



November 3, 2015

Honorable Jeffrey D. Kyle
Clerk, Third Court of Appeals
209 W. 14th St., Room 101
Austin, TX 78701

Re: No. 03-15-00262-CV; TEXAS ASSOCIATION OF ACUPUNCTURE AND ORIENTAL MEDICINE, Appellant, v. TEXAS BOARD OF CHIROPRACTIC EXAMINERS AND YVETTE YARBROUGH, EXECUTIVE DIRECTOR IN HER OFFICIAL CAPACITY, Appellees.

To the Honorable Members of the Third Court of Appeals of Texas:

The Chiropractic Society of Texas (CST) is a state organization that represents chiropractic in the state of Texas. We are a non-profit, membership-supported organization of chiropractors, chiropractic students, and chiropractic supporters within the state of Texas. CST has a strong interest in this proceeding before the Court and concerns for the negative ramifications it portrays on the Chiropractic profession in the State of Texas. In that vein, we offer the following thoughts to the Third Court of Appeals.

Our CST bylaws state the following:

“ARTICLE I. DEFINITION OF STRAIGHT CHIROPRACTIC

Section 1. Any person shall be regarded as practicing Chiropractic within the meaning of these By-Laws who shall employ objective or subjective means without the use of drugs, surgery, x-ray therapy or radium therapy, for the purpose of ascertaining the alignment of the vertebrae of the human spine, and practicing of adjusting the vertebrae to correct any subluxation or misalignment thereof, and charge therefore directly or indirectly, money or other compensation; or who shall hold himself out to the public as a Chiropractor or shall use either the term “Chiropractor,” “Chiropractic,” “Doctor of Chiropractic,” or any derivative of the above in connection with his name.”

The above Article in our bylaws makes clear the practice of chiropractic: Adjusting the vertebrae of the spine to correct subluxation. The CST holds the position that the practice of Acupuncture is a separate and distinct art and science, using needles to treat patients, with no regard for a vertebral subluxation, thereby not qualifying under the definition of Chiropractic.

It is the opinion of the CST that the practice of Chiropractic and Acupuncture are two completely distinct and separate professions. As such, the CST is not in favor of expanding the practice, and/or the scope of Chiropractic beyond the above definition. Changing the definition or scope of Chiropractic weakens our profession by creating confusion around the practice of chiropractic in Texas with our doctors and patients.

Therefore, the Chiropractic Society of Texas is in support of TAAOM and we ask the court to reverse the ruling of the lower court (201st District Court) and render judgment in favor of TAAOM. We appreciate the opportunity to express our concerns and urge the Court recognize the differences between Chiropractic and Acupuncture.

Respectfully submitted,

/s/ Matthew M. Mix D. C.

Matthew M. Mix D.C.

President – Chiropractic Society of Texas

312 E. Church Street

Livingston, TX 77351

512-321-9200

info@texaschiropractic.org

CERTIFICATE OF AMICUS

I certify on behalf of *Amicus Curiae*, that no persons other than *Amicus Curiae* or its counsel made any monetary contribution to the preparation or submission of this *Amicus* letter.

/s/ Matthew M. Mix D.C.
Matthew M. Mix D. C.

CERTIFICATE OF COMPLIANCE

I certify on behalf of *Amicus Curiae*, that this *Amicus* letter contains 386 words according to the word count feature of the Microsoft Word software used to prepare this *Amicus* letter.

/s/ Matthew M. Mix D.C.
Matthew M. Mix D. C.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing *Amicus* letter has been served to all attorneys of record as listed below via electronic service on November 4, 2015.

Joe H. Thrash
Assistant Attorney General
Administrative Law Division
P.O. Box 12548
Austin, Texas 78711
Joe.Thrash@texasattorneygeneral.gov

Craig T. Enoch
Enoch Keever, PLLC
600 Congress Ave., Ste. 2800
Austin, Texas 78701
cenoch@enochkeever.com

/s/ Matthew M. Mix D.C.
Matthew M. Mix D. C.