From: Arizona Chiropractic Society
To: acs@azchiropractors.org
Subject: Need Help With Your Personal Injury Practice?
Date: Monday, July 08, 2013 10:49:37 AM

Arizona Chiropractic Society
eNewsletter

June 27, 2013 Newsletter Subtitle Month Year

The Arizona Chiropractic Society is here to serve you!

ARIZONA CHIROPRACTIC SOCIETY
ACS Logo

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Alan M. Immerman, D.C., ACS President and Executive Director

NEED HELP WITH YOUR PERSONAL INJURY PRACTICE?

Do you need help getting new PI patients? ACS will show you how to get new PI patients from attorneys who specialize in automobile accident cases. There is a winning formula used by successful doctors and ACS will show you what works. Also, you get paid your full fee in these cases and the patients usually have the most severe injuries of any in your practice and so need the most treatment. This is a part of your practice that you really want to build.

Do you know how to file and then enforce liens? Do you know what a County Health Care Lien is and how to use it? Do you know what to do when an insurance company refuses to honor such a lien? What are your rights? What are the time limits for filing liens? 30 days after the first date of treatment or 30 days after any date of treatment related to the injury? Are you using the ACS UCC Lien to further protect yourself? Do you have an Attorney lien in place with all PI cases? ACS provides full instructions regarding all questions surrounding liens along with templates for all liens.

Do you know if you can simultaneously bill health insurance, medpay and the third party insurer in a PI case? ACS knows the rules and will teach you what to do. If you are a contracted provider with a health plan, must you accept the payments from the health insurer as payment-in-full or can you balance bill the third party insurer and still be in compliance with your managed care provider contract? ACS has the answer.

What do you do when an attorney demands you pay one-third of your medical charges as a collection fee to the attorney based on the LaBombard case? You should almost

always refuse but you need a clear basis for doing so to state to the attorney and ACS has a position paper to explain your reasoning.

What do you do when the attorney has collected the medpay funds and refuses to release them to you? What do you do when the case settles and the attorney is insisting that you reduce your bill by a large amount? ACS members call ACS for guidance and they get it. Problem solved.

Are you scheduled for a deposition or trial and have no clue what to do or say and would like to speak with someone to prepare? Call ACS and Dr. Immerman will prepare you based on his experience with 70 trials, 20 arbitrations and 50 depositions.

An attorney has sent you an IME report from a chiropractor or orthopedic surgeon and asked you to write a rebuttal within one week. You have no idea what to do. ACS members call ACS for assistance and they get it. ACS has sample reports to rebut every insurance company expert in Arizona and supplies them to members to use as a basis for their reports. In other cases, the attorneys retain Dr. Immerman to rebut the IME doctors on behalf of the treating doctors.

What do you do when a claims adjuster tells you there was minimal vehicle damage and so the injuries must have been minor and so treatment will not be covered after one month? ACS has a complete package of information and a letter to send to adjusters to neutralize their arguments.

Do you need journal articles about some aspect of whiplash such as injury mechanisms, effect of chiropractic care, soft tissue healing, prognosis and chronicity, or any other PI topic you can imagine? ACS has literally thousands of current journal studies on file and supplies them to members on request as needed. ACS can also get new journal articles within 48 hours from the medical library we work with as needed.

As you can see, ACS membership includes full PI practice consulting, something not found with state association membership anywhere in the country. Check out our entire PI resources at http://www.azchiropractors.org/pages/medicolegal-biodynamic-research-corporation-low-speed-impact-rebuttal.php. This type of consulting usually costs hundreds of dollars per month but is included in ACS membership for only $100 per month. Is this an offer you cannot refuse? Consider that the $100 also funds our lobbyist and lawyers who are fighting to achieve full insurance equality at the Arizona Legislature and in the courts and the answer is certainly a

resounding yes. So if you want a booming and solid PI practice together with full insurance equality, join today if you are not already a member. It's easy. Just go to www.AZChiropractors.org and click on "Become a Member Online" on the upper left or call ACS at 602-368-9496 and we'll do it in three minutes on the phone.

We look forward to serving you and further building ACS so that we can be even more effective at achieving full insurance equality.

CALLING CHIROPRACTORS WHO WANT CHANGE -- LET'S CREATE A REVOLUTION AT THE LEGISLATURE

The time for a revolution is now and you are needed to make it happen. Here's the blueprint for real change now. If you want change, you must start with personal action and advocacy.

The focus for change is on government. In Arizona, that means the State Legislature. We have just six months until the next session starts and if we work hard enough between now and then, we can make insurance equality a reality in 2014. The key is for you to forge personal relationships with your three legislators and convince them to fight for freedom of choice in health care so that patients can use their insurance to pay for chiropractic care.

We have prepared the ultimate, brief, complete package and proposal for you to give to and explain to legislators. Brief descriptions are presented below. But the first step is for you to identify your three legislators: one Senator and two House members. Go to www.azleg.gov and click on How Do I Find My Legislators. Then enter your home address and the number of your legislative district will come up. Then go to the buttons for Senate and House, scroll down to the district number, and the name of your legislators will be there complete with full contact information. Again, you are looking for one Senator and two House members. If you have any difficulties with this process, call ACS at 602-368-9496 and we will walk you through it.

Once you find the names of these three legislators, call and ask for a 30 minute appointment at their office at the Capital to discuss issues of pressing concern to chiropractors

and their hundreds of thousands of patients in this state.When the time and date of the meeting is set, call our lobbyist Tim LaSota at 602-515-2649 since we want him to brief you and accompany you to the meeting. There are seven key brief documents plus an introductory document that you will need to first read and digest and then copy and present at the meetings. You can download and print them from the ACS Legislative Information Page at http://www.azchiropractors.org/pages/legislative-information-page.php. #14. Here are the titles with brief descriptions:

Introduction to ACS Legislative Package and Proposal: This is the introduction to the entire package of the seven following brief and essential documents that make up the ACS Package.

1 -- Conservative Care First -- A Strategy to Reduce the High Cost of Health Care: The main driver of health care inflation is high technology medicine and in-patient care. When patients are first seen by chiropractors compared to MDs or DCs, the frequency of MRIs, CTs, surgeries and hospitalizations is lower and this reduces the overall cost of health care. Prepared by the ACA.

2 -- Chiropractic -- A Low Cost Solution to High Cost Healthcare: Back pain is the second most common reason that patients consult doctors. When patients see chiropractors rather than MDs or DOs, the overall costs of care are 20-40% less expensive, thus reducing the nation's health care tab. Prepared by the ACA.

3 -- Wilk v. AMA Permanent Injunction Order: In 1987, a Federal District Court Judge issued a Permanent Injunction against the AMA banning it from continuing its effort to conduct an "illegal boycott and conspiracy" to "contain and eliminate the profession of chiropractic" because it was an economic competitor. The injunction was issued because there were still "lingering effects" of the boycott. The AMA convinced insurers not to cover chiropractic and that is the root of our problem today since it continues.

4 -- Wilk v AMA 25 Years Later Why It Still Is Not Over: Evidence that the AMA's effort to "contain and eliminate" the chiropractic profession is ongoing. The most recent example is found in 2010 when AMA House of Delegates voted to have the AMA lobby to repeal the provider anti-discrimination clause in the Affordable Care Act, Sec. 2706, which protects chiropractic from discrimination. Nothing has changed since 1987. The AMA wants existing discrimination against chiropractors to continue. That is why the Arizona chiropractic insurance equality law is necessary.

5 -- Cato Analysis Executive Summary: The conservative Cato Institute conducted a thorough analysis and concluded that the

more types of health care providers in the marketplace, the more competition there would be with the result being lower prices.
They found that certain segments of the medical profession seek to use unfair advantages to squeeze out competition and maximize their own incomes through licensure and other laws.

6 -- 20-461. Unfair claim settlement practices with stricken language: The existing Arizona chiropractic insurance equality law/freedom of choice law. This law must be moved from the Unfair Claim Settlement Practices Act which can only be enforced by the Arizona Department of Insurance (ADOI). In recent litigation, the courts have affirmed that ADOI has no duty to enforce this law even if there are clear violations. In the past six years, ADOI has refused to enforce the law and has misinterpreted the law compared to the way it was interpreted from the time it was passed in 1990 to 2007. The law must be moved elsewhere in Title 20 where it will be subject to the same legal recourse as all of the other 2,500 laws in Title 20. The stricken language was added in 2004 as a last minute amendment by United HealthCare and Activator Methods and allows insurers to discriminate against chiropractic when applying medical necessity review. No discrimination whatsoever should be allowed and so this line must be removed.

7 -- South Dakota Chiropractic Copayment Law: Most chiropractic and physical therapy patients need about 20-30 treatments over a 2-3 month period of time. When copayments are at specialist levels of $40-$60 per visits, the average patient is not able to afford the care. While chiropractors and physical therapists are clearly not primary care physicians (PCPs), and nothing in this law confers that privilege to them, they most certainly are not specialists either. Specialists complete medical school and then attend 3-7 years of post-graduate training. Chiropractors and physical therapists graduate from the equivalent of medical school and then go into practice with no additional training. It is clearly false to compare the education and training of a chiropractor or physical therapist to, for example, an MD neurologist or orthopedic surgeon. Practically speaking, patients simply are not getting the chiropractic care or physical therapy they need with copayments at specialist levels. Oftentimes, the copayment is close to or exceeds the total amount reimbursable for an entire visit and so the insurer actually pays nothing. Copayments for chiropractic care and physical therapy must be set at PCP, not specialist levels.
Also, chiropractors don't get paid anything near what actual specialists get on reimbursement - - insurers want to classify chiropractors as specialists only when it is advantageous to do so.

This is the full blueprint and set of documents needed

by serious and dedicated activist chiropractors to change our world. You have what you need to find and locate contact information for your three legislators. You have all of the information you need to present at your meetings. You have the phone number for our ACS lobbyist to be briefed. Here is the number for ACS if you have any further questions that you would like to direct to Dr. Immerman: 602-368-9496. Now we just need to light a fire so that you actually take action. If you do, victory is well within reach. Change starts with you. Make it happen.

LAW FIRM AGREES TO FILE CLASS ACTION LAWSUIT AGAINST BCBSAZ AND ASHN

The most powerful and well financed class action law firm in Arizona has agreed to file a lawsuit against BCBSAZ and ASHN for a number of counts of fraud on behalf of chiropractors and their patients. This is the most powerful development ever in the cause for insurance equality in Arizona.

The lawsuit will allege illegal pre-certification requirements, impermissible limits on coverage for chiropractic services, illegal illusory benefits resulting from excessive copayment requirements, illegal reliance on flawed and inaccurate medical necessity policies, and illegal discrimination against chiropractic physicians in violation of state anti-discrimination laws.

We are not yet prepared to reveal the name of the law firm in order to keep the other side in the dark. However, when we do, you will be able to read in detail about their history of winning many awards in the hundreds of millions of dollars against the largest corporations in the U.S. for illegal conduct. Their track record speaks for itself.

However, this lawsuit cannot proceed until we have the right plaintiffs. We need BCBSAZ insureds who have had medically necessary care denied by ASHN and who have filed all possible appeals allowed under the ASHN contracts. For example, if you have had a patient where the initial 5 visits were received and you asked for 10 more but only 5 were approved, we may have a candidate if you appealed the denial of the extra 5 visits exactly following ASHN procedures.

Contact Dr. Immerman at 602-368-9496 with questions and names of potential plaintiffs. This is a contingency-based lawsuit and so there will be no costs or fees paid by plaintiffs. Also, BCBSAZ cannot cancel the insurance contract of someone just because they filed a lawsuit or they will be in serious legal trouble. It is imperative that you search for and find plaintiffs immediately so that this lawsuit can be filed.

Chiropractic Wins When You Do Business With These Vendors and Professionals

PINCUS & ASSOCIATES, PC AND PINCUS & LESPRON, PC- ARE YOU TIRED OF REDUCING YOUR BILL? With offices in Tempe and Tucson, there is no longer any reason for you to routinely reduce your bill on accident cases. Call Richard Cruz, Esq. at 480.777.2599 or Michelle Lespron, Esq. at 520.888.2599 to learn how it is to work with attorneys who understand how to beat the insurance companies at their own game. You deserve to be paid for all of the work you do!!! **Click here for the firm's webpage with full information.**

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YOUR LISTING HERE AND IN THE NEWSLETTER: Your ad is seen by the entire Arizona chiropractic profession when it appears in the ACS eNewsletter and posted on the ACS webpage. Contact ACS at 602-368-9496 or **ACS@AZChiropractors.org** for more information.

CANCER TREATMENT CENTERS OF AMERICA: offers whole-person, integrated cancer care by combining state of the art technology and conventional treatment with nutrition, naturopathic medicine, mind-body support, massage, acupuncture, spiritual support, pain management, rehabilitation services and chiropractic care. For more information, your patients can call 800-234-9113 or go to **cancercenter.com.**

CUSTOM X-RAY DIGITAL EQUIPMENT SALES & SERVICE: Dedicated to the Arizona Chiropractic Professional. Offering affordable X-Ray and Digital X-ray solutions since 1968. Affordable leasing programs, pre-planning services, lead shielding quotations. Processors, film, headrest paper, chiropractic tables, service/repairs/annual calibrations/digital service/support/computer IT support services, affordable service and support. Call for Shawna @ 602-439-3100 or 800-230-9729 -- **www.customxray.com**

CHIROFUTURES MALPRACTICE PROGRAM: Securing the future, managing your risk. Comprehensive coverage and competitive rates. Best value in the market. Contact: **www.chirofutures.org** or 800.219.9090 Key administrator is Dr. Matt McCoy, a name long associated in chiropractic with integrity and intelligence.

RICHCOR TABLES, MODALITIES AND SUPPLIES: Richard Corcilius is tried and proven having served the profession for over 25 years. Call 480-334-7430 or email richcor26@gmail.com.

ECLIPSE PRACTICE MANAGEMENT SOFTWARE: Auditors say it "sets a new bar" for documentation. And it's topped independent polls for decades. ONC-ATCB Certified. www.eclipsesoftware.net. Call: 800.966.1462.

BOARD COMPLAINT? I CAN HELP: Mandi J. Karvis, Esq. of Sanders & Parks, P.C. I regularly appear before the Board and am familiar with their expectations. Call 602-532-5816. **Mandi.Karvis@SandersParks.com** **http://sandersandparks.com/**

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MEDICLINIX: For no charge, we will help you record liens and negotiate with attorneys in PI cases for free. We will help you collect up to 100% of your usual charges. Tired of fighting the fight alone? We can help. Call 480-220-1434. **www.MediClinix.com**

BREAKING NEWS

BREAKING NEWS 06/12/13:
Governor chooses
State Employee Benefit - United Healthcare EPO as Arizona's Essential Health Benefits benchmark package. Coverage for chiropractic includes physician visits, copay $15.00 per visit; spinal manipulation limited to 20 visits per member per plan year subject to being medically appropriate, copay $15.00 per visit; and rehabilitation services, limited to 60 visits per member per plan year for all therapy types including physical medicine copay $15.00 per visit. This is the minimum plan that all employers will have to offer beginning 01/01/14. Click here to read Governor's letter announcing her decision. Click here to read the Benefit Plan Booklet from the Arizona Department of Insurance (ADOI) website.

BREAKING NEWS 06/06/13: ACS releases all new June 2013 monthly eNewsletter with lead story about ACS' plan to file same lawsuit against ASHN and BCBS that the ACA has filed against ASHN and CIGNA on a national basis. Also read about ACS' plans for 2014 Legislative session, BCBS/Gilsbar refund demands, Aetna policy on manual therapy,and much more by clicking here.

BREAKING NEWS 05/30/13: Video evidence of insurance company discrimination against chiropractors that is depriving many patients of chiropractic care and causing many chiropractors to go out of business. View powerful video that tells the whole story by clicking here.

BREAKING NEWS 05/16/13: How to Use the Health Care Appeals, Grievance and Timely Payment Laws to Get Paid. ACS has made key Member Benefit documents public so entire profession can use key tools to get paid. Click here for complete information. Much more information like this available to members. Join today online!

BREAKING NEWS 05/02/13: ACS releases May 2013 eNewsletter with key stories about appeal filed with Arizona Supreme Court in ADOI lawsuit to overturn Court of Appeals decision, plans for additional litigation and legislation to achieve insurance equality, meeting with ADOI Director and executive staff, solutions for refund demands and much more. Click here to read the newsletter.

BREAKING NEWS 04/22/13: Meeting with ADOI Director and staff on 04/18/13 to address ACS' complaints nonproductive. ADOI refuses to agree to enforce any of

the key provisions of the chiropractic insurance equality law. ACS now strategizing other solutions. Click here to read a full report of the details of the meeting.

BREAKING NEWS 04/02/13: ACS releases all new April 2013 eNewsletter with key stories about Court of Appeals decision in favor of ADOI, legislative defeat of SB 1362, Senate committee decision in favor of Gerrie Marks as ADOI Director as much more. Click here to read full newsletter.

BREAKING NEWS 03/27/13: State Farm files petition with Arizona Court of Appeals to force doctors to accept $12 as payment in full for depositions in PI cases. Treating DCs would be "fact witnesses" and not "expert witnesses" if State Farm prevails. ACS files Amicus brief with Court to oppose State Farm.

BREAKING NEWS 03/20/13: SB 1362 fails to pass Senate on reconsideration as some Senators still believe bill will turn DCs into PCPs while others want to wait to see how national insurance equality affects profession. Some Senators follow directions from Arizona Chamber of Commerce which is dominated by BCBS. ACS now focusing on gaining enforcement of current insurance equality law. Go to the ACS Legislative webpage at http://www.azchiropractors.org/pages/LEGISLATIVE-INFORMATION-PAGE.php to view streaming video of all Legislative hearings and votes.

BREAKING NEWS 02/11/13: ACS releases February 2013 ACS eNewsletter with lead story "Powerful, Leading Legislators Sponsor and Introduce ACS Insurance Equality Law." Also read about refund demands and all breaking news by clicking here.

BREAKING NEWS 02/09/13: U.S. Department of Labor files amicus brief supporting ACS' position that post payment audit (PPA) reviews are adverse claims determinations subject to all ERISA appeal rights. Click here to read key excerpts from the DOL amicus brief. This will greatly strengthen the ACS anti-PPA letter available by clicking here.

BREAKING NEWS 12/06/12: ACS releases December 2012 eNews with lead story "Legislators Poised to Tell ADOI to Enforce Chiropractic Insurance Equality Law or They Will Allow Public to Do It." Also, ACS explains details of how its strategy is effective in countering the epidemic of refund demands from health insurers. Read about the Governor's new appointment for ADOI Director, all of the ACS member benefits and Corporate Members. Click here to read the entire 8 page full color PDF newsletter.

BREAKING NEWS 11/07/12: ACS releases November 2012 ACS eNewsletter with story about ACS' plans to attack insurance discrimination at the Legislature in January, 2013. Also read about the complete ACS package to fight low speed impact arguments in PI cases, LaBombard defenses, how to fight refund demands, and much more by clicking here.

BREAKING NEWS 10/31/12: BCBS to be sued for charging copays for chiropractic care. The lawsuit will be handled by the law firm Hansen Reynolds Dickinson Crueger LLC from Milwaukee, WI, http://hrdclaw.com/, with Arizona bad faith insurance lawyer Stephen Ryan, www.stephencryanpc.com/. The WI firm has been litigating the same issue in WI. Here is a link to a newspaper article about their lawsuit and a link to the initial 30 page WI filing.

BREAKING NEWS 10/20/12: ACS releases Low Speed Impact Defense Package including a letter to send to a claims adjuster who has raised low speed impact arguments, telling you to limit treatment because property damage was minor. The package is posted on the Member Benefits page, #35.1 to 35.6.

BREAKING NEWS 08/03/12: ACS releases all new 8 page August 2012 ACS eNewsletter. Lead story: "Insurance Restrictions on Chiropractic Fueling Epidemic of Narcotic Opiate Addictive Prescription Painkiller Abuse." Read this story and much more by clicking here. Read ACS page on the subject by clicking here. Read ACS Position Paper by clicking here.

BREAKING NEWS 06/28/12: US Supreme Court upholds national healthcare reform including powerful clause prohibiting discrimination against chiropractors. Click here to read full ACS explanation of chiropractic provisions which will be a boon to the profession.

BREAKING NEWS 04/28/12: ACS publishes Complete Directory to Personal Injury Resources, superior to many hours of seminars and hundreds of dollars of expense. Based on Dr. Immerman's 69 trials and 45 depositions in the past 15 years with overall 500 case reviews.

BREAKING NEWS 03/26/12: $70,000 Plaintiff's award in classic low speed impact case. State Farm retains Joseph Peles, PhD, biomechanical engineer, and plaintiffs retained Alan M. Immerman, D.C. to rebut. Jury did not believe Dr. Peles after hearing from Dr. Immerman and concluded the plaintiff was injured, awarding $70,000. Click here to read the entire Court's Minute Entry.

KEY DOCUMENTS FOR YOUR PRACTICE: 11.3 - Letter to fight refund demands. If you receive a refund demand, contact ACS. 34.1 -- Who Can an ARS 33-931 Lien Be Enforced Against, by PI attorney Steve Pincus. Also: New PI/health insurance lien forms for health insurers that refuse to honor assignments of benefits. New liens grant more rights than county liens plus work in UM/UIM cases. Also, all new ASH Claims Denial Center with key analysis at 11.5.

BREAKING NEWS 02/03/12: *Arizona Capitol Times* publishes Dr. Immerman's "Stop Insurance Industry War On Patients Who Rely On Chiropractic Care." Click here to read.

BREAKING NEWS 12/14/11: Press Conference on 12/13/11 great success in exposing ADOI, BCBS and ASH. Click here to read full report including links to newspaper articles and TV videos. Click here to read Media Release.

Most Read: Newsletter from MedicoLegal Services with reference for the best literature review journal study about biomechanics and injury mechanisms of whiplash. Click here for newsletter.

Most Read: ACS offers members group medical insurance which is guaranteed-issue. This means *no medical questions asked!* High quality Arizona insurer. Call ACS at 602-368-9496 for more information.

Most Read: Watch live testimony from the Legislature as Dr. Immerman arguesthat chiropractic should be included in health insurance. Click here to see video. Begin at the 50:30 minute mark.

Click here to join ACS or donate online with our live secure server. For a detailed description of each of the 60 valuable member benefits, click here.

Alan M. Immerman, D.C.
President and Executive Director

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