

Report from the Mid-Year Meeting of Chiropractic Attorneys

ESTABLISHING PPOS, A CHIROPRACTIC CAUCUS, AND UPDATING MERCY GUIDELINES

Editorial Staff

GREENBRIER, West Virginia -- Twenty-three lawyers of the National Association of Chiropractic Attorneys, representing 19 state associations, the ACA, two chiropractic colleges, and the Congress of Chiropractic State Associations, meet June 24-25 to discuss the formation of state association PPOs and "any willing provider statutes," among other business.

South Carolina Attorney Mike Kelly, and California Attorney Mike Schroeder reported on efforts to start PPOs in California, South Carolina, Alabama, and Georgia. The growing interest in association PPOs will be the topic of a special workshop at the NACA's annual meeting in New Orleans October 28-30.

"Any willing provider laws" have been passed in Kentucky, Alabama, and Virginia. Virginia Attorney Bill Shields reported on the federal court decision upholding Virginia's any willing provider law.

Kentucky Attorney Al Wax recommended joining the National Federation of Independent Businesses as a strategy to push for support of chiropractic issues. "If chiropractors join the NFIB," said Attorney Wax, "their voice will be heard on surveys supporting any willing provider provisions and inclusion of chiropractic in NFIB platforms."

Tom Daly, general counsel of the ACA, reported on the ACA's response to the recent Consumer Reports article. NACA members developed a strategy for getting information to combat the effects of the report on a local level.

Arizona Attorney David Morrison reported that State Farm Mutual Automobile Insurance is suing the Arizona Board of Chiropractic Examiners over the authority of CAs to perform physical therapy. Mr. Morrison said the case could set an important precedent for the authority of chiropractors getting paid for physical therapy modalities.

Paper review by out of state chiropractors is a growing problem, according to Texas Attorney Des Taylor. He spoke of DCs, no longer in practice, who are writing paper reviews for insurance companies with only partial patient records and recommending cutting off chiropractic care. West Virginia Attorney Phil Stowers told of one company that is contracting with insurance companies in several states to perform paper reviews which routinely asks for a narrative reports on patients, then cuts off service without full patient records. Pennsylvania Attorney Jim Kutz recommends a strategy of asking for the license number of the paper reviewer and charging for any requested narrative report in advance. Paper reviews will be further discussed at the October meeting.

NACA members are volunteering to draft and prepare papers for a nonprofit corporation to update the Mercy Guidelines. The corporation will be known as the Council on Chiropractic Guidelines and Practice Parameters and should be incorporated by September, reported Florida Attorney Paul Watson Lambert. Paul Lambert is the president of the NACA, and was voted the NACA's 1994-95

attorney of the year.

California Attorney Shawn Steel reported on the efforts of his NACA committee to compile all state laws, regulations, and court decisions on third-party liens and their enforcement. Steel's committee will circulate this information to all NACA attorneys to help develop stronger laws protecting third-party assignments and liens.

Shawn Steel also related his committee's grassroots lobbying efforts to form a bipartisan chiropractic caucus in Congress. "We have one congressman in Florida interested in serving as chairman of a caucus composed of congressmen interested in furthering issues important to chiropractic patients," Attorney Steel said.

Attorney Steel organized a conference call with 13 NACA members and Richard Miller, ACA vice president of government relations, to discuss and make NACA members available to contact senators and representatives on health care issues.

"Shawn Steel is a dynamo who won't give up until a strong chiropractic caucus is formed," said Paul Lambert. "He gets the work done early and spurs the rest of us to keep up with him."

California Attorney Phil Buckwalter warned that physicians must keep better records. Kansas Attorney Judy Pope seconded that: "Managed care is becoming more prevalent and chiropractors who fail to keep excellent records will not be allowed to participate." The NACA has urged the Federation of Chiropractic Licensing Boards to adopt stronger state regulations on record keeping, and urges chiropractic colleges to further emphasize good record keeping practices and habits to prepare students for the changing demands in health care.

"This is the only forum for attorneys to share information and serves as a clearing house for chiropractic associations and colleges, said Ohio Attorney Rob Sherman. For information about the October 28-30 NACA meeting in New Orleans, contact NACA President Paul Watson Lambert at (904) 385-9393.

SEPTEMBER 1994