

New York Law Requires Insurers to Cover Chiropractic

N.Y. CHIROPRACTIC ASSOCIATIONS WORK IN CONCERT TO PASS NEW LAW

Editorial Staff

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"They (chiropractors) have done an effective case of lobbying." -- Assemblyman Alexander Grannis, Manhattan Democrat, chairman of the Assembly Insurance Committee and leading opponent of the bill.

"They are involved in the community. They go to the little leagues. They are active. They want a bill, I'm happy to help them." -- Assemblywoman Catherine Nolan, Democrat from Queens.

Even before the New York State Assembly passed the Chiropractic Insurance Equality legislation (A-8431), the New York Times was touting the success of the chiropractic lobbying effort.¹ The article was brimming with quotes complimenting the New York chiropractic community on the perseverance of their lobbying effort that resulted in the passage of the new law.

"They (chiropractors) are effective because they have a client base like you've never seen." -- Assemblyman Edward Griffith, a Brooklyn Democrat and a sponsor of the bill.

"It's pointless to fight something that is inevitable." -- Mark Alesse, state director, National Federation of Independent Businesses, representing 32,000 New York businesses.

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"They are yentas. It's get out of the way or deal with them. If you're a politician, what do you do? You try to accommodate." -- Ed Donnelly, AFL-CIO lobbyist, representing a small group of unionized chiropractors.

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The new law, which awaits Gov. Pakaki's signature at press time, will require all health insurance companies operating in New York state to include chiropractic services. New York will only be the third state to pass such a law. The bill passed with a "legislative intent" section written into the law which clearly states its purpose to reduce the possibility of misinterpretation by nefarious carriers. The legislation calls for equality in all insurance reimbursement programs including HMOs. It establishes the definition of chiropractic within the insurance law and sets a minimum of 15 visits before justification for additional visits is necessary.

This minimum number of visits was included to prevent carriers from issuing two visits to comply with the law while violating the law's intent. It also includes a two year sunset clause which automatically removes the 15 visit minimum by the year 2000, at which time the chiropractic care will be evaluated from day one on strict clinical necessity basis as is the case with every other form of health care.

The journey through the legislature was long and arduous. A very similar bill worked its way through last year only to be rebuffed by Governor Pataki who refused to sign it. And while this year presented its own set of challenges, the result was victory.

Following the example set by the New York State (NYS) Senate in June, the NYS Assembly, led by Speaker Sheldon Silver, passed the Chiropractic Insurance Equality Legislation (A-8431) sponsored by Assemblyman Ed Griffith and 20 Assembly representatives. A similar bill unanimously passed the Senate back in June. The Senate bill was sponsored by Senator Guy Velella, who along with Assemblyman Griffith were the original writers and proponents of the legislation back in 1991 when it was first discussed.

With four chiropractic organizations in New York state, the passage of a bill of this magnitude took a serious cooperative effort. What made the difference this year was the cooperation from the governor's office and his desire to fulfill a pre-election promise made to Dr. Joseph Mirto and Dr. William Remling of the New York Chiropractic Council in front of Senator Velella. The New York Council openly supported Pataki in a tight race against then governor Cuomo, who was ahead in the polls. This risky move, along with the activation of patients across the state in support of then Senator Pataki, helped make the difference in a tight race.

"We have been very close to the governor ever since," said Dr. Remling, executive director of the New York Chiropractic Council. "Governor Pataki appreciated how much we risked by our public display of support then and since." This year, the governor directed his staff to work out the language necessary for him to be able to sign the legislation. The profession's job was to clearly express and stand strong, for it needed to best serve their patients. This they did, not allowing the compromisers to concede necessary protection and language.

This year's original working draft was written by Ross Lanzafame, counsel for the New York State Chiropractic Association (NYSCA). It was submitted to the governor's staff, who held several meetings with the chiropractic profession, insurance and business concerns to continue to develop the language in the present bill after more than five different drafts. This process was overseen by members of the office of Senate Majority Leader Joseph Bruno. With all of the chiropractic organizations agreeing to the final draft, the bill was placed in the Senate and sponsored by Senator Velella. It passed unanimously in early June.

NYSCA brought their case to the Assembly through their lobbyist Donald Mazzullo. The New York Chiropractic Council took responsibility for the Senate using their contacts from their members, primarily Dr. Joseph Mirto. The governor's office was closely communicated to by the New York Chiropractic Council, primarily through the efforts of Dr. Michael Smatt and several of his patients. The Chiropractic Federation, through their lobbyist Perry Ochacher, helped keep the bill moving through the developmental stages, draft changes and committee work.

The bill's sponsor, Assemblyman Ed Griffith, led the discussion on the Assembly floor, along with co-sponsors Joseph Lentol and Clarence Norman. There are many friends of chiropractic in the Assembly and the Senate who deserve the thanks of the chiropractic profession and patients of New York.

Additional pressure was created this year by a meeting with Attorney General Dennis Vasco to discuss the issue of discrimination against the profession and the practice of "double recovery" by the insurance industry. Double recovery occurs when the carrier charges a second time (rider premium) for chiropractic services (manual manipulation of the spine) which are covered under the basic plan when performed by any other health profession licensed to do the service.

Armed with documents from the Wilk et al. case, along with other information learned from their research and investigational efforts, the New York Chiropractic Council representatives, Drs. William Remling, Michael Smatt, Joseph Mirto and Counsel James Hogan, stated their case. This effort resulted in a call to the governor's office and an additional commitment to resolve this issue legislatively.

Congratulations to all for a job well done. New York chiropractors can be proud of the work their organizations have accomplished and the way they worked together to get the job done. There is something to be said for unity in action and they deserve the support of every doctor of chiropractic licensed in New York state.

----- "Albany Poised to Require Insurers to Cover Chiropractic Care." *New York Times*, Sunday, July 27, 1997 pp 23,26.

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