

FEDERAL LEGISLATION (S. 1955) WOULD ABOLISH ALL STATE CHIROPRACTIC PROTECTIONS!!!

TO: All Doctors of Chiropractic
FROM: The ACA Department of Government Relations

It is very important that you carefully read the following Legislative Alert Bulletin and take immediate action as requested

BACKGROUND:

For a period of several years, the small employer lobby led by the National Federation of Independent Business (NFIB), the U.S. Chamber of Commerce and others, have lobbied the Republican-controlled Congress to enact federal legislation (known as **AHPs or Association Health Plans**) that would extend the federal ERISA preemption to allow small businesses and associations to establish group health insurance plans at the state level that would be exempt from all state-enacted consumer and provider protections, such as any-willing provider statutes, insurance equality laws, and various mandates requiring access to specific types of treatment, including chiropractic care. Proponents of AHPs argue that small businesses will be able to more easily afford the cost of health insurance for their employees if so-called “costly state mandates” are eliminated.

Over the last six years, various versions of AHP legislation that would abolish state mandates have easily passed the U.S. House of Representatives with strong support from the small-business friendly GOP majority. However, opponents of the legislation, including the ACA, have always succeeded in preventing the advancement of AHP legislation in the U.S. Senate – thanks in large measure to Senate Democrats who have opposed enactment of AHPs.

In the First Session of 109th Congress AHP legislation (HR 525) again passed the House of Representatives by largely a party-line vote. This occurred in the summer of 2005.

CURRENT STATUS:

While advancement of legislation precisely identical to HR 525 has thus far been blocked in the Senate – a modified measure (S.1955) was approved by the Senate Health, Education, Labor and Pensions Committee (HELP Committee) Chaired by Senator Mike Enzi (R-WY) on March 15th. The committee vote was on a party-line basis with all Republicans voting for the measure and all Democrats voting against.

S.1955 now threatens to advance to the floor of the U.S. Senate for a vote. S.1955 represents a particular danger, because it has been modified in certain ways to make the proposal more attractive to some of the traditional opponents of AHP legislation, and as such, represents a legislative vehicle far more viable and dangerous than the AHP legislation we have successfully blocked in the past. S.1955 is now referred to as “Small Business Health Plans” (SBHPs). If enacted into law, S.1955 would wipe out all state protections relating to the small group and individual health insurance market – accordingly, IT IS IMPERATIVE THAT S.1955 BE DEFEATED.

If S. 1955 passes, all previously enacted state laws will be gone. Employers will be free to:

- § Eliminate chiropractic benefits
- § Place caps on the number of visits
- § Require a medical doctor to pre-authorize care
- § Place higher deductibles on chiropractic care
- § Discriminate against chiropractic in any manner they choose

ACTION NEEDED:

Because of aggressive lobbying by the NFIB and others, if S.1955 reaches the floor of the Senate for a vote, it could pass the Republican-controlled Senate. **In order to prevent the measure from advancing to the floor of the Senate, opponents of the measure (Senate Democrats) must agree to filibuster the bill and maintain a solid block of 41 votes against it, in order to prevent its consideration.**

It is imperative that all recipients of this alert bulletin do the following:

Immediately contact your two U.S. Senators and voice your strong opposition to S.1955 or any version of it that would preempt state enacted consumer and provider protections. Senators can be reached by calling 202-224-3121 or via their website at <http://www.senate.gov/>

Specifically urge your two Senators to support a filibuster of S.1955. It is particularly important to make this argument to Democrat members of the Senate. Both Republicans and Democrats should be urged to vote "against" the measure should it reach the Senate for a vote.

It is crucial that you also engage your patients in a grassroots lobbying effort to defeat S.1955 or any similar measure. Grassroots support from chiropractic patients could make the difference between victory and defeat regarding this crucial legislative issue.

IMPORTANT:

Because of security concerns, delivery of surface mail to Congress is often significantly delayed. Your communications will likely reach your Senators more quickly if they are via telephone, fax and/or e-mail.

TALKING POINTS:

To assist with your lobbying efforts and to help engage your patients in a grassroots effort to defeat S.1955 the following materials are available at <http://www.acatoday.org/>

Find your Senators
Sample letter

Talking points memo
Opposition letters from other stakeholders

ADDITIONAL INFORMATION:

Please contact ACA's Department of Government Relations at 703-812-0224 or at gr@acatoday.org