

## Celebrate Our Victories

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The pride of being an American resonates when visiting our nation's capitol and its monuments: the Lincoln Memorial; the Washington Monument; the FDR Memorial; the Vietnam Veterans Memorial Wall; and the Korean War Veterans Memorial. Among these landmarks, one comes closer to understanding the price others have paid to protect our freedom - and continue to pay.

The same can be said about the chiropractic profession's enduring fight to survive. Let no doctor of chiropractic forget the lengths to which the AMA and its allies have gone to fight against our mere existence; recall how it once labeled DCs "rabid dogs and killers," and swore to "contain and eliminate the chiropractic problem" by letting it "wither on the vine."

With this history in mind, the theme of this year's National Chiropractic Legislative Conference (NCLC) was appropriate: "Protect Your Practice, Protect Your Profession-Help Stop the Medical Establishment's Attempts to Kill Chiropractic Legislation."

With four of our five major legal and legislative victories coming in the last two years, the words of ACA President Daryl Wills summed it up: "Things have changed in Washington for the chiropractic profession."

Echoing that sentiment was Colonel Patrick Delamere, DC, of the New York State Guard: "Chiropractic is on the brink of something gigantic."

Here's a synopsis of our recent victories on Capitol Hill:

- The ACA and ACC (with cooperation from the ICA and WCA) helped pass the DoD bill to offer chiropractic care in the military health services.
- Since efforts began in 1937, a VA bill passed to offer our care for veterans, largely due to ACA and ACC efforts.
- ACA member Bill Morgan, DC, began treating legislators and Supreme Court staffers on Capitol Hill.
- While the ACA and Virginia Chiropractic Association are embroiled in a suit against Trigon Healthcare Inc., and Blue Cross Blue Shield Association (BC/BS), ACA was notified of the "inclusion of a first time chiropractic benefit within the Blue Cross/Shield Association federal program as part of the separate ongoing process with the national group."
- HHS ruled that Medicare+Choice organizations "may not use nonphysician physical therapists for manual manipulation of the spine to correct a subluxation."

"We doctors of chiropractic are a power to be reckoned with on Capitol Hill; we have friends in high places now," said Dr. Wills. What a turnaround after years of being second-class health care professionals to now have Congress and the Senate support our right to access new markets, parity for our services, and freedom of choice for all patients.

The inscription on the Korean War Veterans Memorial reads: "Freedom is not free." I realize that while it is a great time to celebrate our recent victories, our legislative issues are not complete. There have been foot-dragging and obstructions by a resistant medical bureaucracy at every turn over implementing chiropractic programs in the DoD and VA. Our legal battles with HHS and Trigon cost the ACA over \$140,000 per month!

Now that nonphysician PTs cannot provide the chiropractic benefit under the Medicare+Choice program, the next phase is to show that the chiropractic benefit in Medicare in the original congressional language was to be provided exclusively by DCs, not MDs or DOs.

While Trigon questioned the qualifications of DCs to justify their 40-percent cut in fees, it refuses to prove this contention with studies. If necessary, attorney George McAndrews said he would depose the 14 members of Trigon's board (all MDs) to ascertain what studies justify paying DCs less for the same service. He has stated before that this is simply the "funneling of business from the most-skilled to the least-skilled providers" in the area of NMS conditions.

"The world doesn't know these studies proving chiropractic superiority exist," observed Mr. McAndrews. "Thirty years ago our goal was getting rid of the 'quack' label," he said. "Now it's equality and fairness. If we go hat-in-hand, they'll give us nothing. They're still launching salvos because we're taking their money. I don't care if they get angry; that passed a long time ago. We don't need to apologize. It's all about money now."

After Mr. McAndrews finished his charge to the troops, President Wills commented to the gathering, "Aren't you glad he's on our side?"

"Let's Roll"

While this political momentum snowballs, we have other legislative issues still on the table. Foremost under contention is the scope of chiropractic in Medicare. Rep. Wes Watkins' bill (HR 902), which now has 60 co-sponsors in the 107<sup>th</sup> Congress, would give DCs the right to be paid for any services granted by their state licenses. The outdated definition of DCs under Medicare defines DCs as "physicians," but only for the "manual manipulation of the spine to correct a subluxation." The practical result of this limitation is blatantly anti-competitive for DCs and denies patients a freedom of choice of most services rendered by DCs.

Managed care reform is still a hot topic with the Patients' Bill of Rights that has come back to life. The ACA and Patient Access to Responsible Care Alliance (PARCA) seek passage of a comprehensive package of federal legislative reforms that would establish national standards to ensure patient choice of provider and improve quality in managed health plans.

Also undecided is student loan and reimbursement legislation, which would allow DCs to serve in the National Health Service Corps (NHSC), and allow chiropractic graduates to give their expertise and service in rural areas for three years in exchange for student loan repayment. The status of this bill is promising since the Senate Health Education Labor Pensions (HELP) Committee moved to include DCs

in the NHSC for a three-year period, at which time Congress will decide whether or not to make chiropractic a permanent part of the NHSC.

### "A Charge to Keep"

Always inspiring are the comments by the congressmen, senators and other guests who speak at NCLC. Their praise for the ACA's lobbying staff echoes what we've heard for years-effective work with so little funds compared to other medical lobbyists. Without the ACA's staff, our entire profession would not have accomplished these victories that affect every DC, regardless of affiliation.

Acting Surgeon General Kenneth Moritsugu, MD,MPH, spoke on behalf of the "Gift of Life" program (organ and tissue donation and transplantation) started by Sec. Tommy Thompson. Sadly, he mentioned having a personal experience with organ donation after losing both his wife and daughter in two separate car accidents. His wife, Donna Lee, donated her heart, corneas, kidneys, liver and pancreas; daughter Vicky Lee Ann donated the same four years later. Dr. Moritsugu used these tragedies to illustrate how the program gives life and improves quality of life to others.

Sen. Tom Harkin (D-Iowa) called the ACA "the premier chiropractic organization in America." "When the ACA speaks, senators listen," he observed. A long-time legislative hero to the chiropractic profession, Sen. Harkin continues to spearhead our other legislative issues. He promised to "go to the well in the Senate to push for full range of services in Medicare for chiropractors." Concerning the Patients' Bill of Rights, he said, "Discrimination is non-negotiable." He's also pushing for the inclusion of chiropractic in the National Health Service Corps.

Rep. Steve Buyer (R-Indiana) and Sen. Tim Hutchinson (R-Arkansas) applauded the incremental approach to legislation by the ACA staff of lobbyists, noting the DoD success was a natural springboard to the passage of the VA bill. Sen. Hutchinson pledged to "expand chiropractic coverage, seek fair reimbursement" and exhorted chiropractors to broaden our markets to help more Americans.

Congressman Jerry Moran (R-Kansas) pledged to "end the double standard in health care." He mentioned his set of principles - fairness and patient choice. Rep. Moran was one of the key legislators in the VA victory.

Sen. John Ensign,DVM (R-Nevada) spoke eloquently about the "need to change our paradigm from a sick care system to a health care system." He also stated emphatically, "If you're in medicine and not involved in government, you'd better get out." He pleaded with the audience to "educate politicians," giving the attendees at this year's NCLC all the more motivation to speak with their congressmen later that day.

"The whole Capitol was abuzz."- Dr. Bill Morgan, chiropractic physician in the Office of the Attending Physicians.

Dr. Bill Morgan, the official chiropractor in the Office of the Attending Physicians on Capitol Hill, spoke enthusiastically about the NCLC: "Chiropractic now has a lot of friends in Congress. You've made an impact on legislators." He noted that after last year's NCLC, many new patients "popped up" at the Capitol clinic. "You may not realize the weight of the victories of the DoD and VA legislation," he said. "Tremendous victories are leading to a critical mass for chiropractic. If we continue, the demand for chiropractic will outstrip supply. There won't be enough DCs in the profession to handle these tasks."

Now that's a nice problem to have!

"When chiropractors ask what has the ACA done for them lately, we can show them our successes." - ACA Chairman Jim Edwards,DC

What Have You Done?

As the late President John F. Kennedy said, "Ask not what your country can do for you, ask what you can do for your country." The same question is now appropriate for every DC. As ACA Chairman Edwards stated, "When chiropractors ask what has the ACA done for them lately, we can show them our successes."

What have you done for the profession? It's never too late to help. Your help is desperately needed and crucial for our success. As we open up new markets and fight for parity, access and fairness for all chiropractors, regrettably only a small fraction of DCs are supporting these massive efforts. At this year's NCLC, the delegates donated over \$300,000 to the legal action fund, but more is needed to continue these legal and legislative battles.

What can you do to help? First of all, join your national association and commit a mere \$100 a month to the costs of these lawsuits. Contact your representatives and senators to co-sponsor these bills: Medicare's Chiropractic Patients' Freedom of Choice Act (HR 902); the Students Loans and Tuition Reimbursement Bill; and the Managed Care Reform Bill. Push your elected officials to demand the DoD and VA implement these new chiropractic programs immediately.

A simple email or letter to your representatives is all it takes to voice your opinion. If you want to expand your practice, that begins by expanding the marketplace, ending the insurance industry's limits on chiropractic benefits and expanding our influence among the nation's policymakers. Speak with your representatives about our common issues!

If you're looking for a little motivation, attend the NCLC. Become motivated by our leadership; motivate your legislators to act for the good of the health of all Americans; and motivate your fellow DCs about our proactive group in Washington that's fighting for the common good of chiropractic.

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