



WWJJD? What Would Joe Janse Do?

26th Annual Joseph Janse Lecture

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Good morning.

What an amazing accomplishment for the FCLB to be celebrating its 90th anniversary! And what a privilege it is for me to open this conference.

When Farrel called, I was genuinely honored to be selected for this, the 26th in the series of lectures designed to present a unique viewpoint and hopefully, spark your passion for public protection. This is no small challenge, and I don't take it lightly.

It's great to be back at the Federation. I missed a number of conferences due to my son's involvement in lacrosse, which naturally became a passion for me and my wife as well. I'm more than a little proud to note that his team won three of four high school state championships, learning many great lessons along the way.

My first Federation meeting was held in Washington, D.C., in 1993. I was newly appointed to the Florida chiropractic board. I served for eleven years, being reappointed by governors of both political parties. I also served on the board's Probable Cause Panel for close to a decade.

It was the Federation and its broad perspectives that made me consider and seek national service, which included eight years as an officer and President of the FCLB and six years on the National Board of Chiropractic Examiners.

During my journey, I've learned a lot and made many great friends, including Rick Cole, Donna Craft, LeRoy Otto, the late Gary Pennebaker, Norman Ouzts, Sal LaRusso, Hank Hulteen, Craig Little, Maggie Colucci, Vernon Temple, Jim Badge, Bud Smith, Ed Weathersby, Ron Tripp, Paul Morin, David Brown, Donna Liewer Cohen, Horace Elliott,

and so many more who are here today including my friends from the Florida Board, Kevin Fogarty, Danita Heagy, and Anthony Spivey.

It is a privilege now to speak with you this morning.

The Janse Lecture was created in 1991 by Brent Owens, then FCLB President. Brent was a National graduate, and obviously influenced by Dr. Janse, but as we shall see, Janse's inspiration extends far beyond the Lombard campus.

By a show of hands, how many of you ever met Dr. Janse? What great stories you must have to tell.

As you know, he was legendary for his oratory skills as well as his academic acumen. His accomplishments during 38 years as president of the National Chiropractic College included continual upgrade of its own standards, support for education and licensure worldwide, and key involvement in the creation of both the CCE and the NBCE.

I met Dr. Janse in 1973, as a junior in college visiting various professional schools. His passion and intelligence were immediately obvious and served to inspire and affirm my commitment to chiropractic. While I ultimately chose Palmer because of its larger size, his influence continued as I went into practice with a National grad. My partner's actions were clearly motivated by his admiration for Dr. Janse and the core values he inspired in others.

Today, I speak with you as board members who are regarded as the "cream of the crop" within our profession. You, who interpret and apply legislation, encourage continued evolution of regulations, and sit in judgment of your peers, have the highest and most sobering professional responsibilities. The public depends on your ethics, your continued scholarship, and your personal and professional conduct. The same can be said for those of you who are administrators and legal counsel to boards. You are all constantly in the public spotlight.

My comments today are as an individual, and while I am very proud to be President of NCMIC, my remarks are strictly personal and based on my service in regulation.

I do want to publicly thank NCMIC, and particularly Lou Sportelli, through whose leadership significant grants were provided for FCLB projects over the past two decades. This has included funding for CIN-BAD (the Chiropractic Information Network / Board Action Databank) that has enabled the Federation to earn over \$1.2 million from credentialing agencies. Of course, this service is free to member boards. NCMIC supported a number of other FCLB initiatives as well, including technology upgrades and funding to make the *Official Directory* publicly available on-line.

And so there are no misconception or erroneous statements by the uninformed, NCMIC does not espouse any particular practice philosophy, ideology, practice style or scope. Rather, we insure doctors based on compliance with state law. Scope is in your domain as regulators, not in ours as insurers. However as the largest malpractice insurance carrier for

the chiropractic profession, our policy covers scope of practice, with few exceptions such as Obstetrics. It is our goal to help practitioners practice within their state statute. Finally, I would like to note that Dr. Janse was insured with us as well. With my disclaimer out of the way, let's continue.

WWJJD - What would "JJ" as he was affectionately known do? To extrapolate that concept to today's challenges requires first a look at what Dr. Joseph Janse did.

For that information, I'm deeply indebted to Dr. Reed Phillips for his book, *Joseph Janse: The Apostle of Chiropractic Education*. By the way, Reed and Sandi Phillips are presently on a two year church mission trip, where their journey has taken them to Jordan. Like his mentor Dr. Janse, Reed continues his commitment to his faith, family and profession, with his wife's dedicated support.

I urge you to read the amazing story of Dr. Janse as told by Reed Phillips, because it's our story, too. I understand the FCLB has some complimentary copies which have been generously provided by Dr. Phillips and Dr. Terry Yochum.

I also found some great information in the two volume set, *FCLB & the Story of Licensing in Chiropractic*, by Joe Keating and Donna Liewer.

Just a short segue regarding my friend Terry Yochum who will speak soon: while attending the ACC-RAC meeting this spring, I had a long discussion with Terry telling him that I was going to give the Janse lecture this year. He described Dr. Janse as his hero and the reason he is a chiropractor.

Terry told me a little bit about the television interview of Janse by Mike Wallace in 1957. Throughout the interview Wallace apparently attacked with no mercy. But Dr. Janse stood his ground, proud of his profession.

Some years later, Dr. Daryl Wills, former chair of the Nebraska chiropractic board, related to Dr. Yochum what Paul Harvey would call "the "Rest of the Story."

While Dr. Wills was president of the ACA, he often flew through Ronald Reagan National Airport. On one of his visits he was standing in line just behind Mike Wallace from 60 Minutes. He tapped him on the shoulder and asked him, "Aren't you Mike Wallace from 60 Minutes?" He acknowledged that he was.

He then introduced himself, "My name is Dr. Daryl Wills and I am the current president of the American Chiropractic Association. I wonder if you remember doing an interview with Dr. Joseph Janse on your talk show, *Night Beat*, in New York City in 1957?"

Mr. Wallace said that he did remember the interview. Dr. Wills then asked him, "I am wondering if your opinion of chiropractic has changed since you did that interview with

Dr. Janse in 1957?” Mike Wallace looked at Daryl and said, “My opinion of chiropractic changed the very moment I met and heard Dr. Joseph Janse speak.”

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Well, it doesn't end there.

Terry often tells this story as he did in New York about a year and a half ago.

Dr. Joseph R. Mirto who has a practice in New York City raised his hand and said “Dr. Yochum, I wonder if I could comment?” Dr. Mirto went on to say that he wished he had met Dr. Janse and heard him speak. “But I'd like to tell you, Dr. Yochum, that Dr. Janse must have done a pretty good job on Mike Wallace because Mr. Wallace's wife, Mary, was my patient for 30 years.”

And that, my friends, is the rest of this story. Thank you, Terry, and I know we are all looking forward to your remarks today.

Now let's look into Dr. Janse's story.

In 1909, Dr. Janse was born in the Netherlands. At an early age, he fought to the point of black eyes and scraped knuckles to protect his older brother Adriaan, who had profound scoliosis. When he was just seven, his family immigrated to Utah, where he worked the fields, being encouraged to learn English and attend school.

During the early 1930s, he served three years as a Mormon missionary in Germany and Switzerland, where he observed firsthand the terrible, initial rising of the Nazi's New Order. He graduated valedictorian from a two year program at what is now known as Weber State University. He enrolled at the National College of Drugless Physicians, and completed his Chiropractic degree in three years, graduating cum laude in 1938.

Subsequently he taught at National, became president, built the Lombard campus, lectured worldwide, read radiographs to help pay the bills for the college, testified in landmark cases, and helped create both the CCE and the NBCE we know today. That's the short version of Reed Phillip's incredible and in-depth chronicle of Dr. Janse's life.

But what created his drive? Phillips credits multiple factors, including Janse's parents, “from whom he learned respect for hard work, integrity, appreciation for meager material possessions, respect for authority, and a fundamental faith in God.” In protecting his brother Adriaan and his travels through the poorest countries in Africa, “he learned the meaning of sacrifice, humility, and love for the underdog.” From his continued scholarship and study, he “learned knowledge far in advance of most of his contemporaries.” And finally, from life itself, he learned diligence – to the extent that he occasionally described himself as a “pathological fanatic,” always seeking perfection.

Dr. Janse served on the first, short-lived chiropractic accrediting body in 1947 and then as a charter member of today's CCE. He was secretary of CCE for 13 years and president for

two. In 1965 Dr. Janse testified in the unsuccessful eight year “England” case seeking to recognize chiropractic in Louisiana. Although this case failed, it left an indelible mark on Dr. Janse, and became the driving motivator of his relentless quest for federal recognition of chiropractic. Rather than quit, as many of us might, Dr. Janse vowed to secure recognition by the United States Office of Education or, as he said, he would “leave the profession.” Imagine the depth of commitment Dr. Janse felt, following that legal skirmish which changed him irreparably.

Nine years later, in 1974, two months to the day after the governor signed the Louisiana bill into law, CCE gained recognition by the federal government. Finally, we had national accreditation, and the last US state was licensing chiropractors. Dr. Janse (as well as the FCLB) played significant roles in both of these landmark achievements.

At the same time the accreditation challenge was going on, the fourth – and present – NBCE was being formed.

For a decade, Dr. Janse had attended meetings of the American Association of Basic Science Boards and presented several papers. At the AABSB meeting in 1961, the medical federation was granted approval to substitute its own exams for the Basic Sciences Boards. Dr. Janse boldly asked if the same privilege would be extended to chiropractors if they had their own national board examinations. The answer was yes, if the exams were credible.

He returned and pled the case before the FCLB’s General Committee of the Profession on Education. Federation delegates in 1962 voted at their annual meeting – just like this one – to create the current NBCE. The dreaded Basic Science Board examinations, that were designed in part to keep chiropractors from being licensed, were finally a thing of the past.

Dr. Janse was president of National for 38 years. Coincidentally, 38 years ago, he addressed the FCLB’s Annual Congress – folks just like you – in New Orleans. I believe his observations are just as relevant today as they were in 1978, which was also the year I entered practice. By the way, he graduated from National in 1938, was president for 38 years, addressed this body 38 years ago, and I’ve been in practice for 38 years. It may be time to buy a lottery ticket.

In his landmark address, Dr. Janse reviewed a little of his own history, and then plunged directly into the issues:

- He chastised some state boards for their insular and controlling demeanor, which led to problems with licensure reciprocity and endorsement, scope of practice, insurance companies, and relations with state and federal government.
- He reminded boards that diagnosis should not be confused with scope of practice.
- He opined that all primary contact practitioners [quote] “should be qualified in and possess the right to use such agents as diet, nutrition, counseling, temperature

variations and the therapeutic applications of such elements and forces as water, electricity, and clinical kinesiology.”

- He stated that the term physician should be as apropos to the doctor of chiropractic as the doctor of medicine or osteopathy.
- He warned that merely passing an exam “can be and is being accomplished in all major professions by intellectual hucksters,” so the responsibility of dealing with professional character should always remain a primary state board function.
- He insisted it was imperative that the officers and membership of the NBCE and FCLB maintain a perpetual, open-ended relationship and dialogue. He noted, “Their functions are intimately overlapping and intertwining, and their responsibilities are commandingly significant to the safeguard and perpetuity of the profession.”
- He recommended that FCLB and NBCE maintain a closer relationship with the CCE.
- He urged FCLB, NBCE and the CCE to decide what to do about status, recognition and reciprocal acknowledgments with foreign-based chiropractic education. He quoted the president of the Melbourne, Australia chiropractic program who said,

“You of North America, but more especially of the United States, have to conclude whether chiropractic is to remain a North American profession or whether it is to become a world-wide profession. If the latter is to be, then indeed there must be a readiness for reciprocal input and understanding.”
- He said that foreign colleges need to be accredited within their own countries or through special arrangement with the CCE so that licensure does not create “bottlenecks” that are unfair to students.
- Dr. Janse recommended that the FCLB address itself “expediently and progressively” to standardize board requirements, type and nature of examinations, reciprocity agreements, etc., among the boards. He warned that insular attitudes by boards only fuels intraprofessional division.
- He went on to recommend that the FCLB and its membership must be guided solely by what is best for the total welfare of chiropractic and the public, without deference to politics.
- He suggested that once a year a commission of two or three representatives, each appointed by the FCLB, the NBCE and the CCE, should meet and thoroughly discuss their mutual affairs and concerns.

- He counseled, “As an evolving minority group in the health care community, we do live in glass houses. Our attitudes and conduct should be conditioned by the fact that we are under scrutiny.”
- Dr. Janse warned that boards should be above invasion by “academic entrepreneurs” who would reduce the colleges to mere trade schools graduating manipulative technicians. He feared loss of primary contact status if leaders succumbed to a limited view of chiropractic.

He closed by saying,

“Often I have wished that the FCLB could become so strong, so united, so explicit in its national influence that when issues of great concern arose it could, through a commission, present itself to legislative bodies, to departments of registration and higher education, even to federal and congressional committees to effectively present a proper view of the profession.

“Whenever there are concerns of licensure, scope of practice, and chartering of proposed new schools, the FCLB should be there with united strength and with competent, disciplined, well-designed input.”

He commented further,

“These are changing times. If we wish to survive as an independent profession we will have to face the realities of survival by inclusion rather than demise by reduction and exclusion.”

Well, either these comments were prescient or perhaps we haven’t moved very far forward. So that’s a snapshot of who he was. How do we take our understanding of Joe Janse and apply it today? Certainly, the challenges to regulation continue, albeit more subject to public scrutiny than ever before.

The US Supreme Court case of *North Carolina State Board of Dental Examiners v. FTC* will be explored more in depth later this morning by Amy Richardson, but I want to take a minute to comment on it.

Boards can no longer hide behind state immunity to do whatever they want. Board members face the very real perception by the public, the FTC, and now the Supreme Court, that professional members of the board act to protect their profession, not the public. As a past member and chair of a chiropractic regulatory board, I find this to be both untrue and offensive. But the ramifications of this case are going to ripple through all the licensed professions for years to come.

The case represents a dangerous precedent of federal intervention into states' rights. In order to be immune from federal antitrust law, the structure of regulatory agencies may need to change dramatically.

The disturbing aspect of this case is that the dental board may well have engaged in activity that could be construed as anti-competitive. In other words, one board's failure to act thoughtfully and with the clear intent to protect the public has inadvertently led to a Supreme Court ruling that will hamper the entire regulatory community.

It will take decades of diligence by thousands of regulatory agencies to restore the reputation that has been tarnished and the trust that has been lost. It starts with you and your board.

In preparing for today's remarks, I searched for other issues facing regulation. Based on current stories in the news, I have seven recommendations for your consideration.

1. Number one among them is **to be cognizant of the power of information**. It's all about the data. News articles about any professional who has been arrested almost always include a check with the board's website for license status. It is imperative that your information (including license reinstatement) is clear, timely, and accurate. You should also be able to quantify the excellence of your work and validate it with supportive data.
2. It's a given that **the public expects criminal background checks** to be conducted prior to initial licensure, and that allegations of criminal activity be addressed promptly by administrative agencies. Your board has access to cross-jurisdictional criminal data only if it's explicitly authorized by statute. If you don't have it, get it, and then use it.
3. While you're reviewing your statute, **take a look at the precise wording of your authority over the practice of chiropractic**, not simply licensees. In light of the dental board case, issues arising out of competition for market share become more urgent as they now imply the need for supervision of the board. Look at your language carefully. And where **immunity** is provided, be sure it is properly worded to protect both the agency and the individual board members. Just ask Missouri about this.
4. **Act with ethics, integrity and thorough consideration, respecting the statutes and regulations you are sworn to uphold**. Be well prepared for board meetings, having read all materials. Review your statute and regulations regularly. Quite frankly, some do it before every board meeting. Don't be afraid to vote on the losing side if that vote is in harmony with your core values. Conduct yourself with courtesy, compassion, and kindness to those under disciplinary review. Treat others as you would have them treat you. Your own character is defined by the grace and integrity with which you administer the laws.

5. **Your obligation to protect the public does not stop at your jurisdiction's borders.** Checking and reporting to CIN-BAD are critical. If your board grants licensure to those with previous actions in another state, or another country, this is not necessarily wrong, but be prepared to document and justify the consistency of your decisions. Does your board promptly register its actions with available databases, including CIN-BAD and the National Practitioner Databank? FCLB can help your board comply with the complexities of federal reporting, and also offers access to cross-jurisdictional regulatory data for free to boards. Simply put, there is no excuse for living in isolation.
6. **Update language that inhibits licensure by endorsement for qualified chiropractors worldwide.** Good chiropractic physicians are being educated throughout the world. Regulation should not present bureaucratic obstacles, but rather truly serve to protect the public by ensuring equivalence.

And finally,

7. **Proper initial and ongoing training of board members** includes continued participation in conferences like this. You can't request that violators pass the Ethics and Boundaries essay examination if you don't know what it is. You can't rely on PACE to uphold standards for approving continuing education if you don't know what they are. You can't regulate chiropractic assistants properly if you don't understand the Federation's CCA program.

So what would Joe Janse do?

He would appeal to each of us to be curious and lifelong scholars; and as he said, "to live with courage, perseverance, honesty, and integrity; to seek more to serve than to accumulate wealth; to represent good government rather than dishonest politics; to convey hope and see calm beyond the storm, dawn beyond the night."

He would rejoice at the expansion of chiropractic worldwide, and seek to unify educational, testing, and regulatory standards. He would never quit: he would shape great victories from apparent failures.

He would also encourage the FCLB to exercise its collective authority wisely and advocate for the protection of the public. And he would be proud to note that the FCLB has used the power of its resolutions well. A few noteworthy examples of these over the past two decades include:

- Opposing weekend teaching of chiropractic to non-chiropractors
- Setting out parameters for interjurisdictional mobility
- Urging boards to recognize doctors registered for travel to treat

- Stating that doctors of chiropractic must arrive at a diagnosis prior to the initiation of treatment
- Declaring that the practice of chiropractic without a license should be a felony in every jurisdiction
- Recommending that boards require licensees to maintain continuous malpractice coverage encompassing their state's scope of practice
- Encouraging boards to utilize the Federation's Uniform Continuing Education Application, the foundation for today's PACE program.

These resolutions are important statements that tell the public, legislators, and government agencies that the chiropractic regulatory boards are united for certain essential principles. I understand that FCLB delegates will consider several resolutions at this Saturday's annual meeting. I'm sure that you will weigh each one carefully, and that Dr. Janse would be proud of you.

Before I close, I would like to draw your attention to the wristbands I brought. You see on the wristbands WWJJD as well as WWJJDD. Make no mistake, the two Ds are not a misprint. As critical thinkers, let us ask ourselves also, "What would Joe Janse do differently?"

As he neared the end of his career, it was clear that he had not taken care of his own body with the vigilance he advocated for others. His heart was worn out, he was exhausted, and a bladder tumor that might have been operable earlier had grown to immense proportions. I think he might have eaten more vegetables, taken more naps, and listened to his own body rather than beating it into submission.

As he achieved the wisdom that comes with trials, he realized how much time he had spent away lecturing, teaching, and traveling. I think he might have spent more time with his family and led a more balanced life but in retrospect he was doing what he truly loved and was passionate about.

Throughout his life, he questioned constantly whether he had made the right choices, for the right reasons. He wrote, "I probably should never have come to Chicago. Or upon graduating, I should have gone into practice. Probably I have been entirely wrong in becoming a dedicated person to a struggling profession." I think his life might have been a little easier if he let go of the word "should."

So – here we are today, benefiting from the experience and insight of many great leaders in chiropractic and the world. We look to Joe Janse for inspiration and courage. We acknowledge the great sacrifices made by this champion of the profession.

But Joe Janse himself would not want us to dwell heavily on what has already happened – one of my favorite quotations from him is as follows:

“We still tend to lend ourselves to the necrophilia of holding on to the dead hand of the past.”

Rather, I think Dr. Janse would cite Lyndon Johnson as he did to this body in 1978, saying:

“I do not believe that the Great Society is the ordered, changeless and sterile battalion of the ants.

“It is the excitement of becoming, always becoming, trying, probing, falling, stumbling, and trying again.”

Dr. Janse was truly a giant in so many ways, and we have all benefited from his efforts. I feel so privileged and proud – as should you – to be part of the FCLB / NBCE lineage to which Dr. Janse dedicated an abundance of time, talent and treasure.

Thank you for allowing me to address you this morning.