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Congressman Donald Manzullo (R-IL), chairman of the Small Business Committee, talks with ICA members who were attending Washington, DC for Legislative Workday and sat in on the hearing in support of Dr. Michael Hulsebus. L to R: Dr. John Cafferty (Oregon); ICA Executive Director Mr. Ron Hendrickson; Rep. Manzullo; Dr. Michael Hulsebus (Illinois); and Dr. Michael McLean (Virginia).

Medicare and Medicaid Services (CMS). Formerly known as the Health Care Financing Administration (HCFA), the May 16<sup>th</sup> hearing was titled: "CMS, New Name, Same Old Game?" In his opening statement, Chairman Manzullo stated:

*On July 25, 2001, Administrator Scully voluntarily appeared before this Committee and stated that he intended to meet the goal of not simply changing the name of HCFA but changing its culture. Nearly a year later, the new name has been on HCFA's door but this hearing examines whether it is still the same old game. By that I mean, is HCFA still being intransigent and unresponsive to healthcare providers and to the elected officials that make the laws — the United States Con-*

*gress? Is HCFA still imposing undue and unnecessary regulatory burdens on small business?*

The subsequent testimony from the panel of six witnesses was more than enough to convince the entire Committee that little had changed in the administration of the Medicare program and that drastic and urgent change, with intense Congressional oversight was called for.

Speaking on behalf of the chiropractic profession and the millions of Medicare patients DCs care for, Dr. Michael Hulsebus told the Committee that nothing, neither Medicare procedures nor Medicare attitudes had changed since July of 2001, when he had first detailed Medicare's abusive treatment of chiropractic providers.

In his testimony Dr. Hulsebus said:

*"I regret that I must state that far too little has changed since I testified before you last July and that the targeting of doctors of chiropractic for extra-aggressive and, I believe, totally unjust efforts aimed not at reducing fraud or abuse, but at reducing chiropractic "utilization", continue... Medicare administrators have historically made doctors of chiropractic a target for enforcement and regulatory restriction because of an abiding and still unabated medical prejudice that is a gross disservice to the beneficiary and doctor of chiropractic alike. The past and current experience reflects the presence of clear intent on the part of HCFA and now CMS policy makers to substantially restrict and potentially eliminate chiropractic benefits under Medicare. For a profession that constitutes such a small element of Medicare benefits paid and which the Inspector General has concluded is not an area of major concern, HCFA's or CMS's actions represent an obvious onslaught, a direct targeting, of the chiropractic profession. These actions range from the unjustified quasi-criminal nature of the proceedings to actions such as refusing to accept a draft in full payment of an alleged overpayment pending appeal. Unfortunately, relief has been obtained only when members of Congress have become involved. There has been minimal cooperation from HCFA until outside force is applied..."*

The evasive and seemingly insincere responses to Congressional questions

from CMS Administrator Scully provoked a wave of emphatic and sometimes emotional challenges from the Committee, asserting the Administrator's personal responsibility to address the need for change and to drastically change the agency's prevailing attitude, or else Congress will step in with unprecedented force. The commitment of the Committee to fairness and to immediate change was pressed home, sometimes with raised voices, as Administrator Scully sat without a break for four full hours.

The anger and outrage of the Committee reached a peak when it was revealed that witnesses at earlier hearings on Medicare harassment had been subjected to snap Medicare audits on the very day they appeared before the Small Business Committee. Chairman Manzullo immediately called for an investigation of what he described as intimidation and witness tampering by Medicare and set a July 17<sup>th</sup> hearing date for a full review of this "horrific and frightening" abuse of power by Medicare authorities.

ICA will be following these upcoming hearings closely and assisting Chairman Manzullo and the Committee in any way possible as they work to protect and defend the rights of Medicare providers and patients alike. Dr. Michael Hulsebus chairs ICA's Medicare Committee and is leading ICA's effort to change Medicare's abusive policies towards chiropractic patients and providers.

For a full text of Representative Manzullo's and Dr. Hulsebus' testimonies, go to ICA's website at [www.chiropractic.org](http://www.chiropractic.org).

## PBS BROADCAST

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rial. Both the script and the clips included are designed to distort the public's understanding of chiropractic in a most negative and damaging way.

In the broadcast that first aired on June 4<sup>th</sup>, hosted by well-known celebrity Alan Alda, chiropractic is represented as being unscientific, religion-based and extremely dangerous, all representations which are insulting and damaging to the 55,000 doctors of chiropractic, who are licensed doctor-level health care providers, and the millions of patients who are under their care.

"It is crystal clear that from start to finish, the objective of this production was to project the most negative picture of chiropractic possible," said ICA President Dr. D.D. Humber.

ICA attempted to contact senior management personnel at PBS and the production company that created the show. Both declined to discuss the concerns of the chiropractic profession and ICA has no choice but to take the necessary protest to a very public level.

ICA urges all doctors of chiropractic, students, patients and any citizen concerned about fairness in the media to review the substance of this broadcast and to contact PBS and demand that the program be immediately withdrawn from broadcast schedules; that an apology be issued; and that an opportunity be provided to correct the grotesquely distorted and intentionally damaging picture of chiropractic presented on the show.

PBS is a private non-profit organization founded in 1969, broadcasting via 349 "non-commercial" stations throughout U.S. territory. PBS boasts a budget of more than \$1.6 billion, much of which comes from state and federal

tax revenue.

The ICA is calling on the 55,000 doctors of chiropractic in the U.S., the 100,000 others they employ, chiropractic students and the tens of millions of people to whom doctors of chiropractic effectively and safely provide care, to withhold all donations until PBS corrects the damage it has done to a worthy and noble profession.

ICA also urges the chiropractic community to let their state legislative representatives and Members of Congress know how they feel about the abuse of the public trust displayed by PBS in this damaging broadcast.

The sharp anti-competitive, marketplace impact that is sought by this broadcast is further illuminated by the fact that this segment was sponsored by a subsidiary of Phillips Medical Systems. ICA finds the negative depiction of non-medical procedures and practices inherently suspect, since the approaches to health supposedly being reviewed stand in direct competition to the company that provided funding for this segment.

"PBS has a lot to answer for since they are, ultimately responsible for the integrity of the information they broadcast. We have a right to expect an organization like PBS to act in an objective and responsible manner and not lend itself to marketplace exploitation and manipulation," said ICA President Dr. D.D. Humber.

You can contact PBS via the Internet at [www.PBS.org](http://www.PBS.org). Through that website, citizens can locate their local PBS stations, and obtain specific addresses and contact information. You can also contact PBS via e-mail at <http://www.pbs.org/aboutsite/feedback.html>, or by regular mail by writing to: Ms. Pat Mitchell, President and Chief Executive Officer, Public Broadcasting Service, 1320 Braddock Place, Alexandria, VA 22314.

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