Repeal of the Federal Anti-Trust Exemption for Insurance a Top ICA Legislative Priority: ICA’s Board of Directors has voted unanimously to adopt the repeal of the anti-trust provisions of the McCarran Ferguson Act as a top legislative goal and priority for the association. Legislation to accomplish this important goal overwhelmingly passed the US House of Representatives in a previous Congressional session and was only defeated in the US Senate by one vote. The McCarran–Ferguson Act, 15 U.S.C. §§ 1011-1015, also known as Public Law 15,[1] is a United States federal law that exempts the business of insurance from most federal regulation, including federal antitrust laws to a limited extent. The McCarran–Ferguson Act was passed by the 79th Congress in 1945 after the Supreme Court ruled in United States v. South-Eastern Underwriters Association that the federal government could regulate insurance companies under the authority of the Commerce Clause in the U.S. Constitution.

“The time has come to once again make this vitally important public policy correction a top priority,” said ICA President Dr. George B. Curry. “With no effective federal oversight and enforcement, private insurance will only continue their widespread policies of abuse and discrimination, policies that strike especially hard at chiropractors and chiropractic patients.”

Antitrust Law Seeks to Protect Competition and Consumer Welfare

In 1958, the US Supreme Court explained in an important anti-trust ruling:

_The Sherman Act was designed to be a comprehensive charter of economic liberty aimed at preserving free and unfettered competition as the rule of trade. It rests on the premise that the unrestrained interaction of competitive forces will yield the best allocation of our economic resources, the lowest prices, the highest quality and the greatest material progress, while at the same time providing an environment conducive to the preservation of our democratic political and social institutions. Northern Pac. Ry. Co. v. United States, 356 U.S. 1, 4 (1958)._
Except in the few states like California, New York, and Florida that have very active insurance regulators and antitrust enforcers, consumers receive virtually no protection from state regulators on anti-trust issues. A study by the Center for American Progress found that the vast majority of enforcement actions against health insurers were taken by only five states. In far too many states, a few insurers dominate the market, and authorities lack the resources or expertise to conduct substantive competition or consumer protection oversight; tellingly, in four states, the insurance commissioner is also the fire marshal. As articulated in that study by David Balto, former Policy Director of the Federal Trade Commission (FTC):

*If there was one thing clear from the Congressional debate over health care, it is that health insurance markets are unhealthy. Over the past few decades, profits have increased dramatically, and the market has become one of the least transparent and most anticompetitive markets in the nation; indeed, few markets are as concentrated, opaque and complex, and subject to rampant anticompetitive and deceptive conduct. There is simply an immense need for antitrust and consumer protection enforcement to rein in the constant abuses of the industry. Balto, Davic, Repeal McCarran-Ferguson - Before it's too late, The Hill, April 8, 2013.*

The McCarran-Ferguson anti-trust exemption was passed by Congress in 1945, in a unique environment of post-war confusion and rush to provide a new level of private insurance services to consumers. The stated intent of this Act was to protect small insurance companies incorporating at that time who had a great need for data from existing insurers in order to set premiums effectively. Because such information sharing was illegal under the anti-trust standards of the era, Congress provided an antitrust exemption for the insurance industry as a means of support and stimulation at a time of special need.

In the decades since the passage of the McCarran-Ferguson Act, the business of insurance has grown by monumental proportions, now representing a highly concentrated, multi-billion dollar profit center with little effective consumer protection regulation by the states and, because of the McCarran-Ferguson Act, no effective Federal Trade Commission (FTC) or other federal anti-trust oversight and enforcement. In passing the 1945 Act, it is clear from the legislative discussion at the time that Congress hoped that state regulation would be sufficient to address anti-trust concerns. The reality is, however, that states bring few if any meaningful cases against health insurers.

The landmark Patient Protection and Affordable Care Act (PPACA) has taken several important steps towards a greater federal role in insurance activities, especially regarding ERISA loopholes for self-insured plans. The case for immediate federal anti-trust regulation and enforcement remains compelling and the need for action becomes even more urgent, however, as the PPACA has placed into the hands of this federally under-regulated segment of the nation’s economy millions more insureds and billions more in revenue.

Efforts to repeal the anti-trust exemptions the insurance industry enjoys and demonstrably routinely exploits is not some fringe or obscure political objective. The Obama administration has expressed support for eliminating the exemption, as did a bipartisan commission appointed by President George W. Bush, the Antitrust Modernization Commission. There is not just federal/national interest as in 2007, the National Association of Attorneys General passed a resolution calling for the repeal of McCarran-Ferguson with overwhelming bipartisan support.
Action in the 114th Congress is already underway on this urgent but controversial issue with multiple bills already introduced with the aim of repealing the insurance industry’s limited antitrust exemption enacted in the *McCarran-Ferguson Act* (15 USC 1011 et seq.).

On January 22, Representative Paul Gosar, a Republican representing the 4th Congressional District of Arizona, who was a practicing dentist for many years, once again introduced similar McCarran repeal legislation, HR 494, the *Competitive Health Insurance Reform Act of 2015*. Representative Gosar’s bill would only eliminate the exemption as to health insurers. In introducing his legislation, Representative Gosar stated that “Since the passage of Obamacare, the health insurance market has expanded into one of the least transparent and most anti-competitive industries in the United States,” and that there is “no reason in law, policy or logic for the insurance industry to have a special exemption” from the antitrust laws. Mr. Gosar’s bill was introduced with an impressive 18 original co-sponsors and now has a total of 20 House Members officially on board as co-sponsors.

“It is clear that a major grassroots push is needed to gain the kind of consideration this legislation deserves,” said Dr. Curry. “ICA will be mobilizing the chiropractic profession and concerned consumers with renewed energy to move this legislation forward to a successful conclusion.” ICA anticipates that there will be other bills with the similar goal and is working to have companion legislation introduced in the US Senate. ICA will keep the chiropractic profession fully informed of these important developments and of opportunities to add their voice to the call for action on this vital issue.

*Please use the model letter to your US House of Representatives Member included at the end of this report to communicate your support for this vitally important reform initiative.*

ICA Council on Chiropractic Pediatrics will be holding its 2015 Annual Conference December 11-13 at the Hyatt Regency Hotel in New Orleans. The Conference this year will also celebrate the graduation of the 2015 Diplomates in Clinical Chiropractic Pediatrics (DICCPs) from the US and New Zealand/Australia. “December is a great time to be in New Orleans,” said Council Chair Dr. Lora Tanis. “The city is a melting pot of different cultures and the special activities they have for kids during this holiday season are unique and special. We invite doctors to bring their families and have a wonderful time with us.” The CE program will include clinical lectures and adjusting workshops for the pediatric and pregnant patient, as well as sessions on risk management, ethics and coding. This year, the Council will be welcoming Irene van der Zander as keynote speaker. She is the founder of KIDPOWER, an international organization that trains parents, teachers, law enforcement personnel, health care professionals and community leaders with programs and skills to help protect kids, including those with special needs, abuse, domestic violence, assault and abduction. For more information visit [www.icapediatrics.com](http://www.icapediatrics.com) or call 01-703-528-5000.
ICA is alerting the profession and the public about three new congressional initiatives that have been introduced in the current session of the US Congress that seek to significantly sharpen federal demands on vaccination. These include provisions that require states to have stringent vaccination mandates in place or else they face denial of federal funds, and also include provisions to officially deny that any risk of injury exists in any vaccination process.

The ICA President, Dr. George B. Curry, says, “These unprecedented initiatives represent a dramatic new level of potential federal enforcement of a national vaccination requirement and simply ignore an individual's right to control over their health care; it should be "my body-my decision" said ICA President Dr. George B. Curry. “All citizens who value their personal freedom, and all health professionals who believe that questionable research that is subjected to pharmaceutical and financial influences is driving public policy on medication and vaccination have good reason to be gravely concerned.

ICA believes it is vitally important to bring these issues to the attention of the profession and the public and to encourage a powerful response in opposition to these anti-personal freedom and dogmatic vaccination mandate enforcement efforts.”

The first of these new bills — HR 2232, the vaccinate all children mandate:
This bill seeks to amend the Public Health Service Act to prohibit the Department of Health and Human Services from awarding grants to public entities of a state for preventive health service programs unless the state requires each student in public elementary or secondary school to be vaccinated in accordance with the recommendations of the Advisory Committee on Immunization Practices. The bill provides an exception only for students whose health would be endangered by vaccination in the opinion of a physician conforming to the “accepted standard of medical care.”

The next bill in this new wave of proposed legislation— HR 933, the Head Start on Vaccinations Act:
This bill would amend the Head Start Act to prohibit the enrollment of a child in a Head Start or Early Head Start program unless the child's parent or guardian: (1) provides the program with information establishing that the child is vaccinated in accordance with the pediatric vaccine list; or (2) submits a signed agreement to provide such information and consents to the provision, by a program employee or other health care provider, of any vaccines on the Pediatric Vaccine List that the child has not yet received. It would also require any child who is not in compliance with such requirements to be removed from such program, but only provides for exemption of children for whom administration of such vaccines is medically contraindicated. The bill would authorize the director of a Head Start or Early Head Start agency to use program funds to: (1) administer the required vaccines to children, at the request of the parent or guardian; or (2) assist the parent or guardian in gaining access to the required vaccines.

Perhaps the most alarming of all the new initiatives — House Resolution 117, officially titled Recognizing the importance of vaccinations and immunizations in the United States:
This Sense of Congress Resolution seeks to officially affirm that vaccines “save lives and are essential to public health, and economic and national security.” The most significant sections of this resolution state that the lack of vaccination can cause a public health crisis, that “…the scientific and medical communities are in overwhelming consensus that vaccines are both effective and safe, and the dissemination of unfounded, and debunked, theories about the dangers of vaccinations pose a great risk to public health,” and that there is no credible evidence to show that vaccines cause life-threatening or disabling diseases in healthy children or adults. It also encourages a continued commitment to research to improve vaccines and develop new vaccines. No reference to investigating vaccination safety or injury risks or informed consent is even mentioned.
For many decades, the ICA has maintained an Official Policy Statement on vaccination issues which reads as follows:

The International Chiropractors Association recognizes that the use of vaccines is not without risk and questions the wisdom of mass vaccination programs. Chiropractic principles favor the enhancement of natural immunity over artificial immunization.

The ICA supports each individual’s right to select his or her own health care and to be made aware of the possible adverse effects of vaccines upon a human body. In accordance with such principles and based upon the individual’s right to freedom of choice, the ICA is opposed to compulsory programs which infringe upon such rights.

The International Chiropractors Association is supportive of a conscience clause or waiver in compulsory vaccination laws, providing an elective course of action for all regarding immunization, thereby allowing patients freedom of choice in matters affecting their bodies and health.

As Dr. Curry notes, “It is of special concern that House Resolution 117 has been introduced to Congress and has strong support — even in the light of tens of thousands of personal tragedy cases where vaccination injury has taken place, the mass of scientific information documenting such risks, and the billions of dollars in federal vaccination injury compensation awards that have been given out by the government. With these three legislative mandates that have been drafted, every citizen has cause for concern and every citizen should make their voice heard on these alarming issues. ICA will continue to monitor and keep the profession informed of these and related issues, and will be active in educating lawmakers of their serious and very negative implications.”

For the texts of these bills and for ICA’s Official Policy Statement on vaccination, please visit the ICA website at www.chiropractic.org.

ICA holds that the public is entitled to one truly drug-free system of health care and doctors of chiropractic are fully trained and qualified to fill that role with proven clinical and cost effectiveness. This is especially crucial at a time when our society at-large is recognizing the alarming complexities, costs and complications of a drug-based approach to treatment and the trend is strongly in the direction of a minimalist approach regarding drugs, with good reason. For more than a century, the marketplace has sustained and supported chiropractic on the basis of its unique, drugless approach to health and healing. ICA’s actions exemplify its continued commitment to key principles on which the profession was established and which represent chiropractic’s most effective path to public service.

ICA is the only national/international organization that prioritizes patients’ rights in this way: support our efforts and join today at www.chiropractic.org!

ICA Members: to contribute to the ICA Political Action Committee or ICA Legal Action Fund — organizations that will be directly involved in defending your patients and your practices in these and other issues — visit www.AdjustTheVote.org.

The International Chiropractors Association is the oldest continuously active international chiropractic organization in the world. The ICA represents thousands of practitioners, educators, students and lay persons around the world. ICA has traditionally been the strong, moderate voice of the chiropractic profession. Throughout its long history, the International Chiropractors Association has sought to educate and inform the public, other health care professions and health policy makers on the principles and definitions of chiropractic to foster broader recognition, understanding and acceptance of the profession. The ICA has also established standards of ethical, technical and professional excellence for chiropractic education and practice. ICA supports and promotes the distinct and unique nature of the profession, and advances the interests of chiropractic, chiropractors, and the patients they serve through advocacy, research, and education.
Please co-sponsor HR 494 and vote for its passage.

The Hon. _____________
Room___
_________House Office Building
US House of Representatives
Washington, DC 20515

Dear Rep. ________:

I am writing to you as my Member of Congress to seek your support for the passage of HR 494, legislation that would repeal the federal anti-trust exemption for the health insurance industry. As its author, Rep. Paul Gosar, stated when the bill was introduced,

Since the passage of Obamacare, the health insurance market has expanded into one of the least transparent and most anti-competitive industries in the United States, there is no reason in law, policy or logic for the insurance industry to have a special exemption from the antitrust laws.

I strongly agree with Rep. Gosar’s position and urge you to support the bill as a co-sponsor and to vote for its prompt passage.

This is a reform that is long overdue and has broad support. The Obama administration has expressed support for eliminating the exemption, as did a bipartisan commission appointed by President George W. Bush, the Antitrust Modernization Commission. There is not just federal/national interest as in 2007, the National Association of Attorneys General passed a resolution calling for the repeal of McCarran-Ferguson with overwhelming bipartisan support.

Thank you for your attention to my concerns. I hope I can count on your support.

Sincerely yours,
International Chiropractors Association
ICA serves globally with outreach and support for active advocacy in Clinical Clarity, Leadership, Health Care Policy, Public Education, & Professional Development

ICA MEMBERSHIP

Immediate Membership Benefits and Goals Include:
- Advancing Chiropractic as a SUBLUXATION-BASED Profession
- The only organization on the political frontlines WORKING TO KEEP DRUGS AND SURGERY OUT OF THE PROFESSION
- MEMBERSHIP DISCOUNTS on ICA seminars, products, and publications
- ICA SPONSORED EVENTS on campuses and at local/regional association events
- PRACTICE SUCCESS RESOURCES including ICA Advantage Affiliate Partners Program
- Membership REFERRAL AND NETWORKING opportunities around the World
- SAFEGUARD the Professional Welfare of ICA Members

It is Time to Join In and Stand Up for Chiropractic with ICA!

CONTACT INFORMATION:
Name __________________________ Date of Birth __________ / ______ MONTH YEAR

Preferred Contact Information for Membership Directory:
Address __________________________ Office Ph __________ Fax __________
City __________________________ State or Province __________ Postal Code __________ Country _______
Cell Phone __________ E-Mail __________ E-Mail __________ (Primary) *Students: Please provide your personal as well as your college e-mail (Additional)

Chiropractic College (graduated or attending) __________________________ Graduation Date* __________ / ______ MONTH YEAR

* Students: Enter Anticipated Graduation Date

CHOOSE MEMBERSHIP and PAYMENT CATEGORY:

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Additional Membership Opportunities:
- Additional Membership Categories and dues rates for faculty, retired, disabled, additional family members in the same office, and lay members are also available!
- Please contact ICA Membership Administration or Services Offices
- *Students: Forward new contact information after graduation for field member benefits & listing

PAYMENT INFORMATION: Please charge my credit card this amount: ________________

Account # __________ Exp. Date __________ Sec. Code __________

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Street Address __________ City __________ State or Province __________ Postal Code __________

Phone __________ Signature __________

Take a Stand. Make a Difference. Join Today!

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