

Dr. Duvall Schools New Jersey Health Benefits Commission on Denying Chiropractic Services

Editorial Staff

The battle continues to rage in New Jersey over the "care pathways" recently instituted by the Automobile Insurance Cost Reduction Act. The new care pathways and gatekeepers have put a severe damper on the amount of chiropractic care automobile accident patients can hope to receive.

Perhaps the only positive outcome of this event is that the three New Jersey chiropractic state associations and four regional societies have joined together in the face of this common threat.

Well-known chiropractic authorities from every philosophical point of view have testified against the mandated care pathways, including Gerard Clum, DC, (president of Life Chiropractic College West) and Scott Haldeman, DC, MD, PhD (please see "New Jersey Modifies Onerous Auto Insurance Law in the February 22, 1999 issue, or on line at <http://www.chiroweb.com/archives/17/05/13.html>).

The passage of the Automobile Insurance Cost Reduction Act has prompted several lawsuits being filed on behalf of chiropractic (please see "Chiropractic America Files Lawsuit in New Jersey," Dec. 14, 1998 issue or on line at <http://www.chiroweb.com/archives/16/26/17.html>).

But as one might expect, there are those within the chiropractic profession who are lending support to the new law and the auto insurers. In a letter dated February 26, 1999, Margaret McMahon, secretary of the New Jersey Health Benefits Commission, sent this letter to the state treasurer:

Mailing Address
P.O. Box 295
Trenton, NJ 08625
Location:
50 West State St.
Trenton, NJ

CHRISTINE TODD WHITMAN
GOVERNOR

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF PENSIONS AND BENEFITS
(609) 292-7524 / TDD (609) 292-7718
February 26, 1999

JAMES A. DEELEUTERIO, JR
State Treasurer
MARGARET M. MCMAHON
Director

The Honorable James A. DiEleuterio, Jr.
State Treasurer
Department of the Treasury
P.O. Box 002
Trenton, New Jersey 08625
Re: SHBP Appeals for Chiropractic Services

Dear Treasurer DiEleuterio:

We expect to have a multitude of appeals from members to the State Health Benefits Commission in the next few months regarding denials of benefits for ongoing chiropractic services. In order for the members of the Commission to obtain background information sufficient to make informed decisions in these appeal cases and make policy decisions regarding the chiropractic benefit, the Division of Pensions and Benefits Policy and Planning Unit has planned a three hour seminar for Commission members. Dr. Charles DuVall, the guest speaker, is a licensed chiropractor in private practice in Akron, Ohio since 1979; Board Chairman of the National Council Against Health Fraud; co-founder and President of the National Association of Chiropractic Medicine (an organization dedicated to chiropractic reform); and a consultant to many companies, organizations and government agencies. He performs retrospective, prospective, and concurrent chiropractic reviews in all fifty states and Canada, performs independent medical examinations, and is an instructor/consultant for the Federal Bureau of Investigation (FBI).

This seminar will not be an open public meeting, and invited guests only may attend. It would be most beneficial if all those who may represent you at Commission meetings were to attend. The meeting will be held on Tuesday, March 9, 1999 from 9 a.m. to noon at the Division of Pensions and Benefits, 50 West State Street, Trenton, New Jersey in the third floor Board Room. A copy of the agenda is attached for your information.

Please assign all the staff members who might be your representative for future Commission meetings to attend the seminar. As a reminder, the following representatives have attended meetings during the past year or we have been advised might attend future meetings as your designee.

Michael Ferrara
Scott Carlbom
Charlene Holzbauer
Shelley Webster

Please R.S.V.P. with the names of those who will attend to Marybeth Kelman, Acting Secretary, by March 4, 1999, in order for us to provide an adequate amount of supplies and printed materials to those who will be in attendance. Her phone number is (609) 292-2057. Please feel free to call me at 609-292-3678 or to call Marybeth if you have questions about this matter.

Sincerely,
Margaret M. McMahon

Secretary

State Health Benefits Commission

Dr. DuVall is best known as one of the members of the failed "orthopractic" group, but continues his activities as an officer of the National Association of Chiropractic Medicine (NACM). At last report, the NACM had less than 40 dues paying members.

The NACM has a self-appointed board; the organization holds no elections. This is the authority that the state of New Jersey has chosen to "make policy decision regarding the chiropractic benefit."

According to the enclosure, Dr. DuVall presented this material:

Overview of Chiropractic Medicine: "The Good, the Bad and the Ugly"

I. General Review

- a. Manipulation
- b. Osteopathy
- c. Similarities/Parallels of Osteopathy to Chiropractic
- d. Chiropractic Political Machine

II. Review of Current Scientific Literature Relative to the Efficacy of Spinal Manipulation

III. Scams-Schemes-Practice Builders: How Chiropractors Learn to Make Millions

- a. "Free" Examination/Consultation -- Bait & Switch
- b. How a healthy person can be talked into treatment for life when they really don't need it.
- c. Chiropractic pediatrics: How to expand the patient base.

IV. Gadgets-Gizmos-"High Tech" Wizardry

V. How to Avoid and Combat the Sharks

VI. Yes, it could be worse -- "Alternative Medicine" and the 21st Century

From this outline, it would appear that Dr. DuVall did not present a balanced picture of chiropractic. There is some speculation that he may have tried to encourage New Jersey to only refer to NACM members, as has been the case in other efforts by the NACM. That no one from the chiropractic profession was allowed to attend and rebut Dr. Duvall's claims is perhaps most distressing.

By this latest action, the state of New Jersey is seen as having intentions that exceed the reduction of automobile insurance. Those closest to the action are asking:

- Is there an agenda here to severely limit, if not eliminate chiropractic?
- Will this current effort expand into other areas of health care reimbursement or into other states?

As the war continues to rage, one can only be alarmed at how it has escalated.

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