

AETNA AND UNITED HEALTHCARE: WE MUST FIGHT BACK!

**By James D. Edwards, D.C.
NCLAF Chairman**

Aetna has issued a new policy that identifies the use of handheld devices utilized by chiropractors, as well as interferential current (IFC) as “investigational and experimental.” As such, these procedures will no longer be reimbursed under Aetna policies.

The ACA has extensive information, including thirty years of Medicare policy in connection with handheld devices, to demonstrate that such procedures are not investigational or experimental. According to the Medicare Carrier Manual, “Manual Manipulation-Coverage of chiropractic service is specifically limited to treatment by means of manual manipulation, i.e., by use of hands. Additionally, manual devices (i.e., those that are hand-held with the thrust of the force of the device being controlled manually) may be used by chiropractors in performing manual manipulation of the spine.”

With a complete disregard for the facts, Aetna has arbitrarily decided to deny these services! But rest assured, the ACA will not sit on its hands while our members and patients are denied medically necessary services.

If the decision is made to proceed with a legal remedy against Aetna, the ACA will seek immediate injunctive relief. The ACA will argue that the implementation of the Aetna policies constitute both an emergency situation in which patients are immediately at risk and also argue that it would be futile to exhaust the administrative appeal procedure since such appeals are certain to be denied based upon a variety of factors including Aetna’s current definition of what is “investigational and experimental.” Should that course be followed, the ACA will incur immediate and substantial legal costs.

Aetna’s unfair policy follows United Healthcare’s new policy to only reimburse physical medicine and rehabilitation (PM&R) services when performed by a licensed provider. The new policy states, “PM&R services rendered by non-licensed individuals are not eligible for reimbursement, regardless of whether they are supervised by, or billed by a physician or other licensed therapy provider.”

As this change by United Healthcare will greatly impact many patients and providers across the country, the ACA is also reviewing all possible legal, legislative and administrative remedies.

So who is going to pay the costs for these legal actions? Well, I know the answer to that question...the National Chiropractic Legal Action Fund (NCLAF).

The NCLAF has repeatedly told the chiropractic profession that it's not **IF** our adversaries will attack us again, it's all about **WHEN** they will attack us. And sure enough, two new attacks have occurred! Fortunately, the NCLAF shifted its focus to building a legal "war chest" for future attacks, and now has some reserves immediately ready to commit to the legal fight.

The ACA and the NCLAF continue to protect and defend your practice, your patients and your profession.

If you are not an ACA member...join!

If you are not a monthly NCLAF contributor...start!

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