

## ACC Lends Support to Solla Appeal

Editorial Staff

The Association of Chiropractic Colleges has resolved to endorse the appeal proceedings in the *Solla* antitrust case against HMOs in New York state.

On July 13, 1998, United States District Court Judge Nina Gershon dismissed *Solla*.<sup>1</sup> The Case, which dates back to 1993, is an antitrust claim against 12 HMOs doing business in New York City and in Nassau and Suffolk counties on Long Island. Solla alleges that chiropractors have been excluded from participating in the managed care plans of those HMOs.

The resolution by the ACC reads:

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WHEREAS, the Solla antitrust action against all health maintenance organizations (HMOs) certified to offer managed care plans to consumers in the metropolitan New York state area reached a critical stage of litigation in the U.S. District Court, Eastern District of New York; and

WHEREAS, the Solla antitrust action argued that the defendant HMOs wrongfully exclude chiropractic as a covered benefit in their respective basic managed health care plans, thus depriving consumers of medically necessary care and treatment and causing them to seek coverage via riders, when available, or via out-of-network DCs, thus incurring increased out-of-pocket expenses; and

WHEREAS, the Solla antitrust action liability issues requiring HMOs to include chiropractic as a covered benefit in their basic managed health care plans; and

WHEREAS, Federal District Court Judge Nina Gershon has granted the defendant HMOs motions for summary judgment and the Solla plaintiffs have unanimously elected to appeal Judge Gershon's order dismissing the antitrust action to the U.S. Court of Appeals, Second Circuit; and

WHEREAS, the Solla antitrust action needs the financial support of the entire chiropractic profession to pay the costs of the appeal to the Court of Appeals, and, if Judge Gershon's order is reversed, to pay pre-trial and trial legal expenses, fees for economic and medical/chiropractic expert testimony, and for computer analysts who are reviewing computer data relating to the HMOs disbursements for specific IDC-9 codes;

NOW, BE IT THEREFORE

RESOLVED: That the Association of Chiropractic Colleges unanimously endorses the Solla antitrust action and pledges to encourage the federal and state professional chiropractic organizations, as well as each and every chiropractic doctor, to financially contribute to the expenses of the action; it further urges its constituencies to financially contribute to the Solla antitrust action; and it is further

RESOLVED: That all contributions be mailed to the "Chiropractic Alliance," c/o Dr. Andrew Lacerenza, 199 No. Wellwood Ave., Lindenhurst, New York 11757

*Editor's Note:* The ACC Executive Committee comprises:

President

Dr. George Goodman

Logan College of Chiropractic

Vice President

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Dr. Peter Martin

Palmer College of Chiropractic West

Immediate Past President

Dr. Reed Phillips

Los Angeles College of Chiropractic

*Reference*

1. Solla Case DISMISSED. *DC* Aug. 24, 1998

JANUARY 1999