

MD-DC Affiliations Under Fire

AN OPEN LETTER FROM GEORGE MCANDREWS

Dynamic Chiropractic Staff

We weren't kidding last month when, in presenting George McAndrews, Esq., with our [Person of the Year](#) Award for 2016, we not only lauded his lifetime dedication to defending chiropractic, but also noted his ongoing involvement to that effect. Case in point: Just weeks after our award announcement, we received following open letter "To Doctors of Chiropractic Throughout the United States" from McAndrews, lead counsel for the plaintiffs in the historic Wilk v AMA suit, regarding restrictions still being placed on interprofessional affiliations.

I am George P. McAndrews, lawyer for the chiropractors in the *Wilk, et al., v AMA, et al.*, antitrust suit that resulted in an injunction against the AMA and others, banning them from interfering in lawful professional relationships between medical physicians and doctors of chiropractic. That injunction is permanent.

Obviously, the right to voluntarily associate professionally (VAP) did not change the state scope-of-practice rules for doctors of chiropractic and chiropractors must continue to observe those rules.

It has come to our attention that, while interprofessional cooperation and association have been very successful in many instances, some state medical associations, boards, societies, groups, partnerships, etc., and insurers have commenced efforts to discipline, threaten to discipline, or place undue burdens on medical physicians (and/or chiropractors) who have voluntarily chosen to professionally associate, even while doctors of chiropractic practice within the scope of their state license. This activity has placed undue burdens on both the medical physician and the doctor of chiropractic.

The *Wilk v AMA* trial court held the following:

Under the law, every medical physician, institution, and hospital has the right to make an individual decision as to whether or not that physician, institution or hospital shall associate professionally with chiropractors. Individual choice by a medical physician voluntarily to associate professionally with chiropractors should be governed only by restrictions under state law, if any, and by state law, if any, and by the individual medical physician's personal judgment as to what is in the best interests of a patient or patients. Professional association includes referrals, consultations, and group practices in partnerships; health maintenance organizations, preferred provider organizations, and other alternative health care delivery systems; the provision of treatment privileges and diagnostic services (including radiological and other laboratory facilities) in or through hospital facilities; association and cooperation in educational programs for students in chiropractic colleges; and cooperation in research, health care seminars, and continuing education programs.

It is hoped that anyone with knowledge of an effort by anyone to violate the above statement of the law will send complete details of the incident to:

American Chiropractic Association

Attention: Tom Daly
1701 Clarendon Blvd., #200
Arlington, VA 22209

Details should include:

1. The name, profession and address of each medical board, group, society or individual who has sought to interfere.
2. The specific type of interference, whether oral or in writing; the date or dates thereof; and any records or documents reflecting or involving the interference.
3. Any indication of any impact on competition and the circumstances or description of the actual or perceived competition.
4. Name, address, telephone number and email address of any other parties harmed by or interfered with by the medical board.
5. Timeline of events starting with the first board contact.
6. What is your expected expense for legal representation?
7. What is your expected lifetime loss of revenue?
8. What financial and emotional hardships have you encountered as a result of state board interference?
9. Is the chiropractic board and medical board one in the same or under the same umbrella?
10. Name and contact information of any medical board members who have directly interfered with a collaborative relationship or the lawful practice of chiropractic.
11. Do any board members or their families own competing practices in close proximity to your chiropractic office?
12. Are any board members in direct competition with you professionally?
13. How was the complaint originated against you, or any physician or individual in a collaborative relationship with you?
14. Were any board members with personal or financial interest in prosecuting you or your associates involved in the filing of complaints, voting to go forward with prosecution or a board hearing?
15. Since the board is a state agency, was it difficult to find qualified attorneys that would represent you against the board?
16. Did it seem that your attorney represented the board, instead of you?
17. Did the board interfere with your expert witnesses?
18. Did the board members tamper with witnesses in an effort to get them to testify against you?
19. If you closed your practice, did board members try to prevent sale or rental of the premises to other chiropractors or medical professionals?
20. At a board hearing, was evidence fairly treated and were you allowed to present your case?
21. Was the board's expert a qualified professional?
22. Did the board prosecutor interfere with your attorney's representation?
23. Was the administrative judge fair and impartial, or was he or she hired by the board and acted in the board's interest?

Any chiropractor threatened by a medical board or group should also respond. Please remember to specify if you were operating only within the scope of your state license.

Information that appears to be in violation of the law will be submitted to the Federal Trade Commission and/or other legal authorities for their evaluation and possible action under the anti-trust or civil racketeering laws.

JANUARY 2017