

*Nature's Own Research Association*  
PMB 170, 827 Central Avenue, Dover, New Hampshire 03820

August 23, 2005

The Honorable Ronald M. George  
Chief Justice and Honorable Associate Justices  
California Supreme Court  
350 McAllister Street  
San Francisco, Calif. 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 urge the Supreme Court to review the recent Court of Appeal opinion in the case of Tain et al. v. State Board of Chiropractic Examiners.

I have a B.S. degree in biophysics and a PhD in biology from the University of Pittsburgh. I have worked as a research scientist in major laboratories around the world, including the Marine Biological Laboratory, Woods Hole; Cambridge University, England; Case Western Reserve University; Northwestern University and the University of Copenhagen. I have also served as the President of the New England School of Acupuncture. I am a member of the Scientific Advisory Board for the National Foundation for Alternative Medicine in Washington, DC and have served on review panels for the National Institutes of Health and the National Center for Complementary and Alternative Medicine.

My scientific papers have been published in leading scientific journals and I have also published articles in alternative and complimentary therapy journals. I have written two books relevant to the issues in this case: *Energy Medicine: the scientific basis* (2000) Harcourt Brace/Churchill Livingstone, Edinburgh, and *Energy Medicine in Therapeutics and Human Performance* (2003) Harcourt Health Sciences/Butterworth Heineman, Oxford. I am the President of Nature's Own Research Association and teach seminars around the world relative to the matters addressed in these two books. Many chiropractors, including California licensees, attend my seminars and/or are co-presenters with me.

Because I teach at medical schools, hospitals, and schools of complementary and alternative medicine around the world, I have a good appreciation of the profound changes currently taking place in healthcare worldwide. My educated opinion is that a Supreme Court review of the above cited case will be in the best interests of the public health as well as the various health professions.

There is no question that modern healthcare relies on a diversity of distinctive practices and models, all of which are playing increasingly important roles in the care of patients. The current movement toward integrative medical departments in hospitals and medical centers speaks to the emerging trend of different practitioners working together for optimum patient care. As an example relevant to this case, a survey has shown that 65% of conventional medical doctors refer patients to chiropractors. From its controversial beginnings, chiropractic has emerged as a major factor in patient care.

At question in this case is the relationship between two separable models of disease and disorder and the corresponding clinical practices. These models had different historical origins:

1. In 1858, the German pathologist, Rudolf Ludwig Karl Virchow pointed out that each of the trillions of cells in the human body is an “elementary organism,” giving rise to a concept of cellular pathology: diseases and disorders arise in individual cells and in tissues and organs composed of cells. Modern allopathic medical practice then evolved as advances were made in various cellular sciences: biochemistry, pharmacology, and molecular genetics. This model became, and still is, the primary focus of allopathic medicine.

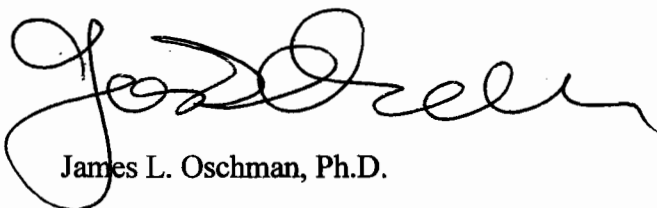
2. In the same era, the 1860’s, a prominent French medical physiologist, Claude Bernard, espoused that most “morbid conditions” result from interference with the body’s built-in healing mechanisms, which he described as taking place in the “*milieu interieur*” - the internal environment. Bernard’s focus was on the spaces between cells, where we find the extracellular matrix or connective tissue, nerves and capillaries or the “neurovascular system” as he called it. Bernard’s whole system or “holistic” theories of regulation and “homeostasis” are fundamental to modern physiology, although he did not develop them into therapeutic approaches.

While great successes have been achieved with the cellular/molecular/pharmacological approach of modern allopathic medicine, other schools relied on Bernard’s physiological perspective to develop treatments that remove interference with the body’s built-in regulatory and healing mechanisms. For example, D.D. Palmer, the founder of chiropractic in the 1890s, appears to have derived his basic theoretical perspective in part from the earlier work of Claude Bernard.

The primary focus of my books referenced above is the “built-in” regulatory and healing mechanism of the body. My initial interest was on the extracellular matrix, a single continuous material surrounding all organs and cells of the body. Modern research has shown that components of the extracellular matrix reach not only into all parts of the body but also connect across cell surfaces into the individual cells and nuclei throughout the body. I refer to this all-pervasive system as the “living matrix”. This whole system corresponds to Bernard’s “*milieu interieur*” and has key roles in regulation and healing. This matrix provides a modern scientific basis for the equally pervasive meridian system of traditional Chinese medicine (TCM). The modern research was obviously not available thousands of years ago when TCM was founded, but the living matrix concept provides a basis for those theories and practices. Obviously TCM practitioners and others in the complementary and alternative health fields should have a non-exclusive fundamental right to incorporate emerging discoveries and concepts within their paradigms.

Since a founding principle of chiropractic is the removal of interference with the body’s innate regulatory and healing mechanisms, it is in the interest of each individual chiropractor, society and the patient population for chiropractors to have a non-exclusive fundamental right to incorporate the emerging science relative to the body’s ability to regulate and heal itself within their theoretical and practice model. Indeed, the very heart of the scientific and clinical enterprise is openness to incorporating new scientific data, except, of course, as otherwise precluded by law.

Sincerely,



James L. Oschman, Ph.D.

