

## ACA to Investigate the "Blues"

ATTORNEY GEORGE MCANDREWS WILL LOOK INTO REPORTS OF DISCRIMINATION AGAINST CHIROPRACTIC BY BLUE CROSS/BLUE SHIELD

Editorial Staff

WASHINGTON, DC -- Are Blue Cross and Blue Shield discriminating against chiropractic? Reports have filtered down that contend the "Blues" are treating chiropractors differently from other health care professionals, particularly in some of the Southern states. There are indications that this discrimination is reaching alarming proportions.

George McAndrews, the general counsel for the American Chiropractic Assoc., has met with association officials to go over reports and preliminary evidence that have been gathered regarding the Blues discriminating against chiropractic.

Mr. McAndrews is one of the nation's leading anti-trust attorneys, best known by chiropractors as the lead attorney in the Wilk et al. vs the AMA et al. anti-trust suit. Under Mr. McAndrew's guidance, chiropractic won an historic 1987 decision in the U.S. District Court when the American Medical Association was found guilty of "a lengthy, systematic, successful and unlawful boycott" of doctors of chiropractic and their patients. In 1990, the U.S. Court of Appeals upheld that decision.

"We are launching a major legal assault to end these abuses once and for all," explained ACA President Michael Pedigo, DC. "George McAndrews' willingness to undertake this investigation underscores the seriousness of our efforts, and our determination to get to the bottom of these reports."

Dr. Pedigo said the state chiropractic associations are providing valuable information about the Blues, and that the ACA will continue to work closely with the state chiropractic associations in the investigation. He asserted that the ACA "will react forcefully if illegal activities are uncovered."

Widespread discriminatory policies by Blue Cross and Blue Shield plans have been reported in Virginia, North and South Carolina, Alabama, Tennessee, Arkansas, and Oregon, and several other states. These plans allegedly are treating chiropractic manipulation codes differently from other codes (e.g., orthopaedic manipulation codes), resulting in a lower reimbursement for doctors of chiropractic. It is the ACA's contention that the plans are "bundling evaluation and management codes and physical therapy services into the codes, and generally singling out doctors of chiropractic for special treatment."

The ACA has for months been working closely with the National Association of Chiropractic Attorneys, and with attorneys for chiropractic associations in the states where the discrimination by Blue Cross and Blue Shield plans has been reported.

Attorney McAndrews, operating out of his Chicago office, has detailed some of his strategies:

- Contact medical directors of a number of plans, identify himself as the ACA's general counsel and an anti-trust attorney, and seek copies of all policies and other documents relating to chiropractors and chiropractic manipulation.

- Check the boards of directors of the various plans to see if there are any relationships with any state medical societies or other professional organizations.
- Investigate regional meetings of the Blues to see if their policies regarding chiropractic were discussed, or if any decisions were made.
- Put the Blues on notice that no documents relating to chiropractic policies are to be modified or destroyed.

In other legal action:

- The ACA has enlisted the aid of the Health Care Financing Administration to stop health maintenance organizations in California and New York from fraudulently advertising that they provide chiropractic services when they don't.
- In Ohio, the ACA is assisting the state association in investigating reports of illegal caps being placed on chiropractic care under Medicare.

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