



## Windows of Opportunity In the States

By Michael McLean, D.C.

This is going to be a tough Congress. There are serious and urgent issues, including the very issue of war or peace, along with a mounting budget crisis that will dominate all elements in the federal legislative process in 2003. While chiropractic must put forward its Congressional agenda, and ICA will not hesitate to aggressively promote a lengthy list of bills, it is important to recognize that anything federal will be a long haul proposition, however essential and reasonable.

In the states, however, windows of opportunity are opening up across the country that every chiropractic organization should look to. Most state legislatures convene early in the post-election year with a new set of players and a wide-open field. Many states are facing the same budget limitations and shortfalls as is the U.S. Congress, but there are plenty of critical issues that the chiropractic profession can and should march with.



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### The New Jersey Model

First and foremost, doctors of chiropractic have a legislative opportunity to responsibly establish a legislative claim to the unique services only the chiropractor performs in relation to the detection and correction of subluxations. Fortunately for us all, an insightful and determined doctor of chiropractic in New Jersey, on behalf of the Council of New Jersey Chiropractors, has developed a model that ICA encourages all states to follow. Dr. Anthony DeCosta has developed legislation now pending in his home state that provides, because of the unique educational and professional skills that only the DC possesses, that only the DC is authorized to correct subluxations. The general provisions of the New Jersey bill read as follows:

1. The Legislature finds that it is in the public interest to protect health care consumers from the unauthorized, unqualified, incompetent and improper application of spinal adjustments and manipulations of the spine.
2. (a) Notwithstanding any other law or regulation to the contrary, no person, other than a chiropractor licensed by the State Board of Chiropractic Examiners ... or an osteopathic or medical physician licensed by the State

Board of Medical Examiners... shall perform a spinal manipulation on an individual.

(b) Notwithstanding any other law or regulation to the contrary, no person, other than a chiropractor licensed by the State Board of Chiropractic Examiners ... shall perform a spinal adjustment on an individual to correct a vertebral subluxation.

(c) For the purposes of this section: "spinal adjustment" means the application of a precisely controlled force applied by hand or by mechanical device to a specific focal point on the anatomy for the express purpose of creating a desired angular movement in skeletal joint structures in order to eliminate or decrease interference with neural transmission and correct or attempt to correct a vertebral subluxation; spinal adjustment utilizes, as appropriate, short lever force, high velocity force, short amplitude force or specific line-of-correction force to achieve the desired angular movement, as well as low force neuromuscular reflex technique procedures; "spinal manipulation" means the application of a direct thrust or leverage to move a joint of the spine at the end of passive movement, but without exceeding the limits of anatomical integrity; and "vertebral subluxation" means a complex of functional, structural or pathological articular changes, or a combination thereof, that compromise neural integrity and may influence organ system function and general health.

3. A board (of jurisdiction)...after notice and hearing...shall revoke, suspend or otherwise condition a person's license, certificate or registration issued by that board upon proof that the person has violated (the proposed provisions) now before the Legislature as this bill.

The dignity and integrity of this initiative are compelling because its motive is just as much to protect the public as to protect the chiropractic profession. ICA stands ready to assist any state organization interested in putting this initiative forward in their jurisdiction.

### Any Willing Provider Initiative

ICA also encourages state organizations to initiate an "any willing provider" bill. This legislation would provide that

managed care programs operating within the state's boundaries, are obligated to accept any provider willing to abide by the rules of the managed care plan. This vital piece of market access legislation would go a long way towards opening up what managed care plans want to maintain as very limited, and thus more easily controlled (or manipulated depending on your point of view), provider panels, all as a means to control costs and restrict benefits.

Once again, consumer choice is a key element, as well as fairness to the chiropractic provider. ICA's State Legislative Task Force, chaired by Dr. Don Hirsh of Maryland, has developed a resource kit on "any willing provider" legislation. This document is available to any state organization interested in undertaking such an initiative.

The good news is that neither of these vital pieces of pro-chiropractic legislation are budgetary issues. No state money gets spent if these bills are passed. Consumers get better protection and the lines between the health professions become a little clearer.

### Scholarship or Grant Program

There is a third initiative that every state chiropractic organization should look at in 2003. This is a state funded scholarship or grant program for chiropractic education. The supply of doctors of chiropractic is a vital element in the health care delivery system. States have a stake in an adequate supply of providers, the absence of which means that their citizens either go without,

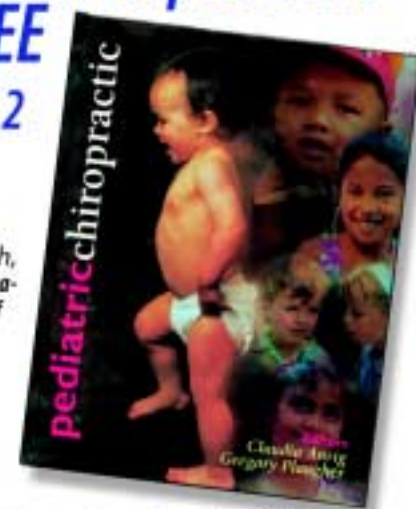
or pay higher process fees. The "supply and demand" equation continues to dominate the health care marketplace too. Even a modest program that funds the chiropractic education of some students from a state is worth going after.

There is another reason to focus on the states right now. This is the training ground for chiropractic activism. State legislators are part of your community. They are approachable, accessible and usually very open to your needs and ideas and anxious to cultivate your support. As well, most Members of Congress come out of the state legislatures so this is a great opportunity to be in from the beginning of many Congressional careers. In the end, chiropractic must work on all fronts. They are all connected and strength in the states easily translates to strength in Washington. Chiropractic, as history has taught us all, must be strong to survive. Even stronger to prosper!

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