

“Good News and More Good News”
By James D. Edwards, DC, Chairman
National Chiropractic Legal Action Fund

I am pleased to report some wonderful news relative to what your NCLAF contributions have helped accomplish.

As outlined in the story on page <insert here> of this issue, the Arkansas Supreme Court has ruled that Michael Teston, a physical therapist, **violated Arkansas state law when he performed spinal manipulation** on two patients. The Arkansas Supreme Court concluded in its decision:

"the evidence supports the finding made by the [Chiropractic] Board, namely, that Teston's treatment of Fryar and Hendrix were spinal manipulations that can only be performed by licensed chiropractors. As there was substantial evidence to support the Board's finding that Teston was practicing chiropractic, it necessarily follows that Teston was not practicing physical therapy..."

The NCLAF funded the filing of an Amicus Brief that pointed out (1) the differences between manipulation and mobilization, (2) the clinical education standards of chiropractic and (3) the fact that spinal manipulation therapy is a chiropractic science and an art for trained specialists. Our Amicus Brief also stressed that "spinal manipulation/adjustment should only be performed by licensed physicians who can expertly diagnose spinal conditions and who have extensive training."

The Arkansas Supreme Court ruling is the proverbial “other shoe dropping” for physical therapists since it follows the U.S. government’s ruling that physical therapists cannot be used to correct a subluxation under the Medicare chiropractic benefit, and that every managed care organization must provide “manual manipulation of the spine to correct a subluxation” to every Medicare enrollee! These two rulings graphically illustrate the importance of being able to respond quickly to threats and the **great value being received as a result of your NCLAF contributions**.

And there is more good news! Just six days after approval of the NCLAF officers, the first meeting was held and our discussions centered on the individuals (at least eight representing the profession as a whole) who will be appointed to the NCLAF Advisory Board. To date, the following **outstanding individuals** have been invited and have agreed to serve:

Joe Brimhall, D.C., President of Western States Chiropractic College
Kent Greenawalt, President of Footlevelers
Bob Hoffman, D.C., President of The Masters Circle
William Holmberg, D.C., Former “Wilk Vs. AMA” lawsuit fundraiser
Col. Mark Losack, D.C., Chiropractic and Military Hero
Dana Mackison, D.C., BioFreeze
Guy Riekeman, D.C., President of Life University
Mark Sanna, D.C., President of Breakthrough Coaching

Stephen Simonetti, D.C., President of the Congress of Chiropractic State Associations
David Singer, D.C., President of David Singer Enterprises
Shawn Steel, Esq., National Association Chiropractic Attorneys Member

Needless to say, the NCLAF officers look forward to serving with these **highly qualified leaders** and benefiting from their expertise, vast experience and wise counsel.

The legal appeal of the federal lawsuit against the U.S. Department of Health and Human Services is in full process. The ACA's initial brief was filed on May 3, 2005, followed by the government's brief and then the ACA's reply brief that was due on June 16, 2005. At press time, oral arguments on the case are expected to be scheduled for late July or August.

Rest assured that the ACA will continue the HHS fight to the very end since it is **absolutely essential that Medicare patients have their subluxations corrected by a doctor of chiropractic** and not by an untrained and unqualified provider. The importance of this battle is defining and ongoing fundraising is vital. Not just for the conclusion of this lawsuit...but for the inevitable legal battles that the chiropractic profession will face in the future.

If you are a monthly contributor, the NCLAF officers want to thank you for standing in defense of this profession and urge you to continue your support. If you are not a current monthly contributor, the NCLAF officers **encourage you to "enlist"** in protecting this profession by filling out the pledge form (on this page) and faxing it in today.

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