



Collection 1

Name and Location of Repository:

Northwestern Health Sciences University, Greenawalt Library. 2501 West 84th Street, Bloomington, MN 55431. 952-885-5419. library@nwhealth.edu

Short Title: Collection on Minnesota State Board of Medical Examiners vs. Olsen, et al

Full Title: Collection on Minnesota State Board of Medical Examiners vs. Richard E. Olsen vs. Minnesota State Board of Chiropractic Examiners and Minnesota State Medical Association

Dates: 1967-1970

Extent: 1 large document case

Name of Creator(s): Unknown

Scope and Content (written by Corinne Florin for the earlier edition of this finding aid)

The Minnesota State Board of Medical Examiners alleged that Dr. Richard E. Olsen, D.C., of Paynesville, Minnesota, was unlawfully using four machines in his chiropractic practice that they considered were for medical use only. Because of these allegations, a lawsuit was filed and trial was held on January 21, 1970, in Supreme Court of the State of Minnesota before the Honorable Paul Hoffman.

The Board sought to enjoin Dr. Olsen from using the machines identified as:

- the Aloesine X-ray and physical therapy device
- the Megason VI Model 105-6 ultra-sound device
- the Dallans Mediline Model 1400 MSR muscle stimulator
- the Liebel-Flarsheim Model SW-660 diathermy device

The machines in question were ultra-sound, heat-producing devices and used primarily by Dr. Olsen as muscle relaxants to prepare his patients for chiropractic adjustments. The testimony from the medical experts countered that these devices were used in hospitals, medical clinics, and physical therapy offices throughout Minnesota, but always under specially trained *medical* personnel. Dr. Olsen's depositions stated that he received extensive instruction in the nature and application of these and other physical therapy devices while at Northwestern College of Chiropractic.

The Board of Medical Examiners maintained that because the use of these devices was outside the scope of chiropractic and since these devices can cause serious injury when not under the supervision of a duly licensed physician, Dr. Olsen was unlawfully practicing medicine. Specifically, it stated that the practices of Dr. Olsen "will result in great and irreparable harm to the safety and health of the public for whose benefit this action is brought."

Dr. Olsen acknowledged that he used the devices in his practice of chiropractic medicine, but there was no testimony presented that any harm or injury ever occurred during Dr. Olsen's treatments with these

machines, nor were any records of complaints by any patient of Dr. Olsen's regarding the use of these devices brought in as evidence against Dr. Olsen.

Attorneys for the Minnesota State Board of Chiropractic Examiners showed that as early as 1927 the Attorney General recognized their right to use "electro-therapy" in connection with chiropractic treatment. He advised, "If the use of electro-therapy and other drugless methods is confined to the practice of chiropractic as defined by the statute, I am of the opinion that such use by licensed chiropractors is permissible."

The Minnesota Supreme Court upheld this opinion, and agreed with a 1969 opinion from the Attorney General reinforcing the earlier opinion. The later statement reads, "We have concluded...that the practice of chiropractic encompasses any diagnostic or therapeutic technique reasonably appropriate to the adjustment of abnormal articulations for the purpose of giving freedom of action to impinged nerves."

Conditions Governing Access: None

Physical Access: Materials are housed in archival storage and may require advance notice for access. Older materials have sustained some damage and should be used with caution.

Conditions Governing Reproduction and Use: Copyright to these materials remains with the University. The reproduction, broadcast, display, public presentation, and other uses in any means or format of materials protected by copyright, beyond that which is allowed by fair use, requires written permission of the University. The user is responsible for ensuring permissions have been attained as necessary.

Preferred citation format: [Title and date of item]. Collection on Minnesota State Board of Medical Examiners vs. Richard E. Olsen vs. Minnesota State Board of Chiropractic Examiners and Minnesota State Medical Association, University Archives, Greenawalt Library, Northwestern Health Sciences University, Bloomington, MN.

Languages and Scripts of Material: English

Other Finding Aids: An older version of this finding aid is available upon request from the archivist. No other inventories or finding aids exist.

Custodial History: Unknown

Immediate Source of Acquisition: Unknown, possibly part of the original J. Lamoine De Rusha donation since De Rusha was one of chiropractors deposed for the case

Appraisal, Destruction, and Scheduling Information: Surveyed and reappraised March 2018

Accruals: None

Existence and Location of Copies: Unknown

Related Archival Materials: Collection 8 – J. Lamoine De Rusha Collection may have related materials

Notes: Former library technician Corinne Florin processed, arranged, and described the collection in January 2002. Current archivist Monica Howell surveyed and reappraised the collection, and created this new finding aid in March 2018.

System of Arrangement: Materials follow no particular form of arrangement.

Box 1

This box contains a variety of materials relating to the case, including deposition notes, descriptions of devices in question during the trial, correspondence regarding the practice of chiropractic in Minnesota, insurance reports, itemized statements, witness statements, and publications regarding the trial. Further information can be found in the folder list below.

Folder 1:

- Deposition notes for Kottke, Olsen, Stillwell, Adair, Kennedy, Culver, De Rusha, Frogley, Rensvold, Thatcher, Howard, Hynan.
- Description of devices by FDA.
- Copy of letter to Hilton from State Board of Chiropractic Examiners re: practice of chiropractic in Minnesota, 12.30.26.
- Copies of insurance reports for Ingebritsen, 1967 and 1968.
- Copy of letter to Head from Medelman re: inquiries into chiropractic, 5.22.68.
- Copies of itemized statements from Poganski for Foltz and Ingebritsen, 1968.
- Copy of letter to Bonner from Berde re: State Board of Medical Examiners vs. Olsen, et al 12.30.69.

Folder 2:

- Medical Examiner's witnesses: Stillwell, De Rusha, Kottke.

Folder 3:

- Medical Examiner's witnesses: Adair, Culver.

Folder 4:

- Medical Examiner's witnesses: Kuelh, Olsen, Palmer.

Folder 5:

- Medical Examiner's witnesses: Rensvold, Rep. Bur. Of Medc. (sic), Thatcher.

Folder 6:

- Olsen witnesses: Howard, Hynan, Johns.

Folder 7: State of Minnesota in Supreme Court publications re: State Board of Medical Examiners vs. Richard E. Olsen vs. Minnesota State Board of Chiropractic Examiners and Minnesota State Medical Association (43618, 43621)

- Appellants' Joint Appendix
- Reply brief for Plaintiff-Appellant
- Brief of respondent Minnesota State Board of Chiropractic Examiners
- Respondents' Joint Appendix
- Brief for Plaintiff-Appellant

- Answer for Minnesota State Medical Association to the Petition for Rehearing
- Answer of Plaintiff-Appellant to Petition for Rehearing

Finding Aid Description Information

Sources used: Previous edition of finding aid, collection materials

Prepared by: Monica R. Howell, serials librarian and archivist

Created: March 19, 2018; last updated June 22, 2018

Copyright information: This finding aid is Creative Commons licensed **CC BY-NC-ND 4.0**, meaning that the finding aid may be shared as long as attribution is provided to NWHSU, there is no commercial use of the finding aid, and no derivatives of the finding aid are distributed. More information on this license can be found at <https://creativecommons.org/licenses/by-nc-nd/4.0/>.