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**EVP Update****What ACA is Doing for You and Your Profession**

I can't count the number of calls, letters, e-mails and conversations I've had with members and non-members alike that all revolved around a single question: "What is ACA doing to address abuses by managed care organizations?" The fact is, this has been our primary area of emphasis for many years, and we have had a number of successes.

However, because many of these battles have been, or in the future could possibly be, fought in the court system, we have been precluded from talking about them for fear of undermining our case. I know that frustrates you; the absence of information implies the absence of activity and it frustrates us, since we're dedicating a lot of time, effort and resources to projects that go unknown and unrecognized by the profession.

Now, for the first time, we're able to discuss some of what we've been doing on the profession's behalf. Laurie Douglass' report follows mine—if you read nothing else in this *EVP Report*, read what Laurie has written. Please note that her column has been edited by ACA legal counsel who are a bunch of killjoys, even if they are just doing their jobs. So, this is not an exhaustive report, but it does give you more of the flavor of what we're trying to accomplish.

Please know that even when you're not hearing updates or progress reports from us, insurance advocacy is at the top of our priority list. We know how hard you work, and we refuse to allow that work to go unrecognized or uncompensated by external forces whose priorities differ vastly from those of the chiropractic profession. Thank you all for your support. You're the reason we come to work every day.

**Chiropractic Leaders Gather to Discuss Pressing Issues**

Last month, more than 75 leaders in chiropractic education, research and practice gathered at The National University of Health Sciences to discuss the issues facing the future of the chiropractic profession. Led by John J. Triano, DC, PhD, participants—including ACA Chairman Lewis Bazakos, DC; ACA Council of Delegates Vice Chair Keith Overland, DC; Past ACA Chairman George McClelland, DC; former ACA Executive Vice President Gary Cuneo, and myself—heard recommendations from experts in the study of health professions, health care futurists, medicine, and federal research programs. Among the issues discussed were the barriers to, and opportunities for, increased integration and cooperation.

From these discussions, two distinct priority areas emerged: integrity and trust, and equitable public support for education and research. At the conference's conclusion, the following resolution was approved

by the participants:

Formal Resolution by the Chiropractic Strategic Planning Conference:

"At the Chiropractic Strategic Planning Conference, leaders in chiropractic education, research, and practice resolved that the ongoing fuller integration of chiropractic education and practice within the North American health care system, and improved communication and collaboration between doctors of chiropractic and other health professionals, are in the interests of patients and all parties concerned.

Following a review of the barriers to, and the opportunities for, such greater integration and interprofessional cooperation, the conference identified and acknowledged two priority areas that need to be addressed, namely:

a. Integrity and trust. The inappropriate treatment and billing practices adopted by some members of the profession that place the economic interests of the chiropractor before the best interests of the patient undermines public trust in all members of the profession.

b. Equitable public support for education and research. There is an absence of fair and equitable public funding and other support for chiropractic education and research in either public or private institutions. Specifically, there is a lack of support within the academic and interdisciplinary environments, including participation with publicly funded universities and health care facilities.

The conference urges the chiropractic profession, and its leaders and regulators, to address the first above matter, and the profession and all other stakeholders to address the second above matter, to the ultimate end of improved quality care within the North American health care system."

While this conference was initially envisioned as a single event, attendees voted to schedule an additional meeting—anticipated for the spring or summer of 2006—to continue this work and discuss essential issues concerning patient care.

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## **Insurance Relations**

### **The State of the Nation: Where We Are, and Where We Are Heading**

**As chiropractic network practices worsen, a united voice has arisen to defend the right of patients' access to benefits.**

Eighteen states have reported having undertaken some form of investigation into the unfair and unsafe practices of certain chiropractic networks. As with any major change, it always begins with individuals who persistently continue speaking out until reform comes. The ACA applauds the work of state associations, licensing boards, and individual doctors who have devoted many hours to this effort because they have decided that silence is no longer an option.

Over a year ago, the ACA began collecting data regarding the effect of chiropractic networks' policies and, as many know, has explored every legal and administrative remedy including the possibility of a national class-action suit. The outpouring of personal testimonies to assist this effort has been both overwhelming and heartbreaking. Not surprisingly, our investigation has strengthened our view that the vast majority of doctors placed in probationary statuses and those terminated do not represent "outliers," but in fact have been unjustly judged by invalid statistical models and guidelines that are not accepted by the rest of the profession. In our opinion, these policies created by networks that focus on profit at the expense of medically necessary patient care are nothing less than unconscionable.

Our legal focus now centers on upcoming hearings before the U.S District Court in Miami, Florida. The hearings, while procedural, will nevertheless involve important issues related to class certification. Many lawsuits are involved in this important multi-district federal litigation.

The ACA has retained a number of the leading class action law firms and attorneys on the front line of this nationwide managed care litigation. Our intent is to ultimately be in a position to gain class status for

doctors in a national action based on the information we have collected in our ongoing investigation.

State chiropractic associations are also fueling this national effort by exposing network practices to regulatory agencies armed with their unique arsenal of state laws. In Missouri, for example, doctors of chiropractic have filed a class-action lawsuit against United Healthcare Corporation and American Chiropractic Network. The lawsuit, filed on Jan. 4, 2006, in the U.S. District Court for the Western District of Missouri, states that American Chiropractic Network (ACN) and United Healthcare Corporation (UHC) breached its contract with providers by failing to pay claims in a timely manner, wrongfully and/or fraudulently failing to pay claims, paying claims at rates lower than those stated in patients' insurance plans, unilaterally changing the terms of their provider agreement "without consideration," and terminating those doctors who refused to provide less care to their patients than [the doctors] deemed appropriate. The suit alleges that by doing the above, ACN/UHC was essentially "practicing chiropractic without a license." Our class action counsel believes this case will likely be transferred to the above-mentioned Miami Court. The ACA encourages doctors and associations to familiarize themselves with this effort, which is fully consistent with the effort of the ACA and its class action counsel. To read the full Missouri complaint, [click here](#).

It is our hope that the cumulative effect of both these legal and administrative efforts will be a defining moment in the profession's step to taking back its ability to treat patients without the onerous and unjustified constraints many chiropractic networks have imposed for far too long.

The ACA continues to aggressively seek information regarding doctors' and patients' experiences in this regard, and you can help. Tell us your story by completing this [online form](#), or print it from [this link](#) and fax it to (703) 516-4976.

Another initiative, which can be found on our Web site, the Patient Benefits Survey, will be used to help regulatory agencies gain a clear picture of patients' ability to access their chiropractic benefits and how they feel these benefits are managed. From now until April 30, you can have your patients fill out this form and these can be faxed to (703) 243-2593. Please let the voices of your patients be heard!

Also on our Web site, you will find a pre-service inquiry template letter for notifying employers under ERISA of the pervasive, unsubstantiated restrictions of patient benefits. Raising awareness of employers that their employees are often unable to use the benefits provided for them is another important step in exposing practices that jeopardize the patient's right to full benefit access. You can find links to both of these resources [here](#).

We will continue to keep you updated with the progress being made. Look for articles in *ACA News* and member e-mails. We will also pass along reports of the investigations being carried out in each state as we receive them.

Again, we extend a heartfelt thank you to all who have helped us come this far. While we do not stand in your shoes—faced with the devastation of having to turn patients away because of arbitrary care restrictions—we do not take our duty lightly. We want you to be absolutely assured that we are advocating for you and your patients by dedicating staff and resources to this effort above any other we have undertaken before. As always, thank you for your support and for helping us help you do what you do best.

**To: Doctors of Chiropractic in Medically Underserved Areas**  
**Re: 2006 limitations under the Federal Employee Program**

Dear Doctors,

The ACA has received numerous inquiries from providers in Medically Underserved Areas (MUA) regarding benefit limits under the Standard Option of the Blue Cross/Blue Shield Federal Employee Program Health Plan. Below please find an explanation of the federal statute which addresses the application of benefit limits in MUAs.

In 2006, in MUAs there will be a 10-visit limit on spinal manipulations under the Standard Option of the Blue Cross/Blue Shield Federal Employee Program. The implementation of this limit in MUAs is based on federal law. Additionally, all types of providers in MUAs must adhere to this federal regulation.

The federal statute, 42 U.S.C. 254e, indicates:

.....if a contract under this chapter provides for the provision of, the payment for, or the reimbursement of the cost of health services for the care and treatment of any particular health condition, the carrier shall provide, pay, or reimburse **up to the limits of its contract** for any such health service properly provided by any person licensed under State law to provide such service if such service is provided to an individual covered by such contract in a State where 25 percent or more of the population is located in primary medical care manpower shortage areas designated pursuant to section 332 of the Public Health Service Act ([42 U.S.C. 254e](#)).

In 2006, in MUAs, along with the 10-visit limit on spinal manipulations, there will also be coverage for initial office visits and initial x-rays under the Blue Cross/Blue Shield Standard Option. Some may be confused as to how being in an MUA differs from being in other states if the limitations regarding spinal manipulations are consistent. In an MUA, caps on services remain, but practitioner-based limitations are waived. Therefore if doctors of chiropractic in an MUA are legally able to perform a service under their state scope of practice, and that service is covered by FEP (i.e. a blood test), then that service is required, by law, to be paid, if medically necessary.

If you have any questions pertaining to this statute, please submit your questions via e-mail or fax them to [kmurray@acatoday.org](mailto:kmurray@acatoday.org) or (703) 243-2593, and reference FEP MUA.

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## **Government Relations**

### **Issue Briefs for NCLC 2006 Now Available**

From March 25-28, hundreds of doctors of chiropractic and chiropractic students will descend on the nation's capital to lobby on behalf of issues that are important to the chiropractic community.

ACA is pleased to announce that new 2006 Issue Briefs are now available online. To review the issues that the ACA will be focused on this year, [click here](#). Additionally, copies will be provided at NCLC for distribution to members of Congress.

This year, participants of NCLC will lobby their members of Congress on issues including Association Health Plans, increasing the chiropractic benefit to all active duty members in uniform, and commissioning doctors of chiropractic in the Public Health Service.

NCLC is a great opportunity for attendees to learn directly about the federal issues that affect the profession. It allows participants to renew old friendships and develop new bonds that will last for years to come. Most important, however, NCLC allows doctors and students the opportunity to relay the concerns and goals of today's chiropractic profession to the nation's key decision makers.

### **New! Contribute to ACA-PAC Online!**

You can now contribute to the ACA Political Action Committee online via our safe and secure server. Your contribution is immediate, which cuts down on ACA-PAC's overhead fundraising costs and allows more money to be given directly to candidates.

As you consider how much to contribute, we encourage you to support the ACA-PAC at the Chairman's Club level. Your investment as a Chairman's Club member will help build a strong foundation for the ACA to achieve the legislative goals of the chiropractic profession and patients. In addition, as a Chairman's Club member you will also be recognized at various ACA events and eligible for special access to several ACA-PAC functions. Chairman's Club contribution levels are as follows:

- \* Bronze Level \$300 annually (\$25 per month)
- \* Silver Level \$600 annually (\$50 per month)
- \* Gold Level \$1,200 annually (\$100 per month)
- \* Platinum Level \$2,000 annually (\$167 per month)
- \* Premium Level \$5,000 annually (\$417 per month)

ACA-PAC is the only major PAC committed to supporting pro-chiropractic candidates for the U.S. House of Representatives and the U.S. Senate.

Help support pro-chiropractic legislation and contribute online today by [clicking here](#).

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## **Education & Professional Development**

### **New ACA Documentation Seminar Program Debuts in Nebraska**

The Nebraska Chiropractic Physicians Association (NCPA), in conjunction with SecureCare of Nebraska, is pleased to present a new educational program from the American Chiropractic Association at the 2006 spring convention in Lincoln, Neb. The new seminar, titled *Clinical Documentation for the Chiropractic Practice: Strategies for Success*, takes its curriculum from ACA's *Clinical Documentation Manual* and covers a full range of topics. The two-hour CEU-approved program will be presented by Rand Baird, DC, MPH, FICA, FICC. For more information, contact Jan Jewell or Stacie Williams of the NCPA at 402-435-4087 or [ncpa@inebraska.com](mailto:ncpa@inebraska.com).

### **New ACA Educational Programs Offered at NCLC**

#### **Open to the public!**

ACA will offer three exciting new educational programs at the upcoming National Chiropractic Legislative Conference (NCLC). The first, on Saturday, March 25, will be presented by the ACA Councils on Physiological Therapeutics & Rehabilitation, Orthopedics, and Sports Injury & Physical Fitness. This program, *Focus on Prevention & Wellness*, consists of three separate two-hour segments and focuses on the assessment, evaluation and treatment of baby boomers, weekend warriors and the elderly.

The second program, on Sunday, March 26, titled *Coding & Documentation for the Chiropractic Practice: Strategies for Success*, will be presented by Susan McClelland, BS, CCA. This comprehensive new program enables participants to understand and implement correct coding and clinical documentation procedures.

The third program, titled *Documentation is a Problem! Coding, Medicare, Documentation, and the OIG Report*, on Monday, March 27, is also presented by Susan McClelland. The program reviews the concerns raised in the Department of Health and Human Services (HHS) Office of Inspector General (OIG) June 2005 report, which cited a high documentation error rate in the chiropractic profession.

The fee for each program is just \$150 per day. CEU credits will also be offered through Texas Chiropractic College. For more information or to register online, [click here](#). Please note that programs are subject to change.

### **Opportunities in Occupational Health:**

#### **How to beat managed care and put the "zip" back in your practice!**

Join us for this informative teleseminar for a look at the many opportunities present in occupational health. Dr. David A. Thorpe, DC, DACBOH, President of ACA Council on Occupational Health, will discuss the many services chiropractors can provide in occupational health, the professional and financial benefits, and how to get involved.

Date: Tuesday, March 21, 2006

Time: 1:30-2:30 p.m. Eastern Standard Time. Includes 15-minute Q&A session to ask your own questions.

Cost: \$49 ACA members; \$69 non-members (Includes free materials sent via e-mail)

Get CEUs! All ACA teleseminar programs may be applied for 1 CEU credit in the following states depending on the course topic: Colo., Del., Ill., Iowa, Maine, Md., Mont., Neb., Ohio, R.I., S.D., Va. (Type 1). To find out if your state approves teleseminars for CEU credit, [click here](#).

Register today! Download the registration form [here](#), and fax it back to ACA at (703) 243-2593. Or call the ACA at 703-276- 8800, x249.

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## **Membership Services and Business Development**

### **Want More of Your Dues Dollars to ACA Initiatives Rather Than Administrative Costs?**

Of course you do! When you pay your dues through EZ Pay—ACA's account debit program—you eliminate your, and our, administrative costs that go into billing. The EZ Pay program is free and you can join or change to a different payment option any time. Your dues can be deducted monthly, quarterly, semiannually, or annually from a checking account or credit card. More than 2,000 doctors are already on the EZ Pay program. Please consider joining! To sign up today, call the membership department at (703) 276-8800.

### **Membership, Membership, Membership**

It's more important than location! Speaking of location, how would you like to spend some time off on us? Participate in ACA's Member-Get-a-Member campaign and you may find yourself on a dream getaway. The campaign is open to all ACA members; each General member you recruit will earn you a chance to win your dream getaway. The more new members you recruit, the greater your chance of winning!

For more information or recruitment materials [click here](#).

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