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February 22, 2012

Dear HHC members,

Your committee is scheduled to hear evidence today on prior action by the Oregon Board of Chiropractic Examiners (herein referred to as the Board) against Thomas Freedland DC. Please consider this letter as my professional opinion on this important matter in lieu of direct testimony.

By way of introduction, I am a board certified internal medicine physician in primary care practice in Tigard. I am on faculty staff at OHSU and I was on the Health Services Commission for 8 years appointed by Governors Kitzhaber and Kulongoski. I am also an osteopathic physician and an expert on all aspects to the theory, use, and claims of manipulative treatment. In addition to my medical practice, I have over 20 years experience on instructing and completing Independent Medical Evaluations to the highest of standards.

When I served as the chair for the Health Services Commission, we requested that anyone giving public testimony were first to list any conflicts of interest. There are no conflicts of interest for this written testimony. Indeed, quite the opposite, as it would be in my best interest if the Board stopped chiropractors from doing IME's as was the clear intent in this case.

I have reviewed, in great detail, all of the records and documents in this case. I am aware that you have the letter of complaint to Governor Kitzhaber regarding Dr. Freedland that I co-signed. It is my profession opinion, for which I have complete certainty, the Board acted inappropriately and failed in their mission listed as one to *"serve the public, regulate the practice of chiropractic, promote quality, and ensure competent, ethical health care."*

The conclusions by Dr. Freedland in his reports reviewed by the Board met and exceeded IME standards. These reports were exceedingly far superior to the treating chiropractors, and supported by all the evidence. I am certain of this point and therefore also certain that no investigation and or disciplinary action was ever indicated or appropriate.

In addition, the Board completely ignored the horrible records and documents by treating chiropractors in all of these cases. The Board should have recognized these obvious problems and acted upon the discovery of these facts, but chose instead to not raise a single concern. This shows that the Board is not interested or acting to ensure "quality, competent, and ethical care" by those providers.

The Board should support and encourage IME work as a critical independent review of care provided by others in their profession. The Board's intent in this case was just the opposite, and they clearly were trying to protect (not regulate) chiropractors providing questionable and dubious care, while trying to silence and eliminate any second opinion by Dr. Freedland. This is not serving the public. If anything, this is harming the public.

It is critically important, unfortunately, to recognize that there often exists excessive abuse by individuals of claimed car or work injuries. Many chiropractors, probably a minority, take advantage of this fact. They often ignore critical details and provide care, often excessive, based strictly on someone claiming injury when no such injury was present. The amount of soft tissue claims, i.e. strains and sprains, are growing and at a significant cost. There is an absolute critical need for thoughtful Independent Medical Evaluations to help determine if care and treatment is indicated or appropriate. This is in the best interest of the public.

The Board acted in a way that I would consider harmful to the public. The lack of critical review of care, and the attempt to silence second opinion work, is financially harmful to the tax paying public when ignored. The personal harm to individuals, the stress of litigation to potential awards exceeding policy limits, is yet another potential harm. The amount of fraud and excessive and inappropriate treatment that I have witnessed by numerous chiropractors is frankly obscene, and I have seen no evidence that the Board is interested in addressing this subject. If anything, it appears the intent is just the opposite as evident by the inappropriate action against Dr. Freedland.

I am certain the HHC has numerous other subjects to review, but I ask that you please give this matter serious consideration and the utmost priority.

Sincerely yours,

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