

DONALD MANZULLO  
MEMBER OF CONGRESS, 1993-2013  
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December 9, 2015

Dr. George B. Curry, President  
International Chiropractors Association  
6400 Arlington Boulevard, Suite 800  
Falls Church, VA 22042

Dear Dr. Curry:

I appreciate the opportunity to offer, based on my 20 years of experience in the US House of Representatives and my very extensive dealings with CMS in that capacity, my legislative opinion, and, some special insights on the debate over amending the current chiropractic portion of the Medicare statute. I am quite familiar with the language in the current statute which specifically provides for coverage for chiropractic services but, *...only with respect to treatment by means of manual manipulation of the spine (to correct a subluxation) which he is legally authorized to perform by the State or jurisdiction in which such treatment is provided. Sec. 1861. [42 U.S.C. 1395x] (5)*. While this language does limit covered chiropractic services, it most certainly provides a clear and specific Congressional mandate to cover this basic chiropractic service.

Regarding the real-world prospects for expanding chiropractic coverage in Medicare, I can state most categorically that unless the exact services to be added are itemized in any statute revision, the prospects of CMS expanding chiropractic coverage are minimal to non-existent. Given the historic hostility towards chiropractic science and chiropractic practitioners demonstrated by CMS, it is dangerously naive to assume that the removal of the subluxation limitation will in any way guarantee expanded reimbursement for doctors of chiropractic, regardless of whether or not they are authorized under state law to perform a Medicare covered service. Those determinations are made by regulation in a closed-door process that is impossible to monitor or influence, either before or after the fact.

In support of this assertion, I offer for your consideration the status of doctors of dentistry under the Medicare law. The current statute presents a very clear, clean statement of their inclusion as "physicians" under the Act, with no itemized limitations whatsoever in the law. Their covered services, however, despite what at first glance might appear to be blanket or full inclusion, are extremely limited.

In addition, I can assert with equal confidence, that the removal of the specific subluxation language will be a signal to CMS that it is the intent of Congress that this service no longer be covered. I would expect the agency to move very swiftly to suspend processing and paying all such subluxation care claims should that language be removed, with a resulting loss of nearly \$600 million in payments to chiropractors and doing a great disservice to those Medicare beneficiaries, approximately 2 million now, who rely on that care.

If the objective is truly to expand chiropractic coverage, this can best be done by simply removing the "only" limitation in the current statute and inserting, following *"...to correct a subluxation,"* new language that provides for added coverage for necessary related services, exams, x-rays, etc. and, if a more expansive effort is to be sought, you might also add language that provides for coverage for other procedures and services which he or she is legally authorized to perform by the State or jurisdiction in which such treatment is provided. The prospects of this broader language yielding greater coverage are, however, in my opinion extremely limited. Again, if services to be covered are not specifically itemized in the law, CMS will always come down on the side of exclusion.

I am fully aware of the aspirations of some within the chiropractic profession to expand chiropractic away from its long-established spine care, subluxation focus and into a more inclusive medical model. I am also aware of the strong commitment a large segment, perhaps a significant majority segment, has towards maintaining the separate and distinct nature of chiropractic. Unless there is complete consensus on a Medicare reform proposal, (and I find it very hard to believe that the removal of the current subluxation language in the Medicare statute will enjoy such universal support), I can assure you that Members of Congress in both Houses will promptly pick up on those divisions and that will spell an end to any realistic chances for expanding chiropractic coverage on any level.

I urge you to also be fully aware that the chiropractic profession has its very stringent critics in both the House and Senate and that any expansion proposal offers the opportunity for a counter amendment, striking the chiropractic portion altogether. I can vividly recall such actions being contemplated, driven by cost saving arguments and medical establishment pressure. Without unity on this matter, there is no chance for success. Even then, there is never any guarantee to any legislative outcome. I also believe that there will certainly be no support from the White House or HHS for any chiropractic coverage expansion.

As a chiropractic patient and beneficiary of chiropractic care for many years, I am personally concerned to preserve and, if at all possible, advance the status of the profession. In these current discussions, however, I again urge caution and that any plans be strongly and objectively anchored in the realities of the legislative process, the attitudes of HHS and CMS and the risks in proceeding on the basis of naïve or outright false assumptions.

While a Member of Congress, I helped advance chiropractic coverage for current and former federal employees insured under the FHBP. I appreciate the opportunity to share these thoughts with you and your chiropractic colleagues. In this process, if I can assist in any other way, I will be pleased to do so.

Sincerely,

A handwritten signature in black ink that reads "Donald Manzullo". The signature is written in a cursive, flowing style.

Donald Manzullo