

Why you need to befriend chiropractors ASAP

March 6, 2015 by Julie Miller, Editor in Chief

While you might cross paths with integrative providers such as acupuncturists or chiropractors now and then, an inconspicuous Affordable Care Act (ACA) provision should give you a new reason to conspire with these folks. ACA Section 2706 says that as of last year, insurers had to start reimbursing all classes of providers that are licensed in their states.

The provision clearly benefits your integrative counterparts, but you stand to gain from it too. Think about how many of the 62,000 licensed marriage and family therapists or the 93,000 licensed psychologists nationwide might be skipped over for reimbursement. The law says they're licensed provider types and therefore should be reimbursed. So much the better for your bottom line.

Some hurdles

All this is good news in theory, but as you might expect, there are some hurdles. I called up Taylor Walsh contributor to the policy forum at Altarum Institute, the only person I know who understands this beguiling component of ACA. He tells me that integrative care is in high demand and is increasingly viewed as beneficial for patients, even though it might not be reimbursed. The ACA provision is meant to balance that out.

"The provision's authors' belief is based on the fact that insurers and regulators are not in synch with the reality, which is that millions of consumers every year use this class of therapy," he tells me. "Basically, if they are licensed to practice in a state, and if their work is within their scope-of-practice, 2706 says they should be reimbursed. So far, this has not quite sunk in."

And there's a reason why it hasn't sunk in: Compliance with Section 2706 depends on actions taken by each state. In other words, if your state insurance regulator hasn't done anything about the provision, insurers can still get away with the discrimination without penalty. In fact, there are no penalties or enforcement actions baked into the federal piece at all. Rather, it's up to the states to make that happen.

A few states are working on it, according to Walsh: California, Hawaii, Minnesota, New Mexico, Rhode Island and Vermont. But they are going in blind because the initial federal guidance was off course, and no one has made any corrections, in spite of an order last year for federal officials to fix the guidance document.

Now what?

You'll want to make friends with integrative providers and collaborate on awareness campaigns and policy action plans in your state. Develop some talking points with them and make an appointment to cite the ACA provision in the offices of all your favorite state lawmakers. Be sure to mention the possibility of class action lawsuits that could be filed against insurers that have denied claims from licensed providers.

As addiction professionals, you'll also want to cite the fact that late last year, the Joint Commission revised its pain management accreditation to include "nonpharmacologic approaches," which means, for example, massage therapy in lieu of morphine or acupuncture in lieu of oxycodone. The behavioral health community has long advocated for such approaches, so here's another chance to drive the message home.

Walsh says network adequacy rules might be another issue to cite. Insurers have to comply with state criteria to ensure that they have enough in-network providers to serve the needs of their enrollees. Adding more providers or new categories of providers will be in their best interest, however, Walsh warns that insurers aren't obligated to sign on every single provider that wants to be in-network.

Getting the rules of 2706 written into state policy will essentially allow many of your licensed care providers to have financial parity. It's worth your time to pursue the cause.

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