

Perspectives of a Plaintiff

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When I was asked to write my thoughts on the settlement with the AMA, my mind traveled back to the beginning: not October 12, 1976, when the lawsuit was filed and the date most people refer to as the beginning of the lawsuit, but the fall of 1974, when I first met Dr. Chester Wilk. He was speaking at the Blue Dolphin restaurant in San Leandro, California about the need to stop the AMA and what appeared to be illegal actions against our profession. He had been traveling around the country trying to find individuals to join with him and had been rejected everywhere he went. Being young and naive, I agreed to join in the endeavor. He later found three others -- Drs. Clair O'Dell, Allen Unruh, and Collin Haynie to join us. Together we formed the National Chiropractic Antitrust Committee (NCAC). Our goal was to raise funds and find evidence to stop organized medicine's attacks on our profession.

On October 12, 1976, five chiropractors filed what has become known as the Wilk et al., vs. AMA case. Those chiropractors were Drs. Chester Wilk, Pat Arthur, James Bryden, Steven Lumsden, and myself. Later, Dr. Lumsden dropped out of the lawsuit for personal reasons, but his cause of legal action was as strong as any of the plaintiffs.

In January of this year the plaintiffs and the AMA agreed on a settlement that officially ended this case. The terms of that settlement are sealed, but the plaintiffs are very satisfied with the terms of the settlement. Our only disappointment is that we cannot discuss the terms of the settlement. The plaintiffs did not receive any financial gain. All of the financial portion of the settlement was transferred to the NCAC, which will have the responsibility to pay any outstanding legal fees. The remaining funds will be used to advance the chiropractic profession.

As a member of the NCAC, I will have input into how the funds are used. At this time my personal preference is to create a foundation to help fund research that this profession needs. I get excited when I think about using AMA money toward funding such a foundation. There would be justice in such action. The AMA frequently accused our profession of not doing research, and then attempted to stop us at every turn from doing so.

As this legal issue is laid to rest, it is time to look to the future. The worst possible course of action would be to say we won, and then sit back and bask in the victory. The challenges this profession faces immediately and in the near future are real and serious. The entire health care system in America is undergoing radical changes. The only way to properly address these issues is to have strong, effective state and national associations.

Most of you know how strongly I believed in the need for a merger between the ACA and ICA. When that failed, I joined with the ACA because I believed they were the only national association that could address the challenges facing our profession. I still believe that is the case.

There is a whimsical saying from the pen of Walt Kelly (of Pogo fame): "We have met the enemy and he is us." Our profession has come a long way and has overcome many obstacles, but its major road block

at this time is the lack of finances our state and national associations have to fund the programs vital to our future. I am referring specifically to the large number of DCs that do not belong to any association. There must be a thousand different excuses. The bottom line is that it is the associations that protect our rights and our right to practice. Whatever their faults may be, without their efforts our patients would not have insurance that covers chiropractic care, nor would we have a license to practice.

Without a strong and active national association we will not be included in the coming national health insurance. We will be excluded from the growing number of managed health care plans, PPOs, and HMOs. The hard, cold fact is that the future of our profession depends on the actions we take now. This is the time when the health care system in this country is being restructured. Now, more than ever before, we must be in on the ground floor with programs and outcome studies that convince the decision makers in this country of the need to include chiropractic care in the new health care agenda.

Those that do not support the state and national associations with their dues dollars are dramatically holding back the associations' ability to function in an effective manner because of a lack of critically needed funds, yet they receive many of the benefits associations provide without paying for their fair share. It's no different than being on "welfare." It drains the system without giving back. How many of you doctors that do not belong to your state and national associations give your services away to your patients? Of course you expect your patients to pay, yet you continue to refuse to pay dues dollars so that the associations can continue to protect your right to serve those patients that pay you. To be blunt, you are freeloading off of those that pay their fair share.

It's time to join your state and national associations. No more excuses.

To sum up my thoughts, I am excited about the settlement with the AMA. It was a great victory. It is now time to look to the future. The profession has opportunities that it has never had before, and it has challenges to overcome that are different than anything we have faced in the past. I am confident that the profession can and will meet these challenges if we all pull together.

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