Dynamic Chiropractic

PHILOSOPHY

Time for State Boards to Take Action

LATEST COURT CASE OPENS NEW DOORS, ADDS NEW RESPONSIBILITIES

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Chiropractic state licensing boards have been the protectors of the patient in their relationship with the care-providing chiropractor. But something has changed.

This issue's front page gives the account of a historic lawsuit that provides an opportunity and responsibility that our state licensing boards have never had (see "Arizona Ruling Cracks Managed Care Shield).

There is now a legal precedent that makes one point very clear:

> Denying chiropractic care is the practice of chiropractic and is under the jurisdiction of the state licensing boards.

While the Arizona case is only the first bullet in the conflict, it struck managed care right in the heart. Without a medical or chiropractic director (reviewer, etc.), managed care companies can't deny care on the basis of necessity or appropriateness. Now, instead of being bulletproof, the chiropractors that work for managed care companies are as accountable as the DCs in the office.

This is not to say that reviewers and directors should go to the other extreme and approve any and all care requested. This would be just as potentially dangerous for the patients and just as irresponsible. But the days of making decisions without the possibility of recourse are over.

So what's the next step?

A copy of the appellate court decision has been sent to the Federation of Chiropractic Licensing Boards (FCLB) for dissemination to all licensing boards in the U.S. (and their member boards in Canada and Australia). The FCLB is also in the process of asking Mark Speicher, the acting executive director of the Arizona Board of Medical Examiners, to speak at their annual meeting in April. His insight into the case and its ramifications will be valuable.

Once the licensing boards get up to speed, the burden will then fall on you. Without a complaint, the boards have nothing to work with.

As different states consider this issue, we will want to present only those cases that would make for good case law. So, if you have a solid, well-documented case where a patient was inappropriately denied chiropractic coverage by a DC reviewing for the insurance company or their agent, you should contact your state board. Your case may set the precedent in your state.

Rest assured, the medical boards will be looking to take similar action across the country. This is one of the most effective weapons yet in the fight to return the practice of health care back to the practitioners.

The Arizona Medical Board spent over five years and thousands of dollars to open the door of accountability within the insurance industry. When Blue Cross lost the case, they not only lost it for themselves, but for all insurance companies in Arizona and possibly the United States. While they probably weren't thinking of chiropractic, the law applies to all.

How much we gain from their victory depends on our willingness to take some risks and join the fight. Our state boards will have to find the courage, money and determination necessary to fight the battle in their state.

These kind of lawsuits last for years, but anything worth winning takes time and effort. Wilk et al. took over 13 years.

The trend is moving against managed care. The courts are just beginning to enter the fray. Chiropractic has a role in this battle. Let's find that role and conduct ourselves in a manner that will bring respect to our profession and better care to our patients.

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