

## News in Brief

Editorial Staff

### Probation for Uncle Paul

Paul "Uncle Paul" Hollern, DC, has received 12 months probation for videotaping patients without their knowledge. U.S. District Judge Charles R. Simpson III set the sentence, which includes home incarceration for six months except when Dr. Hollern is working.[BANNER]

Earlier this year, a jury found Dr. Hollern guilty of electronic eavesdropping, deadlocked on two other charges (health care fraud and retaliation against a witness) and acquitted him of HIPAA violations. According to court documents, Hollern routinely videotaped chiropractors' discussions with patients as part of his UnclePaul Business Training Corporation.

On Feb. 5, 2007, a federal grand jury returned a superseding indictment charging Dr. Hollern with the four counts - the latest in a string of legal troubles that began in 2004. Count two of the indictment, relating to electronic eavesdropping, alleged that Dr. Hollern "did intentionally intercept and procure another person to intercept oral communications, using an electronic device, on the premises of a business that affected interstate commerce" and that he "installed, or directed others to install, electronic video and audio recording devices in patient treatment, examination and consultation rooms ... Hollern videotaped patients without their knowledge or under false pretenses.

"Each videotape captured individually identifiable health information for the patients recorded on the videotape. The videotapes were used by Hollern and others to critique the sales techniques used by the participants in Hollern's business training program. Upon each participant's graduation from the Hollern business training program, Hollern distributed the videotapes of the patients to the participants, who [then] removed the videotapes from the office in which the patient was treated."

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### Palmer Dismisses Defamation Suit Against Alumni

Palmer College of Chiropractic recently announced a settlement agreement between the college and seven members of Palmer's former alumni association. As a result of the agreement, the college dismissed its defamation-of-character lawsuit, filed in response to "untrue statements and character attacks" made in 2004.

"All we've ever asked is that these individuals issue an apology to members of the Palmer Board of Trustees, as well as the College administration, and we would dismiss the lawsuit," said Palmer Board of Trustees Chairman, Trevor Ireland, DC. "The Board's intention in filing the lawsuit was to have the record set straight. As a Board, we held fast on our position that we would dismiss the lawsuit as soon as these individuals issued a public apology and admitted that their comments pertaining to the Palmer Board of Trustees, its members and the College administration were not true. We are very pleased with this outcome." On June 26, 2008, the seven alumni - Drs. John Willis, David Reopelle, Ted Conger, Kirk Lee, Marc Leuenberg, Frank Bemis and Scott Harris - issued a

collective public apology to the board, the college and the administration. The board accepted the apology and retraction, which stated the following, in part:

"We acknowledge that this situation has developed into something entirely different from anything we desire. We certainly do not now, nor have ever, wanted to harm Vickie Palmer or Palmer College or impugn their reputation in any manner. ... We acknowledge that Vickie Anne Palmer has received nothing from Palmer College except for expense reimbursements in connection with her services as a trustee and chairperson of the board of trustees. In addition, we fully understand the governing structure of Palmer College of Chiropractic. The board of trustees makes and has always made the substantive policy decisions. Such decisions are not made by administrative personnel."

The alumni members also stated: "We believed we exercised our First Amendment Rights. If we exceeded our Constitutional rights, we apologize."

For background information on the conflict between the Palmer board of trustees and the alumni association, see "[Judge Rules in Legal Battle Between Palmer College and Alumni Association](#)" in the Jan. 29, 2007 issue of *DC*.

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#### New Grant Project for FCER

The Foundation for Chiropractic Education and Research (FCER) is initiating a new grant project emphasizing research and expert consensus regarding chiropractic care for the pediatric patient. Cheryl Hawk, DC, PhD, will serve as principal investigator on the project, which is expected to yield a definitive document outlining ideal chiropractic management of children. The paper will be co-authored by Michael Schneider, DC, PhD (candidate); Randy Ferrance, DC, MD; and Ronald Rupert, DC, MS.

"The chiropractic treatment of children is a subject that lacks much scientific documentation and yet it is the very absence of such documentation that necessitates a 'first step' in the process of accumulating such evidence," said Reed B. Phillips, DC, PhD, FCER director of international programs and research development.

AUGUST 2008