

Dr. Dale White

# American Chiropractic Association

Sunset Committee Hearing  
Texas Medical Board  
12-9-2016

I am Dr. Dale White, a Doctor of Chiropractic. I have been in private practice in Fort Worth, Texas for 37 years. I am Past President of the Texas Chiropractic Association and Past Legislative Chairman. I am currently the Secretary of the Council of Delegate of the American Chiropractic Association and Legislative Vice Chairman.

Thank you for the opportunity to testify before the committee. Thank you for all the work by you and your staff.

I am sure you all are aware of the FTC investigation of the TMB and their action concerning Telemedicine. I wish to inform you of a second FTC investigation of the TMB and their anti-competitive actions against the Doctors of Chiropractic in the state of Texas. I would like to talk about the North Carolina Dental Board Supreme Court Case.

The North Carolina Dental Board, a state agency, decided that the teeth whitening places in the malls constituted the practice of Dentistry. They sent cease and desist orders to these businesses and put them out of business. These businesses filed suit. This lawsuit worked its way to the US Supreme Court and along the way the FTC joined the suit.

The court ruled that the North Carolina Dental Board and the private members on the board illegally used the state agency to take out their competition. The board members broke the law taking this action they thus lost the liability immunity of the state. This is what the TMB and their active members do to licensees of the TBCE.

The TMB takes this action using the excuse of public safety, when in reality it is to eliminate any competition and to acquire a healthcare monopoly in Texas. If Doctors of Chiropractic were a danger to public safety our malpractice rates would reflect this danger. We have some of the lowest malpractice rates in the healthcare industry. I am very familiar with the FTC investigation of the TMB actions against Doctors of Chiropractic. I have attended two meetings with the FTC in Washington, DC.

The American Chiropractic Association requested the first meeting. Congressman Roger Williams from Texas facilitated the meeting which occurred in November 2015. The meeting was chaired by the Director of the Bureau of Competition, Deborah Feinstein. Also attending the meeting were four FTC attorneys, one of which was the lead attorney for the North Carolina Dental Board Case. They asked numerous questions about the actions of the TMB against Doctors of Chiropractic and other healthcare

professions. The meeting lasted for one hour and they requested additional information. The requested information was obtained and sent to the FTC.

After the new information was reviewed by the FTC, they requested a second face-to-face meeting. This meeting occurred in February 2016. They were most interested in the TMB trying to regulate licensees of other healthcare boards.

It is clearly an overreach when the TMB tries to discipline a Doctor of Chiropractic. Doctors of Chiropractic practice Chiropractic Medicine. Podiatrists practice Podiatric Medicine and Dentists practice Dental Medicine.

If the TMB bypasses the other licensing boards and tries to regulate other healthcare professions they are exceeding their authority and committing an anti-competitive anti-trust violation.

I am asking that the TMB be prohibited from this action.

If the legislature had intended to give the TMB this kind of authority over every healthcare practitioner in Texas it would not have created multiple licensing agencies. Nor would it have exempted other types of practitioners from TMB jurisdiction. (See: Tex. Occ. Code 151.052). This measure is needed to protect licensees of other boards from TMB overreach.

Sincerely,



Dale L. White Jr. D.C., F.I.C.C  
Secretary American  
Chiropractic Association  
Council of Delegates