



NEWS / PROFESSION

Advocacy in Action: Profession Mobilizes Against Controversial Health Care Bill

S1955 "COULD ROB MILLIONS OF CHIROPRACTIC PATIENTS OF STATE-MANDATED CHIROPRACTIC COVERAGE."

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On March 26, 2006, at a special meeting held during the annual National Chiropractic Legislative Conference in Washington, D.C., the American Chiropractic Association's House of Delegates took the rare step of declaring a state of emergency within the chiropractic profession. The declaration was made to alert the profession to a Senate small-business health plan bill that, in the association's opinion, could have "disastrous" consequences for doctors of chiropractic and their patients.



At the center of the controversy is S.1955, the Health Insurance Marketplace Modernization and Affordability Act, which was introduced in November 2005 by Sen. Mike Enzi (R-WY), the chair of the Senate Health, Education, Labor and Pensions Committee. Provisions in S.1955 allow for the creation of small business health plans (also known as association health plans), which would offer insurance coverage through nonprofit organizations on behalf of the small businesses that make up their memberships. While the stated purpose of the bill is to expand health care access while reducing insurance costs, it contains language that would exempt association health plans from having to comply with state regulations regarding the type of coverage they offer.

Many states currently require health insurers to cover specific diseases or treatments, including chiropractic care. According to the Council for Affordable Health Insurance, 46 states currently have in place mandates that require insurance companies and health plans to cover, or offer coverage for, chiropractic services to some degree. In addition, several states prohibit insurers from refusing to cover people or from charging them higher premiums based on a person's age or health history.

Association health plans sold under S.1955, however, would be exempt from these state mandates. As a result, insurers and small business owners would have a much greater say in deciding what types of health care benefits consumers receive, and states would have little legal recourse to force association health plans to provide specific benefits consumers may desire.

"If passed, this bill could rob millions of chiropractic patients of state-mandated chiropractic

coverage," remarked ACA President Richard Brassard, DC.

"We have no choice but to mobilize the profession and throw all necessary resources behind killing this potentially devastating bill."

"This is an urgent priority and one that demands action on the part of every doctor of chiropractic in the nation," added Dr. Michael McLean, co-chair of the International Chiropractors Association's legislative committee, which also has been monitoring the progress of S.1955. "Chiropractic fought so hard over many decades to win the basic patient and marketplace protections embodied in state insurance equality laws, and we cannot afford a single step backwards in this arena."

Based on the potential impact of the legislation on the practice of chiropractic, the ACA announced at the NCLC meeting that it will use "all available resources" at its disposal to prevent the bill's passage. The association has already announced the creation of an action plan to help defeat the legislation, which includes:

- offering a grant to the Congress of Chiropractic State Associations (COCSA) to provide state associations with information and other resources to alert chiropractors across the nation about the bill;
- mailing an "S.1955 Survival Kit" to 60,000 doctors of chiropractic in the U.S., which contains form letters for chiropractors and chiropractic patients; a series of talking points that can be used to educate patients and legislators; a phone and fax directory of every U.S. senator; a list of action steps DCs can take to help defeat the bill; and a poster to be displayed in the chiropractor's office;
- implementing a comprehensive media relations campaign; and
- creating an "S.1955 Action Center" on the ACA's Web site (www.amerchiro.org/s1955).

"While the ACA has been very active on the legislative front, we are faced with a new and very serious threat in the form of S.1955," said Dr. Brassard. "Without our efforts, millions of patients could find themselves without crucial health benefits, including mammograms, prenatal care or chiropractic treatment."

The ICA's political action committee also has released a statement regarding S.1955 on its Web site, which reads, in part:

As a practical matter, this legislation would render useless state-enacted protections that include patient access to alternative providers such as doctors of chiropractic, any willing provider, and insurance equality laws intended to protect health care providers and consumers. If enacted into law, S.1955 would preempt all state directed benefits legislation, not just those that are specific to the chiropractic profession. As well, this legislation would allow for highly discriminatory premiums schedules, based on age, sex and previous health conditions for which basic consumer protections are now provided by many states. To lose these protections would be a dangerous step backwards.

We are asking all DCs to immediately contact their United States Senators and ask that they oppose the immediate passage of S.1955 and call for further development and critical analysis so that this legislation can realize its intent, and not place so many millions at a greater disadvantage in the health insurance market.

Opposition to S.1955 extends beyond the chiropractic profession; in April, the American Association of Retired Persons (AARP), a senior-citizens group representing the interests of more than 36 million Americans ages 50 and older, announced that it would not support the current version of the bill because it would allow association health plans to refuse to cover older people and to charge them higher insurance premiums. Various health care organizations, including the American Diabetes Association, the American Nurses Association, the American Optometric Association and the American Cancer Society have opposed the bill for similar reasons.

As of press time, S.1955 is being reviewed by the Health, Education, Labor and Pensions Committee for markup. According to Congress Daily.com, the bill is one of two scheduled to be debated by the full Senate for consideration during the first week of May, dubbed by Senate Majority Leader Bill Frist (R-TN) as "health week." While the bill currently has only five co-sponsors, and appears to be facing significant opposition from consumer advocates and state insurance commissioners, it remains a significant threat, and the possibility of its passage cannot be lost on the chiropractic profession. As Kevin Corcoran, ACA executive vice president, emphasized in a recent e-mail (excerpted):

"I am sure that some of you are tired of hearing about S.1955; I know that I wish I could write about something else. But remember that the bill is scheduled to be brought to the Senate floor during the first week of May. So within a month, this issue may very well be behind us; if ACA members retain their focus and get their colleagues and patients to call, fax and e-mail their senators, we can look back on this period as a time when the profession rose up as one to protect chiropractic inclusion in health insurance. If we don't - if we assume that someone else will make the call or send the fax - our profession will face enormous change and uncertainty, and we will all wish that we'd taken a few more minutes to help make a difference."

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