

Blue Cross Blue Shield of North Dakota Agrees to Overhaul Chiropractic Claims Reviews

An agreement was reached this October between the North Dakota Insurance Commission (NDIC) and Blue Cross Blue Shield North Dakota (BCBSND) to "overhaul" the way the insurance provider handles chiropractic claims. The agreement stems from an investigation the insurance commission launched in 2001 over allegations that claims submitted to BCBSND by its consultant, Chiro Choice, a preferred provider partnership of DCs Michael Jacklitch, Michael Remmick and Kent Yohe, received favorable treatment while other DCs saw delays or rejections to their claims.

"This is an absolute victory for North Dakota consumers," Insurance Commissioner Jim Poolman told the *Fargo Forum*. "We basically got everything we wanted out of the market conduct exam."

The 74-page market conduct examination was published by NDIC in February 2002, as a result of a lawsuit initiated by 10 North Dakota chiropractors (Drs. Barb Bjerken; Wade Darr; Jay Ebel; Erik Isaacson; Michael Jorgensen; Timothy Jorgensen; Jeff Pladson; Jason Roth; Peter Shogren; and Woodrow Sveen), and nearly a dozen chiropractic patients against BCBS and DCs Jacklitch, Remmick and Yohe of Chiro Choice.

BCBSND has agreed to prohibit the practice of using an owner of a PPO as a consultant to the company, as was the case with Chiro Choice. BCBSND has also agreed to lower the time it takes to handle appeals by patients for denial of claims to 30 days.

"Blue Cross Blue Shield will have written policies on this so we can hold them accountable," Mr. Poolman said. The new policies must be submitted to his office by January 2, 2003. He added that the settlement cancelled a hearing planned for November or December, which will save his department thousands of dollars.

The ongoing lawsuit by North Dakota chiropractors and patients against BCBSND and Chiro Choice includes allegations of RICO and Sherman Act violations; breach of contract; bad faith; and unfair insurance practices. Dr. Jacklitch had been BCBSND's chiropractic claims consultant since 1990.

(Editor's note: For more information on the lawsuit, see www.chiroweb.com/archives/19/16/18.html).

Sources

1. *Fargo Forum*. March 3, 11, 2002 (<http://new.in-forum.com>).
2. Market conduct examination report: *Chiropractic benefits*. Noridian Mutual Insurance Company DBA Blue Cross Blue Shield of North Dakota, representatives of the North Dakota Insurance Department, Bismarck, North Dakota, February 5, 2002.
3. *Bjerken vs. Blue Cross, et al.*, amended civil complaint, # A1-01-059, U.S. District Court, North Dakota, Southwestern Division, 2001.

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