



**ASA / NCCAOM Town Hall
Medicare Update: Next Steps for H.R. 4803
The Acupuncture for Our Seniors Act**

September 30, 2021, 5pm PDT/8pm EDT
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MEDICARE

Question: I do not take insurance in my clinic which permits me to offer free or sliding scale treatments. I supervise students in an acupuncture school. If the school decides to accept Medicare and don't have individual supervisor opt out options, will that force me to accept Medicare in my private practice? Please give us an opt out option in our private practices!?

Answered by M. Giammarco October 19, 2021: If passed, H.R. 4803 would allow acupuncturists to opt out of the Medicare program. We would need more information about your question regarding your school opt-out options to properly answer. Please feel free to contact advocacy@thenccaom.org.

Question: Will there be an attempt to expand coverage beyond back pain?

Answered by M. Giammarco October 19, 2021: Yes--that would take place outside the purview of H.R. 4803. The Medicare program has the authority to expand services without Congressional approval. This is the recommended process for expanding services.

Question: Have any acupuncturists been paid by Medicare for cLBP yet?

Answered by M. Giammarco October 19, 2021: Not directly. Acupuncturists providing acupuncture services to Medicare beneficiaries for cLBP would bill for these services' incident to the supervising practitioner (and be reimbursed by that practitioner). H.R. 4803 would enable Medicare to directly reimburse acupuncturists.

Question: I am a cash based practice, no insurance taken. Do I need to OPT out of Medicare and how do I do this?

Answered by M. Giammarco October 19, 2021: If H.R. 4803 becomes law, acupuncturists would have the option to opt out of participating in the Medicare program. The ASA and the NCCAOM would provide more instruction on opt-out processes after bill passage.

Question: Acupuncturist I know in OR and WA, who do bill insurance are reporting large decreases in their reimbursement rates because private payers are basing the payment off of the very low reimbursement that Medicare set for acupuncture. What do you plan to do to help offset the loss of revenue? Would you consider pay parity an important issue for our profession?

Answered by M. Giammarco October 19, 2021: This will happen regardless of Medicare recognition. With Medicare recognition, the profession will have more opportunities to advocate for appropriate reimbursement rates.

Question: If our ability to treat Medicare patients does get resolved, favorably, does this mean Medicaid is next ?

Answered by M. Giammarco October 19, 2021: Many state Medicaid programs already permit acupuncturists to provide services to their Medicaid beneficiaries -- with many states reporting great successes. Medicaid acupuncture programs are not contingent upon Medicare--they are state initiatives.

Question: So, at this point, do i need to fill out the CMS provider application to work under a Medicare MD or is it unnecessary?

Answered by M. Giammarco October 19, 2021: No -- Medicare does not yet recognize acupuncturists, so there are no actions regarding enrollment that need to be taken at this time.

Question: There is a new bill introduced by Susan Collins and Gary Peters, 2 Senators to add Nutrition Counseling included in Medicare. My own PDA, a nutrition biomedicine protocol, this could mean I could treat Medicare recipients, right?

Answered by M. Giammarco October 19, 2021: Not as an acupuncturists. The Medical Nutrition Act is specific to services and practitioners who provide nutrition-therapy services. Under this bill, you could not treat Medicare beneficiaries with acupuncture as an acupuncturist. If you have the credentials the Medical Nutrition Therapy Act would authorize, if passed, you would be able to provide those services as specified within the Medicare Nutrition Therapy Act.

Question: Doesn't Medicare pay much less than some other insurance? Won't that reduce the payment we receive for our professional services?

Answered by M. Giammarco October 19, 2021: Medicare recognition is critical to the future of the profession -- especially as more practitioner groups begin to provide acupuncture and more payers cover acupuncture. Medicare is already covering acupuncture services and will likely cover additional services in the future. Other provider groups (physicians, nurses, etc.) are already providing these services because acupuncturists cannot readily do so. As Medicare continues to expand acupuncture service offerings, these provider groups will continue to provide acupuncture services and acupuncturists will be shut out of their profession.

Question: H.R. 4803 adds LAc as a recognized provider in the Social Security Act, right? SSA affects CMS and other programs. The slides I've seen so far are saying just "Medicare" vs. the SSA connection. Can you clarify the language in the bill and/or intent of the advocacy work?

Answered by M. Giammarco October 19, 2021: The Social Security Act (SSA) is the law that authorized the formation of the Medicare program. The SSA dictates to Medicare the provider groups that it can recognize. To establish Medicare recognition for acupuncturists, a bill must be passed to amend the SSA to include acupuncturists.

Question: For the benefits, if LAc's are included in SSA, why would we be limited in this bill in what we treat? It takes so long to do federal legislation. Why not keep the bill simple to get us as identified provider and then keep the "conditions covered" in a separate process that is simpler to update (rules? or what is the process?). Let's not add barriers in our initial inclusion that won't be relevant to the evidence base (because it is growing more quickly than federal legislative session timelines).

Answered by M. Giammarco October 19, 2021: H.R. 4803 does exactly that -- it would just authorize Medicare to recognize acupuncturists as a provider and nothing else. It does not include any acupuncture services. That can take place later and/or in a separate effort, directly with the Medicare program.

Question: Some of my peers have expressed concern about reimbursement rates going down with the passage of the bill. That seems to already have happened with the cLBP and Medicare coverage. Can you address that concern?

Answered by M. Giammarco October 19, 2021: The passage of H.R. 4803 would have no impact on reimbursement rates. Those will increase/decrease regardless of Medicare recognition. If recognized, however, the profession would have a stronger voice in advocating for appropriate reimbursement as a Medicare provider group (both with Medicare and with private payers).

Question: It seems like it was a very poor idea to only cover Acupuncture if it's performed by a MD and/or under their supervision. Did this delay full coverage of non-MD Acupuncturists?

Answered by M. Giammarco October 19, 2021: Because acupuncturists do not have provider status under the Medicare program, Medicare has no choice but to require acupuncturists to be supervised. Only an act of Congress to amend the Social Security Act can authorize Medicare to recognize acupuncturists and allow them to practice without supervision. That is why H.R. 4803 is an important bill to support.

Question: Is there a petition that we can share with the public in social media, to collect signatures for this bill?

Answered by M. Giammarco October 19, 2021: The ASA and the NCCAOM will provide opportunities to engage the public via social media soon. Stay tuned.

Question: Is it true that it costs \$600-\$700 for a provider to apply to become Medicare eligible?

Answered by M. Giammarco October 19, 2021: No -- provider eligibility is not based on payment.

Question: Where can we get a copy of the language that is being included in the bill?

Answered by M. Giammarco October 19, 2021: It is available here:

<https://www.congress.gov/bill/117th-congress/house-bill/4803/text?q=%7B%22search%22%3A%5B%224803%22%2C%224803%22%5D%7D&r=2&s=3>

Question: Will this affect acupuncturists who choose not to process any insurance? If yes, could you share how?

Answered by M. Giammarco October 19, 2021: Once recognized as Medicare providers, acupuncturists would have the option to opt out of the program. The ASA and the NCCAOM would provide specific guidance on opting out at the appropriate time (after the bill becomes law).

Question: Why is the name of the bill focused on Seniors?

Answered by M. Giammarco October 19, 2021: H.R. 4803, the Acupuncture for our Seniors Act: <https://www.congress.gov/bill/117th-congress/house-bill/4803/text?q=%7B%22search%22%3A%5B%224803%22%2C%224803%22%5D%7D&r=2&s=3>

Question: Per Judy Chu's comments, If acupuncturists are recognized as Medicare providers, would that eliminate the insurance justification for a third party organization like ASH?

Answered by M. Giammarco October 19, 2021: No--this bill would only affect the Medicare program.

Question: So basically, we can bill Medicare if we work under a doctor's oversight? What is the common fee structure for the doctor's oversight, a percentage, or by patient surcharge? And do many doctors have free space in their clinics that is underutilized/available for acupuncture tx?

Answered by M. Giammarco October 19, 2021: The business contract you establish with a supervising physician would address the questions you present. Because physicians do not typically supervise acupuncturists, access barriers can form that prevents patients from accessing acupuncturists and acupuncturists from accessing Medicare beneficiaries.

Question: Regarding the language of the bill, maybe it's too late in the process to ask, but was there any discussion about amending the language of 42 USC 1395x(r) to include acupuncturists as physicians? Chiropractors are included as (r)(5). At what point could acupuncturists be defined as (r)(6)?

Answered by M. Giammarco October 19, 2021: Medicare provider status is the optimal pathway for Medicare recognition -- it would allow acupuncturists to practice in accordance with their scope of practice and would allow acupuncturists to opt out of the Medicare program.

Question: I am a Medicare Advantage Provider which covers independent Lic. acupuncture. Can I bill to treat those members with Chronic Low Back Pain?

Answered by M. Giammarco October 19, 2021: This bill should not affect your coverage parameters that exist in your current contracts. If you require more detail on your MA contracts, you may want to consult your MA counterparts.

Question: Patient have 2 insurances, Medicare and BCBS. Patients have chronic low back pain. Can I take patient for BCBS benefits for cLBP?

Answered by M. Giammarco October 19, 2021: It would depend on which insurance is deemed the patient's primary payer. It may be best to contact Medicare for a determination at: Benefits Coordination & Recovery Center (BCRC) at 1-855-798-2627 (TTY: 1-855-797-2627).

Question: What is the percentage of Acupuncturists who support getting onto Medicare? I have not met anyone in the field who is happy about this movement.

Answered by A. Mager October 19, 2021: The joint effort by the ASA and NCCAOM has been led by the ASA Council. There was an education campaign, and the ASA took a vote among its then 34-member state associations. The vote was 28 in favor, 2 abstentions and 4 absences at the meeting. The meeting and the vote were announced 30 days before the vote per ASA bylaws.

This was also driven by CMS deciding to cover acupuncture as a procedure in January of 2020. There are 66 million Medicare beneficiaries seeking care. Many acupuncturists want to become the providers of that care.

Question: What is the average reimbursement rate for acupuncture through Medicare??

Answered by A. Mager October 19, 2021: Medicare reimbursements for any procedure vary by region, state and even within states: [CMS Medicare Fee Schedule](#).

Question: It is frustrating that you are only asking for those who support your goals to be involved in the decisions. The rest of us still have to pay NCCAOM dues and PDAs but our thoughts and our "passions" do not matter.?

Answered by A. Mager and O. Cox October 19, 2021: The NCCAOM is a certification services agency and not a membership organization. You are paying your application fees for your NCCAOM certification to be reviewed and renewed for a period of four years. The NCCAOM does use dues to lobby, as a 501(c) 6 organization for the benefit of its certified Diplomates. Being able to support them by gaining access to 66 million patients is an important step for the acupuncture profession that will bring benefits outside of being able to earn a meaningful living. You have not shared your thoughts or 'passions' here so we cannot address our willingness to pursue them. Also please know that the best way to be part of the decision-making process is to get involved with your state association and become part of the ASA.

GRASS ROOTS ADVOCACY

Question: What is the intent of advocates once they are trained?

Answered by M. Giammarco October 19, 2021: Once trained, acupuncture advocates will be equipped to help the ASA and the NCCAOM's grassroots campaigns for H.R. 4803 and other federal efforts, as well as help equip others to be effective and confident advocates for H.R. 4803 and the profession. There is no test -- the training is to help provide you with more information and more resources for being an effective advocate.

Question: I have several patients who advocate heavily with the VA for increased care. They would love to get involved writing to their representatives for Medicare too. When will there be a method for them to lobby their representatives for us?

Answered by NCCAOM Staff 10/26/2021: The ASA and NCCAOM are working on a patient's testimonial template which will be available for practitioners shortly. Stay tuned for more information on how you can get your patients involved in Advocacy work.

Question: Is this advocacy for the full scope of practice for acupuncturists, or just for acupuncture treatments?

Answered by M. Giammarco October 19, 2021: H.R. 4803 just seeks to establish acupuncturists as Medicare providers. Advocating for expanded acupuncture services is a separate effort that is not done through legislation.

Question: What is the link to find out more information about the grassroots training?

Answered by NCCAOM Staff 10/26/2021: The NCCAOM_ASA Grassroots Advocacy Training Sign-Up link is <https://www.nccaom.org/asa-nccaom-grass-root-training/>.

Question: Are the grassroots trainings just for the people who are applying for the advocacy champions rules?

Answered by NCCAOM Staff 10/26/2021: No, These grassroots trainings are for anyone who wants to dedicate their time, passion, and knowledge to advocate for the H.R. 4803 Medicare Bill.

Question: Can we also know who is funding the app, the trainings, etc. as it is outside of the normal purview of NCCAOM?

Answered by NCCAOM Staff 10/26/2021: The ASA's government relations team (Jennifer Broadwell) along with NCCAOM's government relations team (Molly Giammarco) are



conducting all grassroots training sessions. The app was purchased jointly by ASA and NCCAOM.

Question: Stronger than practitioner's voices the patient's voices could make a big impact talking to their representatives. Are you reaching out to them at all, do you have flyers for patients or an internet presence for the general public about the bill?

Answered by NCCAOM Staff 10/26/2021: The ASA and NCCAOM are working on a patient's testimonial template which will be available for practitioners shortly. Stay tuned for more information on how to use the template.