

## Who's Minding the CARE Store?

Editorial Staff

Managing Director of Malpractice Insurance Co. Arrested -- President out of Country

The trouble for the Chiropractic Association for Research and Education (CARE), a chiropractic malpractice insurer, began last year when both Washington state and California issued cease and desist orders against the company for not being licensed or authorized to solicit or transact the business of insurance in those states. Meanwhile, 11 other states began investigations of CARE when it was learned the company was not licensed in their states.

California, Colorado, Delaware, Vermont and Washington have all issued cease and desist orders against CARE (please see "Five States Order PIC/CARE to 'Cease and Desist'" in the May 7, 1993 issue). Apparently the CARE malpractice program is not licensed in any state.

On August 31, 1993, an affidavit for probable cause was issued in Indiana by the Allen County Superior Court against William A. Rose, DC, managing director of CARE.

The affidavit states:

"During the period of time from April 2, 1992, until February 4, 1993, in the County of Allen and in the State of Indiana, said defendant, William A. Rose, did unlawfully practice medicine without holding a license or permit to do so by falsely representing himself to be Doctor Richard E. Busch while ordering forty-two (42) prescriptions for various legend drugs and controlled substances from Drug Castle Pharmacy, located at 1840 Bluffton Road.

"On or about the 15th day of September, 1992, in the County of Allen and in the State of Indiana, said defendant, William A. Rose, did knowingly or intentionally acquire possession of a controlled substance, to wit: Lortab (hydrocodone bitartrate) a Schedule III controlled substance, by misrepresentation, fraud, deception, subterfuge, concealment of material fact, and/or use of a false name, to wit: by ordering said Lortab while falsely representing himself to be Doctor Richard E. Busch and personally receiving said Lortab at Drug Castle Pharmacy, located at 1840 Bluffton Road.

"The affiant states that she has made several attempts to locate William A. Rose and Richard E. Busch, but has not been able to locate them and that, according to Busch Publishing, Richard E. Busch is in Costa Rica and William A. Rose allegedly left Fort Wayne and has not been seen since March 18, 1993.

"Court finds probable cause does exist for the arrest of defendant, William A. Rose, and orders Clerk to issue warrant(s) for arrest of defendant, William A. Rose, for the crime of Count I - Practicing Medicine without a License, Class C Felony; Count II - Obtaining a Controlled Substance by Subterfuge, Class D Felony. Bail fixed in the sum of \$10,000.00 - Count I; \$5,000.00 - Count II."

According to the Physicians' Desk Reference (PDR), Loritab is used "For the relief of moderate to moderately severe pain." The PDR warns:

"Psychic dependence, physical dependence, and tolerance may develop upon repeated administration of narcotics; therefore, hydrocodone bitartrate and acetaminophen tablets and liquid should be prescribed and administered with caution. However, psychic dependence is unlikely to develop when hydrocodone bitartrate and acetaminophen tablets and liquid are used for a short time for the treatment of pain.

"Physical dependence, the condition in which continued administration of the drug is required to prevent the appearance of a withdrawal syndrome, assumes clinically significant proportions only after several weeks of continued narcotic use, although some mild degree of physical dependence may develop after a few days of narcotic therapy."

An article in the September 24, 1993 issue of the Fort Wayne Journal Gazette stated that Dr. Rose was arrested on Thursday, September 23, 1993 and "booked into the City-County lockup." He was released "after posting 10 percent of a \$15,000 surety bond." According to Marcia Linsky of the prosecuting attorney's office, Dr. Rose's jury trial is set for April 26, 1994.

This was not Dr. Rose's first run-in with the law. On August 26, 1986 in Kentucky, he was ordered to serve 20 years for four counts of "criminal solicitation to commit murder."

The conviction was the result of a February 26, 1985 videotaping made by police of Dr. Rose offering a man \$5,000 each for the murders of four individuals. Dr. Rose also offered a \$100,000 bonus when all four were eliminated. The video tape also recorded Dr. Rose volunteering to personally point out the homes of the intended victims.

According to the state of Indiana, CARE is the "assumed business name" of The American Institute of Chiropractic. Its president is Richard E. Busch, DC, who according to the affidavit is in Costa Rica, and apparently has been for some time.

According to the same affidavit, Dr. Rose has not been at Busch Publishing, also CARE headquarters, since March 18, 1993. This was contradicted by a simple phone call to CARE which found him in, but not available. In fact, several phone calls proved unsuccessful in gaining an interview with Dr. Rose regarding his arrest, and the current state of CARE.

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