

Chiropractor sues Blue Cross over limit on reimbursements

By Victoria Harker
The Arizona Republic

A Phoenix chiropractor on Thursday filed suit against Blue Cross and Blue Shield of Arizona, calling the corporation's new rule limiting payments to chiropractors discriminatory.

"Blue Cross incorrectly takes the position that all services provided by a chiropractor are associated with manipulation," Dr. Alan Immerman says in the lawsuit, which was filed in Maricopa County Superior Court.

In his suit, Immerman claims Blue Cross is violating state laws by imposing an annual limit of \$250 on chiropractic patients while allowing patients to receive up to 80 percent reimbursement for the same type of care from other physicians.

"(Under the rule,) if I put a hot pack on someone's back, then it's different than when a doctor puts a hot pack on someone's back," Immerman said during an interview in May.

He was out of town Thursday and could not be reached for comment.

Immerman has said physicians receive higher reimbursements than do chiropractors for providing such services as X-rays, blood tests and diagnoses.

Blue Cross previously paid up to 80 percent of chiropractors' bills for covered services. Last year, the insurance company imposed the \$250-a-year limit while continuing to cover as much as 80 percent of physicians' bills.

As a result of the new limit, Immerman said, he has lost patients and his practice has suffered financially.

Blue Cross officials have asked a federal judge to determine whether they are violating any laws with their new policy.

Blue Cross filed suit May 12 against the Chiropractic Association of Arizona, of which Immerman is a member, claiming that the federal Employee Retirement Income Security Act of 1974 pre-empts a state law that says

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insurance companies must cover chiropractic expenses.

The attorney representing Immerman, Logan Johnston, said he will file a motion in federal court today, asking that the Chiropractic Association be dismissed from the federal lawsuit because only "individual" chiropractors, not the association, are opposing the annual limit.

About 800 of the 918 licensed chiropractors in the state are members of the association.

An attorney representing Blue Cross, Andrew Hurwitz, refused Thursday to discuss Immerman's lawsuit. But in an interview last month, he said the main reason for filing the May 12 complaint in federal court is to determine if Blue Cross' rule is legal.