

108TH CONGRESS
1ST SESSION

H. R. 2560

To amend title XVIII of the Social Security Act to clarify the scope of chiropractic services that may be furnished under the Medicare Program and that chiropractors are the only health care professionals qualified under that program to furnish those services.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2003

Mr. MANZULLO introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to clarify the scope of chiropractic services that may be furnished under the Medicare Program and that chiropractors are the only health care professionals qualified under that program to furnish those services.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Chiropractic Medicare
5 Freedom and Benefit Protection Act”.

1 **SEC. 2. MEDICARE CHIROPRACTIC SERVICES.**

2 (a) SEPARATE TREATMENT OF CHIROPRACTORS.—

3 Section 1861(r) of the Social Security Act (42 U.S.C.

4 1395x(r)) is amended—

5 (1) by striking “, or (5)” and all that follows

6 and inserting a period; and

7 (2) by inserting “or” before “(4)”.

8 (b) INCLUSION OF CHIROPRACTIC SERVICES AS MED-

9 ICAL AND OTHER HEALTH SERVICES.—Section

10 1861(s)(2) of such Act (42 U.S.C. 1395x(s)(2)) is amend-

11 ed—

12 (1) in subparagraph (U), by striking “and” at

13 the end;

14 (2) in subparagraph (V)(iii), by inserting “and”

15 at the end; and

16 (3) by adding at the end the following new sub-

17 paragraph:

18 “(W) chiropractic services (as defined in sub-

19 section (ww)(1));”.

20 (c) SERVICES DESCRIBED.—Section 1861 of such

21 Act (42 U.S.C. 1395x) is amended by adding at the end

22 the following new subsection:

23 “CHIROPRACTIC SERVICES; CHIROPRACTOR

24 “(ww)(1)(A) The term ‘chiropractic services’ means

25 only for the purpose of subsections (s)(1) and (s)(2)(A)

26 clinically necessary care by means of adjustment of the

1 spine (to correct a subluxation) performed by a chiro-
2 practor legally authorized to perform such adjustment by
3 the State or jurisdiction in which such care is provided.

4 “(B) For purposes of subparagraph (A), care is clini-
5 cally necessary when examination by a chiropractor dem-
6 onstrates objective evidence of a subluxation. Such exam-
7 ination may include—

8 “(i) physical examination;
9 “(ii) radiological examination; and
10 “(iii) specialized diagnostic instruments used in
11 the practice of chiropractic.

12 “(C) For purposes of subparagraph (A), the term
13 ‘subluxation’ means a complex of any or all of the fol-
14 lowing articular changes that compromise neural integrity
15 and may influence organ system function and general
16 health:

17 “(i) Functional.
18 “(ii) Structural.
19 “(iii) Pathological.

20 “(2) The term ‘chiropractor’ means an individual who
21 is licensed as a chiropractor by the State (or in a State
22 which does not license chiropractors as such, is legally au-
23 thorized to perform the services of a chiropractor in the
24 jurisdiction in which he performs such services), and who

1 meets uniform minimum standards promulgated by the
2 Secretary.”.

3 (d) PAYMENT AS PHYSICIANS’ SERVICES.—Section
4 1848(j)(3) of such Act (42 U.S.C. 1395w-4(j)(3)) is
5 amended by inserting “(2)(W),” after “(2)(S),”.

6 (e) CONFORMING AMENDMENTS.—(1) Section
7 1834(m) of such Act (42 U.S.C. 1395m(m)) is amended
8 by inserting “, a chiropractor (as defined in section
9 1861(ww)(2))” after “a physician (as defined in section
10 1861(r))”.

11 (2) Section 1852(j)(3)(D) of such Act (42 U.S.C.
12 1395w-22(j)(3)(D)) is amended by inserting “, a chiro-
13 practor (as defined in section 1861(ww)(2))” after “a phy-
14 sician (as defined in section 1861(r))”.

15 (3) Section 1802(b)(5)(C) of such Act (42 U.S.C.
16 1395a(b)(5)(C) is amended to read as follows:

17 (C) PRACTITIONER.—The term ‘practi-
18 tioner’ has the meaning given such term by sec-
19 tion 1842(b)(18)(C), and includes ‘chiropractor’
20 as that term is defined in continuing care re-
21 tirement community 1861(ww)(2).”.

22 (4) Section 1832(a)(2)(C) of such Act (42 U.S.C.
23 1395k(a)(2)(C)) is amended by inserting before the term
24 “outpatient physical therapy services” the following:
25 “chiropractic services as defined in section 1861(ww)(1)”.

1 (5) Section 1835(a)(2) of such Act (42 U.S.C.
2 1395n(a)(2)) is amended by inserting after “physician”
3 the first place it appears the following: “or for purposes
4 of chiropractic services (as defined in section
5 1861(ww)(1)), a chiropractor.”.

6 (6) Section 1842(a) of such Act (42 U.S.C.
7 1395u(a)) is amended by inserting “chiropractic services
8 (as defined in section 1861(ww)(1))” after “physician’s
9 services”.

10 (7) Section 1842(h) of such Act (42 U.S.C.
11 1395u(h)) is amended by inserting “or chiropractor (as
12 defined in section 1861(ww)(2))” after “physician” each
13 place it appears.

14 (8) Section 1842(r) of such Act (42 U.S.C. 1395u(r))
15 is amended by inserting “chiropractor (as defined in sec-
16 tion 1861(ww)(2))” after “physician”.

17 (9) Section 1847(d) of such Act (42 U.S.C. 1395w-
18 3(d)) is amended by inserting “chiropractic services (as
19 defined in section 1861(ww)(1))” after “physicians’ serv-
20 ices”.

21 (10) Section 1852 of such Act (42 U.S.C. 1395w-
22 22) is amended by inserting “or chiropractor (as defined
23 in section 1861(ww)(2))” after “physician” each place it
24 appears.

1 (11) Section 1862(a)(20) of such Act (42 U.S.C.
2 1395y(a)(20)) is amended by inserting “or chiropractic
3 services (as defined in section 1861(ww)(1))” after “physi-
4 cian’s professional services”.

5 (12) Section 1866(a)(1)(N)(ii) of such Act (42
6 U.S.C. 1395cc(a)(1)(N)(ii)) is amended by inserting “or
7 chiropractor (as defined in section 1861(ww)(2))” after
8 “physician” each place it appears.

9 (13) Section 1868(a) of such Act (42 U.S.C.
10 1395ee(a)) is amended by inserting “and chiropractor (as
11 defined in section 1861(ww)(2))” after “physician”.

12 (14) Section 1869(b)(1)(F) of such Act (42 U.S.C.
13 1395ff(b)(1)(F)) is amended by inserting “or chiropractor
14 (as defined in section 1861(ww)(2))” after “physician”.

15 (15) Section 1876(b)(2)(i) of such Act (42 U.S.C.
16 1395mm(b)(2)(i)) is amended by inserting “or chiro-
17 practic services (as defined in section 1861(ww)(1))” after
18 “physicians’ services”.

19 (16) Section 1877 of such Act (42 U.S.C. 1395nn)
20 is amended—

21 (1) in subsection (a)(1)(A) by inserting “or chi-
22 ropractor (as defined in section 1861(ww)(2))” after
23 “physician”; and

24 (2) in subsection (b)(1)—

1 (A) in the heading to read as follows:
2 "PHYSICIANS' AND CHIROPRACTIC SERVICES";

3 and

4 (B) by inserting “or chiropractic services
5 (as defined in section 1861(ww)(1))” after “in
6 section 1861(q)).”

7 (17) Section 1887(a)(1)(A) of such Act (42 U.S.C.
8 1395xx(a)(1)(A)) is amended by inserting “or chiropractic
9 services (as defined in section 1861(ww)(1))” after “which
0 constitute professional medical”.

11 (18) Section 1888(e)(2)(A)(ii) of such Act (42 U.S.C.
12 1395yy(e)(2)(A)(ii)) is amended by inserting “chiropractic
13 services (as defined in section 1861(ww)(1)),” after “phy-
14 sicians’ services”.

15 (19) Section 1891(a)(2)(F) of such Act (42 U.S.C.
16 1395bbb(a)(2)(F)) is amended by inserting before the pe-
17 riod at the end the following: “or chiropractor (as defined
18 in section 1861(ww)(2))”.

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