



American
Chiropractic
Association

January 9, 2009

Martha Coakley, Attorney General
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Re: Tufts Health Plan

Dear Attorney General Coakley,

I am writing to you from the American Chiropractic Association, the largest national association representing doctors of chiropractic. We have concerns with an insurer in your state, Tufts Health Plan, and their implementation of a policy denying coverage of chiropractic care for pediatric patients. We have corresponded with Tufts regarding the development of their policy over many months, and in our opinion they have implemented an intentionally fraudulent policy with prejudice and without performing due diligence.

In February of this year it was brought to our attention by one of our members in Massachusetts that Tufts had distributed a policy bulletin to their enrollees that chiropractic care for children was no longer a covered service. (See Attachment 1) In this policy bulletin, they stated that this policy was "...consistent with the American Academy of Pediatrics resolution indicating that this type of treatment was unsafe for children." We contacted the American Academy of Pediatrics (AAP) to ask for a copy of this resolution, only to be informed that no such resolution or policy existed at the AAP. Consequently, we wrote to Tufts to inform them that the AAP had indicated to us that no such resolution existed and to ask for additional clarification on how they developed their policy. (See Attachment 2)

We received a prompt response from Anton Dodek, MD, Tufts' Medical Director, Pediatrics, Pharmacy. (See Attachment 3) While he did not address our concern that the policy bulletin contained an incorrect statement, he did explain that Tufts' Medical Affairs Medical Policy Committee developed the policy based on available literature which he cited throughout his response. We reviewed the literature that Dr. Dodek cited as the basis for this policy. We were concerned to find that it appeared that Dr. Dodek's policy positions were inconsistent with the conclusions of the literature that he cited. For example:

- Dr. Dodek cited a systematic review by Vohra and Johnston (2007) which he claimed found that all serious adverse events from spinal manipulation occurred in children less than 12 years of age. However, a thorough review of this study found that Vohra and Johnston stated very clearly that "[s]erious adverse event **may** be associated with pediatric spinal manipulations; neither **causation nor incidence rates can be inferred...** Conduct of a prospective ...study is required to properly assess the possibility of rare, yet serious, adverse events as a result of spinal manipulation on pediatric patients."[emphasis added]
- Dr. Dodek also cited a study by Ruge, et al (1988) stating that they published evidence of a strong correlation between immaturity of the spine and the severity of spinal cord injury resulting from spinal manipulation. A review of this study found that Ruge, et al did not study the impact of spinal manipulation on immature spines in any way; rather, they studied the impact of traumatic incidents such as falls and pedestrian motor vehicle accidents on the immature spine.

- Additionally, Dr. Dodek cited a number of studies that concluded that spinal manipulation was an ineffective treatment for non-neuromusculoskeletal conditions such as otitis media, colic, and asthma. He did not address or cite literature for the efficacy of chiropractic care for neuromusculoskeletal conditions in children.

He ended the letter by stating that the Committee reviews coverage policies on a monthly basis and would be willing to revisit the issue as more literature became available.

The ACA followed up with a letter in July, 2008 (see Attachment 4) and also notified the Council on Chiropractic Guidelines and Practice Parameters (CCGPP), who in turn drafted a letter of their own (see Attachment 5). Our letter reiterated our concerns (delineated above) that Tufts was selective in their review of the literature and disingenuous in explaining the factors that led to development of such a policy. CCGPP's letter outlined many of the same concerns and also explored and cited many relevant studies that refuted Tuft's position.

Tufts did not respond to the ACA. Dr. Dodek did send a brief letter to CCGPP (see Attachment 6) stating that their policy would remain in effect and that their policy was "...consistent with that of a high quality competitor health plan in [their] region." As can be clearly seen, their rationale for implementing this policy seems to change with every correspondence exchanged with them.

Again, the ACA sent Dr. Dodek a letter in November, 2008 (see Attachment 7) outlining our major concerns with the development of Tufts' policy and asking specific questions regarding the literature, the limitations that such a policy places on the chiropractic scope of practice, and the inconsistency between what was stated in the policy bulletin that was distributed and the information received from the AAP regarding their resolutions and policies on chiropractic care. When Dr. Dodek responded (see Attachment 8), he restated verbatim his response to CCGPP and did not address any of our questions. However, he did indicate that he had met with the Massachusetts Chiropractic Society (MCS) on this issue and that we should coordinate any future inquiries with them.

To honor Dr. Dodek's request, we did contact the MCS. They indicated to us that a meeting had occurred, but that Dr. Dodek had contacted an MCS representative prior to the meeting to inform them that while he would meet with them, he had no intention of changing their policy.

At this point, we continue to have several concerns that Dr. Dodek and Tufts seem unwilling and/or unable to address. To reiterate:

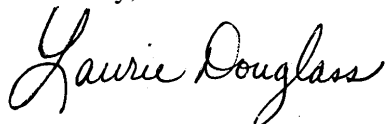
1. The policy bulletin was sent to enrollees stating that the pediatric policy was based on an AAP resolution. In fact, that resolution does not exist and, as such, in our opinion, the Tufts policy bulletin is false, misleading and harmful to patients and the public. It also intentionally deprives an important patient benefit based on information they know or should know is false.
2. Tufts appears to have intentionally misinterpreted existing literature in order to accommodate preconceived notions about chiropractic care for children. This is disingenuous, inaccurate and disenfranchises the pediatric population.
3. While Tufts stated in a letter to the ACA that they would be willing to review literature as it became available and modify their policy accordingly, it has become abundantly clear that Tufts has no intention of doing so because they refuse to consider any of the literature that supports chiropractic care. Additionally Dr. Dodek directly contradicted that statement verbally in a phone conversation with the MCS.

4. Tufts has indicated on two occasions that their policy is comparable to that of an unidentified high quality *competitor* health plan in their region. We have concerns that this seems a haphazard and arbitrary means to use when determining the care that patients are authorized to receive. This method of setting healthcare policy seems to be governed more by profit-driven motives.

As you can see, this issue is multi-faceted. The ACA has exercised due diligence by contacting Tufts multiple times and asking them to address our concerns. Tufts has been unwilling to help us better understand their perspective and has given different answers each time we contact them – sometimes even contradicting their previous responses. If this type of policy setting and medical management is occurring in the area of chiropractic, we fear that Tufts is renegeing on their obligations to enrollees as an insurer practicing in your state.

At this point, we feel we are left with no choice but to contact regulators for assistance. We would be most appreciative if your office could assist us. If you have any questions, please feel free to contact me at (703) 812-0227.

Sincerely,



Laurie Douglass
Vice President, Insurance Relations

Cc: Massachusetts Division of Insurance
Massachusetts Chiropractic Society