

Confessions of an Accident Report Solicitor

R. Jay Wipf

Editor's note: In the April 22 issue we reported the tragic death of Dr. Wipf in a private plane crash. "Confessions of an Accident Report Solicitor" was at the time of his death scheduled for publication. Dr. Wipf was first published in "DC" in 1991 ("Chiropractic in Saudi Arabia"), and in Nov. 6, 1995 ("Associate Doctor -- Financial Realities: Win-Win or No Deal"). The May 22, 1992 issue also reported his part on an ACA/ICA joint panel before a congressional subcommittee on behalf of the bill to commission DCs in the military.

In 1994, I was approached by a company that assured me that the prompt solicitation of accident victims by phone, via accident reports, would sidetrack the many insurance adjusters who were actively calling accident victims immediately after their trauma and offering quick settlements of a few hundred dollars (which eliminated any possibility of further care under a letter of protection in the event that the victim had no insurance). With five clinics and 10 doctors to provide a steady flow of patients, I have learned over the last seven years that the only way to test a new marketing program was to actually do it. Fifty percent of all advertising works, but which 50 percent?

With this in mind, I flew to Dallas and observed the phone banks of this company. Their solicitors were polite and professional, inquiring from accident reports whether the victim was symptomatic and in need of a medical evaluation. If so, they would refer them to the member doctors in their area. This seemed quite professional and acceptable. I therefore signed a contract for all five clinics and initiated the program. All went well the first two months. New patients were coming in and services were going up. Everyone was apparently happy with the program. Then I began receiving telephone calls at my published white pages residential number. They were coming from concerned community individuals who were aware of my prominent public status as a high profile chiropractor in the community in the last seven years. Many comments revolved around a disappointment in my participation by calling accident victims shortly after their injury and intruding upon their privacy, especially in their homes in the evening. A well meaning attorney friend also warned me that upon discovery that the patient came in via telephone solicitation, the PI case would be "dead on arrival." With this in mind, I discontinued the program within the first four months and lost the last eight months of contractual benefits.

That was 1994. In 1995 the practice of accident solicitation in the community became more and more commonplace and competitive. Today, an accident victim is called by no less than four to six solicitation groups from two to three different states. The callers claim to be insurance representatives and direct the injured party to specific doctors in specific clinics for the purpose of medical evaluation to safeguard and/or determine their legal rights under the law. Having been "evaluated" at the clinic and then presented a bill, the victim is victimized again by either paying up or retaining an attorney, conveniently recommended by the clinic staff. In my opinion, this has greatly increased the number of lawsuits that ordinarily would not have found their way to either the doctor or lawyer if not solicited to begin with.

This continued competition has created a "feeding frenzy" among the various solicitation groups and escalated the level of confrontation and representation distortion to a point that a local TV channel aired a three part special investigative expose, "Ambulance Chasers." This special

discussed and illustrated the traumatized accident victims at local chiropractic clinics. There was relatively no mention of attorney involvement; the emphasis was on the participating chiropractic clinics.

I have been vocal against accident report solicitation since my termination of my own accident solicitation contract. I do not see this as hypocrisy. I am sure Alcoholics Anonymous was not founded by a teetotaler and continues to be best represented by those who had fallen from grace and made an attempt to rehabilitate themselves and others. This is my opportunity to contribute my experiences with accident solicitation and to identify it for what it is: an intrusion into the privacy of the confused and traumatized victim at a time when they are most vulnerable to proper decision making regarding their medical/legal status. This activity, in fact, denies the patient their right to informed consent, due to the personal nature and high pressure, and many times, fraudulent representation of this patient solicitation program.

The substance abuser blames others for his addiction and justifies his right to continue his aberrant activity, even when it decimates his family and community financially. Doctors who use accident reports label those who recognize and condemn the practice as hypocrites; they justify their right to continue treating solicited patients for dubious motivations, including exceedingly high profits. These doctors decimate their profession with the insurance companies, media, and community, all the while claiming and feeling righteous. Their high profit margins and high patient volumes have a narcotic-like effect of distancing reality from the actual damage they are causing their profession and community.

If you are aware of blatant abuse or outright fraud, it is your responsibility to contact your state board of chiropractic examiners or your state's attorney general's office so they can investigate allegations of wrong doing and take appropriate action against both doctors and/or report solicitors under the prevailing laws.

Chiropractors should be known and utilized within our communities based upon our good works and referrals; not the high pressure antics and fraudulent representation of telephone solicitors who are being paid on a per head basis in violation of state illegal remuneration laws to bring accident victims into those chiropractic clinics under dubious and pretentious circumstances.

What goes around will come around. Those high profit chiropractic clinics who utilize this strategy will surely move on, with their profits intact, while the majority of the chiropractic profession suffers the reputation of their activities.

This has been my experience with accident report solicitation in the Rio Grande Valley of Texas. Perhaps it is different elsewhere and has a more professional and wholesome outcome. I cannot say as my comments and recommendations are specific to my practice community.

It takes one to know one, and having experimented with this marketing strategy personally, I can tell you I've been there. I've tried it, and I've got the t-shirt. It isn't worth it, and the memories are not pleasant. "Let's stop it. Just say no."

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