



PRACTICE LIABILITY

The Terms May Be Theirs, But the Liability is All Yours!

By **Stuart E. Hoffman, D.C., F.I.C.A.**
ChiroSecure President

There is an ugly specter looming on the horizon for many doctors of chiropractic, a potentially devastating and costly one, and I suspect very few practicing DCs have ever given it any thought. Here is the story: Managed care contracts which you sign usually set far-reaching and demanding extra-legal terms and conditions for participation. They want to limit your diagnostic procedures, especially x-rays, they want to limit the timing and volume of care,

and in some instances they even want to prevent you from discussing these limitations with anyone, including your patients. It is no wonder that the entire profession is in an uproar, and rightfully so.

The International Chiropractors Association (ICA) is involved in a serious dialogue with federal agencies about urgently needed new enforcement of rules against predatory trade practices, price fixing and similar anti-competitive behavior that have not as yet been applied in healthcare and the health

insurance industry. This kind of federal action is urgently needed and ICA has my full support, and should have yours as well.

Here is the situation. When the 900 pound gorilla in the room says you cannot take x-rays except in a few limited circumstances, regardless of what your professional judgment and conscience indicates, where do you stand in terms of malpractice liability? Right in the center of the liability bulls-eye! The reality is that in light of all of the demands to limit examination procedures, diagnostic imaging, and the actual provision of care, no managed care organization assumes any malpractice liability of the abbreviated care they demand even if it results in a claim. How is that for irony? But, it gets even worse.

These same entrepreneurial organizations, acting as if they have been endowed with regulatory authority over chiropractic and your actions, now regularly show up before regulatory boards with accusations of "overutilization" or worse, all based on their self-created and economically motivated rules. These

actions and the claims and assertions they are making are sometimes so far beyond established chiropractic norms and practice parameters that the profession needs to question whether these organizations are, in fact, seeking to usurp the unique authority of the state legislatures to regulate the professions and the trades.

So, the big question now, is how do you protect yourself from a managed care organization that wants you to cut corners, even if it means putting you at odds with your responsibilities under state law, and at the same time, likely to show up in front of your state board accusing you of abuse if you don't abide by their economic scale of services, quality of care notwithstanding? This is a battle the entire profession needs to fight but for now, here are some things you can do:

- **Know what the laws and regulations are:** Every DC should have a current copy of the laws and regulations that apply to chiropractic on file, and it should be regularly reviewed. If you have questions ask your state board. Pay special attention to what you are expected to do regarding the provision of timely and appropriate care. To be forewarned is to be forearmed.
- **Know what you have agreed to:** As painful and as time-consuming as it may be, you must read and comprehend every section of any managed care or claims administration organization contract you are thinking about signing. If you do not understand what a section means, get help, legal help, help from your professional colleagues and your professional organizations.
- **Get an official opinion and be prepared to act on it:** If you are concerned that a passage in a pending

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aptly considered by theologians than Chiropractors. Whether an individual wishes to consider this question is neither wrong nor right — it is simply not Chiropractic philosophy.

The Council on Chiropractic Philosophy is working on a document on the subject of Universal Intelligence. Last summer in Davenport, Iowa, a group of about 10 Philosophy Diplomates gathered together and began the task of creating this document to elaborate the realities and myths of this needlessly controversial subject.

In the meantime I invite everyone to come to Las Vegas for our first Summit on "Innate Intelligence" to be held at the Bally's hotel, December 7th and 8th. It will be a stimulating program. It is also our sincere hope that it will help those who are not quite sure where they stand on chiropractic philosophy at least understand what "isn't" chiropractic philosophy.

ROB SINNOTT, D.C., L.C.P., D.Ph.C.S. is chair of the ICA Council on Chiropractic Philosophy and oversees ICA's Diplomate in Chiropractic Philosophy program. A graduate of Palmer College, he has been actively involved in his state and the Illinois Prairie State Association throughout his professional career. Dr. Sinnott is in private practice in Frankfort, Illinois. He can be reached at chirobooks@sbcglobal.net

JUMPING THROUGH HOOPS TO MAKE YOUR MEDICARE FLY

Get on the ball now! Get up to speed in pursuit of the answers you need to succeed in Chiropractic Medicare. The questions are clearly laid out before you by Dr. Gary R. Street, chiropractic authority on all-matters Medicare in his workshops and supporting learning resources.

Start now by testing your answers to 7 Key Questions posed below. Learn the answers, attend the ICA workshops and feel your Medicare program soar.



Dr. Gary R. Street is a well known speaker for chiropractic. He has lectured extensively on Chiropractic Medicare. Not only is he knowledgeable and informed, he is also entertaining. Come for a laugh...and to learn.

DO YOU KNOW?

- How to properly document clinical necessity of care?
- Why this can mean success or failure to you and your patients?
- That Medicare law places no finite limitations on properly documented care?
- That Medicare is obligated to cover clinically necessary services?
- That there are no limits for the chiropractic adjustment?
- How to use the AT Modifier to your advantage?
- How to correctly use the Advance Beneficiary Notice?

Chiropractic Medicare Workshops

Denver – Nov. 8 (AM)

Colorado Springs – Nov. 8 (PM)

Salt Lake City – Nov. 10 (AM)

GET ON THE BALL – CALL ICA NOW

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