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| An increasingly disturbing development has been noted by several chiropractors attempting to submit claims for medical payments coverage under a patient's automobile insurance.  Under new state law, many policies frequently offer up to $10,000 of coverage for the treatment of insured drivers and their vehicle occupants involved in a car accident.  Unfortunately, some chiropractors submitting claims for that coverage are now finding that the injured party's attorney has notified the automobile insurer in advance and requested that all of the medical payment coverage be sent directly to the patient or that legal representative.  As a result, the doctors ability to receive payment has been effectively "blocked" by the patient's attorney.It appears that there may be two primary reasons for the attorneys actions in blocking payments.  First, some attorneys are using the coverage to effectively determine their own allocation of payments to some doctors over other doctors who have provided care.  By controlling the allocation of payments, the attorney will often negotiate with certain doctors to seek reductions in the amounts paid to providers  As one might expect, some attorneys will allocate payments to the detriment of the chiropractor over allopathic providers.  Another, more concerning reason for the action invloves attorneys who appear to be taking a contingency fee on part or all of the funds "obtained" from the medical payments coverage.  Interestingly, the insurers will usually tender this amount with little objection since those benefits typically belong, through the contractual language of the policies, directly to the patient. The next issue of the newsletter, due yet this fall, will discuss a number of techniques to deal with this disturbing developement.  Although those options will be explored in greater detail in the newsletter, doctors are encouraged to take a number of steps to address this situation:1.  Review the assignment of claims form to insure that the assignment cannot be revoked or modified by the patient or attorney.  A sample form designed to address this suggestions will soon be available at this site under the "forms" tab of resources.2. Address these developments early and appropriately with the insurer and patient's attorney.  Sample letters will also be available at this site.3.  Discuss this development directly with the patient.  Patients should be carefully advised of the consequences of this action on their future services and overall presentation of the personal injury claim to interested parties.We look forward to addressing this matter in the next issue of the newsletter and invite doctor's comments. |

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