

From Courtroom to Medicare Appeals, NCLAF Is There to Fight for the Profession

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Last month, I told you that the U.S. Court of Appeals reversed a lower court decision in ACA's lawsuit against the Department of Health and Human Services (HHS). It was a historic victory for the chiropractic profession and the senior patients we serve.

ACA filed the suit against HHS in November 1998 to ensure that Medicare patients in HMOs are able to receive chiropractic care from doctors of chiropractic. Before the ACA's legal action was launched, medical doctors, osteopaths and even physical therapists were reimbursed under Medicare for providing the chiropractic benefit (referred to in Medicare regulations as "manual manipulation of the spine to correct a subluxation"). Because of pressure from the ACA lawsuit, however, CMS has since announced that PTs are not qualified to provide the chiropractic benefit.

While falling short of barring MDs and DOs from providing manual manipulation, the judges on the appeals court panel did question the district court's opinion about *which* health care practitioners are *qualified* to provide the chiropractic service—an issue that is separate from a practitioner simply having a license that allows him or her to do it.

With this ruling, the chiropractic profession overcame a major legal obstacle. Now it must move forward with Medicare administrative appeals actions across the country to establish that only chiropractors are qualified to correct subluxations of the spine through manual manipulation.

Doctors must be educated about the availability of the new appeals process. As a profession, we must also perhaps support select administrative appeals cases to obtain successful outcomes.

Expert legal advice will be required during this process to ensure that doctors of chiropractic are the *only* practitioners authorized under Medicare to provide the chiropractic benefit—and, of course, financial resources will be needed to cover the costs of that expert advice.

The National Chiropractic Legal Action Fund (NCLAF) is poised to help during this critical time. For those of you who have not yet contributed to the NCLAF, isn't it time you started? We are fighting for your practice, your profession and your patients; we need you to join us. Please fill out the pledge form on this page, and fax it in today.

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