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BILL ANALYSIS



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Senate Bills 968 through 973 (as introduced 11-5-09)

Sponsor: Senator Wayne Kuipers (S.B. 968)
Senator Randy Richardville (S.B. 969 & 972)
Senator Gilda Z. Jacobs (S.B. 970)
Senator Roger Kahn, M.D. (S.B. 971)
Senator Jason E. Allen (S.B. 973)

Committee: Economic Development and Regulatory Reform

Date Completed: 12-1-09

CONTENT

Senate Bill 968 would amend the Public Health Code to revise the scope of practice for chiropractors by referring to the discipline that deals with the human nervous system and the musculoskeletal system's interrelationship with other body systems, instead of the discipline that deals with the nervous system's relationship with the spinal column, and making other changes to the definition of "practice of chiropractic".

Senate Bills 969 through 973 would amend various statutes governing insurance to specify that reimbursement or coverage would not be required for chiropractic services unless those services were included in the Public Health Code's definition of "practice of chiropractic" as of January 1, 2009.

Senate Bills 969 and 973 would amend the Insurance Code; Senate Bill 970 would amend the Prudent Purchaser Act; Senate Bill 971 would amend the Nonprofit Health Care Corporation Reform Act; and Senate Bill 972 would amend the Worker's Disability Compensation Act.

Senate Bill 968

Currently, "practice of chiropractic" means the discipline within the healing arts that deals with the human nervous system and its relationship to the spinal column and its interrelationship with other body systems. The term includes the following:

- Diagnosis, including spinal analysis, to determine the existence of subluxations or misalignments that produce nerve interference indicating the necessity for chiropractic care.
- The chiropractic adjustment of spinal subluxations or misalignments and related bones and tissues for the establishment of neural integrity using the inherent recuperative powers of the body for restoration and maintenance of health.
- The use of analytical instruments, nutritional advice, rehabilitative exercise and adjustment apparatus regulated by rules promulgated by the Michigan Board of Chiropractic, and the use of x-ray machines in the examination of patients for the purpose of locating spinal subluxations or misaligned vertebrae of the human spine.

Under the bill, instead, the term would mean the discipline within the healing arts that deals with the human nervous system and the musculoskeletal system and their interrelationship with other body systems. The term would include the following:

- Diagnosis, including differential diagnosis, to determine the existence of subluxations or misalignments that produce nerve interference or joint dysfunction, indicating the necessity for chiropractic care through examination, evaluation, x-ray and other imaging technology, and monitoring body physiology.
- The chiropractic adjustment of spinal and extraspinal subluxations or misalignments and the treatment of related bones and tissues that produce joint dysfunction for the establishment of neural integrity and structural stability using the inherent recuperative powers of the body for restoration and maintenance of health.
- The use of analytical instruments, nutritional advice, rehabilitative exercise and adjustment apparatus regulated by promulgated rules, the use of x-ray and other imaging technology, and the performance of physical modalities and rehabilitative services.

The practice of chiropractic currently does not include the performance of incisive surgical procedures, the performance of an invasive procedure requiring instrumentation, or the dispensing or prescribing of drugs or medicine. The bill would refer to invasive procedures requiring instrumentation that cuts or punctures the skin.

Senate Bill 969

Under Chapter 31 (Motor Vehicle Personal and Property Protection) of the Insurance Code, personal protection insurance benefits are payable for, among other things, allowable expenses consisting of all reasonable charges incurred for reasonably necessary products, services, and accommodations for an injured person's care, recovery, or rehabilitation. Under the bill, reimbursement or coverage for expenses within personal protection insurance coverage would not be required for a chiropractic service unless that service was included in the definition of practice of chiropractic under the Public Health Code as of January 1, 2009.

Senate Bill 970

Under the Prudent Purchaser Act, an organization may enter into a prudent purchaser agreement with one or more health care providers of a specific service to control health care costs, assure appropriate utilization of health care services, and maintain quality of health care. Under the bill, if coverage under a prudent purchaser agreement provided for benefits for services that were within the scope of practice of chiropractic, the Act would not require coverage or reimbursement to be provided for a chiropractic service unless that service was included in the definition of practice of chiropractic under the Public Health Code as of January 1, 2009.

Senate Bill 971

Under the Nonprofit Health Care Corporation Reform Act, which governs Blue Cross Blue Shield of Michigan (BCBSM), a health care corporation (i.e., BCBSM) may enter into participating contracts for reimbursement with professional health care providers practicing legally in Michigan for health care services, or with health practitioners practicing legally in any other jurisdiction for health care services that the professional health care providers or practitioners may legally perform. Under the bill, if a certificate provided for benefits for services that were within the scope of practice of chiropractic, a health care corporation would not be required to provide benefits or reimburse for a chiropractic service unless that service was included in the definition of practice of chiropractic under the Public Health Code as of January 1, 2009.

Also, under the Nonprofit Health Care Corporation Reform Act, for purpose of doing business as an organization under the Prudent Purchaser Act, a health care corporation may enter into prudent purchaser agreements with health care providers pursuant to the two Acts. Under the bill, if a certificate provided for benefits for services that were within the scope of practice of chiropractic, a health care corporation would not be required to provide benefits or reimburse for a chiropractic service unless that service was included in the definition of practice of chiropractic under the Public Health Code as of January 1, 2009.

Senate Bill 972

The Worker's Disability Compensation Act requires an employer to furnish, or cause to be furnished, to an employee who received a personal injury arising out of and in the course of employment, reasonable medical, surgical, and hospital services and medicines, or other attendance or treatment recognized by Michigan law as legal, when they are needed. Under the bill, an employer would not be required to reimburse or cause to be reimbursed charges for a chiropractic service, unless that service was included in the definition of practice of chiropractic under the Public Health Code as of January 1, 2009.

Senate Bill 973

Under Chapter 34 (Disability Insurance Policies) of the Insurance Code, for the purpose of doing business as an organization under the Prudent Purchaser Act, an insurer authorized in Michigan to write disability insurance that provides coverage for hospital, nursing, medical, surgical, or sick-care benefits may enter into prudent purchaser agreements with providers of hospital, nursing, medical, surgical, or sick-care services pursuant to Chapter 34 and the Prudent Purchaser Act. Under the bill, if coverage under a prudent purchaser agreement provided for benefits for services that were within the scope of practice of chiropractic, an insurer would not be required to provide coverage or reimburse for a chiropractic service unless that service was included in the definition of practice of chiropractic under the Public Health Code as of January 1, 2009.

Also under Chapter 34, if an insurance policy or certificate provides for reimbursement for any service that legally may be performed by a chiropractor licensed under the Public Health Code, reimbursement under the insurance policy or certificate may not be denied if the service is rendered by a person so licensed. Under the bill, that provision would not require coverage or reimbursement for a chiropractic service unless that service was included in the definition of practice of chiropractic under the Public Health Code as of January 1, 2009.

Under Chapter 36 (Group and Blanket Disability Insurance) of the Insurance Code, for the purpose of doing business as an organization under the Prudent Purchaser Act, an insurer authorized to write group disability insurance or family expense insurance that provides coverage for hospital, nursing, medical, surgical, or sick-care benefits may enter into prudent purchaser agreements with providers of hospital, nursing, medical, surgical, or sick-care services pursuant to Chapter 36 and the Prudent Purchaser Act. Under the bill, if coverage under a prudent purchaser agreement provided for benefits for services that were within the scope of practice of chiropractic, an insurer would not be required to provide coverage or reimburse for a chiropractic service unless that service was included in the definition of practice of chiropractic under the Public Health Code as of January 1, 2009.

MCL 333.16401 (S.B. 968)
500.3107b (S.B. 969)
550.53 (S.B. 970)
550.1502 & 550.1502a (S.B. 971)
418.315 (S.B. 972)
500.3405 et al. (S.B. 973)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 968

The bill would expand the scope of chiropractic services. If enactment of the legislation led to increased use of x-ray and other imaging technology, the cost of insurance for State and local employees could increase by a nominal amount.

Senate Bills 969-973

The bills would have no fiscal impact on State or local government.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.