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New Mexico Chiropractic Association Journal



Serving the Profession since 1947

THIRD QUARTER 2021

NMCA Presidents Message, July 2021

Every few months when I am reminded to draft this "Presidents Message" I attempt to reflect on what is going on in our lives at that time and come up with something meaningful. This month has been a bit different, however. My thoughts seem to be consumed with something that Chiropractors have focused on for well over 100 years, Health!

Most of you will immediately think about either your personal health or how you help your patients achieve, optimize or maintain their personal health. But I am thinking more along the lines of how many facets of our lives need to maintain health for a better human experience. Just to name a few: Business, relationships, personal, mental, spiritual, etc. Obviously, there are countless more that could have listed but you get my point.

If any of these begin to fail, each of us will suffer in all the other categories. We must all strive to maintain health in all areas of our lives. Failure to put forth the effort to maintain this health will ultimately have dire consequences in some capacity. Over the past year and a half, we have all been adapting to situations in our lives which have made it easy to neglect the maintenance of health. Just like most of you, I hear these excuses from countless patients every single day which has now led down an incredibly sad path. For many, this path has become so long and so dark that I question if some can even turn back. Their quest to stay out of harms way, or to not get

"sick" has caused a cascade of unpredictable consequences in all other aspects of their life.

"Health is a state of complete mental, social and physical well-being, not merely the absence of disease or infirmity."
– World Health Organization, 1948

My call to action for each of you who choose to read this message is that you take a step back and re evaluate your "Health". In my opinion your personal physical health must be regained before action can be taken on most other areas of your life. I am deeply saddened by the number of friends, acquaintances, colleagues and community members who continue to suffer life altering non reversible issues because of the continued neglect in so many areas of their life.

As president of the NMCA it has become my duty to maintain the health of the NMCA! By doing this we can support each Chiropractor who holds a license in the State of New Mexico. We have a robust board of directors along with an amazing executive director who can all help you maintain your professional health! We are now able to offer more opportunities for continuing education and look forward to seeing all of you over the coming months.

Take a moment to support the other Chiropractors in your region as well. Each of us has something different to offer our patients and we are not in as much direct competition as some believe. I look

forward to seeing all of you very soon!
Yours In Health!

Dr. Ryan T. Rowse DC, APC

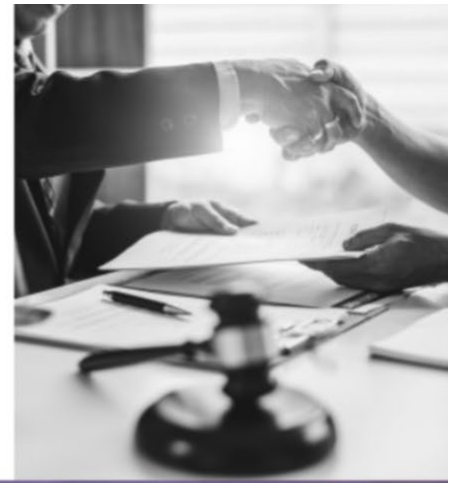


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To contact any of the Board Members or Committee Chairman,
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NMCA

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nmcassociation@gmail.com 505-280-0689 or fax 505-554-1482

**Be sure to check our website on a regular basis for the most up-to-date
information from many different sources!**

Editorial Policy

This Journal is the official publication of the New Mexico Chiropractic Association. The NMCA assumes no responsibility for material contained in articles, letters or advertisements published and publication does not necessarily constitute endorsement of them. The deadline for submission of articles and advertisements is three weeks prior to publication. Advertising rates and submission deadlines can be obtained by contacting the NMCA at 505-280-0689



A note from your Executive Director

Diana Statzula

Happy Summer!

Does anyone else feel like we have been on the fast track to the end of 2021? After everything came to a screeching halt last year, it felt as if the year would never end. But here we are, already at the end of July 2021! Here is a breakdown of what's been going on the first 7 months of this year:

- **January** – Virtual seminar with Dr. Brandon Lundell. We had 42 attendees with another handful on demand through Sidecar in February and March.
- **May** – We had our Virtual Annual NMCA Convention, “Weekend at the Cinema”, with approximately 175 attendees, 30 exhibitors, excellent speakers and many prize giveaways! Doctors who were unable to attend the weekend, had the opportunity to catch several of our speakers on demand in June.
- **June** – Our first “in person” event took place June 5th at two separate locations in order to stay in compliance with the DOH. This seminar was for AP continuing education hours.

What's coming?

- **Dry Needling Workshop – September 17-19, 2021. This class is full so we will look in to doing another workshop next year. Stay tuned!**
- **MARK YOUR CALENDARS! The NMCA Annual Convention is set for May 20-22, 2022 at the Marriott Pyramid North in Albuquerque!!! We have a great line up of speakers! More details to come!!!**

That's it for the business stuff for now. I want to say once again, my heart is full when I think of all of you. We've all been through a lot over the past year and a half, much of which has been together. You all are so kind, caring and patient. There has been, and continues to be so much need. It has been incredible to witness how the Chiropractic community rallies together when someone is in need.

Love and blessings,

Diana Statzula

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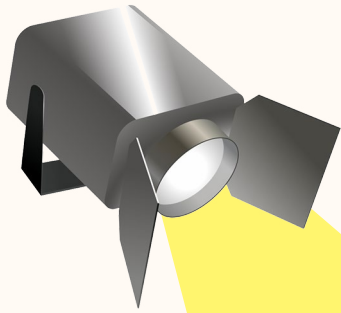
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SPOTLIGHT!!

Lifetime Achievement Award Recipient

Dr. Herbert M. Beatty's story.....

It was November 1968 and I had established my practice in Albuquerque. I borrowed \$2000.00 from the bank to purchase a small practice and began. Richard Nixon would be elected president that November and the Vietnam War was in the daily headlines. Martin Luther King and Robert F. Kennedy had been assassinated and my Father had just passed.

I was married with two small children, had a very supportive wife and needed to gross \$1100.00 a month to meet my expenses. I had placed a small listing in the Yellow Pages,

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Well, it was a humble but earnest beginning. I took calls in the middle of the night, holidays and Sundays and with no exception met the patients at my office whenever with whatever. I had committed myself to service with the tech-

niques that I had been trained with at Palmer Davenport. Toggle recoil, Gonstead, Palmer Diversified and Thompson were my tools of the trade along with a certainty that the power that made the body had the power to heal the body. All I had to do was release the interference to that law of nature as I understood it at the time.

In 1969 I attended the NMCA Annual Convention for the first time. It was held at the Western Skies Resort on the east end of Albuquerque and the guest lecturer was Dr. George Goodheart. It was at this meeting that I realized the amazing potential of belonging to a community of men and women dedicated to the profession. There was much talk at the time of passing legislation for chiropractors to be included under insurance coverage. Up to that time the profession was excluded, and a cash practice was the norm. My initial fees for an adjustment were \$5.00 cash at time of visit. In about 1971, due to the efforts of the NMCA, the Insurance Equality Law was enacted including our profession under insurance coverage. Dr Lyman Atchley was the NMCA President at that time and Gov Bruce King signed the law

into being. This was a major victory for our professional status and for the citizens of the state of New Mexico. It could not have been done individually but rather had to be done collectively. This was vindication of the power of the collective community of doctors in association with each other. Since those early years, the NMCA has played a major role in elevating the profession and our place in the delivery of health care in New Mexico. Yes, there have been disagreements along the way, schisms, and rapprochement. Not everyone agrees all the time on strategies and tactics. As Lincoln said, "You can please all the people some of the time, and some of the people all the time but not all the people all of the time". This is the reality of being human beings. We are not clones of each other and life is a dynamic process.

This year will mark my 52nd year as a member of the NMCA and the ACA. These organizations, while never perfect, are nevertheless, a force for good I believe. If our viewpoint is they must be perfect in all they do, then the perceiver should investigate the mirror of self and ask how such a standard is manifesting in one's

own personal and professional journey. Life is not so much a destination but rather a process.

The NMCA recently bestowed the Lifetime Achievement Award to me. My initial thought was, all one needs do to receive the Lifetime Achievement Award is simply live long enough. This thought belittles the sincerity and honor that the recipient receives from one's colleagues. There have been other colleagues that have also received this award such as Dr's Bill Doggett, Steven Perlstein, Robert Jones and Lyman Atchley. To receive this award is to become associated with Doctors of Chiropractic of significant stature and accomplishment.

I have always felt certain that Leo Buscaglia, Stanford professor of philosophy, was on to something when he said "You've never become, you're always becoming. If you think you have arrived someplace, I am sorry for you. You never really ever arrive anyplace." In other words, we live our lives in an arc of possibility. Looking back on the arc of my life I am rather amazed at those existential moments when life would have taken a quite different turn given the choices offered. For example, as a kid I thought I was supposed to grow up and become a Greyhound Bus Driver. We lived in Texico NM in the 1940's and I observed that the Greyhound driver was going someplace and if you lived in Texico that seemed like a great way to "Get out of Dodge". Life had other ideas for me, and I never got behind the wheel of a Greyhound. Another instance was when I was offered the opportunity to become a helicopter pilot while in the US Army. The year was 1963 and the Army was forming the newly developing Air

Cavalry. Because I was engaged to be married, I turned the Army down and went back into civilian life. By the way, had I become a helicopter pilot, I later would have flown Huey's over the jungles of South Vietnam. Who knew?

In civilian life I found myself in the office of Dr Samuel McMennamy in Amarillo Texas. Headaches were the issue at the time and Dr. McMennamy was the most convenient chiropractor to me, so I made an appointment. After x-rays and a consult, he pointed to the film and said "Son, this vertebra is your problem" and began a series of adjustments. This led to a major curiosity about the profession and after making many inquiries of various colleges my wife and I decided to enroll at Palmer Davenport in 1965 and one might say, "The rest is history."

"The rest is history." Well not quite. The thing is, Dear Brothers and Sisters in Chiropractic, our lives stand on the shoulders of those that have gone before, those that inspired us, encouraged us, taught us and were exemplars for us. I honor the following for their contribution to the arc of my lifetime career: Virgil Strang, Galen Price, George Goodheart, John Simons, Bertram DeJarnette, Clay Thompson, Al Peters, Clarence Gonstead, Al Riekeman, Joseph Kast, Guy Riekeman, Lyman Atchley, Jack Zipper, Otis Thomas, Eugene Sparlin, and Sheldon Deal. There are others that could be listed but the reader surely gets the point.

I am still in practice five days a week, in my 53rd year and am 82 years of age. I have an App on my phone called "How Long". It calculates the years, months,

weeks, days, hours, minutes, and seconds since I was born. It is a silly App. As of this writing, in 21 days, I shall have been on the planet 30,000 days. Never mind how many minutes and seconds!! I have been given such a gift dear colleague. That gift is to have been (and continue to be) a Doctor of Chiropractic in service to so many over a lifetime. When one considers that dash between one's date of birth and date of departure, we are in the domain, art and arc of possibility potential.

I am grateful for the opportunity to share these few thoughts with you and for the high honor of receiving the NMCA Lifetime Achievement Award. Much more might be said and yet this seems enough. I am not the first and certainly shall not be the last. Head, Hands and Heart.

Collegially yours,

Herbert M Beatty DC FICC





NMCA PAC REPORT

By Dr. J.C. Moore, DC

During the early stages of the pandemic, when our clinic traffic slowed to a halt, I took the opportunity to refocus my attention from working **IN** the business, to working **ON** the business. Those efforts have resulted in our clinic seeing a new level of efficiency and productivity in 2021. The NMCA and its legislative policy committee has embraced a similar approach and is positioned to see many long term goals come to fruition.

Medicaid inclusion for chiropractic physicians continues to be my number one priority as PAC Chair. Dr. Michael Pridham and I recently met with high level executives from a New Mexico Medicaid Managed Care Organization, to discuss coverage of chiropractic medicine in their Centennial Care program. The message was very well received, and we look forward to future discussions with their Medicaid Division. Additionally, we will be meeting with state leaders from the New Mexico Human Services Department and the New Mexico Medicaid Department later this summer. We hope to resume

discussions that were derailed last spring.

The current Advanced Practice Chiropractic Certification Program sunset almost 10 years ago, effectively shutting the door for future DC's to attain APC licensure. Still there is great interest in the program and we continue to regularly receive requests on how doctors can attain APC licensure. We are currently meeting and discussing with these interested parties. I want to hear exactly what you would like to gain out of a revamped APC program, and what type of educational process you would commit to, to achieve expanded scope. This will be instrumental as we develop a new program that looks to appease detractors from the medical community. If you would like to give your input and be a part of these discussions, please reach out to me directly at

jcmoooredcd@gmail.com.

Finally, I encourage all NMCA members to step back and spend time working **ON** our profession instead of just working **IN** our profession.

One way to do that locally, is to meet with your local state legislators. Now is the best time to engage these individuals, get to know them, and let them know what issues are important to you. I am told over and over directly from legislators and lobbyists, this one-on-one relationship building is the best way to achieve success in the legislative arena. The NMCA PAC and our lobbyist, Linda Siegle, are here to help you coordinate these meetings and give you talking points. As always, I would like to thank the NMCA PAC members and those that contribute to the NMCA PAC fund. Your sacrifices inspire me and are vital to our future success.



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ACA REPORT TO NMCA

July 2021



By Michael Pridham, DC

The delegates of the ACA are united in getting the Medicare bill HR2654 passed.

We are up to 76 cosponsors at the time of this report!

We have not had any of the three New Mexico Representatives sign on yet.

I am working on getting support from the NM Overdose Prevention and Pain

Management Advisory Council in August, and that should help encourage them to sign.

If you still have not contacted your Representative it is time to do so now. Stop reading this and click on this link, and then come back and finish reading after.

I'll wait. :)

<https://handsdownbetter.org/aboutchiropractic/accessandcoverage/hr2654patientaccesstochiropractictreatment/>

The House of Delegates have been having a discussion over the last couple of years about a vaccine statement. Dr. Jones brought it up for discussion even before the pandemic. See my report from June 2019. *"The House of Delegates will take on other controversial subjects next year. The topic of vaccinations has been in the news and we will be reviewing our policy".*

The topic was put on hold until after the COVID19 vaccine became part of the national discussion, and we spent the last year discussing a consensus statement about

vaccines. Some of the delegates had a problem with the statement because it was not strong enough, while some wanted a statement about personal choice. A motion was made to table, however it ended up passing with an overwhelming majority.

Shortly before the statement was passed, a reporter with the NYT asked many chiropractic organizations about their position on vaccines. At the time, ACA had no formal position. However, the response mentioned in the article is consistent with ACA's mission and recent position statement on vaccines.

Vocal Anti-Vaccine Chiropractors Split the Profession

The delta variant has been detected in every state at the time of the writing of this article. Both Republican and Democratic Senators and Representatives are encouraging their constituents to get vaccinated. It is encouraging to me that the ACA has a consensus statement to explain our position when the topic inevitably comes up in committee.

The story continues and we will be focusing completely on passing HR2654. When it passes, it will be the most transformative piece of legislation that our profession has ever accomplished. Thank you for all your support and encouragement!

Dr. Lucy Whyte Ferguson, DC. receives the NMCA 2020-2021 Chiropractor of the Year Award during the virtual convention in May!



I call myself the “Forrest Gump” of Chiropractic because I was in the right place at the right time to learn from ground-breaking healers. When I injured my back at age 28 and found out that I have no disc at the bottom of my spine, I went on a quest to heal myself. In the process, I became interested in healing the pain of others. The chiropractors who helped me the most and taught me about muscle balance were Dr. John Thie who wrote *Touch for Health*, and Dr. Leroy Perry who was one of the first chiropractors to work with Olympic athletes. When I was first in practice, I was invited to a seminar taught by Janet Travell, M.D., co-author with David Simons, M.D. of *Myofascial Pain and Dysfunction, the Trigger Point Manual*. From them I learned about Myofascial Pain Syndrome, and this knowledge forever changed my approach to healing. I continued learning from and then teaching with them from 1983 to 1995. In 1996, I was awarded the Janet Travell, MD Soft Tissue

Pain Management Award by the American Academy of Pain Management (the first chiropractor to receive this award.)

More recently, I took workshops with Warren Hammer, D.C. and Antonio and Claudia Stecco, both M.Ds, and learned about new research concerning the role of fascia in chronic musculoskeletal pain. Standing on the shoulders of these great innovators in the healing of pain has brought me to where I am today. It is my goal to pass on some of my knowledge because I can only help a finite number of patients in my practice but if I can pass information and skills in pain management and myofascial treatment to other healers and patients, then I will feel fulfilled, and I will feel I have passed the baton to others in fulfillment of the debt I feel to those who taught me. My teaching and sharing takes place at Colonias Chiropractic Center. It also takes place at the Pain Center at the University of New Mexico and University of New Mexico's Project ECHO Chronic Pain and Headache Management. I co-authored a text, with the neurologist Robert Gerwin, M.D.: *Clinical Mastery in the Treatment of Myofascial Pain*. I have also written numerous published articles. I now also direct the interdisciplinary Manual Courses offered through the University of New Mexico Myofascial Institute. I am also in the midst of carrying out an NIH supported research project: *Myofascial and Articular Treatment of Adolescent Idiopathic Scoliosis*, to test out the validity of this approach in a scientific study, with a treatment group and a control group, working with Selina Silva, MD, Pediatric Spinal Surgeon at Carrie Tingley Children's Hospital.



ICA Launches Legal Defense Fund 2021 to Help Fight Restraint of Trade Battle

February 21, 2021 (Falls Church, VA) The International Chiropractors Association has launched **Legal Defense Fund 2021** via [PayPal](#) as a portal for donations to be gathered to help our colleagues in British Columbia fight their restraint of trade battle.

The ICA since its founding has been willing to fight the hard fights to protect and promote chiropractic. Sometimes that means litigation. ICA has been asked to assist, and we are. We now ask our entire chiropractic community to support our British Columbia colleagues in this legal challenge.

The Situation in British Columbia In our press release of last week (<https://www.chiropractic.org/urgent-message-restraint-of-trade-battle-in-british-columbia/>) we detail and provide links to the relevant documents regarding the newly announced and immediately implemented restrictions on imaging. Last September ICA responded to the College of Chiropractors of British Columbia (CCBC) (the province regulators) regarding their red flag limits proposal, which was based on a single commissioned paper, "The clinical utility of routine spinal radiographs by chiropractors: a rapid review of the literature." ICA found methodological flaws and a failure to comply with the framework established to conduct the literature review. The ICA finds no positive outcomes for the public or the profession by injecting onerous regulatory limits to a safe, well-established practice, while we can predict negative implications to patient outcomes.

Its Time to Take a Stand! Our colleagues in British Columbia are mounting a legal defense. If this regulation is not defeated in court and fully implemented, these 'red flag' limits on imaging it will expand. Today it is British Columbia, next it could be your province state, or country. If there are future battles, we will continue to gather resources for those battles as needed. No monies donated to the ICA Legal Defense Fund 2021 will go the ICA, all cleared funds go to the legal battle. Please visit <https://www.chiropractic.org/ldf/> and donate what you can today.

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THIRD QUARTER 202

Year: 2021 MEMBERSHIP: _____ RENEWAL _____ NEW MEMBER _____

PLEASE PRINT and INDICATE HERE IF ANY OF YOUR INFORMATION IS NEW: _____ YES _____ NO

- NAME _____ M/F _____
Office Address _____
City _____ State _____ Zip _____
County _____ Office Phone () _____ Fax () _____
E-mail _____
- Date of Birth _____ Married _____ Single _____ Spouse's Name _____
- Chiropractic College _____ Graduation Date _____
- Other College(s) attended _____ Degree(s) Received _____
- Board certified in these specialty areas _____
- To what other Chiropractic Associations do you belong? _____
- Do you have a valid NM Chiropractic License? _____ License Number _____
- When did you begin practicing in New Mexico? _____ In what other states are you licensed to practice? _____
- Techniques used in practice include: _____

I further agree to abide by the bylaws of the state association, to strive to attend association conventions regularly and to take part in my district meetings to the best of my ability. I further understand that by providing my fax number and/or e-mail address, I agree to receive faxes and/or e-mails sent by or on behalf of the NMCA.

Date _____ Applicant's Signature _____

MEMBERSHIP DUES:

(All dues are calendar year.
Please fill in appropriate amount on right.)

TOTAL

Regular Member:	\$500 annually, to be paid: ____ monthly ____ annually	\$ _____
	\$250 annually for Doctors working part time due to impairment or illness, confirmed by physician ____ monthly ____ annually	\$ _____
	\$250 first year in NM for previously licensed DC ____ monthly ____ annually	\$ _____
New Licensee:	\$0.00 annually (within 1st 12 months), \$100 annually (within 2nd 12 months), & \$200 annually (within 3rd 12 months) for DCs just out of Chiropractic College	\$ _____
Out-of-State Doctor:	\$150 annually (licensed DC practicing outside NM)	\$ _____
Student:	\$25 annually	\$ _____
Professional Associates:	\$250 annually (non-DC business or individual)	\$ _____



THIRD QUARTER 202



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THIRD QUARTER 202

NMCA EZPAY MEMBERSHIP DUES & CONTRIBUTION FORM

EZPay is a convenient and easy way to pay your annual membership dues and contributions to the NMCA. Simply fill out to dues schedule amount and frequency of payment (i.e. one time, monthly, quarterly, etc.) and select your method of payment and the NMCA will do the rest! You can also make a contribution to the NMCA President's Circle, PR Media Fund, and/or Scholarship Fund by selecting the appropriate box below.

☐ I wish to pay my NMCA Annual Membership Dues via EZPay.

(Please see membership application for dues applicable to your personal membership category.)

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Signature _____ Date _____ Printed Name _____

Address (City, State & Zip Code) _____

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NMCA Political Action Fund (PAC) EZPAY CONTRIBUTION FORM

EZPay is a convenient and easy way to contribute to the NMCA PAC. Simply fill out the amount you wish to contribute and the frequency (i.e. annually, monthly) and select your method of payment and the NMCA will do the rest! Or, you can make a one-time contribution to the NMCA PAC by selecting the "one time" box below. **Please fax completed form to 505-554-1482.**

☐ **I wish to contribute to the NMCA PAC via EZPay.**

EZPay Amount \$ _____

EZPPay Schedule: ☐ Monthly

Payment Type: ☐ Credit Card

☐ Annually

☐ Charge my Checking Account

☐ **I wish to contribute a one-time payment in the amount of \$ _____**

Payment Type: ☐ Credit Card

☐ Charge my Checking Account

☐ Personal Check Enclosed

Payment Information

Checking Account:

Bank Name _____ Account Number _____

ABA Routing Number _____

Credit Card:

☐ Visa ☐ Master Card ☐ Discover Card Number _____

Exp. Date _____

Political contributions may be adjusted, the amount given or refusal to contribute will not benefit or disadvantage you. Contributions or gifts to the NMCA PAC are not tax deductible as charitable contributions. Federal law requires political committees to report the name, mailing address, occupation and name of employer of each individual whose contributions aggregate in excess of \$200 in a calendar year.

Occupation _____

Employer _____

EZPay Applicant Information: I hereby authorize the New Mexico Chiropractic Association to initiate, in accordance with the payment schedule indicated above, debit entries to my checking account as indicated above and on the attached voided check or my credit card account. I hereby authorize the depository institution named above to debit the same from my account. Said debits shall be for the amount indicated in the above-noted amount of contribution. This agreement will remain in effect unless I notify the NMCA, in writing by mail or fax at 505-554-1482, to cancel it.

Signature _____ Date _____ Printed Name _____

Address (City, State & Zip Code) _____

PO Box 20399 Albuquerque, NM 87154 • 505-280-0689

Chiropractic and the Law



Donald E. Bonney, D.C., C.I.C.E.

As a practicing physician for 34 years and providing medicolegal consulting/ testimony for almost 30 years, I wanted to offer some definitions and insights for your benefit. Please understand that I am not an attorney and am not providing legal advice. My intention is to provide some basic definitions so you have a better understanding as to the legal arena that you might find yourself in (or already have).

I've reviewed approximately 4000 cases and testified under oath approximately 100 times both for the plaintiff and defense bar in my career. I have testified in Arizona, Colorado, Texas and throughout New Mexico. Sadly, I have seen colleagues commit perjury, alter records, bill incredibly high amounts [\$800/visit], and over treat [one case was 400 visits]. One case involved a colleague who was personally in a MVC and treated himself billing about 50 times. Several attorneys have also told me that multiple judges have voiced to them extremely low opinions of our profession due to factors such as these. As a profession, we do have credibility issues. I have however, also reviewed cases where the care was reasonable and medically necessary, and it was a wonderful and heartfelt opportunity to advise retaining counsel that the care rendered was excellent and the law firm did not need my services as an expert. I truly wish every case was like that, but typically when they cross my desk, they're not.

In personal injury cases, 4%-5% of cases may go onto trial with the balance being decided by settlement or via a court annexed proceeding. Some experts say that 90% of lawsuits that go to trial lose. No matter where you are in the legal arena, you need to be prepared and understand your ethical role as a physician. The experience can be frightening or professionally satisfying. It's all up to you.

DEFINITIONS:

A STATUTE is a law such as our chiropractic practice act that is enacted by a legislature.

CIVIL v CRIMINAL: Civil cases involve private disputes between persons or organizations. Criminal cases involve an action that is considered to be harmful to society as a whole or offenses against the state. Personal injury cases are adjudicated in civil proceedings.

A FACT WITNESS is an individual who has personal knowledge of events pertaining to the case and can testify as to what they have personally observed or witnessed. That means as a treating doctor you can only testify as to what's in your records. Anyone may testify as to facts; only an expert may legally offer opinions, such as for causation.

An EXPERT WITNESS is an individual who is qualified to testify at trial because of education and training, skills and experience, and specialized knowledge or proficiency in a particular field

that is relevant to the case. Testimony must be properly grounded, well-reasoned and not speculative. Unique credentials are necessary to be recognized as an expert.

A DAUBERT challenge is one of the strongest legal mechanisms opposing counsel can use to discredit the validity of an expert's testimony. This is the standard by which a trial judge can assess whether an expert witness's testimony is based on scientifically valid reasoning that can be applied to the facts at issue in the case. A Daubert challenge is a particular type of motion made to the judge either before or during litigation in an effort to exclude the introduction of unqualified expert witness testimony. It is based upon the 1993 case in the United States Supreme Court of *Daubert v. Merrell Dow Pharmaceuticals*. I have faced eight Daubert challenges by opposing counsel and never been disqualified. If you're disqualified, you're done with that case.

A MOTION IN LIMINE is a motion, discussed outside the presence of the jury, to request that certain testimony be excluded and is frequently used in pre-trial hearings or during trial. It can also be used to get a ruling to allow for the inclusion of evidence. It can also be associated with a Daubert challenge in which some testimony is limited.

FRIEND OF THE COURT is an individual who is not actually involved in a case as a party but who brings a matter or clarification to the attention of the court. A Friend is also one who assists the court by furnishing information or advice regarding questions of law or fact. I've testified as a Friend of the Court having to be first approved by plaintiff counsel, defense counsel and the judge. That testimony is offered free of charge and, frankly, enhances credibility.

INTERROGATORIES are formal questions that MUST BE answered.

A DEPOSITION is the process of giving sworn evidence/ testimony under oath. It typically is used to measure the credibility of a witness and/or to prepare for impeachment of their testimony at trial. Odds are, if an attorney is asking you a question, they already know what the answer is, or should be. If you receive a subpoena, you MUST COMPLY with all requests within the subpoena.

COURT ANNEX is a court mandated dispute resolution process to which cases that meet some specified criteria are assigned, and it takes pressure away from our over-burdened court system. This includes arbitration and mediation as a precursor to or instead of a bench or jury trial. The award is non-binding and a litigant may always request a trial; however that carries greater risk to the litigant.

A BENCH TRIAL is a trial in which the judge is the trier of fact as well as the trier of law.

A JURY TRIAL is a trial in which the jury is the trier of fact.

A TRIER OF FACT (or factfinder) is a person such as a judge, arbitrator or mediator, or a group of persons such as a jury, tasked with evaluating evidence in a trial or other court proceeding. They evaluate the facts and render a decision.

MAGISTRATE COURT is a local court having limited jurisdiction commonly with less serious cases such as fee disputes, minor assaults, and vehicular offenses [like speeding]. New Mexico has 54 magistrate courts and 66 magistrate judges. Doctor/ patient billing disputes can be heard here.

DISTRICT COURTS are general trial courts of the federal judiciary. Both civil and criminal cases are heard that include reviewing petitions, hearing motions, holding trials and issuing injunctions. There are 13 districts in New Mexico with 94 sitting judges. The 1st District is Santa Fe and Rio Arriba Counties; the 2nd is Bernalillo County and Albuquerque; the 3rd is Dona Ana County and Las Cruces; the 11th is Farmington/ Aztec; and the 13th is Sandoval and Valencia Counties. Personal injury cases are heard here.

FEDERAL COURTS are courts that only hear cases impacted by the United States Constitution or federal statutes or treaties. They include the Supreme Court, Courts of Appeals, District Courts and others such as bankruptcy. Qualifications as an expert witness are much more stringent here.

A PLAINTIFF is a person who brings a case against another in a court of law. In personal injury this typically is the party involved in a MVC bringing a case alleging the fault of another.

The DEFENDANT is a person, company or institution sued or accused of fault in a court of law.

SUSTAINED: If a judge agrees with an attorney's objection to a question at trial, the judge will say "objection sustained." Always wait for this decision before answering the rephrased or next question. My experience is that the attorney will rephrase in order to make a point or to elicit a specific answer.

OVERRULED: When an objection is overruled it means that the question asked can be answered in order to establish a fact, or with an expert witness, to elicit an opinion.

PERJURY is the CRIME of intentionally LYING after being duly sworn to tell the truth. I've witnessed three trials in which the treating chiropractor committed perjury on the stand. They lost their cases. One question you never want to hear is, "Doctor, were you telling the truth then or are you telling the truth now?" Once credibility is lost, so is your integrity and so is the case.

TAKE-AWAYS:

ALWAYS tell the TRUTH! No exceptions, no exceptions, no exceptions no matter how you might come out looking or feeling. Again, your credibility and integrity is always on the line.

If you don't know an answer say, "I don't know." If you need to "give" on a point of fact or speculation, DO IT. You'll be more believable and credible. Also, be careful of speculation and scenarios. A scenario is not the case at hand.

BE PREPARED: As a treating doctor, thoroughly know your patient and the case: mechanism of injury, your evaluation, your diagnoses, your treatment plan and prognosis, the whole course of treatment and rationale for same. Understand evidence informed medicine and standards of care that apply to our profession. Before testifying, get a good night's sleep, take a deep breath, and don't take anything personally. All you have to do is be prepared and tell the truth.

CHARTING: If you are using boilerplate/ computerized charting that never changes – STOP! You are doing your patient a grave disservice. NEVER ever alter your notes after the fact. If you need to make a clarification, date, initial and/or sign the addendum. Twice I've seen charting intentionally altered. The treating doctors lost their case.

SUBLUXATIONS: If you rely solely on subluxations as diagnoses – STOP! Subluxations fail every parameter of Sir Bradford Hill's Criteria of Causation, the Gold Standard. As a profession, we can't even agree if subluxations exist or are significant at all. We're physicians not technicians.

One last thing: ALWAYS TELL THE TRUTH NO MATTER WHAT!

Further reading: Doctors & the Law; Second Edition 2016; Zobel, Rous; Crico Books



JOB OPPORTUNITIES



Associate Needed

Part- or full-time **associate wanted** in Albuquerque practice. Diversified adjusting a plus. The practice focus is on musculoskeletal and auto injuries.

Contact Dr. Cecil at: Chriscecil@live.com or call my office at 505-243-1313.

Associate Needed

Are you a highly motivated, personable, caring chiropractor looking for an associate position in a state of the art wellness facility with excellent opportunity in experience and growth? Do you also have excellent patient/personal communication skills. If so, then Millennium Health & Wellness is looking for you.

An amazing opportunity is available for a dynamic, motivated, licensed Chiropractor to join a top notch multidisciplinary team. Wonderful location in a well-established practice. This is an exceptional opportunity designed to fulfill your personal and professional goals while being financially rewarding.

Summary of Essential Job Functions: We offer a variety of treatment options primarily focusing on the spine and extremities to provide patients with excellent alternatives other than drugs and surgery with approximately 90% success rate with our treatment options• Health fairs and Community Involvement• Provide consultations, exams, and treatment plans for multiple musculoskeletal conditions.

Minimum Requirements• Doctor of Chiropractor License in the state of New Mexico. • Experience preferred, but not required. • Cheerful, outgoing demeanor, responsible. • Dedication to high quality service.

Very generous above average for the profession monthly base salary.

Job Type: Full-time

Pay: \$80,000.00 - \$100,000.00 per year

Millennium Health and Wellness 3850 E. Lohman Ste. 100, Las Cruces, NM 88011 phone: 575-521-0793 email: billing@millenniumlc.com

Chiropractor Needed

Chiropractor wanted for busy Chiropractic office. We are an acute care clinic looking for a hard working, detail oriented, self driven individual who is kind, caring, health conscious and a team player. This is a non smoking environment. Experience is not necessary but you must know about and believe in Chiropractic care. Our office



JOB OPPORTUNITIES

CONTINUED...



Chiropractor Needed continued..

hours are Monday, Tuesday and Thursday 8:30-6pm Wednesday 1-6pm and Friday 8:30-2pm. If interested please send cover letter, resume and 3 references to heightschiroabq@gmail.com or fax to 505-888-8836.

Chiropractor Needed

The BodyWise Health Center is a family run multidiscipline chiropractic clinic in Espanola, New Mexico. We have been serving the Upper Rio Grande valley for 25 years. I am the chiropractor and focus on the musculoskeletal and neurologic systems. My visits are 20 minutes in length and consist of Diversified adjusting, various myofascial techniques, acupuncture, soft tissue and joint homeopathic injections, flexion distraction, and patient education to assist with "What's wrong and what can I do about it?" My wife is also a chiropractor and specializes in functional medicine. She is excellent at the interpretation of various labs tests and the utilization of supplements and dietary modifications to bring about balance in the biochemical and hormonal systems.

I am looking for help. I would love to have an associate that we could teach what we do and how to make a living doing it. I would pay a 60/40 split and can help with insurance panel inclusion. The insurance panels in our region are closed. The only way to get on them is thru an associateship.

We work in a ridiculously underserved area. I show up, do my best, have compassion and empathy, and go home. I can garden, mountain bike and ski in the Rockies, and play at the lakes and rivers during the weekends. It's a beautiful life. Give me a call and let's talk. Salim Bohsali D.C 505-753-9296, thebodywisehealthcenter.com

Associate Needed

We are looking for an associate chiropractor for our clinic in Rio Rancho, NM. The position is 5 days a week for \$5,000/month or 4 days a week for \$4,000 plus monthly bonuses based on production. We are a busy clinic and you will be seeing about 20-30 patients a day. You will learn a lot about patient education and patient management. Malpractice insurance is covered and we will pay up to half of your health insurance if needed. Please contact Kyle Gray at either 575-302-6943 or 505-891-3111 or email at drgray@ltchiro.com

Practice Coverage for New Mexico & West Texas

Coverage for large or small practices with affordable rates for any size practice. Twenty-six years experience in private clinical practice and four years with practice coverage. I provide near seamless coverage with the technique you practice as I am proficient in most mainstream techniques (Diversified, Bio-Physics, Thompson, Activator, Active Release & Applied Kinesiology). Proficient with X-ray (analog & digital), Myovision SEMG, PT Rehab Exercise & Electrotherapies. Licensed in Texas & New Mexico - Proficient in clinical & conversational Spanish. Dependable and Honest; Satisfaction Guaranteed Contact: John L. Scarborough, MS, DC. email: drtlc@wvi.com or call (541-350-5266) References upon request. Enjoy the time off you deserve & return to a happy practice. Thank you!





CONTINUED...

JOB OPPORTUNITIES

Associate needed

Would you like to begin as an associate and have the opportunity to grow into a partner with an ownership stake in a successful/profitable practice? Are you wanting to be treated honestly and fairly? Daugherty Spine & Disc is the place for you (check out our Google reviews)! We offer a base salary plus profit sharing. We are located in beautiful Las Cruces, NM. Dr. Daugherty is a Spine specialist who has been practicing for 17 years. We are the perfect place to commence your Chiropractic journey. Here in NM we offer Plenty of outdoor activities including boating, kayaking, fishing, hiking, snow, and water skiing, and more. If this sounds interesting to you or know someone who you believe would be interested, please contact us your information ASAP and let's talk. Email me your contact information at d_chiro@hotmail.com

ASSOCIATES NEEDED

In Colorado, Texas, and Arizona Are you a Caring, Compassionate, Energetic, Family-Practice Focused Chiropractor? If so, we are inviting you to be part of our office expansions. We are looking for Enthusiastic Associates in our Arizona, Colorado, and Texas offices to help us grow!!! All are GREAT places to raise a family!!! All have wonderful, trained, caring staff members!!! All have thriving patient-bases!!! All that's missing is YOU!!! Full-time positions, salary \$50k-\$80k per year, D.O.E. and abilities, Malpractice Insurance paid, Bonuses to be earned!!! Immediate openings in all 3 areas! Send resume to liveschiro@yahoo.com to begin this next and exciting chapter in your life!

PART-TIME CHIROPRACTOR NEEDED

Established chiropractor has been in business in Albuquerque, NM for over 20 years. We have a small but busy practice and we are looking for a part-time associate with a minimum of 2 years of experience in a medical office as a professional or internship, a certified D.C. who demonstrates skills for excellent customer service, time management, and maintain a professional relationship with patients and office staff Hours: Part-time 5-10 hours per week with possibly going full time in 6 months to 1 year Location: near the University of New Mexico Compensation: you will be paid per patient with opportunity for more hours and future ownership of the practice Techniques: Ability to learn or add to the following- applied kinesiology, trigger point therapy, cranial sacral technique, sacral occipital technique, bio-energetic synchronization technique, and diversified/mixed. Please respond by email to: Diversifiedchiro@gmail.com with your cover letter and resume.

CHIROPRACTOR NEEDED

Established clinic in Las Cruces is searching for the right D.C. Consistent stream of personal injury and cash patients with loyal, well-trained, long-term staff in place. \$70k base plus uncapped monthly bonus, malpractice insurance paid and moving allowance available. Don't miss out on this opportunity...email resume to paul@otowiusa.com and let's talk!

ADDITIONAL CHIROPRACTIC DOCTOR WANTED

Offered is an excellent opportunity for professional growth in a busy and growing chiropractic clinic in South Central New Mexico. We have been recognized locally as the "Best of the Best Chiropractor" for the last seven years running. In addition, we won "Business of the Year" in 2016. We average over 1,100 new patients due to internal and external referrals, our excellent reputation, a busy marketing program, and excellent patient outcomes. A qualified candidate will exemplify integrity and honesty, and must have a positive, hard-working, patient-first attitude. You should have the requisite abilities of a doctor who can perform a proper



Additional Chiropractor Needed continued..

consultation/evaluation, interpret exam and x-ray findings, assign an appropriate working diagnosis, present a reasonable treatment plan, transfer patients into wellness care, and of course – provide great adjustments. We are fully staffed with well-trained, caring professionals in management, insurance, therapy, at the front desk, and in IT. We are in a large, modern, and clean, facility with plenty of parking. We are up-to-date with EHR and utilize digital radiography, decompression therapy, laser therapy, trigger point injections, etc. We are perfectly suited for recent graduates and for seasoned doctors. Whether you're looking for a great environment in which to learn from the "Best of the Best" or you're tired of running your own clinic - exhausted from the grind, no vacation relief, struggling to get new patients - this is your place! For more information, including salary, paid vacation, bonuses, and benefits offered, please send your resume to docprecure@msn.com.

ADDITIONAL CHIROPRACTIC DOCTOR WANTED

We are looking to expand our practice, not replace an existing chiropractor. We are very happy with our current team, but would like to add another member to the team. We see anywhere from 45-75 patients a day. The position is for either 4 or 5 days a week and salary will be based on how many days you choose to work. Training will be 5 days a week until we feel you are able to pick up our methods and approaches. Bonus is based on productivity. Job Types: Full-time, Part-time Salary: \$4,000.00 to \$5,000.00 /month Contact is Dr. Gray: 575-302-6943 or drgray@ltchiro.com

ASSOCIATE CHIROPRACTIC DOCTOR OPPORTUNITY AVAILABLE

Santa Fe NM. Join an established and successful office. Back to Health Wellness Center offers multiple and unique services including chiropractic adjustments, manual and instrument, applied kinesiology, nutrition response testing, advance muscle integration technique (AMIT), the heart sound recorder, true cellular detox, and more. We are interested in a seasoned doctor looking to branch out and work with a team or new graduates who are teachable with promise and talent as well. Hoping to build a long-term relationship with the possibility of partnership. Pay will be based on a percentage of gross compensation. All office protocols are in place, such as reception, billing, etc. We are a fee for service practice as well as accepting many major insurance companies. To apply send resume to Dr. Chaz Schatzle at chazdoc@gmail.com

FULL TIME PARTNER DOCTOR WANTED

Immediate opening with ownership opportunity. Solo family chiropractic practice, with doctor retiring soon, is looking for a full-time partner doctor. Buy-in or earn your way to ownership. Must be personable, caring, professional and passionate about working with patients and improving their health. Compensation negotiable, includes base salary plus production bonuses. Get clinical and office training by doctor with 25+ years in the business. Must have current DC, but will consider students nearing graduation and accreditation. Relocation bonus available. About our Community: Farmington, NM, located in the Four Corners area of New Mexico, is nestled in the picturesque San Juan River valley, within sight of Colorado's rugged San Juan Mountains and the desert highlands of Arizona and Utah. Enjoy the Southwest culture, art, outdoor activities, family community and big, open skies. For the outdoor enthusiasts, jump on the nearby ski slopes, raft the white-water rapids of the Animas River, tackle off-road adventures, rock climb the dessert, or fly fish the world famous rainbow trout fishing of the San Juan River. Experience the wide variety of cultural experiences with the performing arts, museums, native culture, galleries, and gaming. Enjoy all the adventure, cultural, and family-oriented benefits this community



CONTINUED...

JOB OPPORTUNITIES

Full Time Partner Doctor wanted continued..

offers. For more about our community visit <https://farmingtonnm.org/> If you are interested in learning more, please request a phone interview at <https://goo.gl/RwHesi>

ASSOCIATE DOCTOR NEEDED

Associate Doctor (Chiropractor) needed for established practice. Associate doctor will have incredible opportunity with practice and beautiful office with latest technologies, with possible buyout in future. Call Dr. Will Smith 575.693.1999



EQUIPMENT FOR SALE

Equipment for Sale

Three Hill Elevation Adjusting Tables. a. Each has Lumbar, Dorsal, Cervical Drops Excellent Cond. Ask \$900-\$1100. Three interferential/Ultra Sound combo units New \$4000-\$5000...Asking \$900-\$1200 Excellent condition. X-ray view boxes (2) 14x17 & 14x36 Asking \$45 to \$75 respectively. Four drawer Lateral Filing Cabinet \$300 Erchonia Laser, \$1500 Miscellaneous posters Free Dr Stribling will entertain offers. My Cell number is 459-3158 Email: drstribling@gmail.com

Equipment for sale

1990 Lloyd hydraulic with no drop pieces and no stand up feature. 1990 Lloyd galaxy 900 HS Hylo with no drop pieces, has hydraulic but the vertical stand up feature needs repair. Not expensive. Make offer please. Buyer to arrange pick-up and transport. I plan to close the office at the end of July. Anyone interested can contact me David Rosengren, 310 Garfield St, Santa Fe, New Mexico 87501 (505) 983-1513

EQUIPMENT FOR SALE AND OFFICE FURNITURE

Chairs, desks, therapy tables, massage table & chair, pictures, curtains, etc. Call Vince 505-908-4380

EQUIPMENT FOR SALE

Hill Anatomotor cervical and lumbar traction, with roller, vibration and heat, excellent condition, \$2000 OBO, call or email for pictures at 269-589-7930, or hammel.samuel21@gmail.com.

EQUIPMENT FOR SALE

Used film processor,(in excellent condition), stand, cassettes, safe room light and I.D. flasher, installed in the Albuquerque area, 1,500.00 plus tax. For more information, call John at 505-507-4659 or email me at whitew310@aol.com Film processor cleanings, service and supplies also available.





PRACTICE FOR SALE

30 year established practice for sale

Work 3 days per week with collections averaging 350K per year. Call 505-330-3330 for more information. Well established 39 year Cash practice for sale. Central Albuquerque location. Ample parking and visibility off of a high traffic area. Practice has 3 treatment rooms, Hill Tables, Therapy equipment. New (hardly used) Xray machine with auto developer. Technique used is a mix of Diversified, Pierce Stillwagon, Activator (Upper Cervical), and considerable soft tissue work with Kinesio Taping (Dr. can instruct interested party). Asking an extremely reasonable price to interested party. Please leave inquiries with drstribling@gmail.com

PRACTICE FOR SALE

Established For 26 Years in Beautiful Santa Fe, New Mexico. Mountain Views and Amazing Outdoor Activities. By Owner Chiropractic, Physical Therapy Modalities and Spinal Decompression Practice. We see patients for Auto Accidents, Work Injuries, Chronic or Acute Conditions, as well as Wellness Programs. The Non-Surgical Spinal Decompression Protocol Treats Disc Herniations or Bulges, Facet Syndrome, Paresthesias, Degenerative Disc Disease with amazing Success and with lots of testimonials. Spinal Decompression Protocols are cash based. Otherwise we take some insurance but much of it is cash based. Office Manager has been with me for 10 years. Established Electronic Billing. Established patient procedures. Over 3 years collection averaged \$350,000 per year plus established subleaseors. 1500 square feet with 5 treatment rooms plus Digital X-rays. New Information of new SBA Care Program for Business Purchases. As a result of Covid 19 and the Stimulus Package, The SBA is providing loans (7a) to purchase Businesses with less requirements for applications and approvals, low interest and pay back is not required for 6 months. They are making it easier to purchase businesses during this Pandemic. Research it yourself. Willing to help, train and stay for transition. Practice is being sold due to health reasons. Doctor is a Palmer Graduate. Price: \$225,000 Reduced to \$150,000 Call: 505-310-0461 Email: santafechiropractice@gmail.com

PRACTICE FOR SALE

Dreaming of Owning Your Own Clinic??? Want To Do It Easily AND With Little Out-Of-Pocket??? This Is YOUR Chance!!! Lubbock D.C. Retiring!! Fully Equipped Clinic with Digital X-Ray, Intersegmental Traction, EMS, Flex/Distractor, VibraCussor, ATM, and Rehab Equip/Area! Fully-Trained, Excellent Staff Seeing 35-45 Patients/Day! Great Place To Raise A Family! Retiring D.C. Will Finance!! Quick and Easy Transition!! Great Location!! Don't Miss This Excellent Opportunity!! Please send email to s.morris777@yahoo.com

SPACE AVAILABLE

TREATMENT SPACE AVAILABLE

Treatment room available for sublease in northeast heights chiropractic office. Rent is \$500 per month, which includes all utilities except phone. The space is available now. Please contact Dr. Zandall Carpenter at 505-888-1550 or email at doctorzabq@hotmail.com for more information.





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THIRD QUARTER 202

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HANG IN THERE



"I think I slept funny."



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New Mexico Chiropractic Association™ Journal

Serving the Profession since 1947

THIRD QUARTER 202

VISION STATEMENT of the NEW MEXICO CHIROPRACTIC ASSOCIATION

The Vision of the New Mexico Chiropractic Association is to have every Chiropractor in the State of New Mexico as a member, working together to expand and protect the rights of the chiropractic profession.

The NMCA needs every chiropractor in the state involved and united in order to combat any loss of chiropractic rights as they now stand, to stop any infringement by other professions into areas that are traditionally chiropractic in nature, to provide pathways for chiropractors to expand their areas of expertise in order to service their patient population to the fullest, to educate the public as to the value and benefit of chiropractic care, and to provide easy access to chiropractors within the health care industry.

The NMCA is the only organization in the state that can accomplish the above work. This work cannot, however, be accomplished without the required funds and without the necessary people to follow through. Therefore, the NMCA needs a large and actively involved membership. No matter what part of the state you call home, if the Practice Act for Chiropractors changes, you will be affected--for better or for worse, depending on whose changes are adopted. Help us make the changes that occur, changes that you want to see occur, changes that will enhance your profession.

In summary, the NMCA Vision is to have the total participation and backing of the entire chiropractic community in New Mexico toward the enhancement of the chiropractic profession while protecting the rights of chiropractors to treat patients within the expertise of their training and licensure. Please help us make this Vision a reality!!

MISSION STATEMENT of the NEW MEXICO CHIROPRACTIC ASSOCIATION

New Mexico Chiropractic Association is a statewide, non-profit, professional trade association comprised of doctors of chiropractic.

The Purpose of the NMCA is to provide the education resources and support needed to assist each doctor of chiropractic in rendering optimal care to a greater percentage of the population to enhance their quality of life.

The NMCA protects and advances the art, science and philosophy of chiropractic by promoting a model of excellence in the professional and ethical standards of its members.

***Please Support and Thank the
Professional Associate Members of the NMCA!***

***We really appreciate them for supporting each of you and the association!
You can get all contact information on our web site at www.nmchiro.org
by clicking on the Start Shopping page in the menu bar at the
top of the home page and all the other pages!***

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For your confidence in us!!

We understand that **WHEN YOU REFER A CLIENT TO US**

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Because of your continued support we have been able to help thousands of victims of accidents and violence get proper compensation for their injuries so they can move forward with their lives.

When you refer a patient or friend to Parnall Law you can be certain they'll be treated with the same professionalism you and your business provide.



We are always accepting referrals & the consultations are always free!

Call Today - (505) 268-6500

📍 2025 San Pedro Dr. NE, Albuquerque, NM 87110

🌐 www.HurtCallBert.com

