

The Wheels Turn Slowly

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There's an old saying that goes something like this: "The wheels of justice turn slowly, but grind finely." On July 27, 2004, Jeffrey Miller, DC, filed an 18-page complaint with the Kentucky Board of Chiropractic Examiners against the UnclePaul Chiropractic Business Training Corporation.¹ The complaint (available online at www.chiroweb.com/unclepaul) cites numerous alleged violations of state statutes, including:

- "Illegal, unethical and incompetent conduct by licensees;
- "That fraud, misrepresentation, concealment of material facts, or deceit was used in obtaining or retaining the license;
- "That the licensee no longer possesses a good moral character;
- "The licensee solicits or advises patients utilizing false, deceptive, or misleading statements or information;
- "Unprofessional Conduct: Gross ignorance of, or incompetence in, the practice of chiropractic;
- "Performing unnecessary services; and
- "Perpetrating fraud upon patients, third-party payers, or others, relating to the practice of chiropractic, including violations of the federal Medicaid and Medicare laws."

Now, two and a half years later, a federal grand jury has charged "Uncle" Paul Hollern, DC, with four counts, including health care fraud, videotaping patients, retaliation against a witness, and HIPAA violations.

Again, the wheels turn slowly, but finely.

In case you've forgotten, Dr. Hollern ran a program that took newly graduating doctors of chiropractic, trained them in "all the things the colleges don't teach you" and placed them in a practice owned by his company. Over time, the new DCs could buy the practice, but that would take years and net Hollern hundreds of thousands of dollars.

To his credit, Dr. Hollern made all the right political moves. He pledged or donated money to chiropractic colleges, made appearances at association meetings and, for awhile, convinced most people that he was doing it all for chiropractic and the young doctors who desperately need his help.

As he did, it didn't take him long to recognize that the mere suggestion of a cash donation brought immediate attention from leaders of various chiropractic organizations. Just months later, once the complaint was filed, those same chiropractic leaders were stumbling over their own feet in their hurry to distance themselves from Dr. Hollern. Sadly, their acceptance and even their entertainment of Hollern's offers served as tacit approval of his organization and methods.

Even more curious was the reaction by the Kentucky Board of Chiropractic Examiners to the complaint filed against Dr. Hollern. On Jan. 31, 2005, the board hit him with a whopping \$100 fine for a violation of an advertising regulation. The grand jury apparently took the complaint a little more seriously. If convicted, Hollern faces a maximum sentence of 10 years and \$250,000 in fines

for the four allegations.

The lack of process by the Kentucky board has only served to further the appearance that Hollern was not really doing anything wrong.

Just a month before the grand jury indictment, a person identifying himself as Paul Hollern posted the following comment on an anti-chiropractic Web site regarding Uncle Paul's current status:

"Isn't it (sp) interesting after 2 years no fraud charges have been filed?"² This comment, posted on Jan. 4, 2007, should probably find its place among the list of famous last words.

All of this should serve as a lesson to our profession:

- It shouldn't be so easy for someone to flash some donation money, get the attention of chiropractic leaders and gain support.
- Our chiropractic organizations should apply a prudent level of investigation and review before accepting donations or support.
- We should be slow to respond to new ventures with little invested in the profession. We should allow the test of time to help prove the viability of a program.

The wheels of justice turn slowly for a reason - it's the best way to get the facts needed to make an important decision.

References

1. "Uncle Paul Accused." *Dynamic Chiropractic*, Sept. 27, 2004.
www.chiroweb.com/archives/22/20/14.html.
2. Topic: Unclepaul talks about fraud, compliance and FBI. Posted on Jan. 4, 2007.
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