LEGISLATURE CONvenes JANUARY 14TH, ACS IS READY

Legislative action is desperately needed by Arizona chiropractors to bring the chiropractic insurance equality law to life now that it is clear the Arizona Department of Insurance (ADOI) will not enforce the law. Legislators must either require ADOI to enforce the law or move the law outside of the jurisdiction of ADOI so that any citizen can enforce the law. When the Legislature meets to interview and consider confirmation of the new ADOI Director, questions will be asked regarding ADOI’s intentions. Will ADOI enforce the insurance equality law or must the law be moved to that anyone can enforce it? Will ADOI do its job and stop ignoring complaints about violations or will the Legislature have to move the law so that anyone can file a lawsuit when insurers break the law? We will finally get answers to these questions early in 2013.

A bill has been drafted to move the chiropractic insurance equality law away from ADOI control in the event that the new ADOI Director states that ADOI will not enforce the law. If ADOI takes this position, the bill will be introduced and we will work harder than ever to gain passage. One way or the other, ACS will get enforcement of our law. Once the law is enforced, insurers will only be allowed to apply precertification for chiropractic care only if they do the same for medical and osteopathic care, something they are highly likely not to do. If intensive utilization review is conducted on chiropractic claims, the same level of scrutiny will have to be given to medical and osteopathic claims. If we have to pass a new law, we intend to add language stating that copays must be at the PCP level, not the specialist level. ACS is geared up and ready for a huge legislative brawl to achieve insurance equality.

The ACS legislation will be heard in various House and Senate committees. If you live in the district of any of the committee members, you will be called and asked to have patients, staff and family call the committee member for your district requesting a vote in favor. This grassroots effort is essential for success. We know how to win at the Legislature after passing five insurance equality laws since 1990 and many Chiropractic Board reform laws since that time as well. Together, we shall overcome. ACS will not tolerate the status quo which has resulted in hundreds of Arizona chiropractors closing their doors and many filing for bankruptcy, none of which would have occurred if the insurance equality law had been enforced. There is full coverage for medical and osteopathic treatment of spinal conditions, but terribly limited coverage of chiropractic care. With ASH, many doctors don’t even bother to send in claims since completing loads of documentation and paying for a stamp isn’t worth receiving only $4 for all the work. BCBS covers a maximum of $44 per visit and the patient copay is usually $40, leading to insurance payment of only $4 per visit. The patient pays 91% of the cost of the visit yet BCBS dares to say in their marketing that they “cover all medically necessary chiropractic coverage.” This is not “coverage,” it is consumer fraud.

A legislative campaign is very expensive. The lobbying and legal fees run into the tens of thousands of dollars. Fortunately, ACS has a solid core of visionary doctors supporting our mission. We strongly urge non-members to join so that we can be even stronger in the pursuit of our goal of full insurance equality. We could do more with additional members. Please go to our webpage at www.AZChiropractors.org and join today if you are not already a member. Your future is on the line. Act today unless you want a virtual cash practice for the rest of your career.
STILL WAITING FOR ARIZONA COURT OF APPEALS TO RULE IN ADOI LAWSUIT

A final judgment is still pending in the Arizona Court of Appeals in the lawsuit filed to force the Arizona Department of Insurance (ADOI) to enforce the chiropractic insurance equality law. Oral arguments were heard by the Court on June 6, 2012. In most cases, the Court rules within 1-3 months of hearing oral arguments but it has now been 7 months with no ruling. This means a decision will come literally any day now. Total victory would mean an order to ADOI to enforce the law fully and completely. This is a distinct possibility especially considering a major legal error made by ADOI attorneys.

The attorneys for ADOI responded to the lawsuit with a motion to dismiss and not a motion for summary judgment. This means they did not disagree with any of the allegations made against ADOI and BCBS in the lawsuit and thus admitted they are all true. Legal experts have agreed this was a major mistake which leaves both ADOI and BCBS very vulnerable if the Court rules against them.

ACS has “bet the farm” with this very expensive litigation and is counting on victory in the courts. ACS will send out an email immediately upon receiving notice of a ruling by the Court of Appeals. Be sure to sign up for the free ACS email at www.AZChiropractors.org if you have not already done so in order to receive this notice.

The ACS legislative effort is essentially a “Plan B” just in case the Court issues an unfavorable ruling. We are covering all of our bases in an all-out effort to secure full insurance equality. ACS will leave no stone unturned in our effort for full parity with MDs and DOs. We will achieve our goal. The only question is when, not if. ACS members are to be saluted again for carrying the load for the entire profession by funding this litigation and the ACS legislative effort. You will go down in Arizona history as the heroes of the profession, just like the small percentage of the profession that supported the Wilk lawsuit against the AMA. Non-members are invited to join at any time and become part of the solution to the professions’ problems.

Arizona Chiropractic Society

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ACS has become a virtual PI practice management organization. This is because Dr. Immerman is willing to share what he has learned after testifying in 69 trials, 19 arbitrations and 45 depositions in the past 15 years, and has reviewed over 600 patient files for approximately 100 Arizona lawyers. ACS offers members consultations on every conceivable PI topic. If a claims adjuster says the insurer will only pay for a minimal amount of care since the accident was supposedly a low speed impact, ACS has a position paper to counter this false argument. If a biomechanical engineer writes a report stating that the forces were too minor to cause significant injury, Dr. Immerman is able to analyze such reports for flaws and rebut them. If an IME doctor is supposed to be low speed impact cases - you can too with resources from ACS reports for flaws and rebut them. If an IME doctor

states that all soft tissue injuries heal on their own in a few weeks with or without treatment and that your care was excessive since it went for a few months, Dr. Immerman can teach you how to rebut such false arguments. If a PI attorney receives settlement funds and refuses to pay your bill, Dr. Immerman can help you collect. Literally any PI problem can be solved if you are an ACS member. Be sure to visit the ACS webpage on Personal Injury by going to www.AZChiropractors.org and you will see the extensive information offered.

Not a week goes by without a doctor calling regarding a LaBombard demand. This occurs when an attorney states you must pay the attorney one-third of your medical bill to the attorney for the cost of collecting your bill. For example, the total cost of treatment in your office was $6,000 and the attorney states that only $4,000 will be sent to you and the attorney will retain $2,000 as a collection fee. The ACS healthcare lawyer has written a position paper explaining why this is not proper or legal in almost all cases. ACS commonly saves its members thousands of dollars in such cases.

ACS always vows to save doctors more money every month than they pay in dues by helping out with our member benefits and documents. LaBombard demands are just one of many examples. Join now and find out the many ways we can help you. Any doctor that joins and uses all of the ACS member benefits will experience a 50-100% increase in their collections.

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GOVERNOR’S NEW APPOINTEE FOR ADOI DIRECTOR TO UNDERGO GRILLING BY STATE SENATE COMMITTEE

Governor Brewer’s new appointee to be Director of the Arizona Department of Insurance (ADOI), Acting Director Gerrie Marks, is expected to face tough questioning by the State Senate Committee that will interview her. Ms. Marks must be confirmed by the Senate in order to become ADOI Director.

In the chiropractic insurance equality lawsuit, the ADOI lawyer was asked this key question: If ADOI disagrees with the policy of the Legislature, would that be enough for ADOI to refuse to enforce a law passed by the Legislature simply based on such a disagreement? The ADOI lawyer unbelievably answered yes. Legislators have been outraged to learn of this ADOI position and now consider ADOI to be a rogue agency. Expect these legislators to carefully question Ms. Marks on this issue. They are not eager to confirm a new Director who will not enforce the laws and carry out the policy they have passed.

Confirmation hearing day in the State Senate will be huge day for the chiropractic profession. We want hundreds of chiropractors to show up to protest ADOI’s abject failure to enforce the current insurance equality law and demand that the new Director enforce the law. We will give you notice of the hearing as soon as we receive it. Plan to drop everything and come. The new Director will serve for six years and this is your only opportunity for those entire six years to make a difference.

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CREDENTIALING MATERIALS HAVE BEEN MAILED FOR NEW ACS IPA IN PARTNERSHIP WITH NEW MEXICO CHIRO ASSOCIATION

ACS members have now received credentialing materials to begin the membership process in the new ACS IPA. Once ACS has enough members in the IPA, marketing efforts will begin to secure contracts with employers and insurers in Arizona. The investment is higher than expected, but you get what you pay for. This IPA will be completely controlled by ACS and so the contracts will, for the first time, be favorable to DCs, not something that you cannot live with. Be sure to complete and return the materials as soon as possible. If you have any questions, feel free to call either Dr. Immerman or the resource numbers on the credentialing material.

CENTRAL HYPERSENSITIZATION MODEL Explains HOW CHRONIC PAIN EXISTS IN WHIPLASH WITHOUT TISSUE DAMAGE

Can be tested for in typical clinical setting

The “Central Hypersensitization Model” explains how chronic pain can exist without tissue damage in whiplash victims.

After repetitive activation of nerve cells that register pain (neurons called “nociceptors”), specific neurons within the spinal cord (called wide dynamic range “WDR” neurons) take on a higher degree of readiness and become sensitized. Influenced by pain-causing mediating substances such as glutamate and substance P, these WDR neurons are more susceptible to input from other neurons and thus become hyperexcitable. This increased excitability is induced by alterations of the cell membrane as well as functional changes within the neuron itself. As a consequence of the increased excitability, stimulation of the affected body part such as the cervical spine in whiplash victims which would not be painful under normal circumstances, is now capable of causing pain. This sensitization process causes decreased pain thresholds, which means that pain can be felt in response to stimuli that are not normally painful. The phenomenon of sensitization may apply to touch (allodynia) as well as to movement of the spine or limbs in patients with chronic pain.

This process of sensitization is sometimes reversible due to a process called “modulation.” Under normal circumstances, sensitization disappears when the anatomic defect or tissue damage has healed and pain perception has ceased. However, in chronic pain patients, sensitization remains present after pain perception (“nociception”) has resolved. This results in chronic pain even after tissue damage has healed. There is sufficient research to support the presence of central hypersensitivity as a common cause of pain in patients with chronic pain following whiplash trauma. (Multiple journal references in full paper.)

The implication of this finding is that chronic pain reported by whiplash victims cannot be dismissed or ignored as non-existent by anyone simply because the physiology of soft tissue healing might indicate enough time has passed for complete healing to have occurred. The central hypersensitivity created in some patients from the original pain which resulted from the trauma may continue to cause pain long after the tissue damage has healed. This fact has huge consequences for the medicolegal field.

The question remains can central hypersensitivity be tested for and proven to exist in a typical clinical setting? The answer is yes. A specific pain questionnaire has been proven to identify central hypersensitivity in more than 75% of patients. A copy of the questionnaire is included in the full report. In order to make the diagnosis more concrete, some physical sensory testing is recommended. I recommend testing for pain thresholds with a pressure algometer. Normal values have been established for the amount of pressure a person should be able to withstand without experiencing pain in multiple areas of the body. (Full references for algometry and normal values included in complete report, along with a source for an inexpensive, non-electronic algometer.)

Bottom line: If you are treating patients with chronic pain from any cause, you need to understand and test for central hypersensitivity. For PI cases in particular, you need to do the testing in order to see if this phenomenon can explain the chronic pain. The full report has been emailed to ACS members. If you need another copy, just send an email to ACS at ACS@AZchiropractors.org.

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INSIDE your
January 2013 Newsletter...

- Legislature convenes January 14th, ACS is ready
- Still waiting for Arizona Court of Appeals to rule in ADOI Lawsuit
- Governor’s new appointee for ADOI Director to undergo grilling by State Senate Committee