

## ACA Files Lawsuit against HCFA

NCMIC DONATES \$50,000 TOWARD SUIT

Editorial Staff

The American Chiropractic Association, as promised, has filed a lawsuit in U.S. District Court to block the Health Care Financing Administration (HCFA) from implementing Medicare Part C regulations that would effectively make chiropractic an outsider. (Please see "Chiropractic on the Medicare Chopping Block" *DC*, Nov. 2, 1998).

Medicare Part C is a managed care model that will offer manual manipulation done by MDs, osteopaths and PTs as a substitute to spinal manipulation to correct subluxations by chiropractors. Clearly, the ACA sees Medicare Part C as disastrous for chiropractic in the Medicare program, but there is the larger concern that Medicare Part C will serve as the model for private-sector insurance and health plans.

The Medicare Part C regulations go into effect January 1, 1999.

A second part of the ACA lawsuit is to file a writ of mandamus, which is an injunction to compel an agency to carry out an assigned duty. The assigned duty in this case is a report that the Congress "ordered" Health and Human Services to conduct in 1990 on the use of chiropractic services in HMOs. The report has never been delivered, a good indication that HCFA never gathered the information as mandated.

"We have now exhausted every administrative and legislative avenue and have no choice but to take legal action against the federal government," said ACA President Michael Pedigo, DC.

ACA General Counsel George McAndrews, who headed the Wilk suit, is again leading the chiropractic battle.

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