October 11, 2016

Indiana University Health Plans, Inc., Administrative Office
950 N. Meridian Street
Suite 200
Indianapolis, IN 46204

Re: Doctors of Chiropractic – Physical Therapy Services

Dear Tory,

I spoke with Adarius at a recent neighborhood event and indicated I would follow up with you regarding the Indiana State Chiropractic Association’s (ISCA) concerns. The ISCA is the largest state association representing Doctors of Chiropractic (DC). We have recently been made aware that IU Health is discriminating against Doctors of Chiropractic. Our members have indicated they are being denied reimbursement for the administering of "physical therapy" services, inclusive of manual therapy and exercise therapy. This is in violation of state and federal law that prevents provider discrimination as well as the Chiropractors scope of practice statute that allows for DCs to perform physiotherapy, manipulation, rehabilitation, and other therapy techniques.

The reimbursement policy seems to contradict your IU Health policy statements publicized in the IU News Hub:

IU News Hub – What You Need to Know About Chiropractic Care/Benefits of Going to a Chiropractor: http://iuhealth.org/news-hub/detail/what-you-need-to-know-about-chiropractic-care/#.V-3iSfEz1Y0

In conjunction with manipulations, chiropractors may also employ additional treatment tools—ice and/or heat, ultrasound, massage, electric muscle stimulation, pelvic blocks (foam support wedges that modify body placement during spinal manipulation), and an activator (a spring-loaded tool that applies low-force impulse to the spine)—to aid in the resolution of inflammation and pain... as well as, stretching and exercise.

Notwithstanding the above position statement by IU Health in its IU News Hub, the ISCA is receiving complaints to the contrary from our member doctors. Chiropractic providers are not being reimbursed for physical therapy services, manual therapy and exercise therapy, i.e. rehabilitative procedures, including physiological therapeutics and/or ancillary therapeutics.
This is in direct violation of Indiana state law that allows for Doctors of Chiropractic to administer therapy services, inclusive of physical therapy modalities and rehabilitative exercise, per scope of practice.

According to the IU Health treatment policy (see below), Chiropractic care will only be reimbursed for an initial visit and spinal manipulation to correct a subluxation of the spine, with all other services such as physical medicine procedures, x-rays etc not to be included to be reimbursed:

Chiropractic services are limited to the treatment of subluxation/spinal manipulations. The following are non-covered chiropractic services X-rays ordered by a Chiropractor; physical therapy services provided by a Chiropractor; and services provided outside the scope of the Chiropractor license.

It is the opinion of the ISCA that denying reimbursement for physical therapy services carried out by Doctors of Chiropractic, or supervised Chiropractic Assistants, is in direct contradiction to what is permissible under Indiana Code regarding the scope of practice for doctors of chiropractic, i.e. 846IAC 1-2-1; 846 IAC 1-3-1; IC 25-10-1-1; and IC 25-10-1-13.

The relevant language in Indiana Code is explicit in this regard – Doctors of Chiropractic may administer, as well as delegate physical therapy services, to an employee lawfully:

TITLE 846 BOARD OF CHIROPRACTIC EXAMINERS
Rule 2. Educational Standards
846 IAC 1-2-1 Objective and educational standards required of applicants for licensure
Authority: IC 25-10-1-1.5
Affected: IC 4-21.5; IC 25-10-1-2

Sec. 1. (a) It shall be the objective of a chiropractic college approved by the board to prepare the doctor of chiropractic as a primary health care provider; as a portal of entry to the health delivery system; to be well-educated to examine, diagnose, and assume responsibility for the care of patients; to care for the human body in health and disease; to consult with or refer to, other health care providers; and to develop postgraduate education and research.
(b) Professional standards for licensure. Every applicant shall be a graduate of a chiropractic school or college:
(1) which is accredited by an accrediting agency that has been approved by the United States Office of Education or its successor to accredit chiropractic schools or colleges; and
(2) which requires for graduation resident attendance instruction of at least four thousand hours distributed over a minimum period of eight semesters or the equivalent; and

which has a curriculum including at least the following disciplines: human anatomy; biochemistry; physiology; microbiology; pathology; public health; physical, clinical and laboratory diagnosis; gynecology; obstetrics; pediatrics; geriatrics; dermatology; otolaryngology; roentgenology; psychology; dietetics; orthopedics; rehabilitative procedures; including physiological therapeutics and/or ancillary therapeutics; first aid and emergency procedures; spinal analysis; principles and practice of chiropractic; adjustable technique of the articulations and adjacent tissues of the body, including but not limited to, the spine, cranium, and extremities and adjacent tissues.

(c) Pre-professional requirements. Every applicant shall have completed at least two (2) years (sixty (60) semester hours) education in a college or university of learning accredited to grant a degree of Bachelor of Arts or Bachelor of Science, prior to his or her training and education in a school or college of chiropractic. (Board of Chiropractic Examiners; 846 IAC 1-2-1; filed Jul 28, 1983, 9:03 am: 6 IR 1740; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA; readopted filed Nov 25, 2013, 9:18 a.m.: 20131225-IR-846130274RFA)

**Rule 3. Scope of Practice; Standards for Competent Practice; Code of Professional Conduct**

846 IAC 1-3-1 Scope of practice; diagnostic, treatment procedures

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-1

Sec. 1. (a) The practice of chiropractic will include and permit the use of such diagnostic and treatment procedures as are taught by board approved chiropractic colleges except as prohibited by law and/or the rules and regulations of this board.

(b) In the conduct of the practice of chiropractic no chiropractor shall perform any service that is beyond the scope of his education, training, and experience.

(c) The exclusion set out in subsection (1)(E) of IC 25-10-1-1 shall mean only the introducing of contrast medias into the blood-vascular system, but shall not include doppler examinations, electromyograms with surface electrodes, electrocardiograms, endocardiograms, echocardiograms, thermography, moire photography, blood analyses, or any other diagnostic test which a chiropractor may require to prepare a proper diagnosis of a patient in his/her practice of chiropractic. (Board of Chiropractic Examiners; 846 IAC 1-3-1; filed Jul 28, 1983, 9:03 am: 6 IR 1741; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA; readopted filed Nov 25, 2013, 9:18 a.m.: 20131225-IR-846130274RFA)

**Indiana Code 25-10-1**

Chapter 1. Regulation of Chiropractors - Creation of Board

IC 25-10-1-1 Definitions

Sec. 1. As used in this article:

(1) "Chiropractic" means the diagnosis and analysis of any interference with normal nerve transmission and expression, the procedure preparatory to and complementary to the correction thereof.
Indiana Code 25-10-1-13:

Employees; act, duty, or function
Sec. 13. (a) Subject to subsection (b), an employee of a chiropractor licensed under this article may perform an act, duty, or function that is within the specific scope of practice of the employing chiropractor, if the act, duty, or function is:

(1) performed under the direction and supervision of the employing chiropractor; and
(2) reported to the employing chiropractor.

As added by P.L.244-1985, SEC.1. (Emphasis added)

Unlike Physical Therapists, Doctors of Chiropractic are physician-level, direct access, health care providers, equivalent in status and authority to medical doctors (MDs). Consequently, doctors of chiropractic may, by law, administer to their patient(s) whatever therapeutic procedures/treatments, and physical therapy services are deemed appropriate and within the Doctor of Chiropractic’s scope of practice.

In brief summary, it is ISCA’s position that IU Health is violating the bounds of regulatory oversight and commonly accepted protocol based on the following facts:

1. Indiana Statutes explicitly allow for Doctors of Chiropractic, as well as supervised assistants/employees, to perform physical therapy/rehabilitative procedures;
2. IU Health’s own policy statements (IU News Hub) indicates approval of in-network doctors of chiropractic administering physical therapy procedures, yet in actuality denies such services

Under the circumstances, we respectfully request that IU Health immediately discontinue claims denials for physical therapy services administered to patients by Doctors of Chiropractic and their supervised assistants, and henceforth comply with Indiana state law regarding this matter.

We appreciate your consideration and look forward to receiving a response to our concerns.

Thank you in advance for your early reply.

Patricia McGuffey, Esq.
Executive Director
Indiana State Chiropractic Association