

Financial District Chiropractic

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Governor Arnold Schwarzenegger
State Capitol Building
Sacramento CA 95814

RE: NO on SB 801 and AB 1137

Dear Governor Arnold Schwarzenegger,

I wrote your office a letter in July 2007 requesting that you veto SB 801 and AB 1137 and your office responded indicating that no action would be taken until a bill reaches your desk.

I am sad to say, that SB 801 and AB 1137 passed and are awaiting your signature or veto. Please veto. The people of California spoke loudly in 1922 when they voted to pass chiropractic into law so that doctors of Chiropractic could practice without being jailed, beat up and bullied by the much larger, stronger and well financed medical and pharmaceutical industries.

The above legislation is bad for chiropractic, the millions of people who rely on chiropractic care and the health care system in California. The 16 000 chiropractors in California provide a vital piece of the health care puzzle and these bills will place the chiropractic profession at a significant disadvantage if it must lobby against the AMA and the pharmaceutical industry which are much stronger and much better funded.

Chiropractic and Osteopaths have enjoyed the protection of Initiative acts and it has served the people of California well. Please do not let this be the beginning of the end for Chiropractic in California. If these bills pass, we will see the end of the Chiropractic profession as it will die a slow death as the scope of practice slowly gets stripped away with more bad legislation.

As I noted in my original letter,

“As recently as 1987 the American Medical Association (AMA) lost an antitrust lawsuit where the AMA was found guilty of having conspired to DESTROY the profession of chiropractic in the United States. The affects of this conspiracy against the chiropractic profession is still strong and present to this day.

See below regarding the Wilks vs. AMA lawsuits.

“Chiropractors sue AMA for antitrust - Wilk v. American Medical Association, 895 F.2d 352 (7th Cir. 1990) - UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT”

http://biotech.law.lsu.edu/cases/antitrust/wilk_v_AMA.htm

“The AMA settled three antitrust lawsuits in 1978, 1980, and 1986 brought by chiropractors, stipulating and agreeing that under the Judicial Council's current opinions, a medical physician could, without fear of discipline or sanction by the AMA, refer a patient to a licensed chiropractor when the physician believed that such a referral would benefit the patient. Similarly, physicians

could also choose to accept or decline patients sent to them by chiropractors. The AMA also confirmed that physicians could teach at chiropractic colleges or seminars.”

“Despite the fact that the district court found the conspiracy ended in 1980, it concluded that the illegal boycott's "lingering effects" still threatened plaintiffs with current injury and ordered injunctive relief. The court concluded that the boycott caused injury to chiropractors' reputations which had not been repaired, and current economic injury to chiropractors. Further, the AMA never affirmatively acknowledged that there are no impediments to professional association and cooperation between chiropractors and medical physicians, except as provided by law. Thus, chiropractors continued to suffer because the boycott's negative effects (namely, inhibiting AMA members' individual decision-making in their relationships with chiropractors) still remained. The district court believed it was important that the AMA make its members aware of the present AMA position (i.e., it is ethical for medical physicians to professionally associate with chiropractors, if the physician believes it is in the patient's best interest) to eliminate the illegal boycott's lingering effects, and ordered an injunction designed to accomplish that result. 671 F. Supp. at 1507-08 (form of injunction).”

The Wilks vs AMA

<http://www.chiro.org/abstracts/amavschiro.pdf>

I. Summary of Judge's Opinion and Order

“On August 27, 1987, Judge Susan Getzendanner, United States District Judge for the Northern District of Illinois Eastern Division, found the American Medical Association, The American College

of Surgeons, and The American College of Radiology, guilty of having conspired to destroy the profession of chiropractic in the United States. In a 101-page opinion, Judge Getzendanner ruled that the American Medical Association and its co-conspirators had violated the Sherman Antitrust Laws of the United States. Judge Getzendanner ruled that they had done this by organizing a national boycott of doctors of chiropractic by medical physicians and hospitals using an ethics ban on interprofessional cooperation.

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.”

As a doctor of chiropractic, I continue to experience this prejudice on a regular basis. There are more acupuncturists and other holistic healers in complementary and alternative medicine (CAM) departments in hospitals throughout California, but the chiropractic profession is conspicuously absent, despite there being 16 000 doctors of chiropractic in California. I know, I have actively solicited these organizations always with the same negative result.”

Today I spoke with Shaw Steel, the former Chairman of the California Republican Party, who earlier this year rallied the Republicans to vote against this legislation and was successful. I now am begging you to do the same. Please Veto SB 801 and AB 1137.

Thank you again for reading this plea and thank you in advance for vetoing SB 801 and AB 1137.

Sincerely Yours,

Dr. Kai Tiltmann, DC, CAE