

# Conspiracy Gone, but Mindset Lingers

"LIMITED-LICENSE PROVIDER" = SECOND-CLASS DOCTOR

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Ever wonder how the insurance companies and managed care organizations can justify paying doctors of chiropractic less than medical doctors for the same services? This question is at the core of the American Chiropractic Association's (ACA's) lawsuit against Trigon Healthcare.

According to Trigon's responses to ACA's questions,<sup>1</sup> Trigon not only admits paying you less money for the same CPT-coded services, but has four reasons why it thinks it has a right to do so:

"Defendants admit that they pay limited-license providers (doctors of chiropractic and others) less than they pay medical doctors for some procedures that are billed under the same CPT code.

"Some of the payments made to limited-license providers are less than the payments made to medical doctors for procedures billed under the same CPT code for several reasons:

- "Market forces factor into the determination of how much providers are paid, and market demand has justified making some lower payments to limited-license providers than to medical doctors for procedures that are billed under the same CPT code.
- "The procedure performed by a medical doctor under a particular CPT code often is not identical to the procedure performed by a limited-license provider under the same CPT code, because the medical doctor has a higher degree of education, expertise, training, skill and medical knowledge.
- "The conditions treated by medical doctors can be different, and can be more severe than the conditions treated by limited-license providers.
- "The applicable defendants pay limited-license providers, such as chiropractors, in accordance with the terms and conditions of the professional provider agreements, which the limited-license providers have voluntarily accepted and agreed to in order to participate in the defendants' networks." (Emphasis added)

So, there you have it: Trigon's opinion of you is clear:

- There is less demand for your services (even though Trigon decides how many DCs to add to its network).
- You have less education; expertise; training; skill; and knowledge than an MD.
- You usually treat the easier cases.
- You were silly enough to sign their "professional provider agreement" in the first place!

Now you know exactly what this lawsuit is all about. It's about the lingering opinion that you are a

second-class provider who deserves to get paid less, even if you do a better job at delivering the exact CPT-coded service! It's not about how good a doctor you are or how effective chiropractic is; it's about the fact that you aren't considered by Trigon and most other insurance companies to be good enough to get paid the same as a "real doctor."

Lead attorney George McAndrews put it this way:

"Trigon is a perfect example of the insurance fallout from the AMA/medical physician boycott that expressed its intention to minimize or eliminate insurance coverage for chiropractic patients so that the profession would 'wither and die on the vine.' We must continue our best efforts to insure that the vine gives a robust supply of grapes."

Trigon has purposefully chosen to continue the war on the chiropractic profession started by the AMA. But the beliefs expressed by Trigon are also held by many other insurance carriers in this country. If we beat Trigon, we send a message to every other insurance company that we won't accept being treated as second-class, "limited-license" providers.

We have an opportunity to respond with this lawsuit in a way we could never do as individuals. If you are a state association leader, you should urge your members to support this suit and contribute to its support. If you are a doctor of chiropractic, there is no better way to respond than by making a contribution to the fund. How much should you contribute? How much is your practice worth? How much is your self-respect worth?

Checks should be made out to:

The National Chiropractic  
Legal Action Fund  
Post Office Box 75359  
Baltimore, Maryland 21275

Let's send a message to Trigon that we're done working for second-class wages while MDs are paid in full!

At the same time, let's send a message to the rest of the insurance community:

"Who's next?"

### *Reference*

Defendant's objections and responses to plaintiffs' requests for admission, nos. 1 - 8, *ACA, et al. v. Trigon Healthcare, et al.*, November 13, 2001.

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