



# HEALTH CARE NEWS

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

Eliot Spitzer  
Attorney General  
New York State



## WESTERN NEW YORK HEALTH CARE ISSUES

At a recent press conference with health care advocates, Attorney General Eliot Spitzer discussed Western New York's top health care concerns and the ways consumers can solve some of their health care problems. Spitzer said that his Health Care Bureau Helpline, which assisted over 7,100 consumers statewide in 2001, found that the most common problems facing Western New Yorkers are:

- Denial of access to and payment for out-of-network care;
- Denial of coverage for medically necessary care; and
- Lack of prescription drug coverage for people with Medicare.

"We have successfully assisted hundreds of Western New Yorkers in appealing denials of out-of-network and medically necessary care, and denials of adequate payments for that care," said Spitzer. "Our experience has shown that the best advice is to appeal your health plan's denial because, if you do, the odds are you will win 75% of the time."

New York law guarantees that HMO members have the right to obtain out-of-network care if their condition requires a service or provider not available within the HMO's network.

"To protect consumers further, I have proposed legislation to allow external reviews of denials for out-of-network care," said Spitzer. "With external review, New Yorkers can be sure that an independent third party, and not the health plan that originally denied them, is objectively determining whether the out-of-network care ordered by their doctor is medically necessary."



### Addressing Western New York's health care concerns:

Attorney General Eliot Spitzer and Health Care Bureau Chief Joe Baker, on far right, at John A. Duke Niagara Falls Senior Center with Janice Lewis, Director, John A. Duke Niagara Falls Senior Center, on far left, and Susan Christian, Coordinator, Niagara County Health Insurance Information Counseling and Assistance Program.

Noting that his Health Care Helpline is receiving calls from seniors and disabled Medicare residents who are under 65 years and lack prescription drug coverage, Spitzer said that Congress must add a comprehensive, affordable prescription drug benefit to Medicare. In the interim, he said his office would continue its ongoing initiatives to rein in the soaring costs of prescription drugs by making generic drugs more affordable for New Yorkers.

Spitzer advised consumers to understand their rights under the Managed Care Bill of Rights, especially their right to appeal denial of care. Every time an HMO denies care, the HMO must send the consumer a notice about how to file an appeal. For more information, visit [www.oag.state.ny.us](http://www.oag.state.ny.us)

## Q & A

**Q:** *I am 76-years-old with Medicare but without prescription drug coverage. I do not qualify for EPIC, New York's Rx assistance program for seniors. I am shopping for bargains at Internet pharmacies but how else can I reduce my prescription drug costs?*

**A:** There are prescription drug assistance programs sponsored by drug companies and organizations that offer discounts or free medications to eligible individuals. Some of these programs help people with specific health conditions. To obtain more information, contact your physician or pharmacist, visit [www.medicare.gov](http://www.medicare.gov), or call 1-800-633-4227 (for the hearing impaired, call 1-877-486-2048). If you are a veteran or military retiree, call the VA at 1-877-222-8387 or TRICARE at 1-877-363-6337 to see if you qualify for benefits. If you choose to purchase prescriptions over the Internet - be alert for scams and bad deals. To check if your Internet pharmacy is fully licensed and to see more buying tips, go to [www.nabp.net](http://www.nabp.net)

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](mailto:Rashmi.Vasisht@oag.state.ny.us)**