

ACA NEWS
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VA RELEASES LIST OF FACILITIES DESIGNATED TO PROVIDE CHIROPRACTIC CARE

In a move underscoring the U.S. Secretary of Veterans Affairs' commitment to dramatically improving the quality of health care available to millions of U.S. veterans, the Department of Veterans Affairs (DVA) on June 25 released its list of VA medical centers across the country initially selected to offer chiropractic care through the DVA health care system beginning this fall. The announcement comes less than 90 days after VA Secretary Anthony Principi unveiled his new blueprint for formalizing the full inclusion of chiropractic care into the massive veterans health care system -- a timeline hailed by the American Chiropractic Association (ACA) as "extraordinary" and a demonstration of Principi's pledge "to ensure that chiropractic care is ultimately available and accessible to veterans who need it throughout the DVA system."

In a press release announcing the selected sites, Principi stated, "Today, VA makes another significant improvement to the world-class health care we provide for eligible veterans. Veterans who will benefit from chiropractic services will now have the opportunity to receive chiropractic care to restore them to good health."

The DVA's list includes 26 facilities -- five more than required by Principi's directive -- located throughout the country in each of the VA service regions, known as Veterans Integrated Service Networks or "VISNs." Each of these facilities will be equipped for a doctor of chiropractic to treat patients, and DCs will be hired either as full-time or part-time employees or will be contracted to provide care at the VA facility.

Doctors of chiropractic interested in providing care to veterans should call the human resources office of any of the selected facilities listed below. The VA website has a facility locator that can be accessed by clicking on <http://www1.va.gov/directory/guide/map.asp?divisionid=1>. Some VA positions may be advertised at www.vacareers.com <http://www.vacareers.com>.

NATIONAL ASSOCIATION OF CHIROPRACTIC ATTORNEYS REAFFIRMS SUPPORT FOR TRIGON SUIT

The National Association of Chiropractic Attorneys (NACA) has formally passed without a dissenting vote the following resolution regarding the ongoing lawsuit against Trigon Blue Cross/Blue Shield:

WHEREAS, the American Chiropractic Association in conjunction with the Virginia Chiropractic Association has filed suit against Trigon seeking to support the interests of chiropractic physicians and their patients; and

WHEREAS, the U.S. Court of Appeals for the Fourth District has issued a decision upholding the lower tribunal's summary judgment effectively dismissing

the suit which the court refused to reconsider upon the motion filed by the American Chiropractic Association and the Virginia Chiropractic Association; and

WHEREAS, the best interests of chiropractic and chiropractic patients are served by the vigorous prosecution of an appeal to the U.S. Supreme Court; and

WHEREAS, the American Chiropractic Association in conjunction with the Virginia Chiropractic Association plan to appeal to the U.S. Supreme Court; and

WHEREAS, the National Association of Chiropractic Attorneys continues to support of the American Chiropractic Association and the Virginia Chiropractic Association in their efforts through monetary and informational support to pursue an appeal to the U.S. Supreme Court;

NOW THEREFORE BE IT RESOLVED, that the National Association of Chiropractic Attorneys reaffirms its support of the American Chiropractic Association and the Virginia Chiropractic Association in their appeal to the U.S. Supreme Court and urges the chiropractic community nation wide to continue or add its support to the American Chiropractic Association and the Virginia Chiropractic Association in their endeavor to successfully prosecute the pending appeal.

ACA SUBMITS ADDITIONAL INFORMATION IN THE HHS SUIT

Taking advantage of a recent request from the judge handling our lawsuit against HHS in which the Medicare chiropractic benefit is at stake, ACA submitted a Supplemental Memorandum of Points and Authorities to reinforce our petition for summary judgment against the U.S. Department of Health and Human Services. It has been over two years since HHS and ACA each submitted a petition for summary judgment. The judge requested recently briefs from both parties on whether there was any additional evidence relevant to the case that had taken place since those last filings. It seems to be a good sign that the judge is taking a closer look at the case, and we may be able to anticipate a decision shortly. The brief can be found at http://www.acatoday.com/pdf/HHS_Lawsuit_update062104.pdf

In addition to doing a great job of summarizing the arguments George McAndrews had made previously, the brief adds recent events, including the inclusion of the chiropractic benefit in the Department of Veterans Affairs and the Department of Defense, as well as recent findings in the Journal of Bone and Joint Surgery that reaffirm the basic principle behind this lawsuit: that in 1972 when Congress added the chiropractic benefit into Medicare using the words "spinal manipulation to correct a subluxation," it had no one else in mind but doctors of chiropractic to provide this service, and therefore only chiropractic doctors should be reimbursed in Medicare for the service.

ACA WORKING TO ENSURE THAT CONGRESS DOESN'T INTERFERE WITH ACCESS TO SAFE AND EFFECTIVE DIETARY SUPPLEMENTS

ACA's Government Relations staff continues to be a force on Capitol Hill, educating members of Congress about the potential harm that would be done by proposed legislation to impose new barriers for consumers who want to use dietary supplements that are proven to be safe and effective. In 2003, ACA declared its opposition to S. 722, a bill introduced by Senator Richard Durbin (D-IL), to create a series of new government reporting requirements for dietary supplements, and has been working to defeat the bill. Since then, S. 722 has gained only four co-sponsors -- senators Hillary Clinton (D-NY), Charles Schumer (D-NY), Dianne Feinstein (D-CA) and John McCain (R-AZ) -- and has not been considered at the committee level.

However, on Tuesday, June 8th, the Senate Governmental Affairs Subcommittee on Oversight of Government Management held a hearing -- attended by ACA's Government Relations team -- that did focus on some of the issues related to the bill and to consider the larger matter of the overall impact of the 1994 Dietary Supplement Safety Act. Some groups, like the American Medical Association (AMA), used the hearing as an opportunity to try to justify new anti-consumer requirements that would make supplements available by prescription only. Based on the comments of senators at the hearing, S. 722 has not gained new support and remains unlikely to be considered by this Congress. The ACA will continue to closely monitor S.722 and legislation with similar goals as well as any new efforts by the AMA to turn back the clock on the important consumer (and DC) protections contained in current law.

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