

## Supreme Court Denies Petition to Hear Trigon Case

### DECISION ENDS FOUR-YEAR LEGAL BATTLE

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In June, the American Chiropractic Association (ACA) and the Virginia Chiropractic Association (VCA) announced that they would petition the U.S. Supreme Court to hear their lawsuit against Trigon Blue Cross/Blue Shield. On Oct. 8, 2004, the nation's highest court denied that petition, effectively ending the suit, which had previously been dismissed by the U.S. District Court (Western District of Virginia) and the U.S. Court of Appeals, 4<sup>th</sup> Circuit.

"The Trigon lawsuit may be over, but that is hardly the end of the story," said ACA President Donald Krippendorf, DC, after learning of the decision. "We're sending a loud and clear signal to the insurance industry that when it comes to abusive practices that discriminate against chiropractic, the battle is just beginning."

ACA officials say that they will continue an "aggressive legal campaign to curb practices by insurers that harm chiropractors and their patients," and that they are examining how the court's ruling may be used to address a wide range of current reimbursement issues facing the chiropractic profession. They are also exploring the impact of the Racketeer Influenced and Corrupt Organizations Act (RICO) ruling contained in the Court of Appeals' decision. The association may consider filing RICO-related lawsuits against insurance industry targets in the future.

The Supreme Court ruling ends a legal challenge that began in August 2000, when the ACA, the VCA, 11 doctors of chiropractic and 15 patients filed suit against Trigon, alleging a series of improprieties, including racketeering, extortion, mail fraud, and antitrust violations. The suit contended that Trigon also imposed a discriminatory cap on spinal manipulation that unfairly penalized chiropractic patients; reimbursed chiropractors at a rate 40 percent less than that paid to medical doctors who provided the same or similar services; blocked referrals to chiropractors; and paid chiropractors based on the lowest possible treatment code, even when higher-level forms of treatment were administered.

On April 25, 2003, U.S. District Court Judge James Jones dismissed the suit before going to trial; just over a year later, on May 6, 2004, the U.S. Court of Appeals, 4<sup>th</sup> Circuit, voted unanimously to dismiss the suit, and on June 2, rejected a petition to rehear the case. The ACA and the VCA then petitioned the U.S. Supreme Court.

"Not since the Wilk suit has the chiropractic profession been so united behind one cause," said Dr. Krippendorf. "More than 45 state and local chiropractic organizations, the Association of Chiropractic Colleges and the National Chiropractic Mutual Insurance Company petitioned the Supreme Court to hear our case. ... The issues that originally caused us to file the litigation continue to exist and they must be addressed."

*Resources*

1. ACA files major lawsuit against Trigon Blue Cross/Blue Shield. *Dynamic Chiropractic*, Sept. 18, 2000: [www.chiroweb.com/archives/18/20/01.html](http://www.chiroweb.com/archives/18/20/01.html).
2. Trigon and the continuing conspiracy against chiropractic. *Dynamic Chiropractic*, Nov. 30, 2004: [www.chiroweb.com/archives/21/25/11.html](http://www.chiroweb.com/archives/21/25/11.html).
3. Appellate court rules against ACA in Trigon case. *Dynamic Chiropractic*, June 17, 2004: [www.chiroweb.com/archives/22/13/04.html](http://www.chiroweb.com/archives/22/13/04.html).
4. Will the U.S. Supreme Court be next to hear the Trigon Case? *Dynamic Chiropractic*, July 15, 2004: [www.chiroweb.com/archives/22/15/18.html](http://www.chiroweb.com/archives/22/15/18.html).
5. Yen H. High court passes on chiropractic lawsuit. Associated Press, Nov. 8, 2004.
6. ACA vows continuance of legal action campaign in wake of Trigon court ruling. ACA press release, Nov. 10, 2004.

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