

PTs Seek to Intervene in ACA Federal Lawsuit

Editorial Staff

ARLINGTON, Virginia - Calling the American Chiropractic Association's (ACA) lawsuit against the U.S. Department of Health and Human Services (HHS) and the Health Care Financing Administration (HCFA) "a direct attack on the interests of its members," the American Physical Therapy Association (APTA) has requested that the U.S. District Court in Washington, D.C. allow it to intervene in the ACA's lawsuit.

The APTA seeks to reverse a recent legal position taken by HHS and HCFA - in response to the ACA's lawsuit - "officially" acknowledging that physical therapists cannot provide manual manipulation of the spine to correct a subluxation under Medicare.

According to the ACA, the APTA has pled to the U.S. District Court that: "Chiropractic organizations have made a concerted effort to obtain legislation that restricts the ability of physical therapists to perform manual manipulation as part of a physical therapy plan of care. Indeed, this lawsuit can fairly be viewed as another front to this ongoing campaign."

In its September 2, 1999 motion to dismiss the ACA's lawsuit, HHS stated: "We agree with (the ACA) that a Medicare+Choice organization could not purport to make this physician service available to enrollees through a physical therapist, and must have physicians available to perform this service (whether it be chiropractors or other physicians who perform manual manipulation)."

"We are resolute in our determination to assure the chiropractic service of manual manipulation of the spine to correct a subluxation is provided exclusively by doctors of chiropractic," stated Dr. James Mertz, ACA president. "We believe the policy articulated by the government as it pertains to physical therapists providing the service is a correct one. This change in policy came only after the initiation of the ACA lawsuit. We will argue to the court that HCFA should not be permitted to reverse its prior statements to the court based on pressure from the APTA."

The APTA argues that "it is precisely the ACA's effort to challenge that policy and to preclude physical therapists entirely from performing this service, that requires the APTA to seek to intervene in this lawsuit." By intervening in the lawsuit, APTA hopes to ensure that "physical therapists retain their current standing to provide this service."

U.S. District Court in Washington, D.C. will make the determination on the APTA motion to intervene.

JUNE 2001