



NEWS / PROFESSION

My Friend, Gary Pomeroy

Gary Pomeroy, my friend and a friend of chiropractic, died on Nov. 28, 2006, after battling adrenal cancer. He was a mere 49 years old. Gary spent much of his last 15 years around chiropractors, helping to advance their interests.

I first met Gary in 1993 when he and a New Jersey chiropractor convinced me that the New Jersey State Department of Insurance Fraud was targeting chiropractors in a not-too-subtle extortion scheme. At the time, Gary was running a thermography imaging business in the Tri-State area; he had repeatedly heard stories of chiropractors receiving letters and phone calls demanding thousands of dollars as settlement of insurance fraud allegations, supposedly lodged against them by insurance companies.

Gary was instrumental in finding the victims. He raised the money to defray the initial costs of the suit and also played an active participant in the litigation; sitting in at all the depositions and being deposed himself. Based on the work we did on the case (and the fact that a leaked memo from the New Jersey Attorney General's Office also concluded that the Fraud Division's tactics were unethical), the state of New Jersey settled and discontinued those activities.

Gary then had an interesting idea, and spent a year or two putting together "Chiropractic America." It was part chiropractic referral service and part chiropractic cheerleading and advocacy service. Chiropractors joined, paid a monthly fee and got an exclusive territory. The heart of the program was that Gary used most of the money he collected to run ads in national media outlets, extolling the virtues of chiropractic. At its height, Gary had well over 1,000 members.

During these years, he was one of the biggest cheerleaders out there for chiropractic. His company helped finance and raise money for another big lawsuit against the insurance industry and the government in New Jersey; a lawsuit against the so-called "care paths" for personal injury protection (PIP) auto accident victims. Almost single-handedly, Gary went around the state and convinced the dozen or so New Jersey chiropractic organizations (many of which were quite hostile to the other state organizations) to unify for the purposes of opposing the care-path insurance regulations.

Every single group in New Jersey supported that suit, which was filed by his company - *Chiropractic America v LaVecchia*. The care paths were modified somewhat and eventually went into effect, but I like to think Gary's efforts had a positive effect in helping to lessen the dissension and divisiveness coming from the Jersey chiropractic community.



**Gary Pomeroy (June 14,
1957 – Nov. 28, 2008)**

Chiropractic America had its ups and downs after that. The business had been dormant for awhile, but a year or so ago, he started planning his comeback. He was heavily into reviving the business when this renal cancer thing arose. Perhaps in part because he was not enthralled with conventional medicine, Gary didn't jump right on the problem, and by the time he did, it was pretty advanced. Recently, he had a liver transplant, but the transplant was not successful.

Up until the last few weeks of his life, he was still thinking about and working to revive his company. As usual, he enlisted my support. I was going to offer legal consultations to members and he had a couple of other new ideas. He was a guy who always had ideas. But what was unusual about him was that not only did he have ideas, but he also could implement them. He was what I call a "doer" or an action guy. He was not just a talker. The other quality I admired in him was that he always was upbeat; his attitude was infectious. He had complete confidence that he could achieve whatever he set out to do, and by and large, he was right.

Gary, you will be missed.

Since I am already writing, I thought I would give a final update on a case I've written about in *Dynamic Chiropractic** and end on a positive note.

Markell Boulis was sentenced in September 2006. He received 37 months, but with good time, time served and some other considerations, he'll probably be out in less than 18 months. Since his plea, no other chiropractor has been indicted. It seems the Feds may be too busy chasing possible terrorists to focus on this particular scheme, and they might well have satisfied themselves with bringing Markell to justice, since he was the prime agent.

I hear rumors from Washington that the new year may bring renewed interest and resources to fight health care fraud. Nonetheless, it appears the Feds are done with the back-billing scheme. That should be good news to the hundreds of chiropractors who did the back-billing with Markell's company.

This is Rick Jaffe, on behalf of Gary Pomeroy and Chiropractic America, signing off.

*For background information on this case, see "Chiro. Consultant to Plead Guilty to Fraudulent Back-Billing." *Dynamic Chiropractic*, March 26, 2006. www.chiroweb.com/archives/24/07/02.html.

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