

# Chairman's Message

## Federal Lawsuits 101



JAMES D. EDWARDS, DC

**A**s you know, the chiropractic profession is currently battling federal lawsuits against both the federal government and Trigon Blue Cross/Blue Shield. Allow me to briefly explain what each lawsuit is about, what each will achieve, and why your support is badly needed.

The HCFA lawsuit was filed after the government implemented a policy that allowed other health care providers (MDs, DOs, and physical therapists) to deliver the chiropractic benefit to Medicare patients. HCFA's policy was a direct attack on the unique status and ability of doctors of chiropractic to identify and correct subluxations and was an outrageous attempt to substitute inferior services and deny beneficiaries the right to receive the chiropractic benefit.

If you do not believe that others are trying to steal chiropractic, then read what the American

Physical Therapy Association (APTA) filed with the court.

*"...the fact is that physical therapists regularly engage in manual manipulation of the spine to correct a subluxation, and are routinely reimbursed by Medicare for providing this service."*

Quite simply, prevailing in this legal battle—to maintain our exclusive right to provide the chiropractic service—is fundamental to the future of all doctors of chiropractic. Failure to achieve victory in this lawsuit means our competitors will gain a bigger and bigger share of the health care market while more of our patients will be denied access and fair reimbursement.

The Blue Cross/Blue Shield battle rages on because, in the opinion of the ACA, insurance companies like Trigon are cheating us out of hundreds of millions of dollars with anti-chiropractic reimbursement policies. Trigon "justifies" its discriminatory practices by blatantly claiming DCs are inferior to medical doctors. On April 23, 2002, our legal team began a series of intense depositions designed to further expose and—once and for all—put an end to this illegal activity.

As I travel around the country speaking on behalf of these lawsuits, I am asked many of the following questions:

● *"Will victories in these lawsuits make all of our problems disappear?"* No. But we are in the fight of our professional lives with not only the federal government but also the 900 lb. gorilla of the insurance industry. That means

the stakes are high—just as the impact of our victories will be.

● *"What benefits can we expect to see if the profession is victorious?"*

You might see significant numbers of new patients and new revenue since both lawsuits will affect the entire third-party payer system. Victory will mean equality in a health care system that has shunned us for too long. And don't forget, many state legislatures and agencies use federal guidelines and policies as the benchmark for developing state guidelines and policies.

● *"Has there been any benefit yet from the lawsuits?"* You bet there has. As a direct result of the HCFA lawsuit, Secretary Tommy Thompson's Department of HHS recently ruled that manual manipulation of the spine to correct a subluxation must be provided by Medicare managed care organizations and Medicare+Choice plans, and also ruled that physical therapists cannot deliver the chiropractic benefit under Medicare. That was a huge victory for the chiropractic profession and, in my opinion, caused the APTA to withdraw from the HCFA lawsuit.

● *"Isn't this just more chiropractic politics?"* No. It is unity of spirit and action to build a better profession. In fact, no other issue since the Wilk case has united so many different organizations within the profession, including the ACA, ICA, WCA, Congress of Chiropractic State Associations, Federation of Chiropractic Licensing Boards, National Board of Chiropractic Examiners, National Association of Chiropractic Attorneys, Association of Chiropractic Colleges, and 49 chi-

ropractic state associations!  
 ● "Is there a 'Plan B' if the legal battles start going badly?"  
 Absolutely not. There is no fall-back position! It is our "watch," and these lawsuits are this generation's challenge. We must win both of them, and with George McAndrews at the helm of these lawsuits, we will!  
 But we are seriously underfunded and your support is badly needed. You have a vested interest in the outcome of these lawsuits. There is no better return

on your investment than donation to the National Chiropractic Legal Action Fund. That's because, with your financial contribution, you can be part of the team that achieves a "win-win-win" for your patients, your practice, and your profession.  
 We are very close to victory, and we will not turn back! For those of you that have stayed on the sidelines, it is now time to step forward with your financial support. And if you have already contributed, you have our deepest

gratitude. Unfortunately, that money has been spent and it is time to "re-load."  
 Our goal is that 1,000 doctors will commit to contributing \$100 per month for as long as it takes to win. Let's stop the exhausting process of trying to do more with less and put our faith and resources into a campaign that can change the landscape of the chiropractic profession forever. Please help make this goal a reality by filling out the pledge form below and send it in today. ▼

**NATIONAL CHIROPRACTIC LEGAL ACTION  
 FIGHTING FOR CHIROPRACTIC DONATION FORM**

- YES!** I will contribute \$100 per month to defend my profession.
- Other donation amount: \_\_\_\_\_ per month/one time (please circle).

**Payment Type (Check one)**

**Credit Card:**    \_\_\_ Visa    \_\_\_ Mastercard    \_\_\_ Discover    \_\_\_ American Express

Card#: \_\_\_\_\_ Expires: \_\_\_\_\_

Print name: \_\_\_\_\_ Today's Date: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Signature: \_\_\_\_\_

Please complete the information above and fax to: **(703)243-2593**, or mail with payment to: National Chiropractic Legal Action Fund, Post Office Box 75359 Baltimore, MD 21275.

*Important Tax Information: ACA members may deduct as dues and assessments their Practice Insurance payments to ACA's National Chiropractic Legal Action Fund. Non-members may deduct their Practice Insurance payments to ACA's National Chiropractic Legal Action Fund as a business expense; however, ACA recommends that non-members first consult their tax advisors for proper classification.*