



August 17, 2005

The Honorable Ronald M. George
Chief Justice and Honorable Associate Justices
California Supreme Court
350 McAllister Street
San Francisco, CA 94102-4783

RE: Laurence Tain et al., v. State Board of Chiropractic Examiners
A106656 (San Francisco County Super. Ct. No. CGC-03-419378)
Supreme Court # S136055.

Dear Chief Justice George and Honorable Associate Justices:

I **am** writing to you regarding the recent decision in the above-cited case. In the opinion of this organization, this case raises issues important not only to doctors of chiropractic but to society at large and I urge this Court to accept this case for review.

I **am** a Senior Scientist at the Geraldine Brush Cancer Research Institute at the California Pacific Medical Center. I have also conducted research at Stanford University, Science Applications International Corporation, The Institute for Parapsychology, and the Mind Science Foundation. I have also taught at Trinity, Stanford and Harvard universities and I am an advisory member of the National Institute of Health, Center for Complementary and Alternative Medicine. I am also the Director of Research at the Institute of Noetic Sciences (IONS).

IONS was founded by Apollo 14 astronaut Edgar Mitchell after his return from the moon in 1971. The organization is a non-profit membership organization that has over 30,000 members worldwide and close to 300 community groups participating in worldwide activities. This organization and I have a deep and abiding interest in the whole field of alternative and complementary medical theories and practices.

It is my understanding that there is a question in this case as to nature and extent of mainstream medicine. Since at least the first decade of the 20th Century, mainstream medicine has been allopathic medicine. It is my further understanding that California courts have previously recognized this **fact** but that no court, including in this case, has ever actually specifically **defined** the actual theoretical and practice perspective of allopathic medicine. Obviously, this is not the time or place to attempt to do that. **However**, allopathic medicine is a specific school of medicine with **historically identifiable** and **articulable** characteristics relating to its theory of disease onset, development and treatment.

There are other theories about the onset, development and treatment of human ailments and disease that are both alternative and complementary to the allopathic paradigm. In our opinion, patients' and society's interests are best served when licensed persons following these alternative and complementary approaches to health care are allowed to fully develop their theories and practices except in those instances when some specific, substantial and definite concern for public safety has been demonstrated.

I understand that a second question in this case relates to the meaning of a prohibition against chiropractors using "drugs now or hereafter in **materia medica**". I further understand that this expression is part of the 1922 Chiropractic Act and that the definition of the term **materia medica** as applied to the practice rights of chiropractors is based upon a pre-1922 dictionary definition of the term. The term "**materia medica**" can be used in its generic sense of all substances used to treat or care for human ailments and conditions. However, in that the term here is used in relationship to "drugs" it would seem, on its face, to refer to allopathic drugs. These drugs are designed and developed following the allopathic theory of disease and treatment. Allopathic drugs have an identifiable and definable history and they also have definable **mechanism(s)** of action and intended purposes. I will not, however, attempt to further describe this category of drugs here.

Herbal medicine practitioners utilize a generally separate and different form of treatment paradigm and perspective that used by allopathic practitioners. Generally speaking, one would not think of the herbal **materia medica** as drugs, nor part of the allopathic **materia medica**. In addition, the homeopathic **materia medica** is separate and distinct from the allopathic **materia medica**. Homeopathic practitioners traditionally refer to their treatment substances as "remedies" or "constitutional medicines" rather than drugs. Homeopathic remedies have been in constant use by practitioners following that healing paradigm since the 18th Century and before the modern era of allopathic drugs.

Again, we suggest that the foregoing questions and others that may exist in this case are worthy of this Court's attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marilyn Schlitz', written in a cursive style.

Marilyn Schlitz, PhD.
Director of Research

(PROOF OF SERVICE BY MAIL – 1013a, 2015 C.C.P.)

STATE OF CALIFORNIA)
)
COUNTY OF MARIN) ss.

Case Name: Tain et al v. State Board of Chiropractic Examiners
Superior Court Case No: CGC-03-419378
Court of Appeals Case No: A106656
Supreme Court Case No: S136055

I am a citizen of the United States. I am over the age of eighteen years and not a party to the within entitled action. My business address is 101 San Antonio Rd., Petaluma, California 94952

On August 19, 2005 I served the within AMICUS CURIAE LETTER by placing a true and correct copy in a sealed envelope, postage thereon fully prepaid, addressed as follows:

CLERK
FIRST DISTRICT COURT OF APPEAL
350 McAllister Street
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Attorney for State Board of Chiropractic
Examiners

Attorneys for Plaintiff/Appellants

I deposited the envelope in the U.S. Postal Service the same day at ~~Petaluma~~, California.

I declare under penalty of pejury under the laws of the State of California the foregoing is true and correct.

Executed on August 19, 2005, at Petaluma, California



Jenny Mathews