



Q & A Class Action Co-payment Case

What are the goals of this class action lawsuit?

Our laws only allow insurance companies to collect co-insurance and deductibles for chiropractic patients (and then only in a similar amount to physicians). The law does not permit insurance companies to collect co-payments for chiropractic treatment. We want insurance companies to refund all co-pays collected since 2005 plus the 12% interest patients are entitled to under Wisconsin's timely payments law. We also want patients reimbursed for care they paid for out of their pocket because the chiropractors "day of service price (cash)" was lower than the insurance companies co-payment.

Because the insurance companies knew what they were doing was wrong, we believe patients are also entitled to punitive damages in an amount substantial enough to ensure insurance companies never again attempt to violate the law. While we do not expect they will do so, we believe the insurance companies have the moral obligation to return all co-payments made since the law went into effect in 1992.

Who is paying for this lawsuit?

The WCA has found nationally recognized attorneys who believe the case is so strong that they are funding it out of their own pockets.

How much money is involved?

Hundreds of millions of dollars. When we win, the court will determine the amount of the attorney's fees. In a case this size, the fees are in the 10% - 12% range. The rest of the money goes to your patients.

Do chiropractors get anything out of this lawsuit?

Absolutely. When we win, the insurers who are part of the lawsuit will no longer be able to charge co-payments. And, of course, every patient who gets a settlement check is going to be one very happy, committed and loyal chiropractic patient.

Which insurance companies are being sued?

So far, only patients who have policies with United HealthCare, WPS, Humana, BlueCross Blue Shield of Wisconsin and CompCare are included in the lawsuit. These insurance companies only represent 30% of Wisconsin's insurance companies.

Can more insurance companies be added?

Yes. Every insurance company covered under our anti-discrimination law can be included in this lawsuit.

I want as many of my patients covered as possible? How do we do this?

The WCA and its attorneys have designed a very simple process. Just follow these easy steps.

Step One Tell your patients that a class action lawsuit has been filed to get refunds of chiropractic co-payments for the last six years. Ask your patients if they would like you to try get them a refund.

Step Two When they say yes tell them all they have to do is give you permission to send a copy of their insurance card to the WCA. Verbal permission is fine. No signed form is necessary. We want to make this easy so send copies of every insurance card. (Yes, send copies of Medicare secondary cards and self funded plans.) Only those insurance plans covered under our anti-discrimination plans will be covered but we want to be sure to cover as many patients as possible.

Step Three Copy their insurance card. On the same piece of paper as the photocopy of their insurance card, write the patients name, address, and phone numbers (especially their cell).

Step Four Mail your copies to the WCA about once a week. (Because insurance cards are already difficult to read, faxing them is not recommended.)

What happens to insurance companies who are not added to the class action lawsuit?

Unfortunately, if we do not get insurance cards from all of the insurance companies covered under our laws, those insurers will get away with breaking the law. Those patients will be quite upset when they find out that they could have received refunds. With the huge costs involved in filing a class action of this type, it is not likely a law firm will be willing to file a second class action.

How long do we send insurance cards?

We hope to be able to collect copies of insurance cards for at least six months. We will, of course, tell you when the court will no longer let us add any more insurance companies to the lawsuit.

Does it cost anything to participate in this lawsuit? No.

Can a patient lose their insurance by allowing us to give you a copy of their insurance card?

No. All patient names are protected by attorney/client privilege.

What if my patient has had a number of insurance companies over the years? Do you want copies of all of their cards?

We only need a copy of their current insurance card.

Do you have anything a patient can take home with them?

We have included a letter from the WCA to your patients. Please make plenty of copies of this letter (also available on our website) and distribute it freely.



A Letter from the Wisconsin Chiropractic Association To all Chiropractic Patients

The Wisconsin Chiropractic Association (WCA) is pleased to announce that a class action lawsuit has been filed against UnitedHealthCare, WPS, Humana, BlueCross Blue Shield of Wisconsin and CompCare. We believe that many insurance companies in Wisconsin have been requiring chiropractic patients to pay co-payments for each visit to a chiropractor in violation of the law.

The lawsuit is seeking refunds for all co-payments paid over the last six years plus, interest, penalties, and an injunction against the charging of any co-payments in the future.

We want to expand this lawsuit to cover every insurance company in Wisconsin that has violated the law. To do this, we need your help. Please give your doctor permission to send a copy of your insurance information to the Wisconsin Chiropractic Association so that we may forward it to our attorneys. Your information is completely confidential and will not be used for any other purpose.

As of now, this class action lawsuit only includes United HealthCare, WPS, Humana, BlueCross Blue Shield of Wisconsin and CompCare. We cannot expand the lawsuit to cover other insurance companies unless patients are willing to give permission to their chiropractors to send the WCA their insurance information.

WCA Executive Director Russ Leonard said “The unlawful conduct on the part of the insurance industry has resulted in thousands of patients either paying for care out of their own pocket or forgoing chiropractic care. We believe that the requirement for chiropractic patients to pay these illegal co-payments is an attempt by the insurance industry to force patients away from chiropractic care into medical treatment. This class action lawsuit is a huge step towards ending the systematic and destructive discrimination against Wisconsin chiropractic patients who paid for and have a legal right to an alternative to drugs or surgery.”

After you give your doctor permission to forward your insurance information to the WCA, you may be contacted by an attorney from the law firm Hansen Riederer Dickinson Crueger LLC to determine what level of participation you would like to have in the lawsuit. There is, of course, absolutely no cost to you to participate in the lawsuit.

Because of differences in federal and state law, not every insurance company has violated the law. Should we not be able to include your insurance company in the lawsuit, we will let you know after our attorneys have reviewed your insurance information.