



Office of the Attorney General
State of Arizona
Solicitor General's Office

Terry Goddard
Attorney General

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November 17, 2009

Ed Wren
Wren & Associates
3030 N. 3rd St., Suite 200
Phoenix, Arizona 85012

Re: *Opinion Request/A.R.S. § 20-461(A), (E)*

Dear Mr. Wren:

Thank you for your letter of November 13, 2009. Although we cannot give you a date certain upon which the opinion in question will be issued, I assure you, as I have assured Dr. Immerman that we are working on the legislators' opinion request, a copy of which is enclosed.

If you have any questions or concerns, please don't hesitate to call me or my supervisor, Solicitor General Mary O'Grady.

Sincerely,

Carrie J. Brennan
Assistant Attorney General

CJB/bg

cc: Mary O'Grady
Greg Stanton
State Senator Carolyn Allen (enclosure)
State Representative Nancy Barto (enclosure)
State Senator Rebecca Rios (enclosure)
State Senator Linda Gray (enclosure)
State Senator Chuck Gray (enclosure)
State Senator Russell Pearce (enclosure)
Beth Kohler Lazare, Policy Advisor for Health & Human Servs. (enclosure)

#619318

REBECCA RIOS
DEMOCRATIC WHIP
DISTRICT 23



R08-060

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Arizona State Senate

JOINT LEGISLATIVE AUDIT COMMITTEE

* Mary O'Grady
Dave Gass
TEF

December 23, 2008

The Honorable Terry Goddard
Arizona Attorney General
1275 West Washington Street
Phoenix, AZ 85007

DEC 24 2008
SOLICITOR GENERAL'S OFFICE

Dear Honorable Attorney General Goddard:

In late June we sent a letter requesting clarification on unfair claims. We have condensed that concern into the following:

A question has arisen with regard to how the Unfair Claims Practices Act (ARS 20-461) is interpreted with regard to its prohibition of discrimination in the payment of services between physicians when the payment is for the same diagnosis and/or condition of a patient.

Our understanding and belief is that ARS 20-461 prohibits discrimination in the payment of these services when the payment is for the same diagnosis and/or condition of a patient. Insurance companies should not be allowed to pay different amounts based upon the type of physicians.

For example, insurance companies have adopted the idea that chiropractic physicians are "specialists" and, therefore, subject to different co-payments than other physicians treating the same diagnosis and/or condition. The mere designation of "specialists" should not allow an insurance company to unfairly separate the services performed by a chiropractic physician from other physicians treating and diagnosing the same condition.

Our question: Is it illegal or improper for an insurance company to charge separate co-pays for different physicians when those physicians are treating the same diagnosis and/or condition?

Thank you for your prompt attention to this question.

Very truly yours,

Handwritten signature of Rebecca Rios in cursive.

REBECCA RIOS
State Senator

Handwritten signature of Linda Gray in cursive.

LINDA GRAY
State Senator