

Congress Passes Historic Chiropractic Legislation

Editorial Staff

WASHINGTON, D.C. - Culminating nearly a decade of joint lobbying efforts by the American Chiropractic Association (ACA) and the Association of Chiropractic Colleges (ACC), and the positive results of the Chiropractic Military Demonstration Project at bases across the country, the U. S. Congress last week passed historic legislation mandating that chiropractic care be made available to all active duty personnel in the United States armed forces:

(1) Not later than March 31, 2001, the Secretary of Defense shall complete development of a plan to provide chiropractic health care services and benefits, as a permanent part of the Defense Health Program (including the TRICARE program), for all members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States Code.

(2) The plan shall provide for the following:

Access, at designated military medical treatment facilities, to the scope of chiropractic services as determined by the Secretary, which includes, at a minimum, care for neuromusculoskeletal conditions typical among military personnel on active duty. *(Emphasis added.)*

A detailed analysis of the projected costs of fully integrating chiropractic health care services into the military health care system.

An examination of the proposed military medical treatment facilities at which such services would be provided.

An examination of the military readiness requirements for chiropractors who would provide such services.

An examination of any other relevant factors that the Secretary considers appropriate.

Phased-in implementation of the plan over a 5-year period, beginning on October 1, 2001.

The legislation, formally known as the Fiscal Year 2001 Defense Authorization Act (H.R. 4205), becomes law once it is signed by President Clinton, an action expected to occur within a matter of days.

ACA Chairman Dr. J. Michael Flynn called passage of the legislation the biggest chiropractic legislative victory in 26 years. "A whole new health care system - one of the largest in the nation - will now be opened up to the chiropractic profession. For the first time, all active duty military personnel will be guaranteed access to a permanent chiropractic benefit," Dr. Flynn stated. "Most importantly, we have achieved inclusion on a broad scope basis, and have successfully avoided a very narrow, Medicare-like

benefit," he added.

As passed by Congress, H.R. 4205 requires:

1. guaranteed access to chiropractic services for "all active duty military personnel";
2. neuromusculoskeletal care (which would include subluxation care) "at a minimum";
3. "fully integrating chiropractic health care services into the military health care system"
4. implementation of the plan "beginning on October 1, 2001."

Passage of the legislation required years of effort and occurred despite powerful opposition by the Department of Defense (DoD) and various medical groups. "This was a difficult and protracted battle," said Dr. James Mertz, president of the ACA. "We had to fight a hostile and entrenched bureaucracy every step of the way. The key to this victory was persistence and hard work. The ACA and ACC kept pressing Congress on the issue. We simply refused to give up," he observed.

H.R. 4205 requires that full implementation of the benefit be phased in over a five-year period, throughout all three service branches of the military. When completed, all active duty personnel stationed in the United States and overseas are to have access to the chiropractic benefit. The legislation further requires the DoD to develop, by March of 2001, a full "implementation plan" to ensure the benefit is adequately provided.

Congress clearly intends to insure accessibility to chiropractic care. This fact was underscored when gatekeeper language was deleted from the original Senate version of the bill prior to final passage with the word "access" being kept in the bill.

The ACA and ACC also fought for and won a provision in the legislation requiring that DoD consult with the chiropractic representatives serving on the Chiropractic Health Care Demonstration Project's (CHCDP) Oversight Advisory Committee regarding the development and implementation of the phase-in plan. According to ACA officials, passage of the legislation could result in the commissioning of doctors of chiropractic as officers in the military.

The chiropractic members of the Oversight Advisory Committee included Drs. George Goodman, Reed Phillips, Rick McMichael, Richard Beecham, Ronald Evans, and Peter Ferguson. The CHCDP Oversight Advisory Committee was established as a result of previously passed legislation, authored by the ACA and ACC, which mandated that DoD conduct a "pilot program" to demonstrate the "feasibility and advisability" of integrating chiropractic into the military health care system. That legislation passed Congress in 1995. It was further modified in 1998 and resulted in chiropractic care being offered on a test basis at 13 military treatment facilities within the United States (where chiropractic care is still being provided).

In March of this year, the DoD released a final report on the results of the pilot program. Data contained in the DoD report clearly demonstrated:

1. higher levels of patient satisfaction with chiropractic care vs. traditional medical care;
2. superior outcomes for patients receiving chiropractic care vs. traditional medical care;
3. fewer hospital stays resulting from chiropractic care;
4. significant improvements in military "readiness" due to chiropractic care vs. traditional care, because of a large reduction in lost duty time.

Despite the positive results of the pilot study, the DoD continued to oppose the integration of

chiropractic care into the DoD health care system on a permanent basis, citing a high-dollar "cost estimate" for adding chiropractic care as a benefit for military personnel. However, a separate cost analysis developed by the chiropractic members of the CHCDP Oversight Advisory Committee with the assistance of ACA, ACC, and ACA's consulting firm, Muse and Associates, concluded that the integration of chiropractic care into the military would produce a net dollar savings of \$25 million a year for the DoD, and Congress was persuaded to mandate the inclusion of the chiropractic benefit over the DoD's objection.

"The remarkably focused Oversight Advisory Committee and the doctors of chiropractic at the 13 demonstration sites provided an outstanding service to our nation's military and to the chiropractic profession," commented Dr. Kenneth Padgett, president of the ACC.

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