

When Insurers "Overlook" Law

TENNESSEE MANDATE ON EQUITABLE REIMBURSEMENT APPARENTLY IGNORED.

Editorial Staff

Section 56-7-2404 of the [Tennessee Code](#), on the books since 1981, states that any insurance policy providing reimbursement for services provided by a medical doctor or other health care provider must provide equal reimbursement for the same services provided by a chiropractor within their scope of practice. Apparently insurers have been ignoring this regulation, as evidenced by the [Tennessee Department of Insurance and Commerce's](#) need to restate its "long-held interpretation of T.C.A. S 56-7-2404, relating to coverage for chiropractic services" in a [Jan. 29 bulletin](#) - the *third* such bulletin issued by the department:

"It is the Department's position that the purpose of T.C.A. S 56-7-2404 is to prohibit discrimination against services provided within the lawful scope of practice of licensed chiropractic physicians over those services offered by other health care providers. Insurers should be prepared to reimburse those services rendered by a chiropractic physician to the same extent as it would reimburse services by a medical physician for treatment of the same condition. This also means that in seeking the treatment of a covered medical condition, a covered person should be able to obtain services from either a chiropractic physician or other provider without having to pay a higher copayment or reach a higher deductible."

According to TDIC Commissioner Leslie Newman, who issued the bulletin, violations of the above are "tantamount to restrictions on access to care." She added: "Statutory language controls, despite any language in a policy to the contrary."

Of course, third-party payors have an ugly history of discriminating against DCs, often ignoring policy or research data supporting fair reimbursement. Just consider how clearly [Section 56-7-2404](#), which applies to "all policies or plans issued or renewed on and after July 1, 1981," defines reimbursable services within chiropractic scope of practice and prohibits discrimination:

"(1) Whenever any policy of insurance issued in this state provides for reimbursement for any service that is within the lawful scope of practice of a duly licensed chiropractor, the insured or other person entitled to benefits under the policy shall be entitled to reimbursement for the services, whether the services are performed by a duly licensed medical physician or by a duly licensed chiropractor, notwithstanding any provision contained in the policy.

"(2) Whenever any insurance subscribers under any sickness and accident, medical service plan, hospital service contract or hospital and medical service contract, as provided under chapters 26-29 of this title or any similar statutes, or any other persons covered by the plan or contract, are entitled to reimbursement for any services that are within the lawful scope of practice of a duly licensed chiropractor, the subscriber or other person shall be entitled to reimbursement for the services, whether the services are performed by a duly licensed medical physician or a duly licensed chiropractor, notwithstanding any provision to the contrary in any other statute or in

the plan or contract; and duly licensed chiropractors shall be entitled to participate in the plans or contracts providing for the services to the same extent and subject to the same limitations as duly licensed medical physicians."

APRIL 2009