

## Post-Wilk: Is Our Future Secure?

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In its 11-and-a-half decades of existence, the chiropractic profession has faced formidable challenges. From the jailing of founder D.D. Palmer to the vicious attacks by the AMA, only the resolve of courageous practitioners and the patients they served carried the day.

Recall that organized medicine opposed the very existence of chiropractic as a profession. On Nov. 2, 1963, the AMA created a "Committee on Quackery" with the goal of first containing and then eliminating chiropractic. Doyle Taylor, the director of the AMA Department of Investigation, served as secretary of the Committee on Quackery. The House of Delegates, governing body of the American Medical Association, had said formally: "Either the theories and practices of scientific medicine are right and those of the cultists are wrong, or the theories and practices of the cultists are right and those of scientific medicine are wrong."<sup>1</sup>

Principle 3 of the *AMA Principles of Medical Ethics* stated: "A physician should practice a method of healing founded on a scientific basis; and he should not voluntarily professionally associate with anyone who violates this principle."<sup>2</sup> The AMA held that it was unethical for medical doctors to associate with an "unscientific practitioner" and labeled chiropractic "an unscientific cult."<sup>1-2</sup> As a result, an antitrust suit was brought against the AMA and other medical associations in 1976 – *Wilk, et al., v AMA, et al.* The landmark lawsuit ended in 1987 when the Federal Appeals Court upheld the District Court decision, finding that the AMA had engaged in conspiracy and restraint of trade. The judge in the *Wilk* case said:



"Evidence at the trial showed that the defendants took active steps, often covert, to undermine chiropractic educational institutions, conceal evidence of the usefulness of chiropractic care, undercut insurance programs for patients of chiropractors, subvert government inquiries into the efficacy of chiropractic, engage in a massive disinformation campaign to discredit and destabilize the chiropractic profession and engage in numerous other activities to maintain a medical physician monopoly over health care in this country."<sup>3</sup>

Vangelder reported, "The settlements and subsequent decision in *Wilk* ultimately allowed for association between physicians and chiropractic practitioners without reprimand from the AMA."<sup>2</sup>

Today, many chiropractors feel that the battle is over and that the campaign to contain and eliminate chiropractic is a thing of the past. Nothing could be further from the truth. I urge you to examine the following [postWilk](#) developments. It should be obvious to any casual observer that chiropractic as we know it is still under siege, often with the cooperation of some of our professional organizations. We now have the following federal precedents regarding chiropractic:

- Access to chiropractic care is by medical consultation or referral only in the Veterans Administration (VA) and Department of Defense (DoD).
- Patients must have a musculoskeletal condition for doctors of chiropractic to receive Medicare reimbursement.
- An Office of the Inspector General report suggests we're providing services that aren't "medically necessary," such as maintenance care.
- Chiropractic is classified as a "BodyBased and Manipulative Method" along with massage, rather than an "Alternative Medicine System" such as acupuncture, naturopathy, and homeopathy, by the National Center for Complementary and Alternative Medicine.

Changing chiropractic from a separate and distinct profession to a mere therapy, lumped in with massage, for a narrow spectrum of musculoskeletal pain syndromes is no small feat. It can be accomplished only with the complicity of educational and reimbursement systems, and what Ayn Rand called "the sanction of the victims." For those of you who haven't yet felt the rising heat of the water, here's what else has been going on:

- Third-party payers (including, as mentioned above, [Medicare](#)) will generally reimburse only for treatment of patients suffering from symptomatic musculoskeletal disorders.
- Like the VA and DoD (with the tacit approval of chiropractic politicians), access to chiropractic care is being limited in some managed care plans by requiring medical referral.
- Vertebral subluxation, as a term and concept, is being downplayed at best, and vilified at worst, within the profession. The World Federation of Chiropractic identity statement does not include the term. Some have suggested that it be relegated to the scrap heap, as merely an "historical concept."
- Doctors of physical therapy (DPTs) are being positioned as the providers of musculoskeletal care, including diagnosis and manipulation. If DCs agree to be limited to caring for patients with musculoskeletal disorders, they can anticipate having the rug pulled out from under them by DPTs.
- Third-party payers and politicians within chiropractic are seeking to strip DCs of the tools needed to objectively assess vertebral subluxation and its effects, such as Xray spinography and instrumentation. Instead, they promote care based merely upon symptomatic response and questionable orthopedic tests.
- Medicine is seeking legislation to limit the use of titles and designations by those who are not MDs, DOs, or DDSs. Will DCs remain "doctors?"
- "Best Practices" are being promulgated that restrict chiropractic to this narrow model.
- Safety, one of chiropractic's greatest strengths, is being turned upside down with negative publicity. Patients are being discouraged from seeing DCs for anything but low back pain. The public is being sold the notion that cervical adjustments are dangerous.

There also appear to be three factions emerging in the profession: 1) those who diagnose and treat [musculoskeletal pain](#) syndromes, primarily in a third-party reimbursement model. These practitioners are in direct competition with DPTs; 2) those who wish to practice primary medical care, including the use of drugs. These practitioners are in direct competition with MDs, DOs, and nurse practitioners (NPs); and 3) those whose practices are centered on the analysis and correction

of vertebral subluxations to restore function and optimize quality of life. These practitioners have no competitors.

If all this is happening, how can I say that chiropractic faces a glorious future? For one reason only: The truth will survive. The public is seeking leadership in wellness. They want strategies that will preserve and advance their quality of life. Science is moving in our direction with the "New Biology" as described by Lipton<sup>4</sup> and others, with further insights into the functions of the nervous system. We're poised to turn the health care system around.

The question, then, is not, "Will chiropractic principles and practices survive?" The question is whether the chiropractic profession will be the one to apply them. Reggie Gold once asked, "If you were the last chiropractor on Earth, would chiropractic survive?" Look in the mirror and answer the question.

### *References*

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