



# The State of Chiropractic

A L A B A M A S T A T E C H I R O P R A C T I C A S S O C I A T I O N

## FROM THE DESK OF THE PRESIDENT

To my colleagues -

I would like to open my first column by saying thank you for the opportunity to serve as your ASCA President for the 2018-19 year. While we are in a challenging time for our association and profession, I am certain with the help of our dedicated membership and those you have elected to serve beside me, the ASCA and the profession will emerge successful.

I would also like to take a moment to thank our immediate past president, Dr. Brad Russell, for his many years of service. Brad has certainly given his all for the past two years. He continues to serve nationally as the Alabama delegate for the American Chiropractic Association. Thankfully, even though his term as president is over, we still have his continued presence as a trustee of our board of directors. The ASCA is extremely lucky to have so many past presidents whom are willing to continue to work for the future of our profession.



**Dr. Drew Klein**  
ASCA President 2018-19

Speaking of the future, I would like to take a moment to discuss the association's future direction. Specifically technology and how it is changing the way we do things. In the modern era, it is oftentimes harder to understand why being part of an association is important and most especially how to find

time to be active by attending face-to-face meetings. However, we must remember how important having an organization to protect Chiropractic in Alabama is and how that promotes our success in practice. While I continue to believe that personal relationships formed by in-person meetings are extremely important, I also believe that it is

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## DRY NEEDLING APPROVED FOR ALABAMA

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On November 18th, 2018, Certified Chiropractors were able to begin performing Dry Needling in Alabama. This is a big win for chiropractors in Alabama. The ASCA held the first Dry Needling course in October to certify DCs for this new treatment option. Not only can Chiropractors now perform dry needling, the ASCA is also excited to announce that Blue Cross Blue Shield (BCBS) of Alabama has added it to the

Chiropractic Fee Schedule. The ASCA would like to specifically thank Dr. Stephen Phillips for his recent work within BCBS for helping to get the procedure approved. We would also like to thank the Alabama State Board of Chiropractic Examiners for their foresight in creating a high educational standard for the performance of dry needling as well as officially confirming that the procedure is within the scope of

chiropractic practice. High educational standards assure patient safety and baseline quality of care for the profession. The ASCA is working to create a series of seminars to insure appropriate training for chiropractors wanting to perform dry needling. Upcoming Certification courses will be added to the ASCA online calendar as they become available. [www.ascachiro.org](http://www.ascachiro.org)

## U.S. HOUSE INTRODUCES BILL TO EXPAND MEDICARE COVERAGE OF CHIROPRACTIC SERVICES

ACA Today – Legislation championed by the American Chiropractic Association (ACA) to expand Medicare coverage of services provided by chiropractors within the scope of their license has been introduced in the U.S. House of Representatives.

The bill, H.R. 7157, introduced on Nov. 16 by Rep. Erik Paulsen (R-Minn.), would allow Medicare beneficiaries to access the chiropractic profession's broad-based, non-drug approach to pain management, which includes manual manipulation of the spine and extremities, joint mobilization, soft-tissue massage techniques, physiological therapies, exercise instruction and activity advice. Access to non-drug approaches to pain management in Medicare as well as private health care plans has become increasingly important in the wake of the nationwide opioid crisis. The bill adds no new services; it only allows access to those current Medicare benefits that chiropractors are licensed to provide.

"Medicare's impact on quality senior health care is significant—and will become more so as the baby boomer generation continues to age and enter Medicare's ranks. The

American Chiropractic Association is encouraged by the progress that this bill represents for our efforts to expand seniors' access to the chiropractic profession's safe and effective non-drug approach to pain management," said ACA President N. Ray Tuck, Jr., DC.

*H.R. 7157 would allow more than 55 million people additional chiropractic services.*

Since 1972, the year chiropractic was first made available in the Medicare program, until today, Medicare beneficiaries have been covered for only one chiropractic service—manual manipulation of the spine—forcing them to access additional medically necessary care from other types of providers or to pay out of pocket for the services from their chiropractor. This has created financial and logistical burdens for many seniors. Chiropractors are the only physician-level providers in the Medicare program whose services are restricted in this manner.

The federal Medicare program, which serves as a model for private insurance plans, currently serves more than 55 million individuals. Various projections forecast the number of people age 65 or older increasing by about one-third over the next decade.



## ASCA CALENDAR OF EVENTS



### **December 14, 2018**

***Voting Deadline for ASBCE Election Ballots***

*Clanton, Alabama*

### **January 27, 2018**

***ASCA Board of Directors Meeting***

*Birmingham, Alabama*

### **April 7, 2019**

***ASCA Board of Directors Meeting***

*Via Conference Call*

### **March 5, 2019**

***2019 Alabama Legislative Session Begins***

*Montgomery, Alabama*

### **May 31—June 2, 2019**

***ASCA Convention and Exposition***

*Ross Bridge Resort and Spa*

*Birmingham, Alabama*

*Additional Dates for upcoming Continuing Educational Classes will be added so please watch your email and the ASCA online calendar for those at [www.ascachiro.org](http://www.ascachiro.org)*

## GET TO KNOW YOUR ASCA OFFICERS!

Every month the ASCA newsletter will feature two of its current Executive Committee members. This month we are featuring Dr. Andrew Klein, President and Dr. Andrew Frost, 1st Vice President.



**Dr Drew Klein  
President**

After battling migraines as a child and finding relief through chiropractic, Dr. Klein fell in love with chiropractic and the inner workings of the human body. He graduated with a Bachelor of Science in Biology from Samford University and received his Doctorate of Chiropractic at Parker University in Dallas,

Texas in 2005.

Dr. Klein has shown his dedication to the profession by serving first as the Jefferson County Chiropractic Society Vice President from 2010-2012 and then as the President from 2012-2014. He has held many positions in the Alabama State Chiropractic Association and currently serves as the President. He was also awarded the 2012 Alabama Young Chiropractor of the Year.

Dr. Klein is married to Amanda and runs Lakecrest Chiropractic & Wellness in Hoover, Alabama. In his spare time he enjoys golfing, hiking and camping, and woodworking.

**Dr Brad Frost  
1st Vice President**

Dr. Frost completed his undergraduate studies at Lincoln Trail College in Illinois. He received his Bachelor of Science in Human Biology and his Doctorate of Chiropractic at the National University of Health Sciences in Lombard, Illinois. He also completed his internship program at National University.



Dr. Frost is a postgraduate Certified Chiropractic Sports Physician (CCSP) and a Certified Chiropractic Rehabilitation Doctor (CCRD). He is a member of the American Chiropractic Association, the Alabama State Chiropractic Association, and Etowah Chiropractic Society. He is currently serving as the 1st Vice President of the Alabama State Chiropractic Association.

Dr. Frost and his wife, Karen, are parents to twins Jonah and Ella Frost. Dr. Frost has served on various boards in the Gadsden area and is a member of the Gadsden Kiwanis Club. He and his family attend church at MeadowBrook Baptist Church. He enjoys many outdoor activities including camping trips with his family, cycling, hiking, crossfit exercise and reading.

## FROM THE PRESIDENT'S DESK CONTINUED FROM PAGE 1

necessary to take advantage of the technology available to us to lighten the load of meetings, time demands and travel. Over the next few years, we'll continue to work on a balance between in-person meetings and meetings held with today's technology capabilities. Hopefully, this will allow more members to take part in discussions to help the ASCA best represent their needs.

During our first meeting of the new administration in October, we began discussing how we could get "Back to Basics". What does that mean? First, we need to do a better job of communicating with you, our members. We are going to be looking at different avenues of communication we have not used before while keeping old ones intact for those that are

comfortable with them. Second, we need to take a hard look at how we govern ourselves. Our older leadership structures do not necessarily fit today's society and need be re-evaluated. Third, we should be doing more to help our doctors in practice. Dr. Russell did an excellent job initiating this work with member benefits such as a group-negotiated health insurance plan. The health benefit will start at the beginning of 2019. Other benefits are already being discussed, and we hope to unveil them soon.

We are incredibly excited about convention this year, and it continues to be our largest fundraiser and most successful CE course! Convention 2019 will be even more important as we celebrate the 60th anniversary of our

licensure in this state. We're working on special guest speakers and other commemorations, and we hope that you'll attend with us at the Renaissance Ross Bridge Resort in Hoover. In addition to those events, we hope to provide more CE opportunities than we have in years, which should appeal to the diverse practice styles we have in Alabama. Keep your eyes out for further correspondence on those events, and mark your calendars for May 31st thru June 2nd.

Finally, I'd like to remind everyone that the Alabama Board of Chiropractic Examiners election has just begun. Your vote helps determine who of our peers hears complaints and protects the public. Get to know the candidates and make sure to vote before the

deadline: December 14, 2018.

Thank you for reading! Keep an eye on your emails for further info from your state association.

### **We want to hear from you and about you!**

*We love our members and we want to share your accomplishments—personally and professionally. Email us info on births, adoptions, community involvement recognitions, and academic achievements so we can share with everyone in our next newsletter!*

**asca@ascachiro.org**

## ASCA Welcomes New Staff Member

The ASCA is excited to welcome Toni Profio, our newest staff member. Toni grew up in Montgomery, Alabama as the fourth of five sisters. In 2013 she graduated from Huntingdon College in Montgomery with a BA in Literature. While attending Huntingdon she was an active member of the Marching Scarlet and Grey Band as well as Huntingdon's concert, jazz, and pep bands.

Since graduating from college she has worked in customer service in the computer support field. We are excited to have Toni as part of our staff and know she will be a great help in the ASCA's mission to promote and protect chiropractic in this great state!



## M E D I C A R E : U N D E R S T A N D I N G T H E D I F F E R E N C E B E T W E E N N O N - P A R T I C I P A T I N G A N D O P T I N G - O U T

When it comes to chiropractic and treating Medicare patients, the time has come to make some big decisions for you and your practice. In the final 6 weeks of every calendar year, chiropractors may elect to be Par or Non-Par providers. Don't confuse this with the ability to opt out of Medicare, a luxury not afforded to chiropractors and a select few other health care providers (Noridian Healthcare Solutions, 2018).

Before making a decision on your status with Medicare, it is of the utmost importance that you understand your rights and responsibilities when it comes to your provider status.

Participating Providers (Par) accept Medicare and always take assignment. Taking assignment means that the provider accepts Medicare's approved amount for health care services as payment in full. You are required to submit a claim to Medicare. Medicare will process the claim and pay you directly. The benefits for Medicare patients seeing a participating provider, include paying a 20% coinsurance for their covered services (98940, 98941, 98942).

Non-participating Providers (Non-Par) accept Medicare but do not agree to take assignment in all cases. This means that you have signed up with Medicare and can treat Medicare patients, but you cannot accept your regular fee and may only collect the limiting charge from the patient. You will bill Medicare the limiting charge and they will reimburse the patient, 80% of the non-par allowance (assuming the deductible has

been met).

Opt-Out Providers (Chiropractors CANNOT opt out) do not accept Medicare at all and have signed an agreement to be excluded from the Medicare program. They can charge whatever they want for services but must follow specific rules to do so. Medicare will not pay for care received in a provider's office that has opted out, except in emergencies, which puts the responsibility of payment solely on the patient. The provider must provide a contract describing the charges in their office and obtain a signature from the patient that they are aware they are responsible for the full cost of care without reimbursement from Medicare.

It shouldn't be surprising, that this is also the time of year when we receive the most calls from providers looking for ways to circumvent Medicare and "opt out" without the actual ability to opt out, because so little of what we do is covered. The reality is that we won't win the fight on either front if we continue to see reports published from the Office of Inspector General (OIG) on improper payments for chiropractic services for services that are deemed not medically necessary. Unfortunately, when a chiropractor doesn't respond to the request for records, it automatically is considered not-medically necessary!

Why should we be given the benefit of more covered services for our patients, when CMS's Comprehensive Error Rate Testing (CERT) program shows chiropractic as having the highest improper payment rates among Medicare Part B providers? From fiscal years

2010 through 2015 (includes claims from April 1, 2009, through June 30, 2014), the improper payment rate ranged from 43.9% to 54.1% and the estimated overpayments ranged from \$257 million to \$304 million (OIG U.S. Department of Health and Human Services, 2018).

We must work diligently to understand Medicare's rules for chiropractic billing, coding and documentation. We'll likely see the OIG continue to put pressure on CMS to prevent further fraud, waste, and abuse and protect the Medicare Trust Funds. So, until we improve our own understanding of Medicare compliance in these areas and quit trying to circumvent the system, we will continue to see increased audits directed at our profession. If you are looking for webinars that help clear up the confusion on Medicare, go to [www.chirohealthusa.com](http://www.chirohealthusa.com)

*Dr. Ray Foxworth is a certified Medical Compliance Specialist and President of ChiroHealthUSA. A practicing Chiropractor, he remains "in the trenches" facing challenges with billing, coding, documentation and compliance. He has served as president of the Mississippi Chiropractic Association, former Staff Chiropractor at the G.V. Sonny Montgomery VA Medical Center and is a Fellow of the International College of Chiropractic.*