

Legislation and Landmines

By James Edwards, DC

If you spend any time working with Congress, you will inevitably hear the expression (attributed to German Chancellor Otto von Bismark, 1815-1898), "There are two things you don't want to see being made - sausage and legislation."

Even though making laws can indeed be unpleasant to watch at times, it is beneficial to know exactly what it takes to be successful. The recent passage of two very important bills provides a wonderful opportunity to detail the many efforts that were necessary and the landmines that were avoided - from an insider's perspective.

Department of Defense (DoD) Bill: On May 22, the U.S. House of Representatives passed legislation (H.R. 1588) requiring accelerated implementation of chiropractic health care services for active-duty military personnel; and establishing a new target date of Oct. 1, 2005, for full implementation. As a result of the House vote, active-duty military personnel are one step closer to obtaining access to chiropractic services.

Did this victory happen accidentally? Of course not! The legislation passed the House because of the steadfast efforts of the Association of Chiropractic Colleges (ACC) and the American Chiropractic Association (ACA), who lobbied long and hard for the provision. Then, with perfect timing, the ACA sent a "legislative alert" on May 15 to its e-mail list of 5,000 doctors, encouraging immediate action. As a result of those doctor contacts, the chairman of the Armed Services Committee, Rep. Duncan Hunter (R-CA), and the chairman of the Total Force Subcommittee, Rep. John McHugh (R-NY), wrote to every member of Congress to urge support for H.R. 1588, based on the bill's "array of initiatives that improve the quality of the worldwide health care benefit for the men and women of our armed forces." The ACA Department of Governmental Relations then e-mailed, faxed and hand-delivered to every House of Representatives office a cover memo supporting H.R. 1588, with the Hunter-McHugh letter as an attachment.

However, the real "landmine," in respect to this important bill, came (unbelievably) from within the chiropractic profession. After doing all of that work and securing House passage, it was shocking to read a news release by the World Chiropractic Alliance (WCA) encouraging its members to oppose the legislation! This action not only sent a confusing message to chiropractic's allies on Capitol Hill, it provided aid and comfort to our powerful opponents. It also was shocking, since the position conflicted with that of the International Chiropractors Association (a fellow "coalition" member), who supported the bill and also claimed credit for its passage. Although the WCA continually expresses a desire to participate in joint efforts with other organizations, this example shows its involvement can actually be counterproductive to getting the sausage - I mean the legislation - "made."

Medicare Bill: On June 12, the Senate Finance Committee approved a groundbreaking provision that would allow - on a demonstration basis - doctors of chiropractic to receive Medicare reimbursement for all health care services they are licensed to provide under state law. After the full Senate approved the measure on June 26, it was referred to the joint Senate-House Conference Committee.

Should the provision come out of conference intact and become law, the three-year demonstration project would be conducted in six sites throughout the United States. As a result of the program, data reflecting the health benefits and cost-effectiveness of chiropractic care would be generated and ultimately evaluated for future consideration.

What was required for Senate passage? The legislation, authored by committee Chairman Sen. Charles Grassley (R-IA), was developed by the ACA. The Palmer Chiropractic University System and the Iowa Chiropractic Society worked closely with the ACA to support the demonstration project, and each played a key leadership role in building support for the provision.

The most interesting part of this legislation is another "landmine"; this one detonated in the Senate Finance Committee. Shortly before the committee began to deliberate over the language of the bill, Senate Majority Leader Bill Frist, MD, unveiled two "killer" amendments designed to eliminate the chiropractic provision from the bill. In response, Sen. Grassley and the ACA mobilized a core group of senators committed to opposing Dr. Frist's amendments, including Orrin Hatch (R-UT), Tom Daschle (D-SD) and Kent Conrad (D-ND). Chiropractic-friendly senators not on the Finance Committee also voiced opposition to Frist's amendments, including Norm Coleman (R-MN), Chuck Hagel (R-NE) and Ben Nelson (D-NE). As a result of those efforts, at the last minute, Dr. Frist decided not to offer his

amendments!

At press time, the DoD and Medicare provisions were intact, and efforts have been redoubled to ensure passage by both houses of Congress. If we can continue to avoid the ever-present "landmines," the chiropractic profession will soon achieve two tremendous victories on behalf of Medicare beneficiaries and our men and women in uniform.

James Edwards, DC

Chairman, ACA Board of Governors

Board officer, ACA-PAC

Austin, Texas

jamesedwards@jamesedwards.com

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