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ACA CHIROPRACTORS  Hands down better™

October 3, 2025

The Honorable Brett Guthrie
Chairman
U.S. House Committee on Energy & Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Frank Pallone, Jr.
Ranking Member
U.S. House Committee on Energy & Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Guthrie and Ranking Member Pallone,

On behalf of the American Chiropractic Association (ACA), we are contacting you today to ask your committee to write to the departments of Labor, Treasury, and Health & Human Services urging promulgation of rulemaking on section 2706(a) of the *Health Service Act*. The departments' ongoing failure to promulgate rulemaking continues to empower insurers to put profits ahead of patients and exacerbate financial problems for providers. In addition to missing the statutory deadline, the agencies have also missed multiple self-imposed deadlines for this rulemaking, allowing this critical rulemaking to linger as patients and providers pay the price.

ACA is the largest professional organization in the United States representing doctors of chiropractic (DCs). ACA members lead the chiropractic profession through collaborative relationships in public health, support for research and evidence-based practice, and the active reporting of functional outcome assessment measures to ensure the health and well-being of the estimated 35 million Americans who seek chiropractic care each year. As the provider of choice for many patients, we understand the importance of ensuring providers are recognized to practice to the full extent of their training, education, licensure, certification, and experience to increase patient access to care and competition, lower costs and maintain quality and safety. To deliver for our patients, it is critical that the agencies promulgate enforceable rules pursuant to statutory requirements.

We are encouraged that earlier this month, the House Committee on Ways & Means wrote to the departments urging the agencies to carry out all unimplemented provisions of the *No Surprises Act* under the Committee's jurisdiction.¹ As you know, the *No Surprises Act* included a directive to the departments to engage in rulemaking under section 2706(a) of the *Public Health Service Act*. We ask that you also act on strengthening patients' provider choices as laid out in section 2706(a), which falls under the purview of the House Committee on Energy & Commerce.

Rulemaking by the departments of Labor, Treasury, and Health & Human Services on section 2706(a) is critical to patient access, choice, and competition within the healthcare marketplace. Despite the clear intent of this language included in the *No Surprises Act* calling for rulemaking, as well as multiple Congressional letters calling for a strong rule implementing these protections, these agencies have not yet acted. Action by the Committee on Energy & Commerce would build on the momentum created by the Committee on Ways & Means September letter, showing congressional solidarity and the importance of administrative action.

¹ <https://waysandmeans.house.gov/wp-content/uploads/2025/09/WM-NSA-Letter-2025-FINAL.pdf>

Many non-MD/DO providers continue to face undue barriers to providing care, based on discriminatory policies from insurers. Organizations have repeatedly provided examples to each of these agencies of how insurers continue to increase their profits on the backs of providers, inhibiting access to primary, specialty, and mental healthcare. We strongly urge your action to push agencies to promulgate this long overdue rulemaking to protect patients, improve access to care, increase competition, particularly for the many rural and underserved patients that our providers care for. The September 2025 letter from the House Committee on Ways & Means regarding concerns under their jurisdiction highlights just how important unimplemented provisions of the *No Surprises Act* and *Public Health Service Act* are.

On behalf of the American Chiropractic Association, our providers and their patients, we ask your committee to emulate the letter sent by the House Ways & Means Committee and urge the administration to promptly promulgate a strong, enforceable, provider nondiscrimination rule that honors Congressional intent and protects patient access to care. If our organization can be of assistance, please don't hesitate to contact me at jfalardeau@acatoday.org. We look forward to continuing our dialogue on this important issue.

Sincerely,

A handwritten signature in black ink that reads "John Falardeau". The signature is written in a cursive style with a long, sweeping flourish extending to the right.

John Falardeau
Sr. Vice President