



Medicare Beneficiaries Deserve Expanded Access to Chiropractic Care

BACKGROUND:

Doctors of Chiropractic are defined as "physicians" in the Medicare program, and were specifically included in the program at the direction of the U.S. Congress in 1972. At present, however, doctors of chiropractic are allowed to provide only a single physician service (*manual manipulation of the spine to correct a subluxation*). Accordingly, beneficiaries are denied the freedom to select a Doctor of Chiropractic (DC) as their provider of choice to furnish other covered Medicare benefits that typically fall within the scope of practice of doctors of chiropractic.

- The above referenced restriction on chiropractic participation in the Medicare program is purely arbitrary and anti-competitive. Under Medicare, doctors of chiropractic are not allowed to furnish the full range of existing covered benefits they are licensed to provide at the state level, while other types of competitor providers (such as MDs and DOs) are allowed to furnish Medicare beneficiaries with all covered services within their respective state's scope of practice. Federal policy should not, in effect, award a "franchise" to one or more types of providers, allowing them to furnish services within their scopes of practice, while denying another provider group (*in this case doctors of chiropractic*) similar authority.
- The practical impact of this current restriction discourages the selection of chiropractic care as a treatment option – even though the Center for Medicare and Medicaid Services' (CMS) own data demonstrates that those beneficiaries who access treatment from a Doctor of Chiropractic typically cost the Medicare program significantly fewer dollars (on a per capita basis) than patients who do not access chiropractic care.
- Congress should enact legislation at the earliest available opportunity that would allow doctors of chiropractic to furnish all Medicare covered benefits that are within the scope of practice (*as defined by state law*) of the participating DC provider.
- **IMPORTANT:** Please note, the chiropractic profession is not requesting that new Medicare benefits be created, but rather that doctors of chiropractic be allowed to furnish the full range of existing Medicare covered benefits they are licensed to provide under state law.

RECENT LEGISLATIVE ACTION:

At the urging of the ACA, Congress included in the Medicare Modernization Act of 2003 (*MMA, Public Law 108-173*) a provision requiring the Department of Health and Human Services (*HHS*) to conduct a pilot program (*demonstration project*) allowing doctors of chiropractic in select sites to furnish the full range of Medicare covered benefits they are authorized to provide under their respective state scope of practice laws.

The demonstration project sites were the entire states of **Maine** and **New Mexico**, 26 counties in northern **Illinois**, **Iowa's** Scott County and 17 counties in central **Virginia**. The demonstration began in April 2005 and ended March 31, 2007. CMS is now collecting data and conducting an evaluation for submission to Congress (*See Federal Register, CMS-5037-N, 1/28/05, p.4130*). The final report is due to Congress in Spring 2009.

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ACTION REQUESTED:

1. Members of Congress who wish to improve beneficiary access to chiropractic care should contact (*in writing*) their colleagues serving on the House Ways & Means Committee, House Energy and Commerce Committee, and the Senate Finance Committee and urge these committees to include appropriate legislative language expanding chiropractic services under Medicare into a Medicare-related moving legislative vehicle at the earliest available opportunity.
2. Members of Congress that wish to support this initiative are requested to generate and furnish the American Chiropractic Association with copies of individual Member letters of support and to do so at the earliest available opportunity during the Second Session of the 110th Congress.

KEY MEMBERS:

House Ways and Means Committee

- Rep. Charlie Rangel (D-NY) Chair
- Rep. Jim McCrery (R-LA) Ranking member
- Rep. Pete Stark (D-CA) Chair, Health subcommittee
- Rep. Dave Camp (R-MI) Ranking subcommittee member

House Energy and Commerce Committee

- Rep. John Dingell (D-MI) Chair
- Rep. Joe Barton (R-TX) Ranking member
- Rep. Frank Pallone (D-NJ) Chair, Health subcommittee
- Rep. Nathan Deal (R-GA) Ranking subcommittee member

Senate Finance Committee

- Sen. Max Baucus (D-MT) Chair
- Sen. Charles Grassley (R-IA) Ranking member
- Sen. John D. Rockefeller (D-WV) Chair, Health Care subcommittee
- Sen. Orrin Hatch (R-UT) Ranking subcommittee member

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