



HEALTH CARE NEWS

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

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Attorney General
New York State



EMPIRE BLUECROSS BLUESHIELD CORRECTS POLICY ON NUTRITION SUPPLEMENTS

After two months of frustration and \$2000 in out-of-pocket expenses, Ms. M contacted the Health Care Bureau. Ms. M told a mediator that her plan, Empire BlueCross BlueShield, was repeatedly denying coverage for an over-the-counter (OTC) nutritional supplement for her baby who was severely allergic to cow's milk and soy protein. An HCB attorney wrote to the plan noting that denying coverage of nutritional supplements when medically necessary is a violation of state insurance law. The plan acknowledged its mistake, approved coverage, and reimbursed Ms. M the \$2,000.

Ms. M's complaint led to an in-depth review of Empire practices. The Health Care Bureau found that Empire was relying on a computer program that automatically denied nutritional supplements like Neocate, Ensure, and PediaSure as non-covered, over-the-counter products. However, in its denial letters to members, the plan was offering misleading and contradictory reasons for refusing coverage.

"Health insurance companies must carefully monitor their computer systems to ensure that they do not improperly deny coverage to New Yorkers," said Attorney General Eliot Spitzer. Under the terms of a recent settlement agreement, Empire will direct its pharmacy benefit manager, Advance PCS, to modify its computer system to ensure that claims for coverage of nutritional supplements are handled according to New York State law.

The agreement also calls for Empire to review its records, identify cases of previously denied coverage for nutritional supplements and post instructions on its website and its newsletter for affected members to make claims. The plan will also provide training to its staff about New York's law requiring coverage for nutritional supplements when medically necessary. Empire will pay \$25,000 to cover the costs of the investigation.



Addressing Crime Victims' Privacy Rights:

Attorney General's Health Care Bureau Chief Joseph Baker, seated far right, with Cheryl Fish-Parchman, Families USA, Dr. Richard Daines, M.D., Pres. & CEO, St. Luke's-Roosevelt Hospital, Sherry Frohman, Executive Director, NYS Coalition Against Domestic Violence, and Kevin Progue, Director, NY County District Attorney.

AG PROGRAM ON CRIME VICTIMS' PRIVACY RIGHTS

The Attorney General's Office recently co-sponsored a professional development program to raise awareness of crime victims' rights to privacy and provide education about laws that protect their medical records and personal histories. More than 200 victim advocates, service providers, law enforcement and allied professionals attended the program, *Victims Concerns: Medical and Media Privacy*.

"Victims' rights to medical and media privacy can be strengthened by the intervention of advocates and other professionals," said Attorney General Eliot Spitzer. "Gaining familiarity with legal protections and best practices can help safeguard victims' confidentiality and ensure that they are treated with dignity and respect."

Many victims choose not to report crimes or seek assistance, because they fear exposing their intimate health information or personal details. The educational program, co-sponsored with St. Luke's Roosevelt Hospital, allowed attendees to hear from experts about state and federal laws that protect victims' privacy rights, including the Health Insurance Portability and Accountability Act (HIPAA), the new federal privacy rules for health information.

To obtain copies of educational materials call 212-416-8839. Limited copies available.



DID YOU KNOW?

New York State law guarantees you the right to inspect your medical records within 10 days of your written request. However, to obtain a copy of your medical records, your hospital or doctor may charge you up to \$0.75 cents a page.

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**