

American Chiropractic Association Presses HHS on Non-Discrimination Enforcement

The American Chiropractic Association (ACA), in an Oct. 19 letter to HHS Secretary Kathleen Sebelius, raises serious concerns regarding the department's implementation of a key provider [non-discrimination provision](#) of the Patient Protection and Affordable Care Act (PPACA).

The association's concerns center around HHS guidelines allowing states to choose their own essential health benefits standard – known as a "benchmark" plan – from among 10 existing plans in each state that will be made available within the newly created insurance marketplaces ("exchanges") required under PPACA to be established by 2014. Essentially, this process will determine what specific benefits are provided under health insurance plans marketed via the exchanges in each state.

In the letter to Sebelius, ACA President Dr. Keith Overland expresses concern that states will not only pick plans that are less than robust, but more importantly for chiropractic patients, that some states may submit benchmarks that are inconsistent with Section 2706, PPACA's provider non-discrimination provision, and exclude the services of chiropractic physicians.

"We have reason to believe that several states have taken just such an action, having allowed little to no input from the chiropractic community during their deliberations," the letter states.

Section 2706 prevents health plans from arbitrarily excluding the participation and coverage of entire categories of providers based solely on their licensure. The law enables patients to receive care from any provider who is licensed in a state to provide a specific benefit covered through an exchange health plan.

"Discrimination against providers is also discrimination against patients," the letter continues.

"Discrimination against the services provided by doctors of chiropractic and other providers unduly and unlawfully restricts the patient's ability to select the provider, and the service, of his or her choice."

Further, ACA requests that HHS communicate to states that adherence to Section 2706 is vital and implement a process to evaluate each state's proposed benchmark plan to determine whether it is in compliance. The association will formulate future action based on the extent to which HHS addresses its concerns.

Source: American Chiropractic Association