

March 15, 2013  
San Clemente, CA

TO: Cory Gould, DC, Medical Director,  
Neck and Back Medical Center,  
26072 Merit Cir # 119 Laguna Hills, CA 92653

CC: Robert Sklar, MD  
CC: Shana Maghsoodi, PT  
CC: California Board of Chiropractic Examiners

Dear Dr. Gould,

When I visited your center in November 2011, I was looking for an alternative treatment for neck and low back pain and initially placed a lot of faith in your facility and staff. Chronic pain history, previous injury by a chiropractic, related emotional depression and the stress of having a newborn all contributed to my acceptance of the treatment with little outside research. I was under the impression that your center offered a safe and effective treatment and I will be closely supervised by experienced staff. I was completely blind to any risk that may be involved.

I would like inform you that as a result of the treatment prescribed and supervised by your staff, I suffered a sprain to sacroiliac and iliolumbar ligaments which presented me an immense physical discomfort from March to August 2012. I experienced a serious sleep disturbance from March to May 2012 due to inability to find a pain-free resting position as well as frequent night sweats. I required a combination of sleep aid, anti-anxiety and anti-depressant medication from March to November 2012 to manage frequent anxiety attacks. All this made it extremely hard to provide proper care to my newborn son and put an extreme psychological strain on my young family. I was fortunate to have a strong relationship with my wife and to find a number of caring and compassionate doctors (including an osteopath, chiropractic, prolotherapy specialist and a psychiatrist) all of whom helped me to get back on track with my life.

My recovery was and continues to be a rough road and I am striving to once again be able to engage in my favorite activities. I can only sleep in one position now - on the left side. I am fully aware that I will never be able to fully regain the stability and strength in the low back region. Ironically, while the pains that prompted me to visit your facility were mostly resolved with re-establishing proper anterior to posterior back curves and prolotherapy sessions, I do continue to deal with the aftermath of the injury sustained at your center. Moreover, I can never recover those 8-months of pain and stress caused by this experience, and time of joy missed with my family.

It is clear that your center presents some false messages on TV adverts and in the doctors' consultation, leading one to believe that traction therapy is an FDA approved treatment without

a risk of serious side effects. In fact, there was no informed consent offered by your office for me to sign. What I have found in my research, contrary to the claims your company is making, the MedEx and DRX equipment is not FDA approved and (most) insurance companies do not cover traction therapy. In my case, traction therapy was billed as "manual therapy" under Dr. Sklar, allowing your center to collect from HealthNet and to further my impression that the treatment is a widely accepted one. Further, it is my opinion that Dr. Robert Sklar, an OBGYN specialist, should not be treating patients with back pain without explicit disclosure of his specialty. When asked about his specialty, he stated that it is "pain management." It appears that Dr. Sklar's sees his responsibility not in providing health care and expert advice but in writing prescriptions for MRI and traction therapy. False statements about how the therapy had "helped him personally", how "the disk can get re-hydrated through traction therapy" and how your center used to "take before and after MRIs that prove the effectiveness of the treatment" are simply inadmissible in any decent practice.

I acknowledge that traction treatment has merit in some cases. I personally met people who were helped by it (as well as those who had no change in their condition). No matter how wrongfully the therapy was prescribed to me by Dr. Sklar, it appears that my injury could have been avoided had your staff exercised basic diligence in their care. Having studied the risks of both MedEx and DRX equipment, I now view their conduct as unprofessional and even reckless. Thus, the main point of this letter is to highlight the negligence of your therapists, specifically John, Woody, Dave and Heather.

John and Woody: Both John and Woody were involved with weight selection on MedEx and DRX equipment. Regarding MedEx, I was told by Woody that patients *choose the weight themselves*, and was continuously encouraged by him and John to come up on the weight. When asked, John told me the best way to work the lumbar MedEx is to have 18 reps at maximum load. I previously did my share of weightlifting and eagerly agreed to weight increase without the slightest fear of being injured. Further, I questioned John why I am being put on cervical MedEx after being tested 100% neck strength but did not get a coherent answer showing he was not aware of my patient history, diagnosis and/or treatment goals.

Dave: In the introduction to both cervical and lumbar DRX, I was told that "we start with X and go up to Y". Along with the message of FDA approval, the only way to interpret this statement is that these weights are proven to be virtually safe for anybody. When I had a great deal of discomfort getting off lumbar DRX, I asked Dave whether it's normal and was told that 30-40% of patients experience such issues without getting into any further details. When I started to experience (and reported) burning pain in the lower sacrum area and what was perceived as pelvic instability, Dave told me that he never heard of it and did not advise to immediately discontinue treatment or to see Dr. Sklar.

Heather: I informed Heather that cervical MedEx and DRX treatments has worsened my pains and led to severe muscle spasms in the upper back but was not advised to discontinue treatment

or have the doctor re-evaluate my condition. She had instructed me at the beginning of the lumbar treatment that I am to avoid jumping "while in treatment because it counteracts the effects of the therapy". From various sources, I have collected that such recommendation often extends up to 6 months post traction therapy. When dropping out from the lumbar treatment due to lower back pain and pelvic instability, I had a phone conversation with Heather and was not questioned about symptoms, nor advised to come in for an evaluation, nor advised to continue to avoid jumping and lifting for a period of time. In a period of two weeks, my pains subsided, however an acute sacroiliac sprain was suffered while shooting basketball, normally a routine activity for me.

All of the above constitutes sub-standard health care devoid of any compassion for the patient. I saw all this while in treatment but assumed that as a "medical" facility you will be set up with patient's safety in mind. I was wrong to assume that. Your staff is incompetent and their application of your "protocol" is unsafe. I don't see anything medical in your center. It's a business facility set up to make money, first and foremost. Patient's concerns are ignored.

Below you will find a complete account of my experience at your facility. I hope it will allow you to make the treatment safer and to better educate your staff. I encourage you to review my medical records with Dr. Green who, as I learned, specializes in MedEx rehabilitation. I also think it imperative for your center to provide your patients with an informed consent forms to review and sign prior to the treatment.

Sincerely,

Vladimir V.

**Mid November 2012** - Visit to Neck and Back Center with my wife, 8 months pregnant. Chief complaint - neck and upper back pain and upper back crackling (crepitus). Concern about the reverse neck-curve diagnosed in May 2012. Side concerns:

- Right buttock pain and pain occasionally shooting to the right mid thigh following September 2012 treatment by Tim Swift, DC in San Clemente (Rough right side low back adjustments)
- Disk degeneration on L5/S1 level and functional impairment leaning forward through first 10-20 degrees.

Meeting with Dr. Gould and Dr. Sklar. Dr Sklar overrides Dr. Gould's suggestion that the neck curve cannot be improved by available therapies, stating that Dr. Gould "is not practicing". Dr. Sklar recommends Glucosamine(!?) for upper back crepitus. No neuropathy detected on the exam. Tested on MedEx - 100% strength for the neck and 80% strength for the back. Obtained prescription for cervical MRI. Asked about thoracic due to pain/crepitus in the upper back. Advised by Dr Sklar that there are rarely issues with thoracic spine. Asked Dr. Sklar about the condition of the SI joint and whether it can be evaluated on the lumbar MRI - was told that the joint looks just fine on the X-Ray I provided (pre-September chiropractic injury). HealthNet declines to pay for thoracic MRI and I do not pursue it.

**End of November 2012** - My son Martin is born on November 23, 2012. Review of the cervical MRI with Dr. Sklar - no nerve impingement, stenosis or herniations found. Dr. Sklar prescribes 10 sessions to reduce disk bulging and improve the curve. I agree to the treatment at which point Dr. Sklar declares "We've got business" and passes the prescription to Shana.

**December 2012** - Begin treatment on neck and back Med-X equipment as well as neck decompression. Weight increased with every treatment as I can tolerate (it never occurs to me that a higher weight may be damaging in the long-run even though it's tolerated). It appears that any immediate ill effects are masked by heat, cold and laser treatments. Appeal to John as to why I am on MedX - no answer. Appeal to Woody on what is the appropriate weight for neck Med-X. Answer: Everybody selects their own weight, there is no appropriate weight. Weight further increased. Appeal to John on what is the best way to work the back Med-X. Answer: 18 reps at maximum tolerable weight. Follow this suggestion. Shown torsional Med-X by Larry at 20 pounds. No instruction on what the weight should be kept on torsional Med-X - I eventually worked it up to 50 pounds. Shown locked-chain stretches on Precor.

**Early January 2012** - Neck pain is getting worse - there is now more crepitus in the upper back as well as pain. Appeal to Heather on severe pain in small muscles along the spinal column the entire spine length - no comment or recommendation on altering the treatment. Appeal to Dr. Sklar that no improvement was achieved after 12 sessions - further 10 sessions prescribed. Appeal to Shana on upper thoracic pain/crepitus - prescribed manual manipulation by Dave. During manual sessions no attention is given to flat mid/upper back - advised by Dave to further work on building mid-back muscles for support and pain reduction (appears to be a bad advice

for someone starting with the flat mid-back). Eventually working up to maximum(!) weight on neck decompression.

**Mid January 2012** - It is now impossible to work at computer even for 20 minutes sitting straight - constant crepitus and burning pain in the upper back at level 5-6. Mid-neck is involved too, previously only had issues with base of the neck. Report to Heather. Answer - "I have similar issues. Bugs me too, what can you do? - computer work".

**End of January 2012** - Sit down with Dr. Sklar to inform nothing was achieved and the pain is worse than when we started. Mention that I went to the highest possible weight (24 lb if I recall correctly) with no results. Reply from Dr. Sklar: "Wow - I only go on 16 lb myself". Why were weight parameters or approach not discussed prior to treatment?

Lumbar and thoracic MRI ordered and reviewed with Dr Sklar. Moderate DDD at L5/S1 level with disc dessication, endplate changes and 4 mm broad osteophite complex. Advised on curtailing activities. Naively, I ask Dr Sklar if the available treatment can be used to maintain the disk, thicken and rehydrate it. Also, concerned about pain previously shooting down the front right thigh (which is no longer an issue - resolved sometime in November). Told by Dr. Sklar that lumbar decompression helps "rehydrate disk and reduce the bulging" and that the treatment "worked for him". Prescription given for 10 sessions. Persuaded by Heather to start aggressively as "you are young".

Appeal to Heather that I would like to go for maintenance only and no current neuropathy exists and I would like to start slow. Heather further **insists** on 5 treatments a week. We settle on 4+3+3 sessions for the first three 3 weeks. Further discuss thoracic MRI with Dr. Sklar. Thoracic MRI shows thoracic disk desiccation and mild facet-joint arthropathy on multiple levels (later call to Omega reveals that all levels from T1 to T8 are involved). Asking Dr. Sklar if this is the source of my upper back pain to which he angrily replies that Omega feels that they should "report something" and that's why they wrote it up. From my research, and consultations with specialists, it appears that such finding is highly unusual in thoracic MRI.

**Beginning of February 2012** - 4 treatments on decompression table in the first week. Great difficulty getting off the table. Require stretches to move over to ice/laser and lie on the table. **I have to essentially stretch for 30 seconds after the treatment to be able to walk. All therapists see it because the room is rather small but no one voices ANY concerns.** Absolutely cannot lie flat face down on the table after decompression, the table has to be angled. Appeal to Dave. Answer is given without further questioning of symptoms - "30 to 40% of people have similar issues". It appears that icing/laser reduces the immediate side effects and it becomes hard to judge if anything is hurt in the process.

Over the weekend I sense some movement in pelvis around sacrum and hot sensation between buttocks, not really pain, just hotness. Appeal to Dave the following Monday reporting

movement in pelvis and hot sensation between buttocks. Answer: "Never heard of it - might be the nerve being freed". No advice as to discontinuation of sessions is given. Proceed for 2 more decompression sessions with increasing weight. At this point I stop as I sense more movement in pelvis and the pain is increasing. Cannot use stationary bike or elliptical due to buttock pain on the right side. Phone conversation with Heather reporting pain. She does not ask questions, does not ask me to come in for an evaluation and does not give any advice. Cancelling remaining sessions through Melissa. Two weeks later, with unusual sensations subsiding, I shoot basketball for 15 minutes, load a few bags of dirt in the garden center and later in the day begin to experience symptoms of extreme pain and discomfort in the sacrum area and inability to get comfortable.