

ACA Files Major Lawsuit against Trigon Blue Cross/Blue Shield

Editorial Staff

ARLINGTON, VA - The American Chiropractic Association, the Virginia Chiropractic Association (VCA), five doctors¹ of chiropractic, and 18 chiropractic patients filed suit on August 18 in the U.S. District Court against the largest managed health care company in the state: Trigon Blue Cross/Blue Shield (BC/BS), BC/BS Association, et al.² The suit alleges racketeering, extortion, mail fraud, antitrust violations, and other state and federal law violations.

The lawsuit contends that Trigon imposed a \$500 cap on spinal manipulation that principally penalizes chiropractic patients; reimbursed DCs 40 percent less than MDs for the same or similar services; paid DCs the lowest level treatment code possible, even when higher-level treatment was performed; and has refused to reimburse for the services of CAs. The suit further alleges that Trigon has directed patients away from chiropractic by "denigrating chiropractic treatment" through "unreasonably limiting the coverage of chiropractic treatment under health care plans that it administers."

"This lawsuit is by far the most significant legal action ever taken by our profession against the insurance industry," noted ACA President Dr. James Mertz.

VCA President Dr. Douglas Cox said that chiropractic patients in Virginia have been "cheated by obvious discriminatory practices of the defendants," and that BC/BS has been "conspiring with managed care bureaucrats and medical doctors to keep the chiropractic profession down."

For more than two years, the ACA and VCA have been trying to resolve these inequities, but their efforts have been rebuffed by Trigon and the BC/BS association. In a May meeting with Trigon representatives, the ACA reported that Trigon clearly indicated that there would be no change in its policy toward chiropractic.

ACA General Counsel George McAndrews will lead the legal effort against Trigon et al. Mr. McAndrews was the lead attorney in *Wilk et al. vs. AMA et al.*, and is currently directing the ACA's Medicare suit against the U.S. Department of Health and Human Services. Mr. William Shields of Richmond, Virginia, will also represent the plaintiffs in this action.

References

1. The chiropractic plaintiffs in the suit are: Drs. George Chirkinian; Douglas Cox; William Theiser; John Willis; and Jerry Willis.
2. The ACA lawsuit was filed in the U.S. District Court (Western District of Virginia) against Trigon Healthcare, Inc.; Trigon Insurance Co; Trigon Administrators, Inc.; Mid-South Insurance Company; Trigon Health and Life Insurance Co.; and the national Blue Cross/Blue Shield Association.

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