

# Senior Citizens and Chiropractors File Federal Lawsuit to Protect Medicare Rights

BENEFITS PROVIDED TO 130,000 SENIORS BY HMO PLANS AT ISSUE

Editorial Staff

Minnesota seniors and their chiropractic physicians have filed a lawsuit in the Federal District Court in Minneapolis. They are seeking full compliance with the Medicare law which requires HMOs to cover certain benefits, including manual spinal manipulation.

The suit, filed against the United States Department of Health and Human Services and its Secretary Louis W. Sullivan, alleges the government has violated the Medicare laws by contracting with certain HMOs that do not provide manual manipulation benefits. In 1972, congress authorized Medicare coverage for this benefit.

Manual manipulation of the spine is the most common treatment provided by chiropractors to relieve pain and discomfort of back and spinal injury, as well as treat many other conditions.

The suit also alleges that seniors who do not enroll in HMOs receive the benefit on a regular basis in traditional Medicare programs. The five seniors and two chiropractors allege this unequal treatment violates their right to equal protection of the laws under the United States Constitution. In Minnesota, 130,000 seniors on Medicare receive their health care coverage through an HMO.

According to Richard Zarnbinski, D.C., president of the Minnesota Chiropractic Association, "This lawsuit has widespread implications for thousands of seniors, especially here in Minnesota, where HMOs are so strong."

Attorney for the seniors and chiropractors, Paul M. Begich, of Robin & Thompson, Wayzata, Minnesota, explained in filing the case that, "Congress allowed Minnesota HMOs to participate in Medicare as long as the HMOs provided all Medicare benefits. Congress has given money to the HMOs for the delivery of manual manipulations benefits. We are concerned that the secretary of Health and Human Services has not made sure that all of the Minnesota HMOs provide the benefit."

The lawsuit request that seniors enrolled with HMOs be provided all the benefits guaranteed by the United States Constitution. The case, Roen vs. Sullivan, has been filed in the Federal District Court in Minneapolis and is listed as civil file 4-90-729.

Editor's Note: Attention Minnesota chiropractors: If you or your Medicare patients are experiencing any of these types of problems with their HMO, please contact Paul M. Begich, Esq. tel: 612-475-1025

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