

Medicare Acupuncture Bill Alive and Well With 54 Congressional Co-Sponsors

By Robert E. Marcus, JD

I am pleased to announce that as of September 20, HR 1477, the Federal Acupuncture Coverage Act, now has the official support and co-sponsorship of more than 50 U.S. Congressional representatives.

HR 1477 was first introduced in the U. S. House of Representatives in 1993 by Rep. Maurice Hinchey (D-NY). This bill was written to cover qualified acupuncturist services under Medicare Part B and the Federal Employees Health Benefits (FEHB) program.

In 1993, the bill had five co-sponsors. Reintroduced in 1996, the bill also had five co-sponsors. By 1997, the number of co-sponsors had grown to 17. The fourth bill was introduced in 1999, at which time the number of co-sponsors had grown to 22. After the fifth introduction of the bill in 2001, and with the added support of organizations, particularly the Council of Acupuncture and Oriental Medicine Associations (CAOMA), the number of co-sponsors increased to 36.

On May 18, 2003, at the CAOMA board meeting in Los Angeles, Brian Fennen and other representatives of CAOMA, and Richard Freiberg of the Acupuncture and Oriental Medicine National Coalition (AOMNC), signed agreements with myself for the lobbying group of Marcus & Associates to lobby for passage of the Federal Acupuncture Coverage Act in the 108 th Congress. (See "Acupuncture Coverage Under Medicare: CAOMA and AOMNC Take the Lead" in the October 2003 issue of *Acupuncture Today*, available online at www.acupuncturetoday.com/archives2003/oct.) Since June 2004, Marcus & Associates has maintained a full-time presence in the Washington, D.C. area and has personally lobbied 119 congressional offices on Capitol Hill.

As the 108 th Congress is nearing the end of its term, the number of co-sponsors on HR 1477 has reached a new milestone of 54! The co-sponsors represent districts in 19 states, the District of Columbia and the Virgin Islands.

HR 1477 Co-Sponsors by State (as of September 22, 2004)

Arizona

Rep. Raul Grijalva (D), 7th district

California

Rep. Lynn C. Woolsey (D), 6th district

Rep. George Miller (D), 7th district

Rep. Barbara Lee (D), 9th district

Rep. Tom Lantos (D), 12th district

Rep. Michael M. Honda (D), 15th district

Rep. Sam Farr (D), 17th district

Rep. Brad Sherman (D), 27th district

Rep. Howard L. Berman (D), 28th district

Rep. Adam B. Schiff (D), 29th district

Rep. Henry A. Waxman (D), 30th district

Rep. Hilda Solis (D), 32nd district

Rep. Grace F. Napolitano (D), 38th district

Rep. Linda T. Sanchez (D), 39th district

Rep. Edward R. Royce (R), 40th district

Rep. Gary G. Miller (R), 42nd district

Rep. Dana Rohrabacher (R), 46th district

Rep. Loretta Sanchez (D), 47th district

Rep. Christopher Cox (R), 48th district

Rep. Bob Filner (D), 51st district

District of Columbia

Del. Eleanor Holmes Norton (D), at-large

Florida

Rep. Robert I. Wexler (D), 19th district

Hawaii

Rep. Neil Abercrombie (D), 1st district

Illinois

Rep. Jesse L. Jackson, Jr. (D), 2nd district

Rep. Luis V. Gutierrez (D), 4th district

Rep. Danny K. Davis (D), 7th district

Rep. Janice D. Schakowsky (D), 9th district

Rep. Lane Evans (D), 17th district

Louisiana

Rep. William J. Jefferson (D), 2nd district

Maryland

Rep. Albert Russel Wynn (D), 4th district

Rep. Roscoe G. Bartlett (R), 6th district

Massachusetts

Rep. John W. Olver (D), 1st district

Rep. Barney Frank (D), 4th district

Michigan

Rep. Dale E. Kildee (D), 5th district

Rep. Carolyn C. Kilpatrick (D), 13th district

Rep. John Conyers (D), 14th district

Mississippi

Rep. Bennie Thompson (D), 2nd district

New Jersey

Rep. Robert E. Andrews (D), 1st district

New Mexico

Rep. Tom Udall (D), 3rd district

New York

Rep. Gary L. Ackerman (D), 5th district

Rep. Jerrold Nadler (D), 8th district

Rep. Edolphus Towns (D), 10th district

Rep. Jose E. Serrano (D), 16th district

Rep. Michael R. McNulty (D), 21st district

Ohio

Rep. Dennis J. Kucinich (D), 10th district

Oregon

Rep. Peter A. DeFazio (D), 4th district

Pennsylvania

Rep. Robert A. Brady (D), 1st district

Rep. Chaka Fattah (D), 2nd district

Texas

Rep. Ron Paul (R), 14th district

Rep. Martin Frost (D), 24th district

Vermont

Rep. Bernard Sanders (I), at-large

Virgin Islands

Rep. Donna M. Christensen (D), at-large

Virginia

Rep. Thomas M. Davis, III (R), 11th district

Rep. James P. Moran (D), 8th district

The goal of AOMNC, CAOMA and Marcus & Associates is to secure the 100 co-sponsors that would convince congressional leaders that the bill deserves placement on a committee agenda for a hearing and possible vote. See the CAOMA's Web site (www.acucouncil.org) or the AOMNC's Web site (www.aomnc.com) for information on how you can help advance the effort to pass H. R. 1477.

Rep. Hinchey will introduce the Federal Acupuncture Coverage Act of 2005 early in the next session of Congress, which begins in January 2005. At that time, the bill will have a new number and a new list of co-sponsors. The new bill and its new number will be published on AOMNC's and CAOMA's Web sites. If your Congressional representative does not appear on the list of co-sponsors for HR 1477, you should begin lobbying them for their support now for the 2005 bill.

Why should you care? First, think of the elderly patients who would benefit from acupuncture, but are not getting treatment because they cannot afford your services. Second, while you may prefer to accept only cash patients, and Medicare reimbursement will not be sufficient to cover your fees, many elderly have Medicare "supplemental" policies that do cover the balance between Medicare reimbursement and "usual and customary" fees. Lastly, if you do not provide the services, other health care professionals will.

In April 2004, the Centers for Medicare and Medicaid Services (CMS) system reviewed the efficacy of acupuncture for fibromyalgia and osteoarthritis after a request was submitted to cover such services. While the CMS rejected the requests, should they ever determine acupuncture to be an effective and covered service for any condition in the future, acupuncture provided by licensed acupuncturists would still not be covered, as licensed acupuncturists are not a recognized profession under federal laws, and cannot be until

Congress passes legislation to include them, as HR 1477 would do.

Practitioners who would like further information on HR 1477, and/or would like to contact their representatives who are not yet co-sponsors, can contact me at the e-mail address below.

Editor's note: Since the publication of this article, three additional co-sponsors have signed on to support HR 1477 -- Rep. Frank R. Wolf (R-VA, 10th District), Rep. Juanita Millender-McDonald (D-CA, 37th District) and Rep. Major R. Owens (D-NY, 11th District), for a total of 57 co-sponsors.



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