



*Presented by Jon Fleischman*

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Jon Fleischman

## Today's Commentary on the News

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### **Battlelines Drawn : Democrats vs. Chiropractors [and Republicans]**

June 17, 2007

When Mark Ridley-Thomas was an LA City councilman during the LA Riots of 1992, he personally authored legislation that prohibited over 3000 market and shop owners from rebuilding their businesses. Claiming that the markets were encouraging lawless behavior and the prices were too steep, thousands of Korean-American merchants lost even more following the riots. The real victims were those who served the community as store owners. His economic policy continues to cause his community to suffer poor services, gang violence and failing schools. His legacy was to stop economic progress for his constituents and to fear the growing Latino influence in his historically black seat.

Since moving to the Senate, Ridley-Thomas believes his work is incomplete. As chair of the Business and Professions Committee, he set his cross hairs on the chiropractic profession. He seeks to simply abolish the civil rights protection that the chiropractors earned in 1922, when they got sufficient signatures to permit California voters by Initiative to approve the Chiropractic Act. The Act permitted chiropractors to see patients without fear of medical and legal persecution. The Act has worked well 85 years.

The Board's Executive Director was fired for conflicts of interest and incompetence. But she ran to the Bee, leaked confidential documents and raised hell (of course the Bee helped her out with some 'sensationalized' reporting that belonged in People magazine. More important, Ridley-Thomas saw an opportunity to embarrass the Governor, because two of Arnold's close friends were just appointed, by Arnold, to the Chiropractic Board.

Enter: SB 801, which would abolish the Act on the cheap? First, it would allow the legislature to avoid collecting signatures to get his bill on the ballot. His bill would then take away chiropractic protections for their "constitutional" right to practice. It would fire Arnold's friends, require future Board member to have to get Senate approval, the Senate would designate its own member to the Board and the Board would lose its independence by being forced into the Department of Consumers affairs. Simply stated,



it's the ever present Big Brother command and control.

Dr. and Senator Sam Aanestad, who is the ranking member of the Business and Professions committee, saw through the power grab immediately and publicly voiced his objections, during a recent hearing of the B&P committee. Current and former State GOP officials Mike Schroeder, Shawn Steel and Keith Carlson wrote a letter to every single Republican legislature asking them to vote against SB 801 and its companion AB 1137 (by Democrat Assemblyman Eng) – SEE THE LETTER BELOW. Last week, not a single Republican voted for either bill. In fact, Democrat Senator Lou Correa voted against Ridley-Thomas. Two democrats also joined the Republicans in the Assembly opposing AB 1137.

Both bills are likely to pass each house, but with strong opposition. But either bill will hopefully fall to the Governor's veto pen. Lucky for the chiropractors, but they've learned if they sleep while the legislature is in session, you can be run out of town. And, the chiropractors should learn who their friends in Sacramento are. It's not the Dems. Little damage will be done this time. But this gives an insight into the predatory nature of the Democrat hegemony proving once again that power corrupts and absolute power corrupts absolutely.

**HERE IS THE LETTER THAT WAS SENT. I HAVE REPRINTED IT VERBATIM. IT IS QUITE LENGTHY - NO DOUBT IN PART DUE TO THE FACT THAT ALL THREE AUTHORS ARE LAWYERS...**

*June 4, 2007*

*To: Republican Members of the California Legislature  
From: Mike Schroeder, Shawn Steel and Keith Carlson  
Regarding:  
Abolition of the Chiropractic Act  
AB 1137: Eng  
SB 801: Ridley-Thomas*

*Dear Republican Colleague:*

*Because one employee was fired for incompetence, Senator Mark Ridley-Thomas and Assemblyman Mike Eng are employing a radical and astonishing regulatory power grab.*

*Essentially AB 1137 and SB 801 would abolish key civil rights protections that were voted into law by the people in 1922. Before the Chiropractic Act, chiropractic was illegal and practitioners were legally harassed and jailed for practicing alternative medicine.*

*These bills have one basic difference. SB 801 is an urgency bill requiring 2/3 vote. Ridley-Thomas wants an immediate vote to abolish the Initiative Act this coming February.*

*We think both bills are poor public policy, overreaching, unnecessary and punitive.*

*Before we get to the merits of each bill a brief explanation of the politics that drove both authors to file their bills.*

*On February 27, Mr. Eng filed AB 1137 a week before the newly constituted Members of the Board of Chiropractic Examiners [BCE] held their first meeting March 1, 2007. It was that meeting that the Sacramento Bee claimed all sorts of improprieties took place, which then led to claims the BCE was out of control.*

*On March 1, 2007 Governor Schwarzenegger's appointees elected new officers. The only personnel action that took place was the service of Notice of Termination of the Executive Director. In a subsequent meeting, with the assistance of a temporary ED furnished by the Governor's office, the former ED was formally discharged under civil services protocols.*

*The former ED, a disgruntled employee, repeatedly vented to the Sacramento Bee with the Bee producing inflaming headlines of alleged wrongdoings by the BCE members. However, nothing*



came of her charges. While the publicity from the Bee was flamboyant it generated no substance. The ED was fired due to her mismanagement of the BCE staff, hiring unqualified staff and failure to properly discharge her duties for the BCE.

Worse than that, was the controversial and possibly illegal, hiring by former ED Hayes, to the Board's chief enforcement officer, a Dr. Maggie Craw DC in 2002. . In a recent lawsuit filed. Craw was charged with multiple conflicts of interest. She reviews and evaluates complaints submitted to the BCE against licensed chiropractors. Craw also obtained employment from the State Compensation Insurance Fund [SCIF] in February 2004. There she reviewed, denied or approved of workers compensation claims provided by chiropractors.

Essentially stated, the actions by the dismissed ED Haynes created an intolerable conflict in which an insurance company and its paid employee influenced the prosecutorial decisions for the BCE, which is then prosecuted by the Attorney General. In Re Maggie Craw, Chiropractic Consultant, conflict of interest and Catherine Hayes, Former Executive Director, BCE, aiding and abetting. April 30, 2007, filed with Enforcement Division, FPPC.

Poor policy because it would strip away the protections voters approved of 85 years ago. Placing scope of practice issues into annual revisions would create turmoil and give natural predators to chiropractic endless opportunities for mischief. The threats from organized medicine have had a real and lasting impact that continues to this day. The Act was passed by the voters to stop the California Medical Board from prosecuting doctors of chiropractic for practicing medicine without a license. Unlike other initiatives this Act was set up to specifically prohibit amendment by the Legislature because lawmakers at the time had blocked all attempts to legalize the profession. It was feared that lawmakers would repeal or otherwise undermine the Act if they had the authority to do so. Voters settled the question as to whether doctors of chiropractic could practice in California. However, the Act did not decrease the threat of de facto elimination by the medical professional through cartelization of the marketplace that continues to this day.

Poor policy by overreaching to place the BCE under the authority of the DCA. Control by the DCA would permit the powerful medical board to force alterations or even prevent BCE from promulgating regulations. Already, the BCE works with the DCA to provide administration support in the areas of personnel, legal and budgeting. The BCE was under the control of the DCA in the 1970's. Eventually the BCE left the jurisdiction of the DCA. Many boards under the DCA, including the optometry and acupuncture boards have had much more serious problems than that alleged with the BCE.

Unnecessary because the "controversy" that was published by only the Sacramento Bee, dealt with new BCE board members removing one "at will" employee. The at-will employee was charged with running an office that was divided, divisive, and internally conflicted. Her removal was appropriate and legal.

Punitive because two of the new BCE members are personal friends of Governor Schwarzenegger. Both doctors have long and honorable histories in the chiropractic profession. Both have taught in local colleges and are published widely. The Bee seizing an opportunity to embarrass the governor, attempted to besmirch the Governor's friends. However, the Weekly Capitol Reporter investigates the Bee's charges and effectively deconstructed the Bee's reports.

In a word, Senator Mark Ridley-Thomas and Assemblyman Mike Eng are seizing an opportunity to punish Arnold's friends, penalize the chiropractic profession by removing their Civil Rights protection and further rebuke chiropractors by forcing them under the control of the hostile DCA.

We are pleased that Senator Sam Aanestad has voiced his concerns and opposition to SB 801 in a public hearing, on May 7, 2007.

We urge all Republican legislators to unanimously oppose this unneeded legislative power

***grab. These bills are fatally flawed and cannot be amended to serve any useful purpose.***

***Mike Schroeder  
Chairman CRP 1997-1997***

***Shawn Steel  
Chairman CRP 2001 - 2003***

***Keith Carlson  
Treasurer CRP 2006 to present***