

2003-04 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Senate Committee on
Health, Children,
Families, Aging and
Long Term Care
(SC-HCFALTC)

Sample:

Record of Comm. Proceedings ... RCP

- 03hrAC-EdR_RCP_pt01a
- 03hrAC-EdR_RCP_pt01b
- 03hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

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➤ Clearinghouse Rules ... CRule

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➤ Miscellaneous ... Misc

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➤ **

Wisconsin Association of Health Plans

October 14, 2003

TO: Members, Senate Committee on Health, Children, Families,
Aging and Long Term Care

FROM: Louie Schubert
Director of Government Affairs

RE: Senate Bill 275

Following are the initial comments of the Wisconsin Association of Health Plans regarding Senate Bill (SB) 275, comprehensive legislation regulating the practice of chiropractic in Wisconsin.

In general, when a bill is proposed that affects the scope of practice of a particular health profession, the Association evaluates it according to the following criteria:

- Does the bill improve the quality and safety of health care services being delivered?
- Does the bill help consumers?
- Do current statutory insurance coverage requirements remain unaffected?

At this point in time, there are provisions in SB 275 that warrant further scrutiny.

Peer Review Function

Discipline for unprofessional conduct: The Association is concerned that the proposed peer review function may not improve the state's ability to sanction unprofessional conduct by chiropractors, and may in fact weaken the ability of the Chiropractic Examining Board (CEB) to enforce practice standards and take disciplinary action.

According to Section 16, pages 11-15, the peer review panel is obligated to make a finding that a chiropractor acted unprofessionally only if 50 percent or more of the services identified in the request were "inappropriate, unnecessary, or of substandard quality." This 50 percent threshold seems far too low to be consistent with a goal of protecting consumers.

The CEB currently has the power to make a finding of unprofessional conduct and take disciplinary action for a single violation, regardless of the number of other services that may have been delivered by the chiropractor. If a chiropractic patient is harmed or

receives substandard care, the fact that other patients may not have been harmed does not seem to be relevant from a public policy or consumer perspective.

Further, Section 16 requires that the Department of Regulation and Licensing "shall adopt the determination" of the peer review panel. This appears to preclude any further action by the Board.

Effect on insurance coverage: The bill states that CEB peer review findings may not be used to determine whether insurance coverage or reimbursement is appropriate. We believe this provision should be modified to state that the findings may not substitute for determinations made under the independent external review (IER) process (s. 632.835, stats.) or the chiropractic independent evaluation process (s. 632.875, stats.). In fact, the Association would recommend the repeal of the latter provision as being redundant now that a general IER process is available to all health insurance consumers.

Insurance Cost-Sharing

The Association recommends modifying s. 446.04 (8) in Section 17, pages 15-16, to cross-reference s. 146.905, which already prohibits health care providers from waiving insurance cost-sharing requirements.

The Association strongly believes that amendments to SB 275 addressing these concerns will better protect consumers of chiropractic care in Wisconsin.

Thank you for your consideration of the Association's comments as you deliberate on SB 275 in Committee. If you have any questions regarding these provisions in Senate Bill 275, please do not hesitate to contact me.