



HEALTH CARE NEWS

A Monthly Publication From the New York State Attorney General's Health Care Bureau

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HEALTH PLANS VIOLATE NEW YORK'S CONSUMER RIGHTS LAW

New Report Shows HMOs Fail to Disclose Necessary Information

New York Attorney General Eliot Spitzer recently released a report with a survey showing that health plans are failing to disclose information that could help consumers get medically necessary coverage.

Members of Spitzer's staff, posing as prospective enrollees, sent letters to 22 health plans requesting information on the standards used to determine whether or not treatment for five different conditions was medically necessary and therefore covered by insurance. Disclosure of this information - known as *clinical review criteria* - is required under the state's *Managed Care Consumer Bill of Rights*.

For example, one letter requested information about how the health plan would decide whether an insulin pump for a diabetic would be a covered benefit. Other letters requested similar information about enteral formula for infants, surgery for Crohn's disease, breast reduction surgery and arthroscopic knee surgery. Spitzer's staff analyzed the responses from health plans and assigned grades from "A" to "F" based on the number of satisfactory responses.

According to the report, none of the plans received an "A" grade. Half of the health plans received an "F,"



HEALTH CARE HELPLINE AT 1-800-771-7755 option 3

When Ms. K's health plan refused to cover her breast reduction surgery, claiming it was cosmetic and not medically necessary, she called the Health Care Bureau's Helpline. Ms. K told a Helpline representative that her doctor recommended the surgery to treat chronic pain in her upper back and shoulders. Yet, Ms. K said, her health plan was refusing to cover breast reduction surgery stating that her request did not "comply with recognized clinical guidelines," and directing her to call customer service if she had any questions. Ms. K said that despite several phone calls requesting the "clinical guidelines" used by the plan to review her claim, she had not received any information. A Health Care Bureau attorney wrote to the plan explaining that the plan was required by law to give Ms. K the requested information and the plan responded by providing Ms. K with its *clinical review criteria*. The Health Care Bureau then assisted Ms. K in appealing her plan's denial of coverage. The plan subsequently reversed its decision and agreed to cover Ms. K's breast reduction surgery as a medically necessary service.

which meant they made no satisfactory responses, never sending the requested clinical review criteria. The Health Care Bureau has sent letters to each of the plans detailing violations and requesting that each plan take immediate measures to comply with the law.

Health Plans that received an "F" included: Aetna US Healthcare, AmeriHealth Plan, Cigna Health Care of New York, Health Insurance Plan (HIP), Health Net, Horizon Health Care of New York, Magna Health, Managed Health, MDNY Healthcare, Inc., Preferred Care (Rochester), and WellCare of New York.

To view or print a copy of the report *New York Managed Care Bill of Rights Compliance Survey*, visit the Attorney General's Health Care Bureau at www.oag.state.ny.us



DID YOU KNOW?

Under New York Law, you have the right to request a health plan's member handbook or contract that must include, among other things, a description of covered benefits, premiums, copayments, prior authorization requirements, and how to appeal denials of care or coverage.

Attorney General Eliot Spitzer's Health Care Bureau protects - and advocates for - the rights of all health care consumers statewide. The Bureau operates a Health Care Helpline that assists thousands of New Yorkers with individual problems; investigates and takes law enforcement actions to address systemic problems in the operation of the health care system; and proposes legislation to enhance health care quality and availability in New York State. **To share your views contact the Editor: Rashmi.Vasisht@oag.state.ny.us**