

Blue Cross Blue Shield Hits Below the Belt

DOWNGRADES CHIROPRACTORS IN FEDERAL EMPLOYEE PROGRAM.

James Edwards, DC

Recently, I reported the wonderful news that President Obama's proposed health care reform plan would [likely include chiropractic full-scope coverage](#), since the [Blue Cross / Blue Shield Federal Employee Program](#) [hereafter referred to as the employee program], part of the Federal Employees Health Benefits Program, would be used as the model. As reported in that article, the largest health plan for federal workers has been identified by President Obama as the template for coverage for any new broad-ranging health care reform. In fact, the BC/BS employee program has already been specifically used in federal law to form a "benchmark" for coverage.

And just for record, I want to remind you that inclusion of chiropractic services under the employee program was a direct result of a settlement with the Blue Cross/ Blue Shield Association (BC/BSA) in the [Trigon litigation initiated by the American Chiropractic Association \(ACA\)](#) and financed by the National Chiropractic Legal Action Committee (NCLAF).

So far, so good, right? Wrong! Here is the late-breaking and totally disgusting news. BC/BSA recently announced that while coverage would not be affected, chiropractors are no longer included in the employee program's definition of *physician*, effective Jan. 1, 2009. [The 2009 Blue Cross/Blue Shield Service Benefit Plan](#), as administered by the Blue Cross/Blue Shield Association, has specifically removed "Chiropractors / Doctors of Chiropractic" from its definition of *physician* and now considers us "other covered health care professionals."

What a coincidence! Just as national health care reform begins, BC/BSA, "out of the blue," decided to demote doctors of chiropractic from physician status to "other health care professionals." And what a coincidence that this demotion occurred right after the American Medical Association (AMA) House of Delegates [adopted an official policy limiting physician status](#) to medical doctors and doctors of osteopathy.

This action by Blue Cross / Blue Shield reminds me of the famous line, "I am not paranoid if they really are out to get me." And in this case, it appears to me that BC/BSA and the AMA are really out to get the chiropractic profession. In fact, it appears to me that this may be a conspiratorial effort in violation of the judge's orders against the AMA in the *Wilk* case.

The ACA has already received reports that doctors of chiropractic are now being denied referral privileges to hospitals and to other providers because of this recent BC/BSA action. Not only has it had a severe effect on current federal employee patients and their doctors' ability to refer, but it also will seriously and adversely affect the chiropractic profession as federal health care reform progresses.

If problems or concerns existed within the BC/BS employee program as to certain aspects of chiropractic coverage, those issues should have been addressed through the appropriate fine-tuning of the coverage language, not the wholesale "meat cleaver" approach of removing doctors of chiropractic entirely from the definition of *physician*. If allowed to stand, the chiropractic profession will face the specter of national health care reform proceeding without chiropractors

being initially defined as physicians. Rest assured that this issue has the full attention of both the ACA and the NCLAF, and both entities are exploring all options to overturn BC/BSA's flawed position.

The ACA and NCLAF have initiated an "all fronts" response to the BC/BSA policy change. According to ACA President Glenn Manceaux, DC, "The potentially devastating effects of the Blue Cross Blue Shield action cannot be overstated. Their action is intended to diminish doctors of chiropractic's standing in national health care reform, and it is intended to forever change the practice of chiropractic and the manner in which we serve our patients."

As noted by Dr. Edwards in his article, because the Blue Cross / Blue Shield Service Benefit Plan is currently used as the benchmark for federal health coverage, this policy change could dramatically impact chiropractic inclusion in national health reform legislation. The ACA uses the following example as illustration:

"[U]nder the [SCHIP program](#), Section 2109 'Coverage Requirements for Children's Health Insurance' lists the 'Blue Cross/Blue Shield preferred provider option service benefit plan' (42 U.S.C. 1397cc(b)) as a 'Benchmark Benefit Package.' No other private health insurer is identified in such a manner. In addition, SCHIP law provides that 'physician services' are included in 'basic services' that must be covered, whereas the services of other health care providers are considered 'additional services' that are optional (42 U.S.C. 1397cc(c)(2))."

MAY 2009