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ADMITTED TO VA AND DC BARS

February 22, 2008

Via E-mail and First Class Mail

Thomas P. Healy, Jr., Vice President  
Corporate Law Division  
American Medical Association  
515 North State Street  
Chicago, IL 60610

Dear Mr. Healy:

This is in response to your letters of February 15, 2008 and February 20, 2008 as well as our brief discussion on February 19, 2008. As indicated on our call, I have discussed the proposed language and your related request with my client. In that regard I would like to propose the following:

To modify the substitute language for item 6 to read as follows: "6. Impairment evaluation requires medical knowledge. Doctors who are qualified in allopathic, osteopathic and chiropractic medicine duly recognized by an appropriate jurisdiction should perform such assessments within their applicable scope of practice and field of expertise."

We note that this language would track the existing language used in Chapter 2, page 23 which states as follows: "2.3a Who performs impairment ratings? Impairment evaluation requires medical knowledge; therefore mostly doctors who are qualified in allopathic or osteopathic medicine or chiropractic medicine use the Guides to evaluate permanent impairment."

Again, we believe this language is consistent with existing language and would not inadvertently limit the range of qualified practitioners.

Also, we would propose for your consideration these other changes which, in our view, removes elements of discrimination against doctors of chiropractic and other providers:

1. 6th ed Chapter 2 pg 19

"The Guides is **written by medical doctors for other medical doctors** as a tool to translate human pathology resulting from trauma or disease process into a percentage of whole person."

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**Comment:** This gives the perception of discrimination against any other doctors (osteopathic, chiropractic, podiatric, etc)

**Suggest:** Remove discriminating language. ie., "The Guides is a tool to translate human pathology resulting from trauma or disease process into a percentage of whole person."

2. 6th ed, pg 23

"It must be emphasized, **however, that even though the Guides is mainly written by and for medical doctors**, non physician evaluators may analyze an impairment evaluation to determine if it was performed in accordance with the Guides."

**Comment:** This gives the perception of discrimination against any other doctors (osteopathic, chiropractic, podiatric, etc)

**Suggest:** Remove discriminating language

3. 6th ed, pg 611-612, Glossary

"**Impairment evaluation** Acquisition, recording, assessment, and reporting of medical evidence, **performed by a licensed medical doctor or surgeon**, using a standard method such as described in the *Guides*, to determine permanent impairment associated with a physical or mental condition."

**Comment:** This gives the perception of discrimination against any other doctors (osteopathic, chiropractic, podiatric, etc)

**Suggest:** Remove discriminating language

4. 6th ed, pg 612, Glossary

"**Independent medical examination (IME)** A usually one-time evaluation **performed by a licensed medical doctor or surgeon** who is not treating the patient or claimant, to answer questions posed by the party requesting the IME."

**Comment:** This gives the perception of discrimination against any other doctors (osteopathic, chiropractic, podiatric, etc)

**Suggest:** Remove discriminating language

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Thank you for your consideration of these suggested changes.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Daly", written in a cursive style.

Thomas R. Daly  
General Counsel to the  
American Chiropractic Association

TRD/mah

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