

HEALTH CARE NEWS

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

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HEALTHNOW AGREES TO REVISE IMPROPER ID CARDS

Attorney General Eliot Spitzer recently announced an agreement with Blue Cross Blue Shield of Western New York and Northeastern New York, divisions of HealthNow, to remove language from member identification cards that failed to properly inform consumers of their rights to get emergency care.

The Health Care Bureau investigated complaints about Blue Cross ID cards and found that many of the cards contained misleading language. For example, some Blue Cross ID cards instructed members to go to the nearest emergency room "in a *life-threatening* emergency." While this may sound like good advice, New York law requires health plans to cover emergency claims whenever the individual has symptoms that a prudent layperson would believe pose a serious health risk, whether or not the emergency or ultimate diagnosis is "life-threatening."

Other HealthNow Flex ID cards instructed members to contact their primary care physician (PCP) in an emergency, and only to proceed to the nearest emergency room if it was not possible to first contact their PCP. This language amounted to a preauthorization requirement for emergency care, which is strictly prohibited under New York law.

Under the agreement, HealthNow has issued new cards with improved language. Additionally, HealthNow will review emergency claims it denied between April 1997 and June 2002 and then reimburse any consumer whose ER claims were erroneously denied.

REPORT ON COMPLAINTS ABOUT STATE'S HEALTH CARE SYSTEM

Attorney General Eliot Spitzer recently released a report that describes New Yorkers' top complaints against health plans and providers. The report analyzes almost 9,000 consumer complaints received over the last year-and-a-half by the Health Care Bureau's toll-free health care "helpline" that assists consumers in dealing with health care problems.

According to the report, the greatest single issue that prompted calls to the helpline is access to health care coverage - getting it and keeping it. In particular, the report describes the difficulties many consumers have in accessing COBRA continuation coverage when they leave a job that provided health insurance.

Additionally, claims processing and payment problems, denials of care by health plans and problems accessing specialty care accounted for 72% of all complaints to the helpline. With regard to denials of care by health plans, which accounted for 23% of complaints, the report provides tips for consumers about how to appeal such denials (see box).

The report includes a description of more than 45 enforcement actions brought by the Health Care Bureau to protect consumer health care rights and provide restitution to aggrieved consumers. And, in addition to providing tips for consumers on how to navigate the health care

system to get needed care or coverage, the report makes a series of reform recommendations that will help to ensure that consumers get better access to care.

The entire report titled "2002 Health Care Helpline Report" may be accessed on the Attorney General's website at www.oag.state.ny.us.



DID YOU KNOW?

Under New York State Law, you have the right to appeal your health plan's denial of coverage. Here are some tips on how to use your appeal rights:

- Get a clear explanation in writing from your health plan of the reason your care was denied. You have a right to this explanation, so demand one if you don't receive it because this will help you prepare your appeal.
- Get your doctor to help you by writing a letter explaining why you need the care. If possible, have your doctor call the health plan's medical director on your behalf.
- Follow the time lines for submitting your appeal. Submit it on time, send it by certified mail, and call frequently to find out its status. Keep a paper trail of everything you send to the health plan and a record of every call to the plan and who you talk to.
- *Remember*, very few people who receive denials appeal, but most of those who appeal win more coverage. So, always appeal any denial of coverage for care that you and your doctor think is necessary - the odds are in your favor.
- Get help with your appeal. Call the Attorney General's Health Care Bureau at 1-800-771-7755 option 3.

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**

