

## **NYSCA Charges Health Plans with Violating Chiropractic Equity Law**

Editorial Staff

The New York State Chiropractic Association, in conjunction with several individual doctors of chiropractic and chiropractic patients, has filed suit against seven of the largest health plans and managed care networks in New York state.

The suit, filed in Albany County Supreme Court earlier this year, is the result of the insurance industry's apparent failure to comply with the requirements set down in the New York Chiropractic Insurance Equality Law. The suit charges the plans with fee discrimination; unreasonable fee and benefit limits; improper restrictions on the scope of chiropractic practice and the services chiropractors provide to health plan beneficiaries; IPA/network misrepresentation; and other practices that discriminate against chiropractic patients and providers.

Ross Lanzafame, NYSCA's general counsel, called the suit "an unfortunate but necessary step in assuring that the letter and spirit of the Insurance Equity Law are honored by these insurers. Our clients and their patients fought hard to overcome irrational biases and establish their right to equal treatment under the law." He added, "yet some insurers still choose to discriminate."

The seven plans named in the lawsuit are: Vytra Health Plans of Long Island; Access Health IPA, Inc.; Capital District Physicians' Health Plan, Inc.; Health Insurance Plan of Greater New York, Inc.; Chiro Management, Inc.; Physicians Health Services of New York, Inc.; and Landmark healthcare IPA of New York, Inc.

Originally signed into law by Governor George Pataki in 1997, the Chiropractic Insurance Equality Law became effective on January 1, 1998. One of the bill's chief provisions required insurance carriers to provide a minimum of 15 (medically necessary) chiropractic visits per year. In addition, the law prohibited carriers from applying utilization management procedures and additional or higher deductibles (or copayments) to chiropractic care that are not used for medical care. It was also designed to give chiropractors equal footing with other providers treating the same or similar conditions, complaints or injuries.

Although the law was intended to prevent insurance carriers from discriminating against the chiropractic profession and denying coverage or reimbursement, many plans appear to have circumvented the law or disregarded its regulations. NYSCA and its co-plaintiffs assert that under some current fee and utilization schedules, medical doctors and osteopaths receive fees that are between two and four times greater than those paid to doctors of chiropractic, even though they treat the same conditions as their medical counterparts. The plaintiffs further allege that the plans have imposed discriminatory utilization review and management criteria, and have in some instances forced chiropractors to sign "contracts of adhesion," which would appear to constitute a clear violation of the Insurance Equality Law.

"The association's patience finally wore through," said Dr. Karl Kranz, NYSCA's executive director. "After the profession spent more than two years trying to educate carriers, and having patients and providers write numerous letters and complaints to the carriers, the State Insurance Department

and lawmakers, the NYSCA felt it has no other alternative in the face of the carriers' long-standing intransigence and continuing indifference to New York state insurance equality law.

"We have to force the issue," Kranz continued. "Left unchallenged, carriers and managed care companies will just continue to disregard the law and run roughshod over chiropractic patients and providers. Chiropractors and their patients have had enough."

#### Legal Fund Established

To help fund NYSCA's lawsuit, an organization called the Chiropractic Health Services Research Fund of New York has been created. Interested doctors, patients and advocates are urged to contribute to the fund, which will help enforce legal rights in the state of New York and could set a precedent for the protection of chiropractic services throughout the country. Donations can be sent to:

CHSRFNY  
276 Sylvan Road  
North Babylon, NY 11703

For more information on the NYSCA lawsuit, please contact the New York State Chiropractic Association at (518) 455-8817, or by e-mail at [nysca@freewwwweb.com](mailto:nysca@freewwwweb.com).

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