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August 14, 2019

Ms. Seema Verma  
Administrator  
Centers for Medicare & Medicaid Services  
U.S. Department of Health and Human Services  
P.O. Box 8016  
Baltimore, Maryland 21244-8016

**RE: Proposed Decision Memorandum for Acupuncture for Chronic Low Back Pain (CAG-00452N)**

Dear Administrator Verma:

The American Chiropractic Association (ACA) appreciates the opportunity to comment on the **Proposed Decision Memorandum for Acupuncture for Chronic Low Back Pain (CAG-00452N)** as announced by the Centers for Medicare & Medicaid Services (CMS) on July 15, 2019. ACA is the largest professional organization in the United States representing doctors of chiropractic (DC). ACA members lead the chiropractic profession by working together with other healthcare providers, supporting meaningful research, reporting functional outcome assessment measures and pledge adherence to the highest standards of ethics and patient care, contributing to the health and well-being of the estimated 35 million Americans who seek chiropractic care each year.

ACA applauds CMS for looking at alternatives to opioids and other pharmaceuticals in addressing low back pain. However, we are also concerned with the recent Memorandum, in that doctors of chiropractic who perform acupuncture services may be omitted as a provider group allowed to provide such services, or come under the heading of “auxiliary personnel,” which would need to be supervised by a physician or a physician assistant. With this concern in mind, ACA submits the following comments particularly in response to the *Decision Summary, Subpoint B. Covered Indications for CMS approved studies.*

#### Physician Status

Doctors of chiropractic, as well as medical doctors and doctors of osteopathy, are considered “physicians” under Section 1861(r) of the Social Security Act. In addition to their well-known preeminence in the field of spinal manipulation, many have extensive training and licensure in acupuncture. Additionally, many DCs hold special certification in acupuncture from the American Board of Chiropractic Acupuncture (ABCA), or from the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM).

#### Chiropractic Education and Training

All doctors of chiropractic give special attention to the physiological and biochemical aspects including structural, spinal, musculoskeletal, neurological, vascular, psychological, nutritional, visceral, emotional and environmental relationships. They are extensively trained in diagnosis, so they may treat patients effectively and make timely referral to appropriate health care providers.

The diagnostic and therapeutic practice and procedures which may be employed by doctors of chiropractic are based on the extensive and intense academic and clinical training received in and through chiropractic colleges accredited by the Council of Chiropractic Education (CCE) recognized by the U.S. Department of Education.

#### Acupuncture in Chiropractic

Chiropractic acupuncture is an approved specialty within the chiropractic profession and is the art, science and philosophy of treating disease and injury by stimulating specific energy modulating points on the skin. Methods of stimulation include, but are not limited to needle insertion, electrical stimulation, light, heat and pressure. Chiropractic acupuncture treats a wide variety of health conditions which includes all systems and tissues of the body and focuses special attention to the relationship between the spine, nervous system and the meridian system. Chiropractic acupuncture is inclusive of all diagnostic and therapeutic principles and procedures taught in acupuncture programs sponsored by CCE accredited colleges, chiropractic state associations and post-graduate certified instructors.

Doctors of chiropractic are licensed or certified in 34 states and the District of Columbia to treat patients using acupuncture procedures.<sup>1</sup> In addition, chiropractors employed by the U.S. Department of Veterans Affairs (VA) may also provide acupuncture or other therapies as non-pharmacological options for veteran care.<sup>2</sup> Also, the U.S. Navy, in their on-base hospitals and clinics, recognize chiropractors licensed in acupuncture to treat active-duty patients.<sup>3</sup>

#### Conclusion

ACA appreciates the opportunity to provide these comments for your consideration. **We specifically request clarification regarding the provider types outlined in *Decision Summary, Subpoint B. Covered Indications for CMS approved studies.* ACA also submits that doctors of chiropractic should be included as eligible providers to both furnish acupuncture and to supervise the furnishing of acupuncture by auxiliary personnel.** As stated above, ACA believes that the capabilities of doctors of chiropractic to provide acupuncture and to supervise auxiliary personnel furnishing acupuncture are well established through a DC's education, training, state license and/or certification in acupuncture. If you have any questions regarding our comments or need more information, please contact John Falardeau at [jfalardeau@acatoday.org](mailto:jfalardeau@acatoday.org) or at (703) 812-0214.

Sincerely,



Robert C. Jones, DC  
President

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<sup>1</sup> State Requirements for Chiropractic Acupuncture <http://councilofchiropracticacupuncture.org/state-requirements.html>

<sup>2</sup> U.S. Department of Veterans Affairs, Rehabilitation and Prosthetic Services  
[https://www.va.gov/vhapublications/ViewPublication.asp?pub\\_ID=6425](https://www.va.gov/vhapublications/ViewPublication.asp?pub_ID=6425)

<sup>3</sup> Department of the Navy, Bureau of Medicine and Surgery, BUMED INSTRUCTION 6320.100  
<https://www.med.navy.mil/directives/ExternalDirectives/6320.100.pdf>