

Arizona Chiropractic Society

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The Honorable Governor Janice K. Brewer
Office of the Governor
1700 West Washington Street, Ninth Floor
Phoenix, Arizona 85007

Dear Governor Brewer:

You're immediate, direct and personal intervention is needed to save chiropractic as a health care profession and alternative healing choice in Arizona. The lawless actions of the Arizona Department of Insurance and the Arizona insurance industry have resulted in **the near shut-down of the entire chiropractic profession**. Scores of chiropractors have literally closed their doors this year with many having moved out of state.

ADOI Director Urias is acting in a blatantly unlawful manner. You are a "law and order" Governor yet you are allowing this lawless behavior by one of your agents. If you will take the time to personally look at this matter, I believe you will be outraged. The Director, your legal agent, has claimed that if insurers violate the consumer protection laws of this state contained in the Unfair Claims Practices Act ARS 20-461, she has **no duty to take any enforcement action** against them. No other Arizona ADOI Director has ever taken such position, nor has any other state insurance director where the same uniform act is in law. Arizona law states 20-461 "shall" be enforced, but Director Urias has subverted "shall" to "may."

This legal position has been taken on your behalf since ADOI is a state agency. You are ultimately responsible for this position, untenable as it is, and can change it at any time. The courts will reject it, sorely embarrassing you in the process, but until then all Arizonans are at risk. The Unfair Claims Practice Act prohibits private cause of action so only ADOI can take enforcement action when there is a violation.

One key provision of 20-461 not being enforced is the chiropractic insurance equality law, 20-461(A) and B. **ADOI has not denied it is not enforcing this law, just that it has no duty to enforce it.** This is a law that you helped write and vote for in 1989-1991. It requires coverage of all medically necessary chiropractic care, not just the 6-7 visits allowed today by BCBS even for the most seriously injured patients. It requires the same copays for MDs, DOs, and DCs and certainly did not contemplate sky-high specialist copays for chiropractors who are legally prohibited from calling themselves "specialists." It requires real insurance coverage for

chiropractic, something that does not exist when the maximum payable for a visit is \$44, the copay is \$40 and the insurance company only pays \$4. When the patient pays 91% of the cost of the visit and the insurer pays 9%, no one can claim this constitutes insurance coverage. Nonetheless, ADOI allows this fraud to persist. You have the power to stop this with the stroke of your pen.

Some in your office have stated that nothing can be done by your office as long as some of these issues are in litigation. Nothing could be further from the truth. You, Governor Brewer, are the defendant in the lawsuit. **You can at any time change defense strategy to be fair and consistent with the original legislative intent and meaning of this law and settle this case.** Director Urias has told me personally in a face-to-face meeting that she would change the way she interprets and enforces the chiropractic insurance equality law if instructed to do so by the Governor. So please abandon your hands' off approach.

There also seems to be an opinion by some in your office that ADOI is in compliance with the informal letter written by the former AG on some of these issues. Again, nothing could be further from the truth. The letter specifically ended with the mandate that insurers must develop definitions for the way they designate doctors as PCPs or specialists that do not discriminate against the usual and customary treatment procedures of chiropractors. This has never been done to date. Therefore, **ADOI and the insurance industry are NOT in compliance with the AG letter.**

The entire chiropractic profession would like to have a meeting with you as soon as possible. We will meet with you any day at any time that is most convenient for you. Simply let me know when and where and I will have at least 300 chiropractors present. We are in the worst crisis that I have seen since I was first licensed in 1980. A state agency wholly under your control is acting in a flagrantly lawless manner and all of us want to talk to you personally and directly about it. You may call me to set an appointment at 602-368-9496. I know from personal experience not only your commitment to the rule of law, but also your love of the chiropractic profession. Let's get together and resolve this mess.

Sincerely,



Alan M. Immerman, D.C.
President