

The Chiropractic Choice

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**ICA Symposium
on Natural Fitness,
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New Mexico "Chiropractic Advanced Practice" Law Raises Questions of National Significance

Stephen P. Welsh, DC, FICA

The International Chiropractors Association (ICA) has been asked by members in New Mexico to become involved in the pending implementation of a legislative action that has the potential of fundamentally changing the nature of chiropractic practice as well as confusing the public and possibly placing the public at risk at the hands of a new category of chiropractic provider. For nearly a century the ICA has advocated clear lines of distinction between the health care professions and stood for a drugless, non-surgical national definition of chiropractic. As well, ICA has been outspoken about all professions being obliged to qualify to perform any service at the highest standard of education and testing. It is on this basis, for example, that ICA

has challenged the physical therapy profession's desire to expand their scope in numerous states to include spinal manipulation, with a less than adequate level of education. Now in New Mexico, a situation is emerging in which pharmaceuticals appear to be on the brink of being added to the scope of chiropractic practice, on the basis of a less than clear or adequate qualification pathway.

Would an NBCE exam to certify an "advanced practice chiropractic physician" result in the "tiering" of the profession? It has been reported in certain chiropractic publications that the "... the National Board of Chiropractic Examiners (NBCE) is planning to create certification for an expanded

practice chiropractic physician," a step that has raised serious concerns among both ICA members in New Mexico as well as our leadership nationwide. ICA is committed to acting only on the best evidence and a complete understanding of all pertinent information. On that basis, ICA has cast a wide informational net, directly contacting the agencies and organizations directly involved. ICA's first direct communication on this issue was to the NBCE. In response to ICA's inquiry regarding the specific nature of the plan, the NBCE's Executive Vice President, Horace C. Elliott responded that:

"Under Title 16 (Occupational and Professional Licensing), Chapter 4 (Chiropractic Practitioners) Part 15 (Chiro-

practic Advanced Practice Certification Registry), New Mexico has established recognition of chiropractors with certain credentials to use "approved naturally derived substances through injection for therapeutic purposes."

This action is a unilateral act by the New Mexico Board of Chiropractic Examiners and the New Mexico legislature and was not initiated nor in any way promoted by the National Board of Chiropractic Examiners. We have been aware of the specialty council or board within the American Chiropractic Association, led by Dr. Reiner Kremer of Colorado, that has

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"ICA Cares" poster shows chiropractor's support of US armed forces

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2010 Medicare Fee Schedule Remains Political Hot Potato

Michael J. Hulsebus, DC, FICA

Congress has once again acted at the last minute to stave off a draconian cut in Medicare payments to providers but the postponement is a very short-term reprieve. The United States Senate voted on December 19th to delay the scheduled cuts for a period of two months, the idea being that breathing space would be utilized to develop a fix to a difficult problem, one with huge and controversial budget implications. Senators used the recently passed defense authorization bill as the legislative vehicle for postponement of the scheduled cuts, offering up another short-term version of the

so-called "doctor's fix." This difficult issue will be taken up in both Houses of Congress before March, with the hopes of enacting a long-term solution.

Originally slated to become effective on January 1st, the 2010 Medicare fee schedule (also known as the physician fee schedule) was to include a 21.2% fee cut. The proposed massive 2010 cut represents a cumulative build-up of a decade of postponements of smaller scheduled fee reductions. The Final Rule for this greatly reduced fee schedule was published in the *Fed-*

eral Register on November 25, 2009. The formal statement in that official government publication stated that the Centers for Medicare and Medicaid Services (CMS) "announces that the update to the physician fee schedule conversion factor is -21.2 percent for CY 2010." The 2010 reductions are the product of the implementation of a provision in the Medicare law, known as the sustainable growth rate (SGR), which mandates an adjustment to the conversion factor when total Medicare physician expenditures

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