

**THE CHIROPRACTIC PROFESSION'S
PROPOSED ACTION PLAN
IN RESPONSE TO THE JUNE 2005
OFFICE OF INSPECTOR GENERAL REPORT**

I. PROGRESS REPORT TO DATE

(A) A CALL TO THE PROFESSION TO ADDRESS OIG REPORT FINDINGS

The chiropractic health care profession, led by four major national organizations -- the Association of Chiropractic Colleges, (ACC), the American Chiropractic Association (ACA), the Congress of Chiropractic State Associations (COCSA), and the Federation of Chiropractic Licensing Boards (FCLB) -- has taken immediate and bold action to respond to the findings of the June 2005 Department of Health and Human Services Office of Inspector General Report on the Medicare Reimbursement program (OIG Report).

The purpose of this memorandum is to outline with a degree of specificity the measures proposed and agreed to by these four major chiropractic organizations to enhance all efforts toward full compliance with the documentation and other administrative requirements of the Medicare program. The proposed measures reflect a nearly five month, comprehensive effort to analyze the findings of the OIG Report; to examine the respective roles of each of the four organizations to contribute to an equally comprehensive and decisive response to the problems set forth in the OIG Report; and to concur with a range of specific options to be taken in the near term to bring individual Doctors of Chiropractic and the profession as a whole into compliance with Medicare program requirements with regard to documentation.

Finally, the concurrent intent of this set of recommendations and Action Plan for the profession is to demonstrate to members of the United States Congress who support the role of chiropractic in our Federal and other health care programs, that the profession is taking the OIG Report findings very seriously. The timelines proposed for the Action Plan are outlined in this memorandum and will begin in the earliest part of calendar year 2006.

(B) EFFORTS TO DATE TO ADDRESS OIG REPORT FINDINGS

As stated above, this Action Plan constitutes the culmination of nearly five full months of detailed deliberations among the four major chiropractic advocacy and regulatory organizations to find common ground on a set of direct, tangible, and immediate

responses to resolve the Medicare documentation problems set forth in the June 2005 Office of Inspector General Report. These organizations made a conscious decision not to challenge the findings in the report nor the underpinnings of such document, despite concerns that some of the methodologies and data may have led to findings which overstate the depth of the documentation problem facing the profession. On the contrary, the four organizations opted instead to take immediate steps to both inform the profession of the OIG Report findings, and to put in motion a series of specific steps that could be taken to meet the problems in the Report and the concerns of the Centers for Medicare and Medicaid Services (CMS) head-on without delay.

The four organizations received a copy of the OIG Report and immediately convened the first of more than two dozen conference calls. Officials of all four organizations carefully and immediately read the entire report, analyzed the core findings, and quickly concurred on a strategy of pursuing a proactive set of initiatives to demonstrate to both the CMS and the United States Congress that it was taking the OIG Report seriously and would pursue an aggressive, thorough and in-depth set of remedies to the problems cited in the Report.

1. On **September 28, 2005**, a meeting was held in Baltimore at the headquarters of the CMS at the request of the four chiropractic organizations, with the purpose to demonstrate in person with CMS officials the vigorous response that they can expect from the chiropractic health care profession to the OIG Report findings, and to establish an early dialogue with the key decision makers at CMS on plotting a course together on how best to attack the documentation issues identified in the OIG Report. It was agreed that CMS and the four chiropractic organizations would work together to find common ground and pragmatic solutions to improve the documentation effort performance of the profession.

Subsequent conversation with CMS officials included their recommendation to convene a work session with its contractors/carriers and representatives from the four organization to examine first hand how to address actual documentation cases and determine procedures for Doctors of Chiropractic to improve their paperwork filings, and also enable CMS to clarify certain definitions, codings and other requirements to ensure better compliance by practitioners. The four chiropractic organizations proposed a working group to further pursue specific changes to enhance compliance.

2. On a virtually concurrent timeline, the ACA and ACC met with the staff of the Senate Finance Committee to inform them of the OIG Report findings and to reassure them that the profession was taking unprecedented measures to address the systemic problems outlined in the OIG Report. The professional staff of the Committee was grateful for the prompt and candid response by the groups to the OIG report and welcomed recommendations to tackle the documentation

problems cited in the Report. A second meeting was held with the key investigative staff of the Senate Finance Committee in November to further reinforce the efforts being undertaken by the profession to remediate the problems addressed in the Report.

3. The FCLB held a series of regional meetings with their member regulatory boards between **September 30 and October 22** to specifically address the role of the regulatory boards in improving documentation and claims submission by their licensees. The engagement of this critically important state licensure organization in the mix of chiropractic organizations seeking remedies to the OIG Report finding is noteworthy and reflects the seriousness with which all chiropractic organizations are taking the OIG Report findings.
4. The ACA made the findings of the OIG Report and proposed strategic responses a major agenda item at its House of Delegates meeting held in St. Paul, Minnesota, in **September 2005**.
5. At its **November 2005** meeting of chiropractic college presidents and leaders, the ACC focused on the OIG Report and the unified efforts of the four organizations. The ACC agreed to assist in taking a lead role in the education and training development components of the Action Plan, and without reservation, agreed to make the OIG Report Action Plan a top priority of the ACC for the coming year.
6. The executive director of the ACC attended the national meeting of COCSA in San Francisco, California in **November 2005**, and specifically addressed the measures and strategies being prepared by the four groups to help the profession respond affirmatively to the OIG Report findings and to dramatically reduce documentation errors in the Medicare program. COCSA devoted a significant portion of its national meeting to the issue of the OIG Report and has made its participation in the remediation effort a top priority for the next year. COCSA is committed to the ongoing education of all state leaders to insure compliance with the Action Plan.
7. Finally, on its own initiative, the four organizations have reached a tentative agreement on the scope of recommendations and Action Plan to launch in **January 2006**, as set forth in this memorandum.

II. ACTION PLAN

(A) CODING ERROR AND OTHER DOCUMENTATION CLARIFICATIONS BY CMS

The chiropractic profession appreciates the suggestion of CMS officials to modify the process for claims submitted without the AT Modifier, to enable them to be rejected and resubmitted with corrections rather than being denied and classified as errors.

If it would be possible for CMS to place this idea into practice no later than **January 31, 2006**, it would enable our educational efforts to include congruent information about the proper use of the AT Modifier.

Representatives of the four chiropractic organizations will initiate a “sample claims analysis” work session with CMS and its designated representatives/carriers/contractors no later than **January 31, 2006**, to discern specific areas of common confusion and error. This is an imperative and critically important first step to enable us to better develop a detailed and highly targeted remedial educational program.

(B) ENHANCED REGULATORY INVOLVEMENT

By **January 31, 2006**, the Federation of Chiropractic Licensing Boards will deliver educational materials to its US member boards to assist them in advising licensees about the serious nature of the problem. The materials will be suitable for boards to include on their websites and/or regulatory newsletters to address the need for improved recordkeeping and accurate coding for claims. Specific guidance for claims submitted to CMS will be included.

By **March 15, 2006**, the FCLB will complete a survey of its U.S. member boards to discern the level of regulatory autonomy boards have to require specific CE hours in required subjects as a condition for relicensure.

At its 80th Annual Congress of chiropractic regulatory boards **May 3 – 7, 2006**, the FCLB will set aside one of its plenary sessions to educate licensing boards about their various options to address the issues raised in the OIG Report. The presentation will preview the model postgraduate continuing education program as developed by the ACC (with input from the other Task Force members and as based on the January claims analysis work session.)

On **May 6, 2006**, at its annual business meeting, the board of directors of the FCLB will present to its delegate body a resolution which formally recommends that all U.S. jurisdictions exercise the full scope of their available authority to require continuing

education in proper documentation and claims submission, specifically as it relates to the federal Medicare program.

This resolution will include recommendations for draft language for statutes, rules, regulations, and policies to facilitate immediate implementation of this requirement. A launch date of 2006 will be proposed, with due respect given to the varied authority and requisite timeframes inherent in the diverse state regulatory structures.

The resolution will further recommend that doctors of chiropractic complete these continuing education courses within twelve months from the date a state licensing board implements the requirement. Finally, the resolution will also recommend that member boards report the status of their efforts to reeducate their licensees to the FCLB's executive offices for central tracking.

(C) DEVELOPMENT OF CHIROPRACTIC COLLEGE CURRICULUM ON DOCUMENTATION

By **March 20, 2006**, the Association of Chiropractic Colleges will present a preliminary draft of the key components for appropriate recordkeeping and billing (to include compliance with CMS requirements) to its member institutions at their annual educational conference (ACC-RAC.)

Any necessary new proposals and/or changes to current curricula will be implemented by the **fall of 2006**.

NOTE: Accreditation requirements by the Council on Chiropractic Education-US currently specify strict clinical competencies in documentation and recordkeeping.

(D) DEVELOPMENT OF CONTINUING EDUCATION PROGRAM

By **May 1, 2006**, draft curriculum for a postgraduate educational program to address recordkeeping and billing issues raised by the OIG report will be developed jointly through a partnership among the colleges and universities of the ACC, ACA, COCSA, and FCLB. This will enable it to be presented at the FCLB's annual meeting of the regulatory boards, and presented as a model to be addressed in the resolution described in Part B of this Action Plan.

It is also recommended that CMS be involved in the review of this continuing education program.

Consistent with the preceding recommendations, the ACC, ACA, COCSA (and their individual state association members), and FCLB will develop a network of regional, state, and local sites – or distance education/on-line opportunities – to allow Doctors of Chiropractic to take such continuing education course offerings in accessible locations throughout the United States.

(E) DISTRIBUTION OF CLINICAL DOCUMENTATION MANUAL

The American Chiropractic Association shall make its *Clinical Documentation Manual* available at cost to all chiropractic colleges, universities, state associations, and individual Doctors of Chiropractic for a period of 12 months.

(F) FORMATION OF FORMAL TASK FORCE

No later than **January 31, 2006**, the ACC, ACA, COCSA and FCLB shall formally establish a joint *Chiropractic Documentation Task Force* to monitor the implementation of this Action Plan and to provide assistance to all parties involved in its development.

The Task Force shall meet no less than once a month, beginning in **February, 2006**, either in person or telephonically, until November 2006, at which time overall program and meeting timelines will be evaluated.

The Task Force shall maintain regular communications with representatives of CMS through a series of formal meetings with CMS, either in Baltimore or in Washington, D.C. CMS shall facilitate the arrangement of such meetings in coordination with Task Force members to ensure maximum participation by all Task Force members and CMS officials.

(G) INTERIM EMERGENCY WORKSHOPS ON CMS DOCUMENTATION COMPLIANCE

The Task Force will support interim efforts by various stakeholders to present educational workshops designed to educate Doctors of Chiropractic about the OIG Report and steps necessary to address the identified issues. The core components of an acceptable curriculum will be provided by the Task Force and shall include all information derived from the meetings with insurance carriers/contractors described in Part A of this Action Plan.

These workshops shall be held at dates, times and locations necessary to attract broad participation by Doctors of Chiropractic from around the country. Such workshops shall include participation by individual Medicare Insurance Carriers/Contractors, CMS, and other key participants in addressing the issues raised in the OIG Report.

The first major national workshop will be held at the American Chiropractic Association National Chiropractic Legislative Conference (NCLC) on **March 25-28, 2006**.

(H) PROFESSION-WIDE OUTREACH CAMPAIGN

No later than **January 15, 2006**, the member organizations comprising the Task Force shall publish and commence distribution of a formal professional alert, entitled *An Open Letter to the Chiropractic Health Care Profession*, calling attention to the OIG Report and the need for immediate attention to proper CMS documentation.

The *Open Letter* will be distributed to all chiropractic organizations, including chiropractic colleges, state associations, regulatory boards, chiropractic media outlets, and other venues. The ACA agrees to publish the *Open Letter* in *ACA News* (60,000 circulation) no less than six times within the next twelve months.

III. ACCOUNTABILITY

The Task Force will issue a formal *written report* to CMS, the Health and Human Services Office of the Inspector General, the United States Congress, and the chiropractic profession, regarding all measures described in this document, no later than **September 30, 2006**, with interim reports as circumstances warrant.

The Task Force encourages CMS to conduct *future statistical analyses* following comprehensive implementation of the Action Plan to determine its impact on documentation and claims.