

Florida Board of Governors Votes Down Chiropractic School

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Less than a year after the passage of a bill that was hailed as a "grand celebration" for the chiropractic profession, chiropractic's leaders now find themselves struggling to explain how things could have gone so wrong, so quickly. On Jan. 27, 2005, the Board of Governors, the state agency that oversees Florida's university system, voted 10-3 to deny the formation of a chiropractic program at Florida State University, effectively ending the profession's hopes of seeing a chiropractic school open at FSU.

Senate Bill 2002, although officially introduced by Rep. Dureel Peaden, was the brainchild of Sens. Jim King and Dennis Jones, and House Speaker Johnnie Byrd, all of whom had lobbied for years to have a public chiropractic school in Florida. Sen. Jones, himself a practicing chiropractor, had argued for decades that since Florida had no chiropractic school to call its own, hundreds of people who were interested in studying chiropractic were forced to move out of state to obtain a degree. Although this situation was ameliorated somewhat with the establishment of Palmer College of Chiropractic Florida at Port Orange in 2002, Jones believed that a less expensive, public option was still needed, especially to serve minority students.

The bill, the first sent to Florida Gov. Jeb Bush's desk during the 2004 legislative session, passed both sections of the legislature by a combined vote of 151-1, and was officially signed by Gov. Bush on March 11, kicking off what the Florida Chiropractic Association called a "grand celebration" for the profession.

Almost immediately after the bill was signed, however, it was derided by critics as an example of pork-barrel politics at its worst. While SB 2002 allocated \$9 million for the formation of a school of chiropractic medicine on the campus of Florida State University in Tallahassee, students enrolled in the program would attend classes in a new, \$25 million facility known as the Jim King Building. The bill also called for \$15 million for the creation of an Alzheimer's center - named after Sen. Byrd's parents - at the University of South Florida, and \$6 million for a biomedical research center - named after Sen. King's parents - at the Department of Elder Affairs.

Closer examination of the bill revealed that while funding for the projects would come from taxes on the sale of alcoholic beverages, language contained in the legislation stipulated that the programs would receive more than \$30 million in combined funding per year in perpetuity, and that the funding would go directly to each institution without being subject to legislative review.

The bill also appeared to sidestep the authority of the Board of Governors, a state agency created in 2002 to oversee each of Florida's 11 state universities. In November 2004, E.T. York, a former university system chancellor, stated that some lawmakers were pressured to vote for the bill by Sen. King.

"I asked one senator ... why he voted for this," York told the *FSView & Florida Flambeau*, an independent student newspaper. "And he says, 'We had no alternative. This was a priority of the president of the Senate, and if we hope to get any cooperation from the leadership in the Senate,

we had to go along with what they wanted."

As the details of SB 2002 became known, even Gov. Bush seemed to begin to waver on his support of the legislation. In November 2004, Senate President Tom Lee told the *St. Petersburg Times* he was unaware of how the money was to be appropriated. "Even the governor couldn't explain it," Lee said, noting that Bush needed to call in an aide to describe the bill in further detail. He also claimed that Bush, King and Byrd reached an agreement to have SB 2002 signed into law quickly to avoid what would have become a "dysfunctional" legislative session.

For his part, Gov. Bush told reporters in November 2004 that SB 2002 "should be undone" and that the bill was "an issue where the Legislature did something that was inappropriate."

The Board of Governors, meanwhile, began to assert its authority to determine whether or not to approve the chiropractic program at FSU. In October 2004, the board requested that FSU officials present their plans for the chiropractic program to the board for approval. On Nov. 18, 2004, the board voted unanimously to require FSU to submit its plans for approval before it could proceed with the program. A day later, Sen. King warned the board that it could face "a very difficult time" working with the legislature if it tried to block the creation of the chiropractic program.

Only a few days after King made his thinly veiled threat against the board, York and a group of concerned citizens calling themselves Floridians for Constitutional Integrity announced their intention to file suit in a Florida court, arguing that the Board of Governors, not the legislature, has the authority to approve degree programs. The suit, filed in January 2005, claimed that the Alzheimer's center and chiropractic program were unconstitutional because the Board of Governors did not approve them. It also alleged that the funding for the projects contained in SB 2002 violated the state constitution because they were not subject to legislative review.

By December 2004, a petition was circulating on the FSU campus, questioning the need for a school of chiropractic medicine. Dr. Raymond Bellamy, an orthopedic surgeon and FSU alumnus, led the opposition to the program. That month, Bellamy told the *St. Petersburg Times* that the creation of a chiropractic program "would irreparably harm the scientific effectiveness and reputations of all the other great programs at the university."

Also in December 2004, the chiropractic profession received what many considered a severely damaging blow when the Florida Division of Colleges and Universities published *Chiropractic and Chiropractic Education*, a briefing paper designed to help the Board of Governors reach a decision about the chiropractic program. While not rejecting the program outright, the report found that Florida had no shortage of practicing chiropractors, and that the school in Port Orange would be able to supply enough chiropractors needed to keep pace with other states.

Within a month, more than 500 FSU faculty members had signed the petition opposing the chiropractic program, and at least nine assistant professors stated publicly that they would resign if the chiropractic school were allowed to open. An FSU professor also created and began distributing a revised map of the university campus, with the proposed school of chiropractic medicine alongside such facilities as the "Yeti Foundation" and the "School of UFO Abduction Studies."

"If they resign, so be it," said Sen. Jones when asked about the petition. He added that the professors were "overreacting" to the program, and that they didn't deserve to teach at FSU "if they're putting their credentials with people known for promoting professional bigotry."

Soon thereafter, the proposed chiropractic program began receiving direct opposition from

members of the local medical profession. On Jan. 4, 2005, the board of directors of the Capital Medical Society, representing more than 500 physicians in the Tallahassee area, voted unanimously to oppose the program. Karen Wendland, the society's executive director, told the *Tallahassee Democrat* that while her organization had no opposition to chiropractors, per se, they were uncomfortable with the idea of a school of chiropractic medicine at FSU.

"The affiliation will serve to legitimize the unscientific and even anti-scientific philosophies associated with chiropractic," Wendland said. "They have their place, but it's not in science-based medicine."

Less than a week after the Capital Medical Society's vote, FSU's faculty members voiced their concerns about the chiropractic program. On Jan. 10, the university's Graduate Policy Committee voted 22-0 to disapprove the program without faculty input, saying that it violated university precedents and procedures. Many committee members also expressed skepticism about whether the program had any scientific merit or place at a research university.

On Jan. 14, the Florida State University Board of Trustees decided to put the fate of the chiropractic school in the hands of the Board of Governors. The trustees voted 11-2 to ask the Board of Governors for permission to investigate the chiropractic program in accordance with existing university policies, meaning that it would not take a stance on the issue unless it went through normal procedures that involved faculty examination. That same day, a full-page ad ran in the *Tallahassee Democrat* featuring 29 of the university's most prominent faculty members, including two Nobel Prize winners - all of whom voiced their opposition to the chiropractic school.

Two days after the Board of Trustees vote, Gov. Bush criticized FSU for its handling of the situation and called for a reduction in annual funding for the chiropractic program, from \$9 million in 2005 to \$1.9 million in 2006. He also urged the Board of Governors to "vote their consciences" over the program, and said he was personally disappointed with the way the university had handled the project.

"I had hoped that FSU would have gone through the normal process for a graduate program of this magnitude," Bush said.

Following Gov. Bush's statement, FSU trustee Manny Garcia circulated a letter intended for the Board of Governors, criticizing Sen. King and his ability to manipulate the legislature to vote for the chiropractic program. "What is very upsetting is that this proposal is born out of pure politics," Garcia wrote. "Mr. King's desire to create a lucrative job for a friend and his power to appropriate taxpayer money for a chiropractic school is very impressive ... However, in this situation, this politician's behind-the-scenes work has the potential to harm the reputation of this university."

On Jan. 27, the Board of Governors issued its final verdict on the proposed school of chiropractic medicine at FSU. The board voted 10-3, with one abstention, against the formation of the school, saying that the program was pushed forward by the legislature, not the university's trustees or faculty. Many members of the board also questioned whether there was a real need for the school.

"I am not convinced there is a need for the program," said board member Rolland Heiser. "I am not convinced the school fits the FSU mission. I think there are more pressing needs in the state university system, considering our limited resources."

"There ought to be clear and convincing evidence that there is a need for this," added board member John Temple. "I don't see how this fits."

After the meeting, Board of Governors Chairperson Carolyn Roberts said that the vote had nothing

to do with the merits of the chiropractic profession. "This is not a conversation about the value of chiropractic. I respect all professions, including the chiropractic profession, and that was not the point," she said.

In addition to voting down the school, the Board of Governors also cut \$15 million from the FSU budget for construction projects next year. The university had planned to use part of that money toward a \$43 million life sciences complex. Also at issue is what will happen to the \$9 million initially provided to FSU. University President T.K. Wetherell said that some of the funding was "encumbered"; Larry Abele, FSU's provost, said that about \$8 million has already been spent for a classroom building on campus.

Despite the setback, Jack Hebert, director of government relations for the Florida Chiropractic Association, remained upbeat. "This is just another bump in the road," said Hebert. "We're not going away. If it's not at FSU, it will be someplace else."

Sen. Jones added that despite the Board of Governors vote, the idea of a public chiropractic school in Florida is not a dead issue. "We have to see what our options are. Maybe there are none," Jones said. "Maybe the first opportunity for a public chiropractic school will have to happen somewhere else in the state."

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