



INTRODUCTION FOR ARIZONA LEGISLATORS TO THE ACS 2014 LEGISLATIVE INFORMATION PACKAGE AND PROPOSAL

**Alan M. Immerman, D.C., President
Arizona Chiropractic Society (ACS)
December, 2013**

We have distilled thousands of pages of documents into seven separate short documents this year for your convenience. We would respectfully request that you take the time to read each one. Here are the titles with brief descriptions:

1 -- Conservative Care First -- A Strategy to Reduce the High Cost of Health Care: The main driver of health care inflation is high technology medicine and in-patient care. When patients are first seen by chiropractors compared to MDs or DCs, the frequency of MRIs, CTs, surgeries and hospitalizations is lower and this reduces the overall cost of health care.

2 -- Chiropractic -- A Low Cost Solution to High Cost Healthcare: Back pain is the second most common reason that patients consult doctors. When patients see chiropractors rather than MDs or DOs, the overall costs of care are 20-40% less expensive, thus reducing the nation's health care tab.

3 -- Wilk v. AMA Permanent Injunction Order: In 1987, a Federal District Court Judge issued a Permanent Injunction against the AMA banning it from continuing its effort to conduct an "illegal boycott and conspiracy" to "contain and eliminate the profession of chiropractic" because it was an economic competitor. The injunction was issued because there were still "lingering effects" of the boycott. The AMA convinced insurers not to cover chiropractic and that is the root of our problem today since it continues.

4 -- Wilk v AMA 25 Years Later Why It Still Is Not Over: Evidence that the AMA's effort to "contain and eliminate" the chiropractic profession is ongoing. The most recent example is found in 2010 when AMA House of Delegates voted to have the AMA lobby to repeal the provider anti-discrimination clause in the Affordable Care Act, Sec. 2706, which protects chiropractic from discrimination. Nothing has changed since 1987. The AMA wants existing discrimination against chiropractors to continue. That is why the Arizona chiropractic insurance equality law is necessary.

5 -- Cato Analysis Executive Summary: The conservative Cato Institute conducted a thorough analysis and concluded that the more types of health care providers in the marketplace, the more competition there would be with the result being lower prices. They found that certain segments of the medical profession seek to use unfair advantages to squeeze out competition and maximize their own incomes through licensure and other laws.

6 – Proposed Arizona Fair Copayment Bill: Most chiropractic and physical therapy patients need about 20-30 treatments over a 2-3 month period of time. When copayments are at specialist levels of \$40-\$60 per visits, the average patient is not able to afford the care. While chiropractors and physical therapists are clearly not primary care physicians (PCPs), and nothing in this bill confers that privilege to them, they most certainly are not specialists either. Specialists complete medical school and then attend 3-7 years of post-graduate training. Chiropractors and physical therapists graduate from the equivalent of medical school and then go into practice with no additional training. It is clearly false to compare the education and training of a chiropractor or physical therapist to, for example, an MD neurologist or orthopedic surgeon. Practically speaking, patients simply are not getting the chiropractic care or physical therapy they need with copayments at specialist levels. Oftentimes, the copayment is close to or exceeds the total amount reimbursable for an entire visit and so the insurer actually pays nothing. Copayments for chiropractic care and physical therapy must be set at PCP, not specialist levels. Also, chiropractors don't get paid anything near what actual specialists get on reimbursement - - insurers want to classify chiropractors as specialists only when it is advantageous to do so. This bill also covers occupational and respiratory therapy.

7 -- 20-461. Unfair claim settlement practices with stricken language: The existing Arizona chiropractic insurance equality law/freedom of choice law. This law must be moved from the Unfair Claim Settlement Practices Act which can only be enforced by the Arizona Department of Insurance (ADOI). In recent litigation, the courts have affirmed that ADOI has no duty to enforce this law even if there are clear violations. In the past six years, ADOI has refused to enforce the law and has misinterpreted the law compared to the way it was interpreted from the time it was passed in 1990 to 2007. The law must be moved elsewhere in Title 20 where it will be subject to the same legal recourse as all of the other 2,500 laws in Title 20. The stricken language was added in 2004 as a last minute amendment and allows insurers to discriminate against chiropractic when applying medical necessity review. No discrimination whatsoever should be allowed and so this line must be removed.

CONCLUSION

When you are fighting the forces of the monolithic medical monopoly, it is never too soon to begin the effort. Therefore, we would like to ask you now to commit to being a sponsor or cosponsor of two bills: one to move the chiropractic insurance equality law outside of the Unfair Claim Settlement Practices Act and strike the one designated single line at the same time, and the other to pass a law requiring copayments for chiropractic, physical therapy, occupational and respiratory therapy be at the same level as they are for primary care physicians (PCPs). Please contact me at 602-368-9496 or ACS@AZChiropractors.org or our lobbyist Timothy LaSota at 602-515-2649 or TAL@tblaw.com to discuss your thoughts. Thank you very much in advance for your attention to this matter.

Alan M. Immerman, D.C.

President and Executive Director

Arizona Chiropractic Society (ACS)

3515 East Carol Avenue

Phoenix, Arizona 85028

(602) 368-9496

F (866) 567-6762

Email: ACS@AZChiropractors.org

Arizona Chiropractic Society: www.AZChiropractors.org