

Providing leadership, advocacy and resources that promote professional excellence and quality patient care in chiropractic



Arizona Chiropractic Society

December 2011

News

ALAN M. IMMERMAN, D.C., *President and Executive Director*

Important and timely publications such as this are only made possible when concerned chiropractors become involved with ACS. For more information on joining ACS, please visit: www.AZChiropractors.org.

AN OPEN LETTER TO GOVERNOR BREWER

ACS and every chiropractor must now appeal directly to Governor Jan Brewer for help with the BCBS/ASH/ADOI crisis. The following is an ACS Open Letter to Governor Brewer which has been hand delivered to her office.

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 insure 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

HERE'S THE EMAIL FOR YOU TO WRITE:

Go to <http://azgovernor.gov/contact.asp> to use this form and ONLY this form to contact the Governor. Mark "I require assistance" and then insert the following message:

Dear Governor Brewer:

I am one of the hundreds of chiropractors referred to by Dr. Immerman that wants to meet personally with you to discuss the greatest crisis I have ever faced in my career, all brought about by illegal actions from the Arizona Department of Insurance, a state agency completely under your control. Please schedule this meeting as soon as possible. Please force this agency to obey the law, ARS 20-461, immediately.

Sincerely,
Your Name

ACS HIRES ROSE + MOSER + ALLYN PUBLIC RELATIONS FIRM TO EXPOSE ADOI AND BCBS TO PUBLIC

ACS has taken the radical step of hiring the most powerful and influential public relations firm in Arizona to expose malfeasance at ADOI and fraud at BCBS to the citizens of Arizona. Regarding the Rose PR firm, former Arizona AG Grant Woods stated: "There may be no more identifiable - and better - name than theirs when it comes to public relations excellence in Arizona." Leading editorial columnist for the Arizona Republic, Laurie Roberts, called Jason Rose "The Sultan of Spin." The Arizona Capitol Times concluded: "Jason Rose, PR Mastermind: He's the go-to guy for those looking to avoid a public-relations disaster. Eccentric and unconventional, Rose is arguably the most effective and prominent strategist in the state." Read more about the firm,

its clients, past successful campaigns by clicking <http://www.rosemoserallynpr.com/index.html>.

Jason Rose and company are now fighting for you thanks to ACS. Our attack will be come as an unexpected surprise to both ADOI and BCBS so we will not reveal our tactics until they are deployed. We can promise you major fireworks, lots of controversy, significant attention to our crisis, and a general souring attitude toward existing ADOI Director Urias once the public learns she is not enforcing the consumer protection laws.

WE APPEAL AGAIN FOR MEMBERS TO INCREASE DUES BY \$25 PER MONTH! This has been necessary to cover the cost of our new lobbyist, Tim LaSota of the Rose Law Group,

and now is even more necessary to cover the cost of our new PR master Jason Rose. Please send an email authorizing ACS to bill your credit card monthly for an additional \$25 and/or send in your regular monthly check for \$25 more than the usual amount. WE ALSO APPEAL FOR NON-MEMBERS TO JOIN ACS! It is only right that all Arizona DCs help fund the solutions to these crises and not just the 300 members of ACS.

Prepare for major fireworks and results. This will not be a happy time to be Director of ADOI. Stay tuned to the emails since there may be events requiring your participation.

SEMINAR

"Dr. Ricchio's GET PAID Seminars will be returning in 2012 with an all-new seminar schedule. Stay tuned for dates and times so that you can learn how to GET PAID!"

ADOI DIRECTOR CHRISTINA URIAS' SIX YEAR TERM WILL EXPIRE IN JANUARY 2012

We reported last month that ADOI Director Christina Urias' six year term will expire in January 2012. We still believe it is highly unlikely she will be reappointed since she was originally appointed by former Democratic Governor Napolitano in 2003 and it is not expected that Republican Governor Jan Brewer will reappoint this Democratic Napolitano appointee.

A change in ADOI Director is like a tidal wave coming in. The ADOI Director has near-dictatorial powers to set policy at ADOI. It has been Director Urias who personally decided under the director of the previous Governor not to enforce the chiropractic insurance equality law leading to the crisis for the profession. The fact that she may be leaving ADOI in one month is about the best news the chiropractic profession could receive. Any new Director will be better than the current one.

The next Director will be appointed by Governor Jan Brewer who has a long history of fairness in the area of health insurance and chiropractic. Her husband, Dr. John Brewer, was a licensed and practicing DC for many years. He was a respected leader of Arizona chiropractic associations as well. Dr. Brewer very graciously was a key personal mentor to Dr. Immerman in teaching him about the Arizona Legislature. Governor Brewer served in the Legislature from approximately the mid-80s to the mid-90s and was instrumental in helping draft and pass the very insurance equality law that is the subject of the ACS lawsuit today. There is every reason to expect that the Director she appoints will be honest and fair minded in clear distinction to the current Director.

OPENING BRIEF FILED NOVEMBER 9TH IN COURT OF APPEALS FOR ADOI LAWSUIT

The chiropractors opening brief has been filed with the Arizona Court of Appeals. The ADOI brief is due in mid-December. This lawsuit is the "arrow to the heart" for the ASH and BCBS crisis. Check the home page of ACS at www.AZChiropractors.org to read a copy of the briefs from ACS and ADOI. Oral arguments should be scheduled within about three months of submission of the briefs, and then a decision should be rendered a few months after that

point. There is a distinct possibility this case will be settled beforehand considering there may be a new ADOI Director. If not, ACS still predicts victory in the courts with full restoration of insurance equality. Stand by for falling copays and deductibles and rising limits on visits! 2012 will be victory year for Arizona chiropractors, finally, thanks to the investment in the litigation efforts of the 300 ACS members.

ROSE LAW GROUP LOBBYIST TIM LASOTA IS WORKING VERY HARD ON THREE FRONTS TO SOLVE THE INSURANCE EQUALITY CRISIS

Rose Law Group lobbyist Tim LaSota is working very hard on three fronts to solve the insurance equality crisis. Here is a brief report.

At the Legislature, we are preparing for confirmation hearings for the new ADOI Director next year. That means we are having discussions with the members of the committee that will be considering the appointment to apprise them of the current state of affairs at ADOI, especially in the unlikely event the Director Urias is reappointed. We are also educating legislators one-by-one about our problems with ADOI, BCBS and ASH.

At the AG's office, we have been appealing for action for months. The AG has taken the position that since it is the attorney for ADOI, it can do nothing to help us. We are arguing strenuously for a third path: refer the matter to an outside agency that does not have a conflict such as the Maricopa County Attorney's Office or an independent law firm. We have a sympathetic ear at the AG's office when we

describe the actions of BCBS and ASH and now we just need to convince them to refer the matter out to an independent agency. We are getting closer all the time.

At the Governor's office, along with our effort to get a meeting with our Open Letter and your letters, our lobbyist is having multiple meetings with top administrative officials to try to resolve the problem. We know you understand why we cannot provide specific names for that would tip off our foes, but these meetings are ongoing and at the highest levels.

Tim LaSota and Dr. Immerman have a regularly scheduled weekly phone consult and then speak at other times during the week to coordinate strategy. Tim frequently needs documents such as EOBs showing \$4 payments such ASH. Dr. Immerman's job is to do the research and supply all such materials. Sometimes, both meet together with legislators. The relationship between ACS and Rose Law Group is working out excellently.

Arizona Chiropractic Society *News*

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Board of Directors:

The names of all Board Members are available to ACS members on request.

PINCUS & ASSOCIATES, PLC AND PINCUS & LESPRON, PLC ARE YOU TIRED OF REDUCING YOUR BILL?

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 accident cases' bills. Call Richard A. Cruz Esq. At 480.777.2599, or Steven Pincus Esq. and Michelle Lespron, Esq. at 520.888.2599 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!!!

ACS UNLOCKS SECRETS FOR GETTING BCBS TO PAY CLAIMS

Based on nearly unknown BCBS contract clauses, BCBS will not cover chiropractic care for correction of subluxations or relief of pain. BCBS will only cover chiropractic if it is expected to, and then does, produce functional gains that can be objectively measured. Almost no chiropractor is documenting patient function objectively and then looking for gains on a regular basis. This provides BCBS a basis to deny claims when files are audited.

Therefore, ACS has created a package of functional assessment tools for members to use to evaluate and document function thoroughly. There

is a functional capacity questionnaire along with all of the actual 12 assessment tools recommended for use by BCBS. Completing the package are four full-text modern journal articles about functional capacity evaluations. All documents are available on the Member Benefits and Practice Resources Page. Scroll down to #24.2.

You will also find the legal response of BCBS to a lawsuit filed by a doctor over a claims denial. In this response, BCBS explains its contract language and exactly what is covered and what is not, i.e., there is only coverage for care expected to improve function.

The presence of this limited chiropractic coverage language in all BCBS contracts is the basis for one of the counts in the ADOL lawsuit. This limitation only applies to DCs, not to MDs and DOs, and so is a violation of the insurance equality law, ARS 20-461. MDs, for example, can treat patients for pain and get paid by BCBS even if their function continues to decline based on objective measurements. This is illegal discrimination that will end when we win our lawsuit.

DEFEATING YOUR PERSONAL INJURY PRACTICE

-Yuri Nielsen, Esq., ACS Corporate Member

Albert Einstein opined that "the definition of insanity is doing the same thing over and over again and expecting different results." While you don't have to be Einstein to understand the theory behind this quote, I am consistently amazed at how often I see this sort of "insanity" in the context of Chiropractic care provided in Personal Injury cases.

Now, I am not a Doctor of Chiropractic Medicine, nor am I a Medical Doctor, Osteopath, or any other licensed healthcare provider in the State of Arizona. What I am, however, is a Personal Injury Attorney, who makes a living arguing about whether Chiropractic bills are reasonable based on the evidence documented in the Clinical Record. A Doctor of Chiropractic Medicine will use their education, training, and experience to determine the appropriate treatment for their patients, however in personal injury cases; it will be lay people who decide whether the treatment claimed was reasonable and ultimately compensable. Having reviewed Chiropractic records from providers across Arizona there is one common issue that comes up again

and again. That issue relates to the failure of many Doctor's to appropriately modify, adjust, or adapt the care provided based upon the relative degree of improvement, or lack thereof, identified during periodic re-evaluations of the patient's condition.

Following Einstein's logic and the principle of reasonableness, if you have been treating a patient for 30 to 60 days, and the findings gathered in your re-evaluations show that your patient is not improving, or has reached a plateau, it is time to try something different! Whether it is a modification of your care articulated as such in the clinical record, a referral for a second opinion, sending the patient out for diagnostic testing, or suggesting alternative supportive care, failure to make modifications based upon the findings of your re-evaluations defeats the entire purpose of the practice. Similarly, if your re-evaluations reveal significant progress and improvement in the patients' post-accident condition, note this in the records and then modify your treatment accordingly!

Reasonableness would dictate that the care you are providing be responsive to the findings

yielded by your re-evaluations. Making these simple adjustments to your personal injury practice and clearly identifying your modifications in the clinical record will significantly strengthen your credibility when it comes to the reasonableness of care argument.

(Note: Attorney Yuri Nielsen is a Corporate Member of ACS and works with many ACS members and their PI cases. He comes with a personal five star recommendation from Dr. Immerman. He can be reached at (602) 257-7535.)

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The ACS Newsletter is sent by U.S. mail to every licensed Arizona chiropractor, now about 1,700, every month. The AAC Journal is sent only to its members and is published bimonthly. A directory of AAC members is available on the AAC webpage and the total count is 170 at the present time. Therefore, the AAC Journal is mailed to 170 DCs bimonthly in comparison to the ACS newsletter circulation of 1,700.

Advertisers who have switched to the ACS newsletter have commented that they had little or no response from their ads in the AAC Journal. This is not surprising considering the ads are only read by 170 doctors every second month. This poor exposure for advertisers has caused many to move to the ACS newsletter. Moreover, the ACS newsletter is also published as an eNewsletter and ACS has the email addresses of about 2/3rds of all Arizona chiropractors. The AAC Journal is not sent out as an email.

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THE FIVE MOST COMMON PROBLEMS WITH PI CASES

1. False claim that you must accept what the health insurance company paid as payment in full, and that you cannot balance bill the third party insurance company. Almost never true even if you are a contracted provider.
2. False claim that you must pay one third of your medical fees as part of the cost of collecting the bill based on the "common fund doctrine" and the LaBombard case.
3. False claim that your fees are excessive and that you must reduce them or a judge will reduce them in an interpleader hearing.
4. False claim that your county lien is invalid because it was not filed within 30 days of the first treatment related to the auto accident. Lien must be filed within 30 days of ANY treatment related to the accident, even the final treatment.

5. Unfounded warning that you should limit the treatment you are about to give to a patient because the amount of damage to the vehicles was relatively minimal. Loads of research shows that people can be injured when property damage is minor.

If you have been confronted with any of these false claims or warnings, know that ACS has the solutions, often in the form of position papers drafted by ACS attorneys. Simply contact ACS and we will provide you with all of the information and ammunition needed to counter these false claims.

THIS IS FROM PATRICIE PRITZL, EXECUTIVE DIRECTOR OF THE ARIZONA CHIROPRACTIC BOARD, PRINTED AS A PUBLIC SERVICE BY ACS.

This is from Patricie Pritzl, Executive Director of the Arizona Chiropractic Board, printed as a public service by ACS.

"We are getting a lot of questions on two parts of the renewal application. A new law passed last year requires all licensees to provide a copy of government issued ID in order to renew a license. It applies to everybody, not just chiropractors. The renewal instructions inform licensees that a driver's license or passport will meet the requirement. The second question asks for the information on who owns and operates the clinic where the licensee practices. If it is the licensee, they can just say that they own the clinic. If somebody else owns it, they just need to provide the name of the owner/operator and that person's professional designation. If the person is not licensed, they would respond that the person is not licensed. We are not looking for the name of a landlord who leases the space, just the person who owns the business/clinic. Thank you for your help."

ACS is pleased to help the Board clear up some confusion regarding renewal applications by printing this clarification.

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BREAKING NEWS AND UPDATES

Editor's Note: All of the following links are active on the home page of www.AZChiropractors.org

ADOI LITIGATION UPDATE: ADOI lawsuit brief filed with Arizona Court of Appeals by chiropractic attorney [David Abney](#) (read bio and case history by clicking on name). [Read the entire document by clicking here](#). ADOI will not win its argument that enforcement of state insurance laws is discretionary, not mandatory, and that when there are violations, the Director has no duty to act. The ADOI brief is due in 40 days and then oral argument will be scheduled.

ADOI LITIGATION UPDATE: ACS releases all new **November 2011 eNewsletter** with lead story ADOI Director Urias six year term to expire in Jan., 2012, expected to be replaced by Governor Brewer with a far more consumer friendly Director. The ADOI Director makes all policy and so this could solve the crisis with the insurance equality law. Also, briefs are due in the ADOI lawsuit at the Arizona Court of Appeals on November 9th and [will be available by clicking here](#) once they are filed. Read testimonials from two ACS members about the invaluable help received from ACS. Learn about the powerful Rose Law Group protecting the profession at the Legislature as the ACS lobbyist. Read these and much more by [clicking here to read the entire 8 page full color PDF newsletter](#).

ADOI LITIGATION UPDATE: ACS releases all new 8 page **October 2011 eNewsletter**. ADOI Director takes extreme position in chiropractic lawsuit, likely to lose. Refund demands widespread, ACS has solutions. [Read these stories and much more by clicking here](#).

ADOI LITIGATION UPDATE: ACS has two new dynamite documents in the Member Benefits. The first is **11.3 – Letter to fight refund demands**. If you receive a refund demand, contact ACS to work on strategy. The second is **34.1 – Who Can an ARS 33-931 Lien Be Enforced Against**, written by ACS PI attorney Steve Pincus. Many of you have called with perfected liens that insurers have not honored and asked what you can do to collect.

Also, ACS releases **new lien forms for health insurers** that refuse to honor assignments of benefits to get the checks sent to the doctor's office. These liens also give the doctor more rights than County Health Care Liens and can be used in UM/UM cases where County Health Care Liens cannot be used. ACS members can click [here](#) and [here](#) for copies of the lien forms, and [here](#) for a copy of the explanatory article. Non-members get copies to use immediately upon joining ACS. This is the most powerful membership benefit from ACS in years.

ADOI LITIGATION UPDATE: ACS posts **newsletter from MedicoLegal Services** which provides reference and abstract for the best literature review journal study about **biomechanics and injury mechanisms of whiplash**. [Click here to read the newsletter](#). This is information you must know for your personal injury cases.

ADOI LITIGATION UPDATE: *Arizona Republic* publishes **front page article about ACS lawsuit against ADOI**. [Click here](#) and [here](#) to read the article.

ADOI LITIGATION UPDATE: Two Chiropractors and a patient, backed by ACS, **filed a lawsuit today against the ADOI** alleging failure to enforce the chiropractic insurance equality law, ARS 20-461(A)17 and ARS 20-461(B). Therefore, this lawsuit asks the courts to order ADOI to enforce the law. [Click here](#) and [here](#) to read the official filed lawsuit documents. The legal minds behind the lawsuit are **attorneys David Abney and Frederick R. Berry, Jr.** considered **foremost in their field in Arizona**. [Click here](#) and [here](#) to read their biographies and list of prominent cases. [Click here](#) to read Mr. Berry's letter to the Attorney General.

ADOI LITIGATION UPDATE: **Learn the all-important** information about how to file complaints which **YOU MUST FILE NOW** against ASH with the Attorney General ([click here for AG complaint instructions](#)) and with the Arizona Department of Insurance

([click here for ADOI complaint instructions](#)). [Click here to read the newsletter on the entire subject](#).

ADOI LITIGATION UPDATE: ACS offers members group medical, life, dental and vision programs. The **group health insurance** is guaranteed-issue which means **no medical questions asked!** PPO and HMO options for employees and families. Many copay/deductible options. High quality Arizona insurer. Call ACS at 602-368-9496 for more information.

ADOI LITIGATION UPDATE: Watch **live testimony** from the Legislature on 02/16/09 as **Dr. Immerman argues** that committee should include chiropractic in health insurance. [Click here to see video from Legislative archives](#). [Dr. Immerman begins at the 50:30 minute mark – advance the cursor](#).


ADOI LITIGATION UPDATE: **Find an Arizona Chiropractor near you** by using the **ACS Find-A-Doc Search Engine**. [Just click here](#). All ACS members are automatically included in this search engine when they join but can opt out by going to their account.

[Click here to join or donate online with our live secure server](#). For a **detailed description of each of the 58 valuable documents, products and services now available to new members**, [click here](#).

ACS INSURANCE GROUP HEALTH PLAN IS AVAILABLE FOR MEMBERS, THEIR FAMILIES AND EMPLOYEES IS OFFERED BY HIGH QUALITY ARIZONA INSURER WITH PPO AND HMO OPTIONS

This CIGNA group health plan is by far the most popular member benefit offered by ACS since our formation in 1991. We waited a long time before recommending a health insurance product to members, 18 years in fact. Finally, after years of studying the market, ACS found a program well worth recommending to members.

The ACS health insurance plan covers all pre-existing conditions just like when you go to work for a large company. There is a 90 day waiting period. In addition to regular ACS dues and health insurance premiums, the only additional cost to members is only \$100 per year. Members have complete information in their email inboxes. To get this insurance, you must join ACS. Go to www.AZChiropractors.org to find a membership application.



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If one of your patients receives a cancer diagnosis, please let them know about the unique Cancer Treatment Centers of America® (CTCA) treatment model. We know that your patients value chiropractic treatment, and at CTCA hospitals they can continue that care until they return to your office. CTCA combines cutting-edge conventional treatments such as radiation, chemotherapy and surgery with supportive therapies such as nutrition, naturopathic medicine, mind-body medicine and chiropractic care. This approach helps to enhance patients' quality of life while undergoing treatment.

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ACS GOALS 2011-2012

- 1. AFFORDABLE LEASING:** Lower copayments and deductibles and combat ASH practices by filing a lawsuit. The litigation will ask a Superior Court judge to order the Arizona Department of Insurance (ADOI) to properly enforce ARS 20-461(B). ACS will soon be filing an appeal of the judge's decision with the Arizona Court of Appeals.
- 2. AFFORDABLE LEASING:** Block any legislation which would weaken or repeal existing state insurance equality laws.
- 3. AFFORDABLE LEASING:** Expand insurance equality laws into all other health care programs including AHCCCS. With passage of national health care reform, there will be an expansion of AHCCCS so full inclusion for chiropractic is now a priority. And this means FULL inclusion, not a three year pilot plan for 500 patients as has been advocated by others over the past decade.
- 4. AFFORDABLE LEASING:** End Chiropractic Board fishing expeditions where one complaint such as a fee complaint results in a subpoena of the entire patient file which is then screened for any possible errors, even the most minute, in daily notes, x-rays, clinical decision-making, medical necessity of treatment, etc.
- 5. AFFORDABLE LEASING:** As a basis for discipline, replace the Board's insurance-based standard of "medical necessity" with the public health-based standard of "clearly excessive treatment." Also, reinsert "of ethics" so that the Board can no longer discipline doctors for practicing contrary to "recognized standards in chiropractic" because the Board has never defined what it considers "recognized standards."
- 6. AFFORDABLE LEASING:** Have an expert available to members by phone and email to answer questions regarding chiropractic, PI, insurance, liens, regulatory and Board-related issues.
- 7. AFFORDABLE LEASING:** Sue ADOI because ASH on behalf of BCBS routinely denies care before patients have received all treatment which is reasonable and necessary and if BCBS applies cost containment/pre-authorization measures only to DCs and not equally to MDs and DOs.
- 8. AFFORDABLE LEASING:** Investigate filing a Federal Court ERISA lawsuit against BCBS and other insurers for ERISA violations. Alternatively, filed complaints with the US Department of Labor over ERISA violations.

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LEGAL INFORMATION AND RESEARCH BY THE AZCHIROPRACTORS SOCIETY

Have you checked out the resources on the ACS Personal Injury webpage? They are some of the most comprehensive in the country and all at your fingertips. They are Arizona specific based on Dr. Immerman's 64 trials, 44 depositions and 2000 rebuttal reports in the past twelve years in the areas of medical necessity of chiropractic care, low speed impacts and biomechanics of whiplash injuries. Here is the table of contents for the page found at <http://www.azchiropractors.org/pages/MEDICOLEGAL-BIODYNAMIC-RESEARCH-CORPORATION-LOW-SPEED-IMPACT-REBUTTAL.php>.

- Introduction to This Page
- Expert Witness Alan M. Immerman, D.C. has qualified 64 times in Arizona courts in chiropractic, clinical biomechanics and accident reconstruction. Currently Postgraduate Faculty Instructor at Parker College of Chiropractic in Clinical Biomechanics of Whiplash Injury. Visit MedicoLegal Services at <http://arizonachiropracticsofintuitwebsites.com/index.html>.
- Rebuttal Reports to Defense Low Speed Impact Experts from Biodynamic Research Corporation (BRC) and local Arizona experts. ACS publishes legal documents showing funding of BRC by State Farm from 1990-1995.
- Click here to access exemplar reports.
- Can Delta V Predict Injury Likelihood or Severity? A full comprehensive study of the issue with multiple references. Click here to access study.
- Threshold of Injury for Any Single Individual or Entire Population Not Known: A complete analysis of the peer-reviewed literature. Click here to access study.
- Common Flaws in Delta V Calculations by Defense Accident Reconstructionists: This report is based on Dr. Immerman's review of more than 1,500 defense accident reconstruction analyses. Click here to access study.
- Exemplar Rebuttal Reports to MD/IME Orthopedic Surgeons in Personal Injury Cases: The single resource you will need to write an effective rebuttal. Click here to access exemplar reports.
- Exemplar Rebuttal Reports to Chiropractic IME Defense Insurance Doctors in Personal Injury Cases: With this report,

you will be well equipped to handle any chiropractic IME or records review report. Click here to access rebuttal reports.

- Exemplar Rebuttal Reports to Defense Biomechanical Engineers: Complete, comprehensive reports that have been proven effective in 63 trials. Click here to access exemplar reports.
- Personal Injury Practice Tools and Documents
- ACS Endorses Management of Whiplash Disorders Guidelines Which Includes Croft Whiplash Guidelines
- Are Spinal Range of Motion and Muscle Spasm Exams Subjective or Objective? Click here to access study.
- The Standards for Epidemiologic Determinations of Cause and Effect
- Methods for Attacking the Defense Biomechanist by Attorney Nicholas E. Vakula, Esq. of Phoenix
- Key Resources in Personal Injury Matters with Emphasis on Low Speed Impact Cases
- Litigation Questions for a Typical Biomechanical Engineer
- U.S. Court Cases Where Defense Biomechanical Engineers Have Been Excluded and the Theories Used
- Summary of Specific Human Subject Crash Papers
- Eighteen Studies Frequently Cited By Defense Engineers With Analysis
- Questions about Comparable Activities and Bumper Car Rides
- Twenty Essential Newsletter Reviews of the Scientific Literature by Dr. Immerman: Open access to the public
- Health Care Provider Liens, Statutes and Legislative History
- Affidavit From SAE Legal Administrator Steven Daum Regarding Lack of Statistical Analysis or Methodological Scrutiny of SAE Article Prior to Publication:
- Most defense experts rely almost exclusively on SAE articles and so it is essential to understand their limitations. They are addressed by the SAE Legal Administrator in this affidavit which you can read by clicking here. Open access to the public.
- How Every Chiropractor Can Qualify As an Expert Witness in Clinical Biomechanics: Learn how every DC is an expert in clinical biomechanics by virtue of their education. Use these documents to prove your case in court.

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by Terry R. Yochum, DC, DACBR: This new report will be provided, at no charge to you, for every patient you refer to SMIL for an MRI study. This is a compliment to SMIL's detailed radiology report. SMIL accepts assignment on PI cases and provides translators. Ten locations. For order forms, Call/email John Freeman 480.425.5091 or JFreeman@eSMIL.com.

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SPECIAL TO ARIZONA CHIROPRACTORS

SPECIAL NOTICE TO ARIZONA CHIROPRACTORS: THE FOLLOWING DOCUMENTS ARE VITAL TO YOUR PRACTICE. TAKE THE TIME TO REVIEW THEM AND CONSIDER MEMBERSHIP JUST TO ACCESS THESE DOCUMENTS. THEY ARE WELL WORTH THE COST OF MEMBERSHIP ALONE.

GROUP HEALTH INSURANCE WITH GUARANTEED ISSUE COVERAGE FOR ACS MEMBERS

ACS offers its members a wide range of benefits and services including a group medical, life, dental and vision programs. Group health insurance for ACS members with guaranteed issue coverage begins after a one year waiting period with no medical underwriting. PPO and HMO plans are available statewide.

NECESSARY PROCEDURES AND CUSTOMER ASSISTANCE

The many documents under this heading provide you with ammunition to defend your fee structure as usual and customary, how to file medical necessity appeals using all Arizona laws, how to file complaints with the Arizona Department of Insurance, how to file Small Claims Court Lawsuits, how to handle post payment audit review and refund demands, and a great solution for your cash practice called Chiropractic Lifecare of America (CLA).

APPEALING YOUR EMPLOYER'S GROUP HEALTH PLAN FROM AN OFFICE HEALTH PLAN

ERISA governs all health insurance plans that your patients get from their employers so it is really important that you understand all of your rights under this law. We have put it all together in seven key documents including the most important provisions of the law and sample ERISA appeal letters. Everything you need for ERISA is right here.

HOW TO PROTECT YOUR PRACTICE

A chiropractor who formerly was a drug rep has put together a brilliant blueprint for how to meld your practice life with MDs. We provide the reference to her webpage and book. This is simply the best material on the subject out there today.

TEACHING COMPLIANCE AND DOCUMENTATION FOR ARIZONA CHIROPRACTORS

Teaching compliance with record keeping and documentation in Arizona has always been a paramount goal for ACS, and so we have assembled a packet of information that is the most comprehensive available. Read the fruits of ACS' investigation along with an outline of the course on record keeping given by the lead Board auditor, full course notes of a lecture on the subject by a former Board chair, Medicare Nonidian requirements, CMS rules for reporting timed codes, and eleven key office forms to use to streamline your operations and documentation.

INDUSTRY TRENDS

The Chiropractic Board requires you have a Medical Record Protocol on file and ACS supplies it here. We also teach you how to search the National Library of Medicine and retrieve articles from a medical library. In this section is a limited power of attorney form directing payments to the doctor when insurers other than BCBS deny assignments of benefits. Also, don't miss reading the great article about state boards and disciplinary actions.

PERSONAL INJURY TOOLS

Personal injury tools include the Arizona Bar Ethics Opinion that requires attorneys to pay your bill if they know it exists. We also have a position paper you can use to defend yourself when attorneys want you to pay 1/3rd of the collection costs, and when they want you to accept what the health insurance company has paid as payment in full, i.e., no balance billing. This section also includes all forms needed file County Health Care Liens, a Circular Letter from the Department of Insurance mandating fair investigations of low speed impact automobile accidents which can be used to combat insurance company fraud, and three invaluable forms for your PI practice.

NEW FORMS FOR COUNTY HEALTH CARE LIENS THAT WILL FORCE INSURANCE COMPANIES TO SEND CHECKS DIRECTLY TO YOU EVEN WHEN THE DENY ASSIGNMENTS OF BENEFITS. BCBS HAS INITIALLY REFUSED TO HONOR THESE NEW LIENS AND SO WE EXPECT TO HAVE TO LITIGATE TO FORCE THEM TO DO SO. WE INTEND TO LITIGATE TO GAIN ENFORCEMENT OF OUR NEW LIENS, AND WILL SOON FILE THE LAWSUIT. NO OTHER HEALTH INSURER HAS YET REACTED TO THE NEW LIENS.

ACS Attorney David Abney has developed new lien forms that will force insurance companies to send checks directly to you even when the deny assignments of benefits. BCBS has initially refused to honor these new liens and so we expect to have to litigate to force them to do so. We intend to litigate to gain enforcement of our new liens, and will soon file the lawsuit. No other health insurer has yet reacted to the new liens.

The liens will also work in PI cases and in fact give the provider more rights than County Health Care Liens. We still recommend filing County Health Care Liens, but these liens cannot be filed in UM, UIM or medpay cases and so the new ACS lien is the only lien that can be filed in such cases. It is highly recommended that the ACS lien be filed in these cases.

These liens are a very special new member benefit for ACS members.

POSITION PAPER DOCUMENTING HOW YOUR CHIROPRACTIC EDUCATION HAS PROVIDED YOU THE FOUNDATION TO BE A COURTROOM EXPERT IN CLINICAL BIOMECHANICS TODAY. IT IS AVAILABLE TO ALL MEMBERS.

ACS has developed a Position Paper documenting how your chiropractic education has provided you the foundation to be a courtroom expert in clinical biomechanics today. It is available to all members.

Join today and get all of these documents emailed to you within 24 hours! Turn your practice around now by becoming an ACS member. Don't miss breaking news by signing up for the free ACS eNewsletter at www.azchiropractors.org

Check the frequently updated website www.AZChiropractors.org regularly for breaking news.