

ACA Legislative Alert Bulletin – Specific Action Item – Time Sensitive

TO: Chiropractic State Associations
ACA Alternates & Delegates
ACA Board of Governors
ACC College Presidents
Key Contacts
Summit Organizations

FROM: ACA Department of Government Relations

DATE: August 25, 2009

RE: Provider Non-Discrimination Issue – House of Representatives

Please be advised that strong chiropractic supporter Representative Bruce Braley (*D-Iowa*) plans to send the attached “Dear Colleague” letter to Speaker Nancy Pelosi within a matter of days.

The attached letter urges the preservation of state enacted provider non-discrimination provisions and the adoption of a federal non-discrimination provision in the House Tri-Committee reform bill – an important goal of the ACA and entire chiropractic profession.

It is important that you do the following:

1. Contact Democrat U.S. House Members only (*from your district if he/she is a Democrat, or in the case of an organization, all House Democrats from your entire state or membership area*) and urge them to sign-onto the Braley “Dear Colleague” letter to Speaker Pelosi regarding provider non-discrimination
2. Note: No Republicans are expected to vote for the bill – so the need is to obtain only Democrat House Member signatories to the letter.
3. Provide them with the following point of contact in Representative Braley’s office in order to sign onto the letter:

Mike Goodman
P(202) 225-2911
F(202)225-6666
4. Note: Requested deadline for signing onto the letter is COB Friday, August 28

Please note that you may contact the Washington Offices of Members of the House by contacting the Capitol Hill Operator at (202) 224-3121. As this is a time-sensitive matter surface mail would not be effective – however, faxed messages and electronic communications would be fine. Contact ACA’s GR Department at (703) 276-8800 if you have any questions about this matter.

August XX, 2009

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-232, U.S. Capitol
Washington, D.C. 20515

Dear Speaker Pelosi,

As we go about the critically important task of reforming our nation's health delivery system in order to achieve the laudable goals of expanded access, improved quality and more affordable healthcare, we believe it extremely important to ensure that any final legislation enacted into law reflects certain patient and provider safeguards that currently exist in state law. These protections include provisions intended to ensure patient choice of provider and prevent discrimination against entire classes of health providers by health insurance plans.

As you know, in some form or fashion, all fifty states have enacted patient and consumer protections, along with insurance guarantees, that apply to that portion of the health insurance marketplace regulated at the state level. We, the undersigned, believe it important to preserve, to the maximum extent possible, state-enacted protections in the final legislative package to be approved by Congress, and that clarifying legislative language guaranteeing such preservation should be inserted into the overall reform bill as soon as possible.

To the extent the final reform legislation allows for the creation of a public plan or similar mechanism -- or creates new regional entities or markets not exclusively regulated at the state level, or would be preemptive of state authority -- it would be appropriate to adopt a provider non-discrimination provision at the federal level and make it applicable to all plans established or regulated by the final reform bill.

The above federal protection is needed because in today's delivery system, health plans routinely discriminate against whole classes of healthcare providers based solely on their licensure or certification. Such discrimination is not only wrong in principle, but is anti-competitive in nature, limits or even denies patient choice and access to a range of beneficial providers, and in general, results in a less than ideal and optimal delivery system. Additionally, ensuring that providers are not discriminated against in this fashion would help encourage the placement and location of a wide range of skilled healthcare professionals in those areas of our nation currently without sufficient numbers of health providers to adequately serve the public.

The adoption of an appropriate provider non-discrimination amendment is fully consistent with the goals of the majority of this Congress and the President, and it would be a grave mistake to enact any legislation without adopting the appropriate safeguards we have suggested.

Sincerely,

Bruce Braley
Member of Congress

Martin Heinrich
Member of Congress