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# ARIZONA CHIROPRACTIC SOCIETY

## DECEMBER 2007 NEWS

Statewide Non-Profit Chiropractic Association

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



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Publication Editor  
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## ACS JOINS AAC IN CALL FOR UNITY— COPAY/DEDUCTIBLE BILL MUST PASS IN 2008!

Alan M. Immerman, D.C., ACS President

ACS and I join the AAC in its call for unity. How do we achieve unity? We must define the specific goals around which we must unite and then we must come together to achieve these goals. ACS members have spoken and these are their goals.

The first is *total and complete insurance equality* which means the out-of-pocket costs to the patient are the same whether the patient receives either chiropractic care (adjustments, physiotherapy) or medical/surgical/drug care. This means passing legislation in early 2008 to require all insurance companies including BCBS, United, CIGNA, Humana, Aetna, etc. to charge the exact same copays, coinsurance and deductibles for chiropractic as for PCP care. Is there any other reason for a state association to exist than to pass insurance equality legislation? ACS members say no.

To be successful, both AAC and ACS *must* suspend all negotiations with the insurance industry beginning immediately until the legislation passes. If negotiations continue during the legislation session then BCBS will do exactly what it has done in the past and wreck the legislation. BCBS will tell legislators not to pass a bill while negotiations are ongoing and likely to be fruitful. BCBS played this card last session and peeled off many yes votes and almost killed the ACS copay/deductible bill by saying it was close to a deal with the AAC. Of course no deal ever was reached as evidenced by the fact that the problem still exists unchanged today. The AAC announced repeatedly throughout 2007 that a deal was close. All that BCBS offered is a reduction in copays from \$60-\$70 down to \$55, with no reduction in the \$1500 deductibles. ACS considers this an insult and slap in the face, not a deal, considering that PCP copays remain in the neighborhood of \$20 and deductibles are near \$100-\$200.

This is a typical lobbying ploy used to kill legislation: “the parties are still

talking and working out their problems outside of the legislature so it is premature to pass a bill.” The AAC plays into this game every year and undermines the ACS legislative effort in doing so. This **MUST NOT HAPPEN** again in 2008! The AAC’s misjudgment in falling for BCBS’ tricks has destroyed the possibility for unity in the past. ACS does not want this to happen again. ACS wants unity in the profession and an end to the friction with AAC. This can easily happen if both groups sign on to the insurance equality legislation.

The second goal for the profession is an end to the completely improper behavior by the Chiropractic Board. You must take one hour and read the information on the Board posted on the ACS webpage at [www.AZChiropractors.org](http://www.AZChiropractors.org). You will conclude, at the very least, that the Board has been and is acting inappropriately. In all likelihood you will agree that the Board is perpetrating an outrageous reign of terror by acting as a proxy of the insurance industry. There is no excuse for the AAC’s continuing support of the Board.

The third goal is “Live and Let Live” between subluxation-focused and broad-scope chiropractors. ACS supports ACA, ICA and WCA oriented chiropractic and will not stand for any effort to abolish any doctor’s style of practice if it is legal, ethical and honest. ACS calls upon AAC to make an affirmative statement in support of this objective.

These are the objectives of ACS members and, I firmly believe, all Arizona chiropractors. ACS and I call for unity based on these objectives. ACS has already adopted these objectives in writing time and again. We call upon the AAC to do the same. In particular, we call upon the AAC to IMMEDIATELY announce its support of legislation to require insurers to charge PCP level copays and deductibles for chiropractic care. Once this is done, there will be complete unity. It is as simple as that.

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## UPDATE ON ACS EFFORT TO OPPOSE NEW CA RULES

ACS brought the issue of the new CA rules to the profession's attention in October 2007. The new rules, if not amended by GRRC on December 4, 2007, may narrow a CA's scope of practice significantly. This may prohibit a DC from assigning certain tasks to a CA such as supervision of active rehab, ROM testing, and other procedures and tests. Therefore, ACS retained two top healthcare attorneys, Jerry Gaffaney and Tricia Schafer, who wrote a legal opinion, a letter to GRRC, and will testify to GRRC on December 4, 2007. Ms. Schafer will ask GRRC not to change the CA rules at all or, if they must be changed, to add the Board's amendment in multiple locations and make other changes.

ACS has been the profession's fiduciary in protecting the business interests of chiropractors. To ACS' knowledge, the AAC has done nothing to address the CA rules fiasco even though the rights of chiropractors to assign multiple tasks to CAs are clearly at risk. DCs could be disciplined by the Board or run the risk of not being paid for many services if the rules are not written properly. ACS' legal fees have been substantial and so ACS again asks non-members to join. The legal opinion and letter are posted at <http://azchiropractors.org/arizona-board.html>. A membership application and much more ACS information is available at [www.AZChiropractors.org](http://www.AZChiropractors.org).

## SPECIAL THANKS TO MEMBERS OF THE ACS PRESIDENT'S CLUB

Many thanks to our visionary members who contribute \$297 per month to help ACS work hard for chiropractic progress. These doctors are premier members of the ACS President's Club. Special thanks to Drs. Rob van Zweeden, William Zeiler, Charles McDonald, Leo Rayburn, Trevor Penny, Michael Cormier, Jeff Glaus, Shaun and Nikki Miglore, E.J. Strandlund, Randall Widmaier, Gregg Friedman, Angelo Pisano, Tracy Peruch, Jeff Raiffie, Randy Leraen, Jeff Rebarcak and an anonymous DC. Please join these leaders today! ACS can do so much more for chiropractic with additional support!

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## KEEPING THEM HONEST – ACS EXAMINES THE AAC

In its continuing periodic series, ACS again examines written statements made by the AAC for veracity.

In the November/December 2007 AAC Journal, AAC President Rich Guarino launched a "swift boat" attack against Dr. Immerman much like the attacks against presidential candidate John Kerry in 2004. The comments were harsh, personal and fictional.

Dr. Guarino continued to try to give the AAC 100% credit for passage of the non-disciplinary remediation Board bill in 2007 in spite of the fact that this was from the beginning a joint effort of both ACS and AAC. It is sad that when both organizations truly worked together in an exemplary manner that one would try to ignore that fact and claim all credit. Everyone knows that no attention was paid to the Board's misdeeds until ACS launched its campaign in mid-2006.

Dr. Guarino then stated that Dr. Immerman's "demeanor in stakeholder meetings with legislators and insurance company lobbyists is counterproductive . . . many legislators have identified our working with Alan as counterproductive and detrimental to the issues we support." Dr. Immerman attended two such meetings in 2007 where the same two legislators were present each time. If Dr. Immerman's demeanor were counterproductive, which it was not, it would have only impacted two out of ninety legislators. Thus it could not have had the impact claimed by Dr.

Guarino. This claim was an outright lie. The real truth is that Dr. Guarino' demeanor at such meetings, passive and quiet as if the profession has no problems which need solving, is the true mystery.

Dr. Guarino concluded that he has "chosen to dissociate from Alan Immerman, D.C. and his ACS." First, ACS does not belong to Dr. Immerman. ACS is now the largest non-profit chiropractic state association in Arizona since its agenda is in line with each doctor's true needs. ACS "belongs to" its hundreds of members, not Dr. Immerman. Second, Dr. Guarino has refused to associate with Dr. Immerman and ACS from the time he was first elected as AAC President in 2006. He has refused to meet with ACS, has refused to appoint a liaison or committee to interface with ACS, and has refused to work constructively in any way with ACS. On the contrary, Dr. Immerman and ACS continue to be willing to meet at any time. ACS will never "dissociate" from any chiropractor. There is too much at stake. In fact, ACS still holds the position that if you are not a member of ACS or AAC and do not want to join ACS, then you should join AAC. ACS challenges AAC to say the same about ACS and strike a blow for true chiropractic unity in Arizona. One DC who is a member of both ACS and AAC read the article by Dr. Guarino and stated: "I've read it a few times now and every time it gets my blood boiling. He's definitely not a leader, just a follower of the games the AAC plays, puppet if you will. You are our fearless leader and say the things everyone is thinking, but too scared to say. Thanks for your leadership."

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## BCBS CLAIMS PPO OPEN TO ALL DCs, DENIES ADMITTANCE TO SOME

At a meeting with legislators in October 2007, BCBS lobbyists gave their word that the BCBS PPO network had been opened to all Arizona DCs. Nonetheless, a few days later at least two Arizona DCs received letters from BCBS stating that they would not be admitted to the network since it was "adequate". Two of these DCs notified ACS of the BCBS decision following which Dr. Immerman sent these emails.

The first went to the two legislators present at the stakeholders' meeting: "Dear Senator Gray and Representative Stump:

I know that you both recall that at the recent stakeholders' meeting on 10/24/07 the lobbyists for BCBS stated that the PPO network had been opened up to all Arizona chiropractors. This was presented as a major concession to the chiropractic profession by BCBS.

On 10/29/07 BCBS sent the attached letters to Drs. Sergio Nino and Jeffrey Glaus from Mary Semma, Vice President of Network Management. As you will see, the letters stated that these doctors would not be admitted to the BCBS PPO network since 'it has been determined that our PPO network is adequate . . .'

Apparently we were correct in stating that there is a disparity between what the BCBS lobbyists are told and what BCBS is actually doing in the real world. You are welcome to contact me or Drs. Nino or Glaus for further information.

Sincerely,  
Alan M. Immerman, D.C.,  
ACS President"

The second email went to the BCBS representatives present at the stakeholders' meeting:

"Dear Mr. Bassett and Mr. Hughes, I know that you both recall that at the recent stakeholders' meeting on 10/24/07 you both stated as representatives of BCBS that the BCBS PPO network had been opened up to all Arizona chiropractors. This was presented as a major concession to the chiropractic profession by BCBS.

On 10/29/07, BCBS sent the attached letters to Drs. Sergio Nino and Jeffrey Glaus from Mary Semma, Vice President of Network Management. As you will see, the letters stated that these doctors would not be admitted to the BCBS PPO network since 'it has been

determined that our PPO network is adequate . . .'

A few days ago I sent copies of these letters to the legislators and lobbyists cc'ed with this email (Senators Gray, Allen, Gray and Rios; Representatives Stump and Murphy) In retrospect, I thought it only fair to provide these letters to you and also let you know I had sent them to the others.

Sincerely,  
Alan M. Immerman, D.C.,  
ACS President"

The AAC lobbyist was cc'ed with these emails and responded almost as if he was making excuses for BCBS:

"My understanding is that the network is open to all chiropractors. I believe that the misunderstanding stems from the fact that physicians need to meet certain qualifications as do all other professionals who seek to be included in the network. Perhaps that is the case in this instance. Barry"

Dr. Immerman responded to all legislators, BCBS lobbyists and Mr. Aarons:

"The letters from BCBS to Drs. Nino and Glaus specifically state that the reason they were denied entrance into the BCBS PPO is because the network is 'adequate'. There is no mention of failure to meet certain qualifications. This is not mentioned anywhere by BCBS. Neither Dr. Nino nor Dr. Glaus ever received any indication from BCBS that they failed to meet any particular qualification. I have attached the letters again for your review. Therefore, I respectfully believe you are mistaken."

An ACS member, having read the response from the AAC lobbyist, stated the following: "UNBELIEVABLE!"

The BCBS lobbyist, seizing on the opening given by the AAC lobbyist, responded as follows:

"Barry is correct. We opened our PPO provider network to all chiropractors who meet criteria, the same as any other provider specialty. A small number of chiropractors requesting contracts were identified as not meeting criteria due to administrative costs associated with their being a participating provider, such as being on front-end review or continuously billing inappropriately."

Dr. Immerman replied:

"The two chiropractors denied entrance into the BCBS PPO, Drs. Glaus and Nino, were never given any indication whatsoever that they did not 'meet criteria due to administrative costs associated with their being a participating provider, such as being on front-end review or continuously billing inappropriately.' Neither of these factors was mentioned in the letters from BCBS. Where are you getting this information from? Neither doctor was on 'front-end review'. Neither doctor has ever been accused by BCBS of 'continuously billing inappropriately'. Please check your facts and get back to the recipients of this email. I have again attached the letters from BCBS so that everyone can see that they do not mention anything about these additional factors."

Here is the final correspondence from Dr. Immerman to all recipients:

"I sent the correspondence to Dr. Nino who had been denied entrance into the BCBS PPO. When he read Mr. Bassett's email saying that the reason was because he was either on 'front-end review' or that he had been 'billing inappropriately', he responded as follows:

'This is crazy! How did we bill inappropriately? If I was billing inappropriately why is this the first I've heard of this? Front-end review? I was told specifically by BCBS this summer that I was going to be accepted into their network by a representative whom visited my office. What a bunch of bulls\*!t!!!!'

Please consider this confirmation that Dr. Nino was NOT under front-end review nor was he billing inappropriately. He was denied admittance to the BCBS PPO because the network was 'adequate.' This is a direct contradiction to the statements made by the BCBS lobbyists that the network would be opened to all AZ chiropractors.

In the future, I would really hope that the BCBS lobbyists would get their facts straight before making statements to legislators about any of my members and their practices.

Sincerely,  
Alan M. Immerman, D.C.,  
ACS President"

The BCBS lobbyists did not respond to this email. The war between continues.





