



Section 2706 Questions & Answers

1. What is Section 2706?

A provision of PPACA, entitled, “NONDISCRIMINATION IN HEALTH CARE,” that will prevent insurance companies and health plans from arbitrarily excluding the participation of doctors of chiropractic, and the services they provide, in their health plans.

2. How does Section 2706 protect provider rights?

“A group health plan and a health insurance issuer offering group or individual health insurance coverage shall not discriminate with respect to participation under the plan or coverage against any health care provider who is acting within the scope of that provider’s license or certification under applicable State law. This section shall not require that a group health plan or health insurance issuer contract with any health care provider willing to abide by the terms and conditions for participation established by the plan or issuer. Nothing in this section shall be construed as preventing a group health plan, a health insurance issuer, or the Secretary from establishing varying reimbursement rates based on quality or performance measures.”

It is not yet determined exactly how this provision will be enforced in regard to certain specific payer policies and practices. ACA is steadfastly working to ensure that all the strength originally intended to be held by this provision remains, and that it will remain a bulwark of protection for doctors of chiropractic for years to come.

3. What plans does 2706 affect?

Section 2706 applies to all group health plans, both insured and self insured, and, it is not subject to ERISA preemption. The law provides that the state has the first responsibility to enforce Section 2706, and if the state does not enforce, then it falls to the HHS Secretary. The term “health insurance coverage” means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract offered by a health insurance issuer.

It is important to understand that Section 2706 and its assurance of non-discrimination in terms of participation and coverage requires that doctors of chiropractic not be discriminated against in the provision of any “essential benefit” that is within their scope of practice.

4. What qualifies as “healthcare coverage”?

The term “health insurance coverage” means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract offered by a health insurance issuer.

5. When can doctors of chiropractic utilize 2706?

It is ACA’s view that Section 2706 applies in the following situations:

- if there is evidence that doctors of chiropractic are being reimbursed at a different level than other providers for the same covered service and such discrimination is not based on quality or performance measures, but is based in whole or in part upon licensure,
- if there is evidence that an insurer or group health plan is, for example, applying caps on specific services provided by doctors of chiropractic, and such caps are not being applied to other providers based in whole or in part upon licensure,
- if there is evidence that the insurer or group health plan is denying specific forms of care otherwise covered under the plan on the basis that it is provided by a doctor of chiropractic., and the covered service is within the scope of practice of a doctor of chiropractic, and
- if there is evidence that doctors of chiropractic are being excluded as a group from participation in a network’s plan.

6. How can I become more involved in the development of healthcare exchanges?

Our Health Insurance Exchange Activity Checklist outlines the steps that you can take with your state organization to be part of the transition.

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