

Chiropractic Wins Over AAA in Michigan

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Finally, after a nine-month wait, a written decision has been handed down by Judge Terzag on the legal action begun by Drs. Hofmann and Herfert. The suit started in 1985, when the two chiropractors filed a complaint against AAA for failure to pay for orthopedic supports and spinal thermographies.

AAA quickly responded by countersuing in an effort to avoid paying for many services rendered by DCs, even though they were plainly within our scope. AAA also wanted to set precedents for paying only the amount that any secondary insurance coverage normally agreed to, for instance Medicare or Medicaid, and even individual consideration.

These chiropractors were quickly backed by the organizations of the Michigan Chiropractic Legal Action Committee and the Michigan Chiropractic Council, in their efforts for proper care by qualified physicians. The battle became a prolonged, drawn-out attempt to sap the emotional and financial energy of the chiropractic community.

But on August 19, Judge Terzag issued his written decision on the case, and will have it read in court on September 19, when any intentions to appeal will be made apparent.

The written decision appears to have come down very strongly in favor of the chiropractors, and upholds the patients' rights to be reimbursed for all of the services rendered by a chiropractor, except for spinal thermography, which Judge Terzag ruled outside of our scope.

The decision lists examinations, orthopedic supports, nutritional supplements, rehabilitative exercises, traction, re-evaluation x-rays, and extended care, all under the domain of chiropractic and valid services for chiropractors to perform.

The down side of this ruling appears to be the judge's opinions that spinal thermography is outside the scope of chiropractic, and that accepting less than the normal charge for a service, no matter what the reason, commits a physician to accept that reduced fee in spite of any changes in that patient's financial status.

It is expected, by the author, that these decisions will be appealed and changed by a higher court. Whether they are changed for the better of the public and the future of chiropractic depends on many factors, including the support of field doctors, the anticipated interest of osteopathic and medical doctors, and the apparently vagrant winds of legal opinion.

Whatever the final outcome of this case, it will be used as a precedent for future decisions. Insurance companies throughout the state and nation will look at this legal action for direction and as a foundation for further action, either for or against the individual to be able to choose chiropractic care for himself.

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Editor's Note:

This litigation, underwritten mostly by Drs. Herfert and Hofmann, has incurred an outstanding legal/financial responsibility in the tens of thousands of dollars. The decision and the expected appeal will affect chiropractors all over the nation and especially the state of Michigan.

Your donations should be sent to MCLAC,
c/o Dr. Tom Klapp
4748 Washtenaw,
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