

Is the HCFA Lawsuit Important?

LET'S DO SOME MATH

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When you think about Medicare, it's hard to get excited. It doesn't pay well, it's probably not a large portion of your practice (it may not even be significant), and it involves the federal government with all its forms, rules and bureaucratic regulations.

So when you saw the article (in the January 26, 1999 issue or online at (<http://www.chiroweb.com/archives>) about George McAndrews as counsel for the ACA filing a lawsuit against the Health Care Financing Administration (HCFA), you may have turned the page in favor of something more interesting. If so, now's the time to pay close attention.

According to a recently released preliminary report to HCFA from Inspector General June Gibbs Brown (this can be found online in its entirety at (<http://www.chiroweb.com/dynamic/documentation/hcfa.html>), there is reason to be concerned. Taking the year 1996 as an example, we will work through the numbers so that you can see what effect the new Medicare Part C regulation will have on literally millions of current chiropractic patients (not to mention the millions of future patients that may never receive chiropractic care):

In 1996, the number of Medicare beneficiaries under the fee for service (FFS) program was 33,509,382. Of those, 1,391,600 received chiropractic care for a total of 12,269,909 "treatments." This works out to about 4.15% of the Medicare FFS beneficiaries receiving an average of 8.82 treatments for the year: less than adequate utilization compared with the current national average outside of Medicare, but still significant numbers.

The managed care version of Medicare is what's really scary. Of the four managed care organizations (MCOs) surveyed by Inspector Brown, their average percentage of beneficiaries receiving chiropractic care was only 1.55%, compared to the FFS rate of 4.15%. As the goal is obviously to move more Medicare beneficiaries into managed care, this would drop the number of FFS beneficiaries who receive chiropractic care from 1,391,600 to 519,395 when Medicare goes completely to managed care. It would also severely drop the number of "treatments" by more than six million for that year.

If this begins to frighten you, it should. But the bad news is just beginning.

Half of the MCOs surveyed required their Medicare beneficiaries to obtain medical physician referrals prior to seeing a doctor of chiropractic. Doing so reduced their chiropractic utilization to less than 25% of those MCOs that allowed direct access. If we assume that all Medicare MCOs might eventually require medical referral for chiropractic care, the average utilization rate drops from 1.55% to less than 0.5%.

The number of Medicare beneficiaries seeing DCs in this example now drops to 167,547 (from the original 1,391,600), with a corresponding drop in chiropractic treatments. This would dramatically reduce the number of Medicare chiropractic patients by over 88% from what it is now.

Now that "chiropractic manipulation" is finally considered popular, many other providers want to

join in. The decision of HCFA to allow other providers the right to offer this service in the Medicare managed care arena spells disaster for chiropractic.

Now for the really bad news:

This new form of discrimination by regulation is in the process of spreading to the private sector and state workers' compensation arenas. Imagine the impact on chiropractic and your practice should limited access and the use of unqualified, non-chiropractic providers diminish patient flow to only 12% of existing patients from these arenas!

So what do we do now? How do we fend off this latest attack?

Having known George McAndrews for more than 10 years, I can tell you he doesn't need another lawsuit for chiropractic. He is very successful and at the point in his career where he will never lack for clients.

His reason for mounting this campaign is simple: He loves chiropractic.

He's doing this for his daughter who is about to graduate from chiropractic college, for his brother who is also a chiropractor, for the many DCs who he is close friends with, and for chiropractic patients everywhere. In short, even though you may not have met him, he's doing it for you.

Yes, this lawsuit was filed by the American Chiropractic Association (ACA). And while you may not agree with everything the ACA does, you should consider supporting the ACA's and George McAndrew's efforts in this lawsuit against HCFA.

No, you don't have to join the ACA. Just contact them and take a few minutes to hear why they see this as a critical event in the course of chiropractic.

You can reach them at 1-800-986-4636.

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