

TALKING POINTS

Why Provider Non-Discrimination in Health Care is Essential

Sec. 2706 of the Patient Protection and Affordable Care Act (PPACA) is a non-discrimination provision that would prevent insurance companies and health plans from arbitrarily excluding the participation of doctors of chiropractic, and the services they provide, in their health plans. Discrimination against the chiropractic profession is harmful to patients and restricts the patient's ability to select the provider of their choice. In Sec. 2706, Congress guaranteed that the availability of *essential* services provided by a Doctor of Chiropractic is equal to the availability of traditional medical care. Sec. 2706 is a federal protection applicable to ERISA and other plans established or regulated under the bill. Just as the HIPAA protections now apply across the board, the non-discrimination provision will be applicable to all health benefit plans both insured and self-insured. The PPACA is designed to eventually cover 32 million additional, uninsured, Americans. The non-discrimination provision will, over time, apply to those individuals. However, that number pales in comparison to the approximately 55% of workers currently covered by self-insured plans that will be affected by Sec. 2706.

The case for Sec. 2706 of PPACA:

➤ ***Cost***

- ✓ Doctors of chiropractic provide examinations, rehabilitative care, manipulative services, wellness and preventive services, and all of these services should be accessible, or listed as "essential." With this perspective, the conservative, cost-effective services doctors of chiropractic offer should receive a more positive reception -- for example, a recent study report, published in the *Journal of Manipulative and Physiological Therapeutics*, reports low back pain care initiated with a Doctor of Chiropractic is 40 percent less costly than care initiated through a medical doctor. We are trusting that when the regulations on this issue are being developed, HHS will understand that to restrict access to the services delivered by a Doctor of Chiropractic may, inadvertently, *increase* cost of care.

➤ ***Quality***

- ✓ Health plan discrimination is not only wrong in principle, but is without justification based on the quality of health care provided by non-MD/DO providers.
- ✓ Doctors of chiropractic consistently receive very high patient satisfaction reports in the research. As recently as May 2009, America's largest independent consumer product testing, service evaluation, and reporting organization published findings regarding a recently conducted national survey of over 14,000 individuals and their favored provider choice for the treatment of back pain, an estimated \$50 billion dollar a year problem, were chiropractic physicians. The findings revealed that by a significant percentage of patients favored the treatment received by doctors of chiropractic versus that received by other providers including medical doctors.

➤ ***Access***

- ✓ In today's delivery system, health plans routinely discriminate against whole classes of healthcare providers based solely on their type of licensure or certification. Discrimination against the inclusion of non-MD providers in health plans is clearly anti-competitive in nature, widens the provider workforce gap, and denies patient choice and access to a range of qualified providers.
- ✓ Limiting the types of health care providers included in health plans results in a restrictive delivery system that is less than optimal in that the number of treatment options (conservative wellness care versus traditional "sick" care) are often minimal or eliminated entirely. This has occurred with respect to the availability of the services provided under Medicare, where access to the conservative care approach of chiropractic physicians is extremely limited.
- ✓ **What is important to understand is that Section 2706 and its assurance of non-discrimination in terms of participation and coverage effectively requires that doctors of chiropractic not be discriminated against in the provision of any "essential benefit" that is within their scope of practice.**