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Chronology of the CREES Decision

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Color Code:
Red & Magenta: questionable or uncertain information
Green: for emphasis; **Blue**: not yet abstracted

Year/Volume Index to the *Journal of the National Chiropractic Association* (1949-1963), formerly *National Chiropractic Journal* (1939-1948), formerly *The Chiropractic Journal* (1933-1938), formerly *Journal of the International Chiropractic Congress* (1931-1932) and *Journal of the National Chiropractic Association* (1930-1932):

Year	Vol.	Year	Vol.	Year	Vol.	Year	Vol.
		1941	10	1951	21	1961	31
		1942	11	1952	22	1962	32
1933	1	1943	12	1953	23	1963	33
1934	3	1944	14	1954	24		
1935	4	1945	15	1955	25		
1936	5	1946	16	1956	26		
1937	6	1947	17	1957	27		
1938	7	1948	18	1958	28		
1939	8	1949	19	1959	29		
1940	9	1950	20	1960	30		

1957 (July): ***California Chiropractic Association Journal*** [13(3)] includes:
-full page ad (p. 16):

An Open Invitation!
CREES MEETING and LUNCHEON
Saturday July 13, 12:30 P.M.

All members of CREES and other doctors of chiropractic are urged to attend this meeting of great importance to the chiropractic profession.

Come to the joint convention of the CCA and NCA – and be sure to include the CREES luncheon. It's in the Boulevard Room at the Ambassador Hotel, Los Angeles.

A special program has been arranged that will feature Assemblyman Carley Porter, and Judge Ralph Dills. Hear these two outstanding leaders – and learn how CREES can help you.

CHIRORPACTIC RESEARCH EDUCATION ETHICS SOCIETY, INC.
1518 East Compton Blvd., Compton, Calif. NEwmark 1-2466

1957 (July): ***ICA International Review*** [12(1)] includes:
-"Proctology in California outside D.C.'s scope" (p. 20); reports "official opinion" of CA Attorney General Edmund G. Brown

1959 (Sept): ***California Chiropractic Association Journal*** [15(5)] includes:
-"CREES sues Medical Board" (pp. 6-7, 10-11)

1959 (Oct): ***California Chiropractic Association Journal*** [15(6)] includes:
-"CREES ACTION" (p. 4):

The CREES complaint against the Medical Board was heard Friday, September 4, by Judge Ellsworth Meyer, Los Angeles County Superior Court. The attorney for the Medical Board filed demurrers against the complaint in general and against each of the eight causes of action. The judge took the petition under submission and study and on September 10 gave his reply, denying the demurrers on causes one, three and eight. The trial date will be announced.

A statement issued by Attorney Nathan Newby, Jr., at that time, follows:

"I have just returned from Department 65 and have read the Minute Order of the Court in the matter of CREES, et al vs. California State Board of Medical Examiners, et al., in connections with the demurrer, motion to strike and the order to show cause.

"In its order the Court sustained the demurrer of the defendants as to the individual causes of action of the five chiropractors and they are out of the case as individuals, leaving CREES to carry the ball against the State Board of Medical Examiners and the Board Members individually.

"The Court overruled the demurer as to the first, second and eighth causes of action which charge the State Board of Medical Examiners and the individual members of the Board with a conspiracy to destroy the practice of chiropractic in the State of California by threat, intimidation and use of Section 2141 of the Business and Professions Code, and also set up the basic controversy between the chiropractors and the physicians and surgeons in the practice of a healing art in the State of California under their respective Boards.

"This means we are now in court on all of our basic claims and grievances.

"The Court, however, did not grant an injunction on the grounds that it was not necessary to protect the rights of the chiropractors pending the determination of the lawsuit.

"The Court also granted the defendants' motion to strike certain evidentiary matters which had been alleged in the complaint for the purpose of supporting the injunction. When the Court decided that the injunction was not necessary, this evidentiary matter was stricken from the complaint but can be introduced at the time of the trial under the pleadings in their present form.

"In my opinion the injunction would have been a more or less moot point for the reason that any over action on the part of the medical Board would give rise to the filing of a supplemental complaint to show the complete disregard of the Medical Board for the rights of the chiropractors pending this judicial settlement of their respective legal rights.

"The Court also decided that inasmuch as the investigators are employees only of the Medical Board any judgment against the Board of Medical Examiners and its members would bind the investigators and hence they were dropped from the suit."

1960 (Nov/Dec): ***The Western Family Doctor***, edited by Leo E. Montenegro, D.C., N.D., includes:

-cover includes classic photo of physician at sick bed, plus comment:

Without a personal physician to ride herd on the specialists, we cannot have good medical care. Yet in a few years it will be hard to find one unless the Doctor of Chiropractic becomes the family doctor, in the full sense of the word.

-E.G. Williamson, D.C. authors "CREES News Bulletin" (p. 9); includes:

Chiropractic Research Education Ethics Society
Webster 8-3583
1283 Cochran Avenue ● Los Angeles 19, California
Phil Jacks, Business Manager
Dr. E.G. Williamson, D.C., President
Dr. David Ricks, Treasurer

CREES, the legal arm of the profession, has shown its capability to generate the tremendous thrust necessary to successfully launch a protective atmosphere around your license and guarantee you full legal opportunity to take you part in establishing the most profound impact in the history of the healing arts.

The conduct of the organized Chiropractic profession, giving very little, if any support to candidates in this November election, clearly demands that CREES provide the leadership needed for the Chiropractic profession.

1. At your request we are again making it possible for you to have malpractice insurance as a CREES member.

2. We are establishing a strong legislative information department to give you the fairest and unbiased information out of Sacramento.

3. Through our cooperative arrangement with the Vitagen Co. we will bring you other benefits, making your $ do the job of $$.

4. Let's 'call a spade a spade.' Public relations can't work for us until we make professional relations work. Unity must become a reality for all, not a compromise to benefit the few.

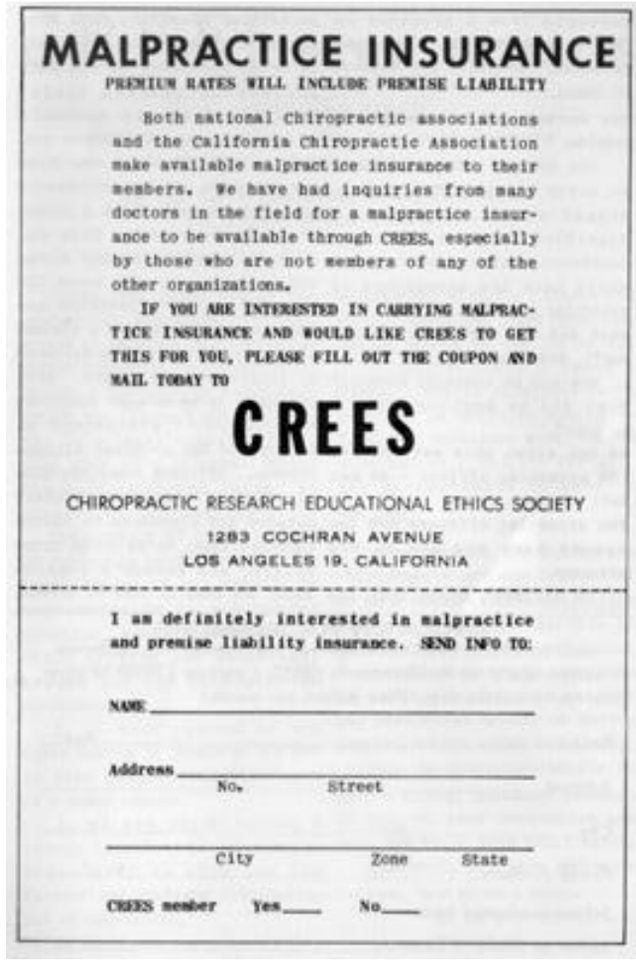
5. We support the California Chiropractic Act and believe it to be a document that guarantees the rights of all. Section 16 of the Chiropractic Act says: 'nor shall this act be construed so as to discriminate against any particular school of chiropractic, or any other treatment;'

This is your opportunity to join a strong, dedicated movement to protect your profession and your law while they still exist.

Remember, all this and more to come, for $5.00 a month.

E.G. Williamson, D.C.
President

-ad for CREES malpractice insurance (p. 11); photograph:



MALPRACTICE INSURANCE

PREMIUM RATES WILL INCLUDE PREMISE LIABILITY

Both national Chiropractic associations and the California Chiropractic Association make available malpractice insurance to their members. We have had inquiries from many doctors in the field for a malpractice insurance to be available through CREES, especially by those who are not members of any of the other organizations.

IF YOU ARE INTERESTED IN CARRYING MALPRACTICE INSURANCE AND WOULD LIKE CREES TO GET THIS FOR YOU, PLEASE FILL OUT THE COUPON AND MAIL TODAY TO

CREES

CHIROPRACTIC RESEARCH EDUCATIONAL ETHICS SOCIETY
1283 COCHRAN AVENUE
LOS ANGELES 19, CALIFORNIA

I am definitely interested in malpractice and premise liability insurance. SEND INFO TO:

NAME _____

Address _____
No. Street

_____
City Zone State

CREES member Yes____ No____

1963 (Mar): ***California Chiropractic Association Journal*** [19(9)] includes:

-"District Court of Appeal rules on CREES decision" (p. 7):

The judgment of the Superior Court of Los Angeles County, Walter C. Allen, Judge, was affirmed by the District Court of Appeal of the State of California, Second Appellate District, Division Two. The decision was filed February **??**, 1963. The case was an appeal by the plaintiffs from a judgment in an action for declaration rights…

F. Licensed chiropractors are not authorized by their license to use any drugs or medicines in materia medica or the dangerous or hypnotic drugs mentioned in section 4211 of the Business and Professions Code or the narcotics referred to in section 11500 of the Health and Safety Code for: (1) diagnosis; (2) as an aid in the practice of chiropractic; (3) for emergencies; or (4) for clinical research.

G. Licensed chiropractors are not authorized by their licenses to practice obstetrics or to sever the umbilical cord in any childbirth or to perform episiotomy.

H. A duly licensed chiropractor may only practice or attempt to practice or hold himself out as practicing a system of treatment by manipulation of the joints of the human body by manipulation of anatomical displacements, articulation of the spinal column, including its vertebrae and cord, and he may use all necessary mechanical, hygienic and sanitary measures incident to the care of the body in connection with said system of treatment, but not for the purpose of treatment, and not including measures as would constitute the practice of medicine, surgery, osteopathy, dentistry or optometry, and without the use of any drug or medicine included in materia medica.

A duly licensed chiropractor may make use of light, air, water, reset, heat, diet, exercise, massage and physical culture, but only in connection with and incident to the practice of chiropractic as hereinabove set forth.

I. It is true that chiropractic is not a static system of healing and that it may advance and change in technique, teaching, learning, and mode of treatment within the limits of chiropractic as set forth in paragraph H above. It may not advance into the fields of medicine, surgery, osteopathy, dentistry, or optometry.

J. Plaintiffs have failed to state facts sufficient to constitute a cause of action or injunction against defendants.

K. None of the plaintiffs are entitled to any injunctive relief against any of the defendants; defendants and their agents may proceed against plaintiffs in the event that plaintiffs exceed the scope of their respective licenses to practice chiropractic and violate the State Medical Practice Act."

1963 (Nov): ***JNCA*** [33(11)] includes:

-letter to W. Max Chapman, M.D., chief of Laboratory Field Services, California Department of Public Health, from Jan Stevens, Deputy Attorney General (pp. 50, 52):

Relationship of Chiropractors to Clinical Laboratories

This will acknowledge receipt of your memorandum of July 22, 1963, inquiring as to whether the recent case of **Crees v. California State Board of Medical Examiners**, 213 A.C.A. 214 indicates a change in the relationship of chiropractors to clinical laboratories. More specifically, you have asked whether, in light of this case, chiropractors now have any reason to order tests done by licensed clinical laboratories or any legal basis for ordering such tests, especially those requiring skin puncture or venipuncture.

As indicated in your memorandum, this office has held that, in light of Business and Professions Code sections 1205 and 1242, chiropractors could properly refer work to licensed clinical laboratories, even though the particular test involved required actions which a chiropractor would not himself be able to do, such as skin puncture or venipuncture. 19 Ops. Cal. Atty. Gen. 201. The proper test was stated to be "…not whether the licentiate may himself perform venipuncture or skin puncture, but whether the test performed by the clinical laboratory will be of any aid to him in the proper practice of his profession. Such aid consists of more than helping the licentiate determine the proper course of treatment; it may demonstrate the patient's difficulty is outside the scope of the licentiate's study. We conceive that it could assist the licentiate with remaining within the scope of his license." 19 Ops. Cal. Atty. Gen. At 203.

Although, as you indicate the **Crees** case defines the practice of chiropractic within narrow limits, the Court very clearly did not limit the practice of this profession more narrowly than it was at the time of the opinion cited. The court made it clear that the practice of chiropractic is confined to what it was at the time the Chiropractic Act was adopted in 1922. 213 A.C.A. at 223. Although the Court did state that a license from the Board of Medical Examiners was necessary in order to diagnose, treat, operate or prescribe for ailments and other conditions within the meaning of Business and Professions Code section 2141 and that the use of drugs or medicines by chiropractors for such purposes was prohibited, we believe that chiropractors may still properly refer tests to licensed clinical laboratories for the purposes enumerated in the opinion cited. Certainly, such tests could still be of aid in assisting a chiropractor in remaining within the scope of his license. The Crees case represented an attempt on the part of the plaintiffs to obtain an enlarged definition of the practice of chiropractic. Since that practice within this opinion remains within the same limits as it was before, we see no reason for imposing further restrictions on the authority chiropractors have to refer tests to clinical laboratories for the limited purposes set forth in our previous opinion.

2002 (June 16): e-mail from David Prescott, D.C., J.D. (davidprescott2@cox.net):

Dear Joe:

Good to hear from you. I expect to file the scope of practice lawsuit this month, or early next month at the latest. We are, of course, directly challenging the Crees ruling. That has not been done since that decision was handed down. In addition, we intend to partially circumvent it but still put chiropractors not only where they tried to get in Crees and failed, but in a better position.

The representation in the Crees case was perhaps the worst example of lawyering I have ever had the displeasure to read. It is obvious the court thought the same thing. Of course, the chiropractic community was told that the reason the courts (especially the State Supreme Court) did not rule in favor of the chiropractors was prejudice. Simply put, I would have ruled the same way as did the courts based upon the record presented to the trial court in Crees.

I intend to post the complaint to our web site when it is finished. It will be too long to mail out to a lot of people but I would be happy to provde you with a hard copy should you so desire. Again, good to hear from you.

Please stay in touch.

David

2002 (June 25): e-mail from Robert Jackson, D.C., N.D. (RJ Jaxon@aol.com):

The only thing I have on Carver is in the article I did in *CH - 14/2 Dec. 1994 - p.12-20.* Your welcome to any part thereof.

CREES - all I have on that is in JCH v.5/1 1995, p.60-61 of - *Califorina's* Medical Practice Act: Chiropractors Amend Without Medical Opposition - 1967. My legislative handiwork.. I have somewhere a copy of the - California - CREES v. Board of Medical & Chiropratic Examiners, et al, 28 Cal, Rptr. 621, Civ. You are welcome to any parts herein. You can make a copy of this last work from the AZ State Law Library Archives Files by States. Otherwise there are no DC's alive today who know what this mess was all about, I was the last to bring this subject up.

Bob

2002 (June 26): e-mail from Bob Jackson, D.C., N.D.:

Thanks Joe - All of CREES action caused a hell of a mess for the Profession when as a result of their zeal, the Medical Board vowed to out-law Chiro - and when they introduced a Bill into the Legislature to sat - "- that any DC Px w/in the limits of the CA DC Act could be arrested by the Medical Board for Px Med. w/o a lic," we all saw what damage CREES had done. And guess who had to clean up this mess - Moi, and it was a hell of a job!! But, that's all water under the bridge now, and no one remembers this facet of our History, save I put it in writing in the JCH 1995 article.

Thanks for bringit to bear once again in your work. I wish you well in your new books.

Bob

References:

Jackson, Robert B. California's medical practice act: chiropractors amend without medical opposition – 1967. *Journal of Chiropractic Humanities* 1995; 5: 56-65