

**Archival & Historical Committee
October 1, 2007
San Diego, California**

**Interview with
Ethan R. Allen, DO, FCOFP**

Committee Chair: Ethan, we are sure happy to have you here today. It's been mentioned that the California experience in the sixties was so pivotal not only to the American Osteopathic Association (AOA) but also to the American College of Osteopathic Family Physicians (ACOFP). Can you fill us in on some of that background?

Dr. Allen: I'd be happy to. Recently Dr. Seffinger, who is now one of the OMT instructors at Western University, has had access to papers at the University of California, Irvine. He has done interviews on some of the early people that were involved in the merger and more specifics will be forthcoming. This merger was a thinking that had gone on for several years. The idea of having an MD degree instead of a DO degree historically probably started in the 1940s and didn't come to the forefront until 1961. Dr. Seffinger has interviewed people that were in the leadership of it: Dr. Dorothy Marsh; Dr. Forest Grunigen; Dr. Vincent Carroll; Dr. Wayne Dooley; and others who were previously very strong leaders in the AOA. California was the largest DO state in the AOA for many years. It had membership above 2,500 DOs. Since it was the largest state, they often pulled a lot of the politics too. They were also on the forefront of some ideas that were new. I think in general the midwest states looked upon us as having some radical ideas. The Midwest leadership of

the AOA at times was in opposition to some of the ideas that came out of California. So somewhere in the 1940s one of the leaders of California was affronted by some of the AOA members in Chicago. He vowed that he would lead California away from the rest of the nation. Hence, he set it in motion, that person was Dr. "Po" Caylor, and Dr. Seffinger has even gone into some of the writings and activities that went on underground as the merger idea was progressing. One of the accelerants of the merger idea was that those who were elected as President in successive years of the California Osteopathic Association (COA) were pro-merger fellows. In the mid forties, some DOs actually set up a paper college in East Los Angeles. They went to some classes for three or four months and gave themselves an MD degree. I worked with a doctor for a while when I was in my senior year and I noticed on his card he had MD or DO/MD and he had not earned a MD degree. However he was putting MD on his card and letting people in his practice think that he was an MD. These were activities of the pro-merger group (I feel that they were not interested in a merger for the sake of improving their practices). I think they were more interested in the prestige in the community, whether they were members of the country clubs, the arts association, service clubs, or something like that. They felt that they would have more prestige if they had MD after their name. So this came to more definite activity in the early fifties when Nettleship Insurance Company was writing malpractice insurance for both the medical profession and the osteopathic profession. They came to both organizations and said, "You're feeding the public bad vibes and you need to stop." The MD's would ridicule a patient that had been to a DO and vice versa and this would institute ideas of a malpractice suit and so on. They said, "You've got to change the behavior of your doctors because you're just raising

your malpractice insurance rates.” So the COA and CMA set up a committee to do something about these potential malpractice troubles. This committee eventually became the Merger Committee. Due to this, the idea became stronger, but was still underground. Dr. Seffinger has researched a lot of the letters at Irvine Medical School. One of the persons involved in the early days kept quite a library of letters. Dr. Seffinger had access to these letters because he did his internship at the Irvine Medical School. In 1962 when they bundled all of the papers and documents, and so on, from COP&S, which was the College of Osteopathic Physicians and Surgeons located in downtown Los Angeles. They were put into boxes and moved down to Irvine. Dr. Seffinger was the first one that has taken the time to get into some of those archives. He’s in the process of writing a book about some of the DO leaders work, and the other factors that were involved in the merger. What I tell you is superficial to what had really evolved. There was so much intrigue that went on between some of those persons, that were involved in the underground work of the merger. Dr. “Po” Caylor was the executive director for the COA for years, and pushed the pro-merger DO doctors to greater effort. Dr. Dorothy Marsh was the president of the California Osteopathic Association at the time the merger was culminated. As the idea of a merger was becoming more involved, from the negotiations between the California Medical Association (CMA) and the COA, a document was prepared underground. This somehow came to light in the fall of 1961. Once it was disclosed that there was a so-called merger agreement, the AOA got word about it. Dr. Eveleth, who was the AOA executive director at that time, came to California and was very bombastic and hardnosed and very opposed to the COA leaders about any merger agreement. Shortly after the COA was disenfranchised from the AOA

and declared that it no longer was the representative of the osteopathic profession in California. Then Dr. Richard Eby and a number of the others who were endeared to the profession began to form a new group. The new group was named the Osteopathic Physicians and Surgeons of California, (OPSC). This was formed, I think, in December of 1961. In order for the legal and political process, that was involved in making the merger happen, the concept had to be taken to the voters of the state of California for an Initiative vote. There was an initiative back in 1922 which established the Osteopathic Board of Examiners and separated licensure for DO's from the MDs. There has been an interesting history of the osteopathic profession in California which I pass onto the students on their first weeks of osteopathic college at COMP. It seems as the DOs came to California in the late 1890's and early 1900's, many of them became interested in teaching and advancing osteopathy. Initially we did have two schools in Southern California. There was also one in the San Francisco area. In 1896, two of them merged in the South. and eventually, I think in 1898, with the San Francisco school, forming what was known as the College of Osteopathic Physicians and Surgeons of (COPS). The newly established school was located in downtown Los Angeles and very close to Los Angeles County Hospital. The profession did well growing in California. When the AOA was formed as our national association, California DOs formed the California Osteopathic Association (COA). By their numbers the COA soon moved into the leadership of the AOA. I recall in the 1950s there were six osteopathic schools in the early days of my practice. These schools were in Philadelphia, Des Moines, Chicago, Kansas City, Kirksville, Southern California and Los Angeles. With the merger in California, the number of schools went down to five. One of things that was significant in the

1950's with the Los Angeles County Hospital was there were two units of staff and patient care. One was the medical hospital and the other was the osteopathic hospital. The osteopathic doctors had some old buildings that were individual buildings that had been used for TB, infectious diseases, and elderly people. A newer main building had been built but was not big enough to continue with the growth of the college. Then in 1955 there was a bond issue on the ballot for the people in Los Angeles County to vote on building a new hospital for the osteopathic doctors. This was built and was opened sometime around 1958. This is one of the things that people looked at after the merger and said, "How could you as a profession turn over all of the goodness of that hospital to the allopathic medical profession?" With the merger everything that was osteopathic pretty much became an allopathic MD. What was our new hospital, is now known as the Women's Hospital, as a part of the Los Angeles County Hospital. Remembering that once it had its allopathic medical group unit I, its osteopathic group unit II, and then Unit III was the psych ward. It was a great loss to lose our County Hospital and the residency programs that were there. I graduated from COP&S in 1951 and did my internship at a private hospital in Glendale, California, Glendale Community Hospital. Upon graduation from COP&S, you had the choices of where you wanted to do your internship. As an intern, it was better to go into a private hospital and cultivate your rapport with patients in a better way. That was my reason for going to the small osteopathic hospital in Glendale. I remember in the early days there was enough rivalry between the MDs and DOs causing the DOs to build their own hospitals. Dr. Eby built his own hospital in Pomona and continued to have friction from the MDs in Pomona. This happened more so, to my awareness, in Southern California. There were societies of the California Osteopathic

Association in the larger communities, such as Long Beach; downtown Los Angeles, Hollywood, San Francisco, and Bakersfield. So all of these different California osteopathic societies were active and had representation in the California Osteopathic Association. The COA was modeled after the AOA and the way the different states have representation in the AOA House of Delegates. So when Dr. Marsh and her group of people began to move the osteopathic profession into the idea of accepting the merger, they had a “gloom or doom” type of presentation at the different state societies. They indicated that if you didn’t go for the merger you’d be losing patients who had insurance. Blue Cross wouldn’t cover you if you didn’t buy into the merger. The hospitals again would lose their approval and you’d lose patients. Hence, you were advised to go with the advice of this California Osteopathic Association and vote for a merger.

There’s kind of four points in the agreement toward merger: (1) they would convert COP&S to a medical school; (2) that you’d pay \$65 to the converted school and you’d get an MD degree if you were already licensed to practice in California. (Once you received the MD degree for \$65, you were to notify the Board of Osteopathic Examiners that you wanted to be transferred to the jurisdiction of the California Medical Board); (3) the funds that were in the coffers of the COA would be partly utilized to help persuade the populace of California to vote favorably on the merger agreement, I said there had to be on an Initiative Act to approve changes in the Osteopathic Act of 1922.) Of course the medical profession was putting out their information that this was a Health Improvement Measure Proposition 22, and so it did carry. The merger then proceeded. COP&S continued to be in the buildings near County Hospital for a couple of years until buildings were completed in Irvine, and then the

school was moved to Orange County. At first the transition name of the school was the California College of Medicine. Then two or three years later it was changed to Cal State Irvine Medical School. As the merger continued, the osteopathic hospitals became medical hospitals for 80% of the new MDs, (I mean of our DOs that bought the degree for \$65). The “New MDs” notified the Board of Osteopathic Examiners to change jurisdiction and it was indicated that this all had to be done by December of 1962 or you would lose your chance to convert. They thought everybody would go over with that type of an option, but as it turned out once the smoke cleared, why there was still about 20% of the DOs that didn’t go for the merger idea. Then the legislature extended the deadline, added another year to it, so that the Dos could still switch. Then later it was extended some more, and I think to this date it is still an option, that if you bought the MD degree back in 1962, you can notify the Board of Osteopathic Examiners you wanted to convert to MD. Of course I bought the MD degree just to prevent anyone from saying, “Well you must not have been qualified or you would have the MD degree.” So in the graduate list from of UC Irvine, my name is listed a graduate. They did have kind of a perfunctory graduation ceremony for those that wanted to attend in 1962 at California College of Medicine. Anyway, records show that the ones who were converted, they have a graduation day of June 1962. Some of the DOs sent their MD degree to AOA to reaffirm that they were still loyal to the osteopathic profession, but I just buried mine deep in a dresser drawer and never went with the change of jurisdiction.

Committee Member: Where is it now?

Dr. Allen: It’s still in the bottom of the drawer.

Committee Member: We would certainly entertain your donation of that to ACOFP.

Committee Chair: That's correct. AT Still has nothing over on you.

Dr. Allen: So then OPSC leaders began to try and decide how we could restore the osteopathic profession to California, (4) the fourth arm of that Initiative when it was passed took the power away from the Board of Osteopathic Examiners to examine and license new DOs in California. The inability of COA to confer a DO Degree caused considerable consternation for those that there were graduating from COP&S in June of 1962. They didn't know whether they would get an MD degree or a DO degree and some of them that were so strong about wanting the DO degree actually changed schools and went back to Kirksville or some other schools to get their DO degree. Eventually those that stayed at COP&S got their MD degree.

Committee Member: Was that an option at the end of that year? Did some get the DO degree from that graduation?

Dr. Allen: I think the college was stern enough that, they all, if they wanted to graduate, they got the MD degree. A few that were strong for DO degrees had to leave the school. Dr. Seffinger may have some more information that will come to light as I talk with him. Our first endeavors to try and get the state open again for DOs was to move into the legislature. One of the persons who was a very strong pro-merger DO, Dr. Steven Teale was in the State Senate, so anything that had to do with the merger or undoing the merger would come up as a health bill and hearings were in the Health committee. Others on the committee would ask, "Well what's your opinion, Steven, on that bill that would do something about the "osteopathic doctors" and he would put his thumbs down and that took care of it. So the friends that we had in the legislature said there is no justice in the legislature. We were advised that if you want justice, you are going to have to go to the courts. So this went on a

couple of years of fighting in the legislature. Dr. Edna Lay* was one of our legislative advocates in those years and she gave up a lot of time from her practice to try and move something in the legislature – to restore licensure. She trucked a lot of hours in the halls of the legislature. So then Dr. Eby found Mr. Alex Tobin who has a young attorney who agreed to become our attorney and see what he could do about getting DO licensure restored. His concept was to sue the State of California that it was against civil rights that a DO could not be practicing in California. One of the ways this evolved was that there were DOs out of state who did write letters to the Osteopathic Board of Examiners asking to apply for a license in California. The California Osteopathic Board would write back and say, “We don’t have the power, write to the Medical Board.” They would write letters to the California Medical Board, and again, they received letters indicating that there was no way they could be licensed in California as a DO. These letters were then saved by the Board of Osteopathic Examiners and the responses they got from the medical board were referred to the osteopathic board. Mr. Tobin took this case on a “civil rights” basis. The “civil rights” movement was fairly strong in our society at that time, the blacks that had their days in the south and the ideas for “civil rights” was popular, so he chose seven representatives, and the case was known as the De Amico et al, the et al referring to six others. These seven were representatives of all the people, who had had their letters rejected when they applied. There were graduates of each of the colleges in those seven people, and there were persons who were California natives, as well persons who were not natives of California and also members of the armed services. So this truly represented a “class action” of people so individuals wouldn’t have to do suits on their own. This was filed in Superior Court in Sacramento in 1968

and of course the Medical Board, California Medical Association, and the AMA were totally in opposition and they put in their briefs to the judge on this court case. The AOA was trying to do what they could help us with, and they actually helped fund this, and some of the financing came through “small states” helping a relatively small number of DOs involved in the OPSC. We set our own dues for what we were going to pay as dues and many of us were paying \$1,000 a year and a good portion of it was going to legal fees. So we lost in Superior Court, so Mr. Tobin appealed to the Appellate court, then we lost on that, and then it went up to the California Supreme Court. The California Supreme Court said, “You haven’t confirmed your case or you haven’t got enough information.” They referred us back down to Superior Court. We prepared new briefs and appealed on the same grounds and I think again the decision was against us. We went to the Appellate court again, in Sacramento, and then it went back up to the California Supreme Court. I think the documents of all the hearings would probably make a stack of briefs that would be about three foot tall if you saw them all in one place at one time. On St. Joseph’s Day, March 19, 1974, a postcard was mailed to us that said, “Action sustained,” which meant that we had won. That was the way, all those documents were summarized on a postcard. That became a glorious day for us, March 19, 1974; that the state was again opened for licensure of DOs and, of course our osteopathic board got busy right away with the processing of applicants that had come in previously. We had our first Board of Osteopathic Examiners licensing session on Memorial Day weekend in 1974, in Sacramento. About 125 doctors came out to sit for the exam, and we have a commemorative picture of these 125 DOs on the steps of the State Capital for that first renewal and resurgence of the osteopathic profession in California.

Committee Chair: Ethan, the founders of ACOFP obviously were California physicians – John Vincent Fiore, Herman Wagon seller, and all those others. Were you familiar with the early founders of ACGP at the time?

Dr. Allen: No.

Committee Chair: You didn't know any of those at all?

Dr. Allen: No, I didn't know any of those early ACGP leaders at all. In fact, I didn't become aware of ACGP until Dr. Porcelli began to be around in California and he was quite active in family practice. He encouraged me to take my certification. So it was after I took the certification exam in 1978 that I became more aware of ACGP and joined them. Actually before the court case was over, we had started an ACGP chapter in California. I was president for two or three years until we began to get some leadership out here. I just don't remember those early days.

Committee Chair: Did you remember Frank York Lee?

Dr. Allen: Oh absolutely, yes.

Committee Chair: Was he one of the ones that bought an MD degree?

Dr. Allen: He bought his MD degree, but he came around and was an advocate for our DOs. We had him in the legislature two or three times to give testimony. He was quite popular in Southern California, because he was on the Olympic Committee. He was a member on the health committee, and part of the physicians concerned with the Olympics. He got his name in the paper fairly frequently in Southern California. So he was a good helper to our crisis after the merger happened. His son came out not too long after that and was an obstetrician in Pomona and he was one of the first to get his licensing back in California.

Committee Chair: Were you familiar with Frank MacCracken, the first recipient of Family Physician of the Year for ACGP? Did you know him or?

Dr. Allen: No, I didn't know him.

Committee Chair: He was from the Los Angeles area but I didn't know whether you knew him.

Dr. Allen: I had been in Norwalk and I joined a DO group in Norwalk to start practice and the Norwalk doctors were very strong osteopathic minded. Dr. McDowell was a surgeon and Dr. Trendle was a pediatrician, and they had both been in Long Beach before moving to Norwalk. So as far as the California Osteopathic Association Society that I became a part of was in Long Beach. I think MacCracken and Marsh and some of those would have been in the Hollywood group, and there wasn't too much cooperation or socializing going between the different groups. The Whittier area had a group of DOs, and so you just kind of stayed and were acquainted best with the osteopathic group in your community.

Committee Chair: They're sort of clumped around hospitals and service areas then?

Dr. Allen: Around the hospitals, right.

Committee Member: I wondered what happened to that postcard.

Committee Member: Is it in the archives?

Committee Chair: I mean with the original postcard from the Supreme Court....

Dr. Allen: I would think it would be in the archives in Sacramento at the OPSC office.

Committee Member: Who received that postcard?

Dr. Allen: Tobin, the attorney.

Committee Chair: The attorney, oh wow.

Dr. Allen: But it was turned over to our state office.

Committee Chair: Turned over to OPSC.

Committee Member: You need to get a photo copy of that.

Committee Chair: That would be great, we ought to ask OPSC if they got a copy of that.

Dr. Allen: I'll ask Kathleen Creeson about that. She's our CEO now or, executive director of OPSC. So things began to improve quite rapidly after the Supreme Court decision. One of the interesting things is the way you get treated in the legislature, and of course one of our concerns was there was still a lot of MD/DO discrimination and so Mr. Tobin right away wrote a legislative act that would be known as an "anti-discrimination act". Once the legislators knew that we were part of the group that got that unanimous Supreme Court decision, they would invite us to speak to them. It was almost like an actor or actress winning an Oscar from the Academy. Where they didn't give us the time of day before, we had ready access to talk with them once we had that Supreme Court decision. It was just unbelievable what a difference it made. They knew that we had won that Supreme Court decision and it was unanimous.

Committee Member: Going back to before the Supreme Court decision, back when the process was going for the merger, can you elaborate a little bit more on some of the motivating factors between the legislators and the allopathic world why they wanted to have the merger to begin with?

Dr. Allen: They were out to eliminate the osteopathic profession, oh yes. In fact, they volunteered the information that once it happened in California it would sweep the whole country and of course the larger osteopathic states again were approached about having the merger agreement. Michigan was one that they went out and talked to; the Michigan DOs of course they arched their backs real quick, and the merger idea didn't go anywhere else.

Committee Member: You mentioned some facilities that had some prestigious locations, osteopathic hospitals at the time. Can you elaborate on some of those that might have been

a threat or why at that time we were so interesting that they wanted to eliminate us?

Dr. Allen: We were competitors, oh yes; and we would get people well, they couldn't.

Dr. Fishbein, who was with the AMA for years, wrote a lot about the osteopathic doctors being less well trained and being "cultists".

Committee Chair: Cultist, yes, charlatans and "cultists".

Dr. Allen: For years we had that cultist thing... That was one thing that ended right away with the merger. Dr. Seffinger has some letters that were exchanged back and forth between the leaders of the AMA and the CMA and part of the merger agreement would be they would no longer call us cultists.

Committee Member: It was in Dorland's Dictionary.

Dr. Allen: Oh is that right?

Committee Member: Yes, years ago.

Dr. Allen: I didn't know that. But anyway once that the California Medical Association agreed that there was a merger with us, then they had to retract everything they would say about being a "cultist", otherwise why did you let DOs come in as equals?

Committee Member: How much do you believe that the AMA was behind that? We're in California right now, what was your take on the national scene as far as AMA involvement?

Dr. Allen: Oh, they were ready to write amicus briefs anytime to the state legislators or, I should say to the courts. They had their hands in the mix very much with the CMA.

Committee Member: Was that obvious and out in front?

Dr. Allen: Not to the public. I mean but it would come out in the court hearings.

Committee Member: Would that be easily verifiable?

Dr. Allen: I think so. Some of the letters that Seffinger has would probably verify it.

Committee Member: Had similar thing with the homeopathic profession didn't they?

Dr. Allen: Maybe earlier. I was not aware, but I know the homeopathic group was strong in Pennsylvania and that's gone away now.

Committee Chair: They had a much different outcome than we did.

Committee Member: How much did the whole draft issue where the MDs were going off to war and osteopathic physicians were taking over practices. How did that play into the whole thing?

Dr. Allen: I guess the Monday after Pearl Harbor, Dr. Eby wrote to the surgeon general and said that California DOs would be happy to get into the military and then take their part. He got a letter back that said "NO", that the MDs were going to war and the DOs stay home, and take care of the people.

Committee Member: Did that influence the merger in California because in 1967 was the first time that DOs were drafted as physicians.

Dr. Allen: Yes, in 1967 it was the Vietnam War. No, in 1941, they just took it as part of the lumps of how much opposition DOs had from the MDs. One of the events that happened right about the time of the Supreme Court decision in 1974 was the situation that happened in Russia where a DO had been assigned to be the physician for the embassy in Moscow and he already shipped some of his belongings and stuff to Moscow when somebody in Washington got the word that a DO was going to be a physician in the Russia Embassy and the MDs proceeded to cancel it. This made the front page of the Medical News and we had a lot of good publicity over that kind of discrimination.

Committee Member: Could you go back to the cost. The cost in personal sacrifice is interesting to me. How much did the AOA shoulder the burden, and how much was it personally shared by the local California DOs?

Dr. Allen: I came back to the House of Delegates every year after 1963 or 1964. At first we sent a couple of other DOs that had decided to stay as DOs, Dr. Dave Dobreer and Dr. Joe Linden. Anyway, they went back to the AOA House of Delegates and they would pound on the table and they would say, "You've got to support us in California and get yourselves out there and give us money." So the word came back from Chicago, "You got to send somebody that's more diplomatic than Dr. Dobreer and Dr. Linden. Anyway, that's when I kind of was asked to be the representative for California. I was getting about \$20,000 a year from the AOA for our OPSC legal costs.

Committee Member: What were the costs running then?

Dr. Allen: Close to \$40,000.

Committee Chair: But they shouldered half, the AOA shouldered half?

Dr. Allen: Yes.

Committee Chair: That's good.

Dr. Allen: Yes, it really was a big help to keep us afloat.

Committee Chair: I guess if you're all going down, everybody ought to plug the hole in the bottom of the boat.

Dr. Allen: We also had support from DOs in other states that had licenses in California but were in practicing in other states. So we appealed to them to help support us. There were a lot of doctors outside of California with California licenses that were sending us money to keep us alive.

Committee Chair: Dr. Allen, I think we are out of time for this interview. We are privileged to hear your valuable California history and we thank you very much for sharing your story with us.

Dr. Allen: They were exciting times.