

Thank You, Dr. Filcheck

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By his own admission, Bill Filcheck, DC, did a lot of things wrong. (Please see "A Chiropractic Cautionary Tale" in the Sept. 1 issue: www.chiroweb.com/archives/22/18/08.html.) However, there is one thing he did that moves me to thank him: After being sentenced to prison for his involvement in fraudulent MD-DC practices, Dr. Filcheck thought of his profession and agreed to an interview that provides some sobering lessons for other DCs and chiropractic students.

Bill Filcheck's story is a sad one. Fresh out of chiropractic college, he began working as an associate in a large clinic where a medical doctor and a doctor of chiropractic were apparently working together for the benefit of the patients. Soon after he began, however, he recognized that things were not as they should have been. Ultimately, when the federal investigators began making arrests, their list included him.

Dr. Filcheck's interview is full of insight and leaves us with several important lessons:

1. You Are the Doctor - Even as an associate or employee, you are the doctor. You are the one responsible. Your responsibility to uphold the ethical and legal standards of chiropractic practice is always with you. This responsibility cannot be overridden or assigned to another practitioner or entity, including your employer.

This responsibility carries over to the staff with whom you work. You are just as responsible for what your staff does, even if you aren't aware of it.

2. Hire an Attorney First - There is a reason why we Americans have "...the right to an attorney." Our legal system is extremely complicated. A good attorney can help you understand what is legal and what isn't. If the practice you work at is doing things you are unsure of, spend a few hundred dollars to get some advice from an attorney familiar with chiropractic/provider regulations. (As Dr. Filcheck learned, a few hundred dollars now is much cheaper than being liable for a million dollars later.) Your state association attorney or a NACA member (National Association of Chiropractic Attorneys) is your best choice.

3. Investigations Are Long, and Will Include Lots of Players - Note that in the case of Dr. Filcheck, the FBI raided the office in early 1997, questioned him again in 2000, indicted him in 2001 and sentenced him in 2004. They were in no rush.

Notice as well that the FBI, IRS, local police agencies, the workers' compensation board and Blue Cross/Blue Shield were investigating him. There were probably additional agencies involved that he wasn't even aware of.

4. Get Out - In his own words, Bill Filcheck makes this point very clear:

"I would say that if you had an inkling [of] anything that you didn't think was on the up and up, or any testing getting done or not, which you feel wasn't being done for a reason, just bring it up and if it's not taken care of, get out."

Had Dr. Filcheck left when he originally questioned the procedures being used at the clinic, he would probably have had a very small involvement in the investigation, if at all.

Bill Filcheck is currently facing a review of the three-year prison sentence he was originally given. By the grace of God, a U.S. Supreme Court decision was handed down on June 24, 2004 (just eight days before he was to begin serving his sentence) that has impacted his case. On June 30, the judge in his case decided to allow him to remain free on bail until the impact of the Supreme Court decision could be sorted out.

The bad news is that Dr. Filcheck is not the only young DC who will likely face this kind of situation. Even now, there are other young chiropractors doing things they don't realize are wrong, or who don't understand the seriousness of their actions or the severity of the consequences.

One can only hope they read Dr. Filcheck's interview and take heed.

There are some hard lessons here. And rather than sweep his situation under the rug, he showed character by speaking out and warning other DCs.

Thank you, Dr. Filcheck.

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