

The Federal Acupuncture Coverage Act of 2009

What it does

The Federal Acupuncture Coverage Act has two purposes. If enacted, this bill would add acupuncture as a benefit covered under both Medicare and the Federal Employees Health Benefits (FEHB) program.

Medicare

Medicare is the national health insurance program for people over 65 and the disabled, providing coverage for 44 million Americans. This bill requires that acupuncture services be covered under Medicare Part B, the component of the Medicare program that insures for doctors' services and outpatient care.

Medicare Part B is a fee-for-service plan that is directly administered by the federal government. Medicare determines reimbursement rates on an annual and geographic basis for all covered procedures. Health care providers that want to serve Medicare patients agree to accept those rates or charge no more than 115 percent of the Medicare-approved rates. No health care provider is required to accept Medicare patients. If this legislation were enacted, acupuncturists would not be required to accept Medicare patients.

Federal Employees Health Benefits (FEHB) Program

The FEHB program provides health insurance to federal workers, their dependents, federal retirees and their survivors, covering more than eight million Americans. The program is administered by the U.S. Office of Personnel Management (OPM), which negotiates contracts with private health insurance companies to provide coverage to FEHB beneficiaries.

Federal workers have a wide variety of plans to choose from, including traditional fee-for-service policies, managed care options like HMOs and PPOs and new high-deductible catastrophic care policies. The policies available to each FEHB family are determined by where they live. The list of plans in your area is available on the internet at <http://www.opm.gov/insure/health/planinfo/>.

Unlike Medicare, which is directly administered by the federal government, FEHB policies are administered by the individual insurance plans that are contracted to cover federal workers and their families. The insurance companies set their own policies on which providers will be covered under their plans and what rates providers will be paid.

However, federal law mandates that all plans contracted by FEHB participants include certain minimum benefits. If enacted, the Federal Acupuncture Coverage Act of 2009 would mandate that acupuncture services be included in the list of

minimum benefits. Every insurance company that wants to offer a policy to federal workers would have to provide coverage for acupuncture services provided by state licensed, certified or registered acupuncturists.

About one-fourth of insurance plans in the FEHB program are voluntarily offering acupuncture benefits now, although some plans will only cover acupuncture services if they are provided by an MD or DO. This bill would ensure patients have access to acupuncture services, provided by qualified acupuncturists, under every FEHB plan.

History

Congressman Hinchey's advocacy for acupuncture and acupuncturists goes back to 1976 when, as a member of the New York State Assembly, he wrote the legislation that licensed acupuncture professionals. At the time, New York was a pioneer in this field. Today, nearly every state and the District of Columbia license, certify or register acupuncture providers.

When he was first elected to Congress, Congressman Hinchey continued his advocacy for acupuncture, introducing the Federal Acupuncture Coverage Act in 1993. Support for the bill has been modest, but has grown steadily in every successive Congress, just as public acceptance of acupuncture has grown over the past fourteen years. Although Hinchey's bill garnered only five cosponsors during the first term it was introduced (out of 435 members of the House), its supporters numbered 51 at the end of the 109th Congress in December 2006. In the 110th Congress the bill had 26 cosponsors.

Congressional Outlook

Acupuncture still faces a huge hurdle among Members of Congress. It's an issue of education and acceptance: most congresspersons do not know much about acupuncture and are uncomfortable with federal programs promoting it as an alternative to Western medicine. Because the acupuncture community -- associations, practitioners and patients -- has not traditionally had a visible presence in Washington, most Members of Congress are also unaware that acupuncture is important to their constituents.

While we may not overcome the philosophical objections of all congressional leaders, we can win majority support for the bill by making sure that individual Representatives know about acupuncture, understand its health and fiscal benefits, and know that acupuncture is important to their constituents. Congressman Hinchey continues to work hard to raise the profile of acupuncture in Washington, but it also requires a strong grassroots effort from the acupuncture community.