

ACA NEWS
By James D. Edwards, D.C.
ACA Treasurer and District VI Governor

HHS LAWSUIT JUDGE TAKES ACTION

On September 30, 2003, the judge handling ACA's lawsuit against the Department of Health and Human Services (HHS) signed an order dismissing all of the American Physical Therapy Association's (APTA) prior motions as moot. You will recall that earlier in this litigation the APTA tried to intervene in the case. They later filed motions to withdraw. None of this means anything, except that the judge may be finally focusing on our case, as he needs to consider the motions for summary judgment filed by both HHS and ACA. As you know, the HHS changed its policy that had allowed physical therapists to be reimbursed for the chiropractic benefit. However, their existing policy still allows reimbursement to medical doctors and osteopathic doctors for the chiropractic benefit. We believe, and the facts demonstrate, that it was the intent of Congress in approving the language "manual manipulation of the spine to correct subluxation" was to refer to doctors of chiropractic, and that only doctors of chiropractic should be reimbursed for the service.

MEDICARE BILL MAKES PROGRESS

Last January, congressional leaders set October 3, 2003, as their target adjournment date for the year. However, a full legislative agenda and several contentious debates - including one concerning competing proposals to provide a \$4 billion modernization of the Medicare program - have kept Congress at work, likely into November. In fact, it may be Thanksgiving before senators and representatives are back in their districts for the year. Until then, the ACA Government Relations team will remain an active presence on Capitol Hill and continue to lead the fight for pro-chiropractic legislation, including the Medicare Chiropractic Full-Scope Demonstration Project.

Last June, the Senate passed a Medicare modernization bill (S.1) containing this ACA-backed provision as a first-step toward providing fair treatment for DCs and chiropractic patients under the Medicare program. Senator Charles Grassley (R-IA), the prime sponsor of the "chiropractic demo" and a leader of the ongoing Senate-House conference on Medicare, is working with other pro-chiropractic lawmakers to ensure that it is retained in the final Medicare package. To secure final passage of the demo, the ACA must defeat anti-chiropractic interests - including organized medicine, the powerful physical therapy lobby, CMS bureaucrats and even influential MDs serving in Congress, like Bill Frist, M.D., the Senate Majority Leader.

ACA OBTAINS PRO-CHIROPRACTIC STATEMENTS FROM PRESIDENTIAL CANDIDATES

The ACA, in close cooperation with the Iowa Chiropractic Society (ICS), has secured formal statements of support for chiropractic care from three leading candidates for the Democratic nomination for president of the United States. The pro-chiropractic statements came from Governor Howard Dean, M.D., Congressman Dick Gephardt and Senator John Kerry.

“Though they may often disagree on other issues, the leading presidential candidates for the Democratic presidential nomination appear to completely agree on the value and benefits of chiropractic care,” said ACA President Donald Krippendorf, D.C. “The ACA is encouraged by this enthusiastic support and more determined than ever to ensure that it is maintained by our elected leaders long after Election Day.”

ACA WORKING FOR MILITARY RETIREES AND DEPENDENTS

The ACA recently launched a grassroots effort to secure original co-sponsors for a legislative proposal that would extend chiropractic health parity to U.S. military retirees, dependents and survivors through the TRICARE program. The bi-partisan bill, soon to be introduced by Rep. Ed Schrock (R-VA) and Rep. Lane Evans (D-IL), is being promoted in a “Dear Colleague” letter that the congressmen are circulating to legislators today on Capitol Hill.

“We already know that integrating chiropractic treatment into the U.S. military health care system will save the nation lost manpower and money - and will enhance the quality of life for our nation’s active duty military personnel,” said ACA President Donald J. Krippendorf, DC. “So it only makes sense to extend this vitally important benefit to retirees and the families of our nation’s military, who deserve nothing less than the best health care this country has to offer.”

ACA’s Government Relations Department has been involved in discussions concerning this legislation since earlier this year and has committed to working with Reps. Schrock and Evans to build strong support for it among pro-chiropractic members of Congress. As part of this effort, ACA is asking doctors of chiropractic across the country to take immediate action by calling their representatives in the U.S. House and urging them to join as original co-sponsors of the legislation. Representatives can be reached by calling the U.S. Capitol switchboard at (202) 225-3121.

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