



May 15, 2020

The Honorable Seema Verma  
Administrator  
Centers for Medicare & Medicaid Services  
U.S. Department of Health and Human Services  
Hubert H. Humphrey Building, Room 445-G  
200 Independence Avenue, SW  
Washington, DC 20201

**RE: CMS-5531-IFC**

1701 Clarendon Blvd  
Suite 200  
Arlington, VA 22209

TEL 703 276 8800  
FAX 703 243 2593  
WEB [acatoday.org](http://acatoday.org)

Dear Administrator Verma:

On behalf of the American Chiropractic Association (ACA), representing the nation's doctors of chiropractic and the patients they serve, we would like to thank you for your work in combating the novel coronavirus (COVID-19) pandemic.

We want you to know that America's doctors of chiropractic—more than 70,000 strong—stand ready to serve in this national crisis. Along with the Administration and the states, we are committed to eradicating this dreadful disease, which has put much of the world at risk and threatens to overwhelm the U.S. healthcare system.

Doctors of chiropractic (DCs) are primary-contact healthcare providers who provide *essential care*, including (but not limited to) managing acute and urgent musculoskeletal conditions. These services are critical for helping people who may otherwise unnecessarily end up in emergency rooms, worsening an already strained situation. It is important to note that chiropractors help many people who do physically demanding and stressful work, such as healthcare providers, first responders, and even truck drivers who ensure that America's healthcare and food supplies get to where they are needed during the COVID-19 pandemic.

With this in mind, please be aware that while DCs are licensed under state law to be primary-contact healthcare providers, under federal Medicare law, patients can only access our doctors for a *single service*, despite what their state law may allow (Social Security Act §1861(r)5).

In accordance with our earlier submittal related to **CMS-1744-IFC**, we request that a waiver be immediately granted to authorize a doctor of chiropractic to practice up to the full scope of his or her state license for Medicare patients via **telehealth services** under Section 1834(m)(4)(F) of the Social Security Act. In response to the president's direction, changes in regulation have already been made to expand the use of telehealth services around the country. ACA believes that further expansion, allowing Medicare beneficiaries access to their doctor of chiropractic for telehealth services, is consistent with the Administration's message.

Specifically, in **CMS-5531-IFC**, we understand various providers, such as physical and occupational therapists, are now allowed to furnish telehealth services using Current Procedural Terminology (CPT®) codes also utilized by chiropractors. It is our understanding that certain Healthcare Common Procedure Coding System (HCPCS) codes are made available to those provider groups as well. CMS needs to be aware that CPT® codes 98966, 98967 and 98958 and HCPCS codes G2010 and G2012 can be



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reported by chiropractors. To exclude a specific provider group from providing services under these codes is a scenario CMS is encouraged to correct immediately.

Therefore, we again respectfully request that you waive current federal regulations in order to grant full recognition and authority to doctors of chiropractic to provide telehealth services to Medicare beneficiaries during this public health emergency under Section 1135 of the Social Security Act, which provides in part the following:

***AUTHORITY TO WAIVE REQUIREMENTS DURING NATIONAL EMERGENCIES***

*Sec. 1135. [42 U.S.C. 1320b-5] (a) Purpose.—The purpose of this section is to enable the Secretary to ensure to the maximum extent feasible, in any emergency area and during an emergency period (as defined in subsection (g)(1))—(1) that sufficient health care items and services are available to meet the needs of individuals in such area enrolled in the programs under titles XVIII, XIX, and XXI; and (2) that health care providers (as defined in subsection (g)(2)) that furnish such items and services in good faith, but that are unable to comply with one or more requirements described in subsection (b), may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse.*

*(b) Secretarial Authority.—To the extent necessary to accomplish the purpose specified in subsection (a), the Secretary is authorized, subject to the provisions of this section, to temporarily waive or modify the application of, with respect to health care items and services furnished by a health care provider (or classes of health care providers) in any emergency area (or portion of such an area) during any portion of an emergency period, the requirements of titles XVIII, XIX, or XXI, or any regulation thereunder (and the requirements of this title other than this section, and regulations thereunder, insofar as they relate to such titles),.." (emphasis added)*

Doctors of chiropractic have education, training and experience that can benefit many patients during this time of national need, while also helping to lessen the strain on frontline providers in the COVID-19 pandemic. We stand ready to do so. But first, we request that the federal barriers be removed so that we may serve patients consistent with the practice privileges granted to us under our respective state licenses. If you wish, we are available to speak in more detail about how members of the chiropractic profession can be of greater service to your efforts.

Sincerely,

A handwritten signature in black ink that reads 'Robert C. Jones, DC'. The signature is written in a cursive, flowing style.

Robert C. Jones, DC  
ACA President