owner of General Sign Design, has left many wondering what the truth is.

Let's deal with facts in lieu of rumors and unsubstantiated rhetoric as presented by Mr. Gibbens. (While I won't comment on his cheap shot about Dr. Eckard's former wife, I do hereby issue a public challenge to Jeff Gibbens to provide one credible document, one shred of evidence or even a written statement signed by Dr. Leander Eckard to attest to one item he wrote in his letter to the editor published in the September 21st issue of Dynamic Chiropractic.)

Fact or Fallacy:

1. Fallacy: Rumors abound (seemingly a misread of the August 10th story) that Leander Health Technologies (now known as Leader International Corporation) owes the IRS hundreds of thousands of dollars and is in financial trouble.

Fact: Dr. Leander J. Eckard has been served numerous liens by the IRS totaling to date nearly \$400,000 for the years 1990-1993. Taxes due for the years 1994 to date have not yet been assessed. Leader International Corporation was also served numerous levies and liens on monies owed by Dr. Eckard under the terms of a purchase agreement entered into on January 31, 1992. The company was urged by Dr. Eckard and his trustee not to pay the IRS. In turn, the company filed an interpleader action to determine who it should pay the monies owed under the contract. Since then, we have filed an amended complaint claiming breach of contract and now believe we owe nothing further to Dr. Eckard.

Fact: Leader International Corporation is in the best financial condition in its 17-year history, and we will be here to serve the chiropractic profession for years to come.

2. Fallacy: Claims were made that the Leader company and/or Mr. Flaherty have not paid Dr. Eckard the sums of money due under the terms of the purchase agreement entered into between Mr. Flaherty and Dr. Eckard. Also, Mr. Gibbens claims that Dr. Eckard has had to "fight for every dime he has received."

Fact: Until the I.R.S. levy was issued, Dr. Eckard had been paid every dime due him under the terms of our various agreements. What is true is that we are currently withholding all monies due Dr. Eckard due to the numerous actions by the IRS and our amended complaint claiming breach of contract. These monies are being deposited with our legal counsel to be held by the Superior Court. This will continue until such time as a determination has been reached by Federal Court Judge Franklin D. Burgess as to whom the monies owed under the contract should revert to -- our

company (Leader), the IRS or Dr. Eckard's trust. What Mr. Gibbens fails to point out is that when we purchased the company from Dr. Eckard, it was on the brink of financial collapse. The company's failure would have left numerous individuals unemployed and thousands of chiropractors holding equipment they could not receive parts for or have serviced.

Furthermore, if, as Mr. Gibbens claims, I "blatantly disregard agreements," the stock purchase agreement, page 5, section 16.0, Remedies for Breach, paragraph b., states as follows: "If the breaching party is the corporation or Flaherty and the breach is not cured within the ten (10) day period, then in addition to other remedies at law, the parties agree to take action to put Leander Eckard in operational control of the corporation." This has never happened.

Doesn't one wonder why Dr. Eckard has refused to answer any questions posed by Dynamic Chiropractic and why he has not seized the corporation as allowed in the terms as outlined above? Put yourself in my shoes. What would you do if you purchased a practice and the seller sent down the street and started to compete unfairly against you in contradiction to the terms of your purchase agreement?

Lastly, in all this we have overlooked the most important issue: the fact that Dr. Eckard is selling his "Eckard Advantage Table" as a new piece of equipment. What he fails to tell his fellow chiropractors and prospective purchasers is that his tables may have rejected, old, faulty or sample parts; that he has not registered his company as a medical device manufacturer as required by the Food and Drug Administration; and that Eckard Health Systems' products have not received clearance or proper registration under the FDA's 501(k) guidelines.

Leader International and I have given so much back to this profession: the thousands of hours raising millions of dollars for the profession during the Chiropractic Centennial as chair of the development committee: serving as the first-ever non-chiropractor on a state association's board of directors (California Chiropractic Association, 1995-96); serving as a facilitator to guide the development of the ACA's long range plan (1996-97); serving as the vendor representative on the board of directors of the Council on Chiropractic Guidelines and Practice Parameters (1997-present); but most importantly, between our corporate and personal donations, we have given back more than one million dollars to the chiropractic profession, chiropractic colleges, and national and state chiropractic associations.

You probably didn't read or hear about those things because we have chosen to give quietly and without expectation of anything in return. Those who have come to know Cathy and I know that we have served chiropractic with only well-intentioned generosity given straight from the heart. Unfortunately, the real loser in all of this is not Rick or Cathy Flaherty or our company; it is the chiropractic profession. The many volunteer hours and tens of thousands of dollars we would normally have to donate to chiropractic's advancement and causes is now being spent on lawyers fighting an individual who appears to have little regard for the doctors of chiropractic he is selling to.

As I was quoted before, I have no issue with fair competition between Dr. Eckard and our company. I would welcome it, without all this confusion about who the doctor is really buying from. But failure to use new parts, get his electrical components certified and file with the FDA while copying our tables is not only unfair competition; it puts innocent chiropractors and their patients in jeopardy.

Richard A. Flaherty
President/CEO
Leader International Corporation

A New Effort to "Contain and Eliminate" Chiropractic?

Dear Editor:

It's time for us to wake up. There is a clear pattern developing. We are at great risk as a profession.

I now have some guilt at being a participant on one of the original expert panels for Paul Shekelle's project at Rand. We were sucked in by the promises of respectability and respect.

The Rand report began the process of establishing us as "appropriate" for low back pain (of limited types). Now we see the FTC's action against Tedd Koren establishing the precedent that we are engaged in false advertising if we imply benefits of our care other than low back pain (of limited types). We thought that the AHCPR guidelines and the Manga report, etc. were wonderful. At last, our worth was being recognized.

But look at the subsequent events. First, the AMA et al. succeeded in essentially shutting down the AHCPR. They are no longer allowed to issue any further practice guidelines. The AMA issued its own guidelines suggesting that low back surgery is appropriate about 50% of the time (which curiously matches the approximate rate of surgery for cases presenting to specialty surgeons) in contrast to the AHCPR's guidelines of surgery in 1% of the cases.

PTs, orthopedists and family practitioners across the nation are learning "spinal manipulative therapy" in weekend seminars. PTs, on referral from MDs, are routinely being \$60 to \$90 per visit for back and neck pain ... while we struggle to get paid \$22.

Richard Deyo, MD has emerged as a prominent name in low back pain research and has been quoted as recognizing the emerging significance of SMT. But in the August issue of *Scientific American*, he authored an article on low back pain stating that in most cases, the appropriate treatment is nothing ... it will go away on its own.

Is a pattern emerging? Are we too blind to see it?

I understand that some of our profession have made stupid and extravagant claims. Some of us have frankly duped some innocent people in distress. But as a whole profession, we have not done that.

Pharmaceutical and surgical medicine have emerged as the third leading cause of death in this country. Professor David Eddy (Duke University Medical School) has published that fewer than 15% of medical procedures are substantiated by valid research ... partly because only 1% of the published peer-reviewed research is valid (his words, not mine).

There is a serious effort -- more dangerous than ever -- to contain and eliminate us.

Some may call me paranoid. But just because one is paranoid does not mean that someone is not out to get you!

*David L. Williamson, DC
Durham, North Carolina*

Wellness Care: A Student's Perspective

Dear Editor:

I want to applaud you for offering a forum in which differing viewpoints in chiropractic can be expressed. By understanding the different paradigms that exist within our profession, tolerance and understanding will come to fruition. I also want to applaud your newspaper for adding Dr. Guy Riekeman to your list of writers. His column is a refreshing addition to Dynamic Chiropractic.

There recently has been much discussion about wellness care and where chiropractic fits in to the wellness model. I would like to offer some insight into this important issue from a student's perspective. D.D. Palmer based this profession on certain biological principles and centered these principles around the vertebral subluxation. I could probably write a whole book about the initial roots of chiropractic, but the true essence of these biological principles can be summed up in one quintessential phrase: the human organism becomes more whole, spiritually, physically and mentally, when free of nerve interference.

If the initial tenants, principles and basis of chiropractic are changed, what we have is a new profession. That is not to say that they cannot or have not been researched, refined and developed, but the core concepts upon which chiropractic is founded must remain unchanged for us to call what we do chiropractic. If the whole profession thoroughly understood the basic founding tenants of the philosophy, science and art of chiropractic, there would not be so much fighting and bickering over what we do.

Besides solving our internal conflicts, a true understanding of chiropractic would easily lead us out of the back and neck pain realm and smack dab in front of the wellness revolution. Why?

It is a biological fact that the nervous system is our main controlling and coordinating system. Chiropractic is the sole profession dedicated to correcting a major interference to this system which we call vertebral subluxation. A person free of vertebral subluxation is more able to fully express life, health and well-being.

This places chiropractic as the #1 service in regards to the overall wellness of every man, woman and child on the planet. Sure there are many other negative factors that affect a person's wellness, but we have to focus on what this profession is centered upon -- vertebral subluxation. All of our time, money, education, research and other resources need to be directed toward the life-enhancing effects of living vertebral subluxation-free.

When this paradigm shift occurs in this great profession, only then will we "get out of the box" and be able to bring chiropractic, its true essence, to the world. The world is ready for what we have to offer: let's not let our opportunity fade in the wind. A world full of unsubluxated people experiencing a greater quality of life is a vision that all chiropractors can be proud of.

David Serio

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