



October 18, 2011

Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
Attention: CMS–9982–NC  
P.O. Box 8016  
Baltimore, MD 21244–1850

The American Chiropractic Association (ACA) is a professional society composed of doctors of chiropractic (DC) whose goal is to promote the highest standards of ethics and essential patient care, contributing to the health and well being of millions of patients. The ACA is the largest association in America representing the chiropractic profession. Below are ACA's comments in response to the *Summary of Benefits and Coverage and Uniform Glossary—Templates, Instructions, and Related Materials Under the Public Health Service Act Proposed Rule*.

The ACA supports the Department of Health and Human Services (HHS) effort to ensure that consumers are provided with clear and comprehensible information regarding health insurance coverage. Requiring insurers to provide uniform information regarding their health plans will provide consumers an opportunity to more readily compare health insurance options. This type of effort to increase consumer knowledge and engagement in their health care options is critical to improving our healthcare system and we support HHS' effort in this regard.

The ACA is, however, concerned with a number of the definitions proposed in the uniform glossary. The ACA understands that HHS relied heavily on the information provided by the National Association of Insurance Commissioners (NAIC) to develop this information. We assert that a number of the definitions require additional revisions including the following definitions:

#### Physician Services

The proposed definition of “physician services” states, “Health care services a licensed medical physician (M.D.--Medical Doctor or D.O.--Doctor of Osteopathic Medicine) provides or coordinates.” The ACA asserts that the services that doctors of chiropractic provide should be included as physician services. Doctors of chiropractic are considered “physicians” under Medicare<sup>1</sup>, the Blue Cross Blue Shield Federal Employee Health Benefit Program<sup>2</sup>, Federal Workers Compensation<sup>3</sup> and other major healthcare plans. Rather than employ a definition

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<sup>1</sup> [http://www.ssa.gov/OP\\_Home/ssact/title18/1861.htm](http://www.ssa.gov/OP_Home/ssact/title18/1861.htm)

<sup>2</sup> <http://www.fepblue.org/benefitplans/2011-sbp/bcbs-2011-RI71-005.pdf>

<sup>3</sup> <http://www.dol.gov/owcp/dfec/regs/statutes/8101.htm>

that is contrary to the definition of “physician” in major federal health programs and legislation, the ACA recommends that HHS use the Centers for Medicare and Medicaid Services’ definition of “physician services” which states, “Physician services are the professional services performed by a physician or physicians for a patient including diagnosis, therapy, surgery, consultation, and care plan oversight.”<sup>4</sup> This definition provides far more specific information regarding the particular range of *services* that “physicians” provide to patients. This focus on the services provided, rather than the individuals who provide them, is more appropriate for the definition of “physician services” within the uniform glossary.

We would also recommend that if “physician services” are defined in the uniform glossary it would seem appropriate to also provide a definition of “physician.” We recommend that HHS consider employing the definition of “physician” provided by the BCBS Federal Employee Health Benefits program which states, “Physicians – Doctors of medicine (M.D.); Doctors of osteopathy (D.O.); Doctors of dental surgery (D.D.S.); Doctors of medical dentistry (D.M.D.); Doctors of podiatric medicine (D.P.M.); Doctors of optometry (O.D.); and Doctors of Chiropractic/chiropractors (D.C).”<sup>5</sup> It is imperative that the uniform glossary maintains consistency with major federal health plans to support the goals of the Patient Protection and Affordable Care Act (PPACA).

### Primary Care Providers

The proposed definition of “Primary Care Provider” states, “A physician (M.D.--Medical Doctor or D.O.--Doctor of Osteopathic Medicine), nurse practitioner, clinical nurse specialist or physician assistant, as allowed under state law, who provides, coordinates or helps a patient access a range of health care services.” The ACA asserts that doctors of chiropractic should be delineated as primary care providers in the uniform glossary definition. Chiropractic colleges and universities are fully accredited by the Council on Chiropractic Education (CCE) under the authority of the US Department of Education with the stated mission of educating doctors of chiropractic as primary care providers.<sup>6</sup> Doctors of chiropractic provide physician services: consultation, examination, patient diagnosis and management. Doctors of chiropractic provide the vast majority of spinal adjustments/manipulation services and are well trained in providing Physical Medicine and Rehabilitation (PMR) services. Doctors of chiropractic order and interpret diagnostic imaging, laboratory and other testing. Doctors of chiropractic establish clinical care plans and offer conservative care options for patient management including health promotion, prevention and wellness services. Doctors of chiropractic co-manage patients of all ages with other providers and refer as needed. Given the information above, doctors of chiropractic clearly meet the definition of “primary care provider” as defined above. A doctor of chiropractic “coordinates or helps a patient access a range of health services.”

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<sup>4</sup> <https://www.cms.gov/manuals/downloads/bp102c15.pdf>

<sup>5</sup> <http://www.fepblue.org/benefitplans/2011-sbp/bcbs-2011-RI71-005.pdf>

<sup>6</sup> [http://www.cce-usa.org/uploads/2007\\_January\\_STANDARDS.pdf](http://www.cce-usa.org/uploads/2007_January_STANDARDS.pdf)

Patients must be given a real choice of recognized health care providers, to the full extent of state licensure. True competition and a level playing field are necessary to improve the quality of health care delivery and lower costs. In the *Patient Protection and Affordable Care Act; Establishment of Exchanges and Qualified Health Plans Proposed Rule*, HHS urged state legislative bodies and health insurers to broadly define the providers eligible to perform primary care services. HHS indicated, “Consistent with the goals and policies of the Affordable Care Act in supporting primary care, in establishing provider networks that ensure broad access to care, we encourage States, Exchanges and health insurance issuers to consider broadly defining the types of providers that furnish primary care services.” We believe the same broad perspective that HHS encouraged to health insurance issuers should be employed in the uniform glossary and doctors of chiropractic should certainly be added to this definition.

### Primary Care Physicians

Given that a definition of “primary care providers” is already included in the uniform glossary, it is redundant and potentially confusing to consumers to also include a definition of “primary care physicians.” Again, this proposed definition of “primary care physician” is in conflict with HHS’ statement regarding the goals and policies of PPACA in supporting primary care. To provide such a limited definition of primary care physicians (as included in the proposed uniform glossary) unnecessarily restricts the pool of health care providers who are well-educated to assume this role and who can effectively help to fill the work force gap. We urge HHS to remove this definition and provide greater review of the proposed definition of “primary care provider” and the comments that the ACA has provided above.

Thank you for the opportunity to provide comments on this proposed rule.

Sincerely,

A handwritten signature in black ink that reads "Dr. Keith Overland". The signature is written in a cursive, flowing style.

Keith Overland, DC

ACA President