



## **National Health Reform – American Chiropractic Association Update Report for the Chiropractic Community Issued June 18, 2009**

### **Background:**

The American Chiropractic Association (ACA) continues to place an extremely high priority on responding to the myriad of challenges (*and in some cases opportunities*) presented by the ongoing consideration of national health reform legislation by the U.S. Congress. Efforts by Congress and the Obama Administration to craft a comprehensive reform bill have recently entered into an extremely active phase with new developments taking place at an increasingly rapid pace. The ACA will continue to regularly apprise the profession regarding significant developments and advise DCs and chiropractic organizations on recommended grassroots action needed and other recommended action steps, as events continue to unfold.

### **Current Status in the U.S. Senate:**

The Senate HELP Committee, under the leadership of Senator Chris Dodd (*D-Conn*) who is filling in for the ailing Senator Ted Kennedy (*D-Mass*) has released a 600+ page draft bill that has been reviewed and analyzed by the ACA. The HELP Committee will begin formal consideration (*mark-up*) of key sections of the bill June 17, with additional mark-up sessions expected to be scheduled within days. If possible, the HELP Committee would like to finalize their product and approve it at the committee level prior to the scheduled July 4 recess period. The HELP Committee draft contains many controversial provisions. Also included are some provisions intended to promote wellness and disease prevention. However, the HELP committee draft contains no specific provisions that would guarantee any specific coverage for any provider in the variety of new health plans that would be created under the bill.

The other major committee of jurisdiction in the Senate, the Senate Finance Committee Chaired by Senator Max Baucus (*D-Montana*), is expected to formally unveil a draft reform bill soon after the July 4<sup>th</sup> recess and this draft is expected to contain many provisions similar to the HELP Committee draft.

### **Current Status in the U.S. House:**

As of the date of this report, none of the three committees of jurisdiction in the House have released draft legislative language for review. It is unclear at this time whether the House committees will release the details of a draft proposal prior to the July 4 recess period, however, this was the original intention of the House leadership. The outlines of two Republican authored counter-proposals were released June 16. These proposals are far less extensive in scope than those plans ultimately expected to be released by House Democrats. As the Democrats control the House by a substantial majority, the Republican alternative plans have little chance of advancement and will mainly serve as vehicles that will be used to criticize those proposals that will be put forward by House Democrats. Overall, the House Democrat proposals are expected to generally resemble the plan put forward by the HELP Committee in the Senate. Unlike the Senate HELP proposal, one House committee has indicated their reform bill will contain a permanent fix to the Medicare SGR formula, a perennial problem that all provider groups would like to see favorably resolved.

### **Major Issues of Contention:**

A major issue of contention, particularly in the Senate, continues to be Democrat and Obama supported proposals to create a “public” health plan option to be managed by the federal government. This issue remains one of the major dividing lines between Democrats and Republicans. Support for the public plan option has no Republican support in the Senate that we can identify. If the public plan option included in the HELP Committee draft is included in the final bill, then the likelihood of producing a bi-partisan bill would be extremely unlikely. Additional major issues of contention are whether or not to include a mandate on individuals to purchase health insurance and whether or not to also include some form of employer mandate. Perhaps most difficult of all, is how Congress will choose to finance their final reform bill and what new revenue and tax provisions may be adopted. For example on June 15, the Congressional Budget Office (CBO) released preliminary cost estimates for the Senate HELP Committee bill projecting the legislation would cost over 1 trillion dollars over a ten year period and would result in only 16 million additional persons being covered by health insurance. It has been reported that CBO estimates of an earlier draft of the Senate Finance Committee bill (the details of which have not been released) estimated that proposal would cost over \$1.5 trillion over a ten year period. It is possible that continued CBO scores near these levels will force Senate and House Democrats to significantly modify their plans and could cause a major delay in the overall process of moving a reform bill forward.

### **ACA Activities and Specific Issues of Concern to the Chiropractic Profession:**

The ACA continues to aggressively lobby for the adoption of provisions that would guarantee access to chiropractic care. Additionally, the ACA has voiced its objection to any proposal that would force providers to participate in the public

plan or other plan networks and/or to accept Medicare reimbursement rates for services that would be provided under these plans. The ACA has proposed chiropractic specific amendments to Congress that includes language dealing with provider anti-discrimination; minimum-benefits package design based on services (*including chiropractic*) available in the majority of states; point-of-service provisions that would allow a beneficiary to go out of network to see any provider they wished (including DCs) who were licensed to provide the desired covered service; language clarifying that DCs function as portal-of-entry, primary care providers; and a series of other technical amendments and improvements.

- The ACA has continued to meet with key members of congress to advance its concerns and has coordinated many meetings including the participation of state chiropractic associations. Since April, the ACA has met with over 120 targeted members and staff specifically on chiropractic issues in health care reform.
- Earlier this month, ACA representatives met personally with U.S. Senator Tom Harkin, chiropractic champion and U.S. Senator from Iowa who is playing a major role in the health reform debate. ACA representatives also recently met, in a private meeting with U.S. Senator Chris Dodd (*D-Conn*) who is chairing the Senate HELP Committee in the absence of Senator Kennedy to discuss provider non-discrimination issues. On June 15, ACA met with Representative James Clyburn (*D-S.C.*), House Majority Whip regarding provider non-discrimination issues. These types of meetings are on going; however, it is our judgment that we will continue to face challenges to secure a series of provisions that would be fully ideal.
- The ACA issued a major Alert Bulletin June 4, and an additional profession-wide grassroots bulletin was issued June 16 urging support for the inclusion of those provisions we favor. More coordinating conference calls with chiropractic state associations and other supportive Chiropractic Summit organizations will be held to enhance the profession's grassroots activities. The next state association conference call is being scheduled currently, with COCSA's help.
- Additionally, the ACA continues to help spearhead the activities of the PARCA coalition, comprised of major non-MD provider groups that support the inclusion of provider non-discrimination provisions in any reform bill that advances. A meeting of the coalition took place June 16, at which additional coordination of joint grassroots activity was implemented.
- Finally, this series of legislative maneuvers is an ever-changing process and be assured your ACA team is working diligently with our key Capitol Hill contacts on a daily basis.

### **Future Action Needed:**

All doctors of chiropractic and major chiropractic organizations should have received ACA's Alert Bulletin dated June 16. Compliance with this Alert Bulletin

is essential if we are going to win inclusion of pro-chiropractic provisions and prevent adoption of those provisions we do not desire, such as forced participation in insurance plans. [If you did not receive this bulletin CLICK HERE](#) and take immediate action as requested.

If you received the bulletin but have not acted on it, PLEASE DO SO IMMEDIATELY AS TIME IS OF THE ESSENCE.

Also, it remains urgent and extremely important that DCs continue to support and participate in the [CHIROVOICE](#) project to construct and activate a national database of chiropractic patients, via their e-mail addresses. [Go to CHIROVOICE](#) for details and instructions on how to participate if you have not already begun to support this vital project.

Lastly, please watch for future update bulletins, talking points and reports from the ACA – and when asked to respond please do so without delay. If you have any questions about the material contained in the bulletin please contact [gr@acatoday.org](mailto:gr@acatoday.org)