

## Calif. Board Reverses Recognition of Medical Assoc.

### DOES CSIMS FIT THE DESCRIPTION OF A "RECOGNIZED CALIFORNIA CHIROPRACTIC ASSOCIATION"?

Editorial Staff

There are only three groups in California that can hold postgraduate seminars and qualify for chiropractic continuing education credits.

1. California educational institutions
2. CCE accredited chiropractic colleges
3. California chiropractic associations

While this criteria may seem limiting, it is the law in California.

In a letter dated August 22, 1995, Carlyle R. Brakensiek, executive vice president of the California Society of Industrial Medicine and Surgery (CSIMS) wrote a letter to Michael J. Martello, DC, chairman of the Continuing Education Committee for the California Board of Chiropractic Examiners. In that letter, attorney/lobbyist Brakensiek requested that CSIMS become a "recognized California chiropractic association" for the purpose of providing continuing education seminars.

Even though the CSIMS request was not received within the 10 day time limit for consideration by the California Licensing Board, Dr. Martello put their request before the Continuing Education Committee. This meant that there wasn't any type of public notice on this issue before the August 31 meeting. The continuing education committee recommended approval of CSIMS as a California chiropractic association for the purpose of license renewal seminars, and the California Licensing Board voted to accept the recommendation as part of the overall Continuing Education Committee report.

Hearing of the recognition of CSIMS as a California chiropractic association brought immediate reactions from the president of the California Chiropractic Association (CCA) and other parties: the International Chiropractors Association of California (ICAC); Cleveland Chiropractic College of Los Angeles; Life Chiropractic College-West; Los Angeles College of Chiropractic; and Palmer College of Chiropractic-West.

"The Board of Chiropractic Examiners violated its own regulations," said CCA President Michael Pedigo, DC, referring to the Bagley-Keene Open Meetings Act, and the Administrative Procedures Act.

- The Administrative Procedures Act stipulates that before approving such a measure, prior public notice must be made, followed by public comment and review by the Office of Administrative Law.
- The Bagley-Keene Open Meeting Act require state agencies to follow specific procedures

regarding notice of meetings and actions.

The most curious aspect of the board's recognition of CSIMS was the clear fact that CSIMS did not meet the basic requirement of Rule 356: i.e., they are not a chiropractic association. On the contrary, of the approximately 600 members, only 50 (approx.) are DCs. According to the CSIMS newsletter, of the 14 CSIMS Board seats, "eleven are for MDs and DOs, and three are for other physicians, including chiropractors, psychologists and podiatrists."

More importantly, the CSIMS executive vice president is a lobbyist and his firm, AdvoCal, is very active in Sacramento, having recently sponsored workers' compensation legislation. Being recognized by the Calif. Board of Chiropractic Examiners, CSIMS was now in a position to introduce or oppose California legislation as one of three "recognized California chiropractic associations."

CCA president Dr. Pedigo's concerns were voiced in a letter to the California Board and were echoed in letters from John Maltby, DC, president of ICAC, and in letters from chiropractic college presidents: DCs Carl Cleveland III, Gerard Clum, Peter Martin, and Reed Phillips. DCs John Maltby, Michael Pedigo, Gerard Clum, Stephen Eckstone (Palmer-West), and Matthew Givrad (Cleveland College L.A.) testified at the California Board meeting on October 12th.

After hearing the united concerns of the California chiropractic leadership, the California Board of Chiropractic Examiners placed on the October 12th agenda the reconsideration of CSIMS recognition as a chiropractic association. After hearing all testimony against recognition of CSIMS and hearing Mr. Brakensiek's response, the board voted 4-2 in favor of rescinding CSIMS recognition as a chiropractic association. Drs. Martello and Ufberg were the two voting against rescinding CSIMS' recognition as a chiropractic association.

During the course of the October 12th meeting, Dr. Martello revealed: "I am a member of CSIMS. I am not a board member. I ran for the board three years ago. I have no intent in doing anything with CSIMS except maintaining my membership." These facts were apparently not revealed to the other board members during the earlier meeting when CSIMS was recognized as a California chiropractic association.

After hearing this statement, Calif. Board attorney Joel Primes was sought for his opinion on the issue of conflict of interest. Mr. Primes stated that based on the limited information, these facts did not constitute a conflict of interest.

This event brings up several issues that are of particular interest for California DCs:

Should CSIMS Be Recognized as a California Chiropractic Association?

The board has put the issue on the agenda for the next meeting, December 7th, in Sacramento. If you feel strongly about this issue, you should either be present to testify or fax/mail a written response that will be given to each board member before the meeting. Fax your comments to: Vivien Davis, Executive Director at (916) 227-2798. Or you may mail your comments to her at 3401 Folsom Blvd. Suite B, Sacramento, CA 95816.

Should Other Organizations Be Approved for License Renewal Credit?

The fact that CSIMS has 50 chiropractic members and conducts seminars for them suggests that there may be a desire on the part of the chiropractic profession in California to recognize other organizations strictly for the purpose of continuing education. This would most likely apply to

chiropractic as well as nonchiropractic organizations. The California Licensing Board will be addressing this issue over the next few meetings. Your input to Ms. Davis will help guide their decision.

In the case of CSIMS, the decision was made before the profession was able to give input. Fortunately, recognition was rescinded before any CSIMS seminars were approved. This is your opportunity to voice your opinion before the December 7th meeting. Please have all faxes and mail to the board before November 25th.

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