

Calif. Prop 44 Gets Tough on Chiropractic Insurance Fraud

"RUNNERS" DEEMED UNPROFESSIONAL

Dynamic Chiropractic Staff

On the California ballot for the March 5, 2002 primary is Proposition 44, the "Chiropractors Unprofessional Conduct Legislative Initiative." Prop 44, a legislative initiative placed on the ballot by the unanimous vote of the state senate, and by a 63-13 vote in the assembly, seeks to amend the Chiropractic Act, but first must get the approval of California voters.

Here's how Prop 44 proposes to amend the Chiropractic Act:

"... require revocation of a chiropractor's license to practice for 10 years upon the second conviction, or multiple convictions, of specified insurance fraud offenses." (*Editor's note: multiple counts in a single case would also qualify.*)

"... unless otherwise authorized, the employment of runners, cappers, steerers, or other persons to procure patients constitutes unprofessional conduct. (*Editor's note: "cappers" refers to "ambulance-chasing."*)

"... require the State Board of Chiropractic Examiners to investigate any licensee who is the subject of specified charges unless the district attorney objects to the investigation."

The language of this amendment was part of SB 1988, a broad insurance fraud bill authored by California state Senator Jackie Speier (D-8th District, parts of San Francisco and San Mateo County). The bill passed the legislature in August 2000, and was signed by the governor the following month. The provisions of the bill dealing with insurance fraud reform for MDs and attorneys have already become law.

Senator Speier argues¹ that "fraud is a crime against all of us." She notes that "most chiropractors operate lawfully and provide valuable care to their patients," but that "some do not." She explains that Prop 44 is a "small part of the larger reform measure (i.e., SB 1988) that already changed the penalties for insurance fraud committed by other professionals (i.e., MDs, and attorneys).

The official ballot arguments² against Prop 44 take exception to the severity of the penalty (losing one's chiropractic license for 10 years), and suggest that chiropractors who defraud insurance companies should pay restitution and punitive damages, instead.

"The legislature has imposed stiff penalties on doctors (i.e., MDs) and lawyers who are convicted twice of fraud. Chiropractors should be treated no differently," was Senator Speier's rebuttal to that argument.

(*Editor's note: As this 3-11 issue of DC went to press on February 11, we obviously don't know the outcome of the California ballot measures, but we expect that Prop 44 will be approved by California voters for three reasons: 1) the legislature strongly supports it; 2) tougher insurance fraud sanctions are already in place for MDs and lawyers; and 3) voters are unlikely to have much*

sympathy for insurance fraud, regardless of who commits it.)

References

1. *California Primary Election. Official Voter Information Guide.* Argument in favor of Prop 44. State Senator Jackie Speier, and Gordon Spencer, president of the California District Attorneys Association, p.24.
2. *California Primary Election. Official Voter Information Guide.* Argument against Prop 44. Ted Brown, insurance claims investigator, et al., p.25.

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