

News from Attorney General Eric T. Schneiderman

FOR IMMEDIATE RELEASE

March 15, 2012

Albany Press Office / [518-473-5525](tel:518-473-5525)

New York City Press Office / [212-416-8060](tel:212-416-8060)

nyag.pressoffice@ag.ny.gov

Twitter: [@AGSchneiderman](https://twitter.com/AGSchneiderman)

A.G. SCHNEIDERMAN ANNOUNCES SETTLEMENT WITH EXCELLUS BLUECROSS BLUESHIELD FOR WRONGFULLY DENYING HUNDREDS OF REQUIRED CHILDHOOD LEAD SCREENING TESTS

Excellus Required To Fix Automated Claims Systems And Train Staff To Ensure Proper Processing Of Childhood Lead Testing Claims

Schneiderman: Health Insurers Have A Legal Obligation To Provide Coverage Of Childhood Lead Screening Tests

NEW YORK - After an investigation uncovered the wrongful denial of hundreds of childhood lead screening tests, Attorney General Eric T. Schneiderman today announced a settlement with Excellus BlueCross BlueShield, requiring the health insurer to accurately process claims for these routine -- and crucial -- tests. The settlement also requires Excellus to fix its faulty claims system and provide refunds to consumers who paid for lead screening tests out-of-pocket after initially being denied.

"Childhood lead screening tests are vital to protect public health, and today's settlement will ensure that Excellus will follow the law and cover these crucial, routine lead tests for children in our state," said **Attorney General Schneiderman**. "This settlement puts health insurance providers on notice that unlawful denials of mandated insurance coverage will not be tolerated by this office."

Attorney General Schneiderman's Health Care Bureau commenced an investigation into Excellus's denial of childhood lead screening claims after receiving a complaint through its Health Care Bureau Helpline that Excellus was denying coverage for lead tests. The Attorney General's investigation uncovered Excellus' denials of hundreds of childhood lead screening claims over a two-year period beginning in August 2009 through September 2011. Even when plan members filed grievances with Excellus, disputing the denials, Excellus staff did not fix the problem. Once the claims by the insurer were denied, physician's

offices either billed the consumers for the cost of the test, or absorbed the loss themselves.

Lead poisoning causes serious neurological harm in children, including developmental delays, learning disabilities, hearing loss, intellectual impairment, short stature and other health problems. New York state law requires insurance coverage of lead screening for children ages one and two to promote early detection through screening and ensure that treatment begins before severe and irreversible damage is done.

As a result of the Attorney General's investigation, Excellus will fix its faulty claims systems and refund payments from 2005 through the present, plus 12 percent interest, to providers and plan members who paid for childhood lead screening claims when Excellus denied the claims erroneously. Excellus has also agreed to:

- Create written training manuals and hold in-person training sessions about lead screening coverage for employees who analyze claim disputes and grievances;
- Manually analyze all childhood lead screening denials over a six month period to determine whether any were erroneously denied and file a report of such findings with the Office of the Attorney General;
- Submit a report to the Attorney General documenting the members and providers to whom refunds were paid; and,
- Engage an independent entity to audit its compliance with the settlement.

Consumers with questions or concerns about health care matters may call the Attorney General's Health Care Bureau Helpline at 1-800-428-9071.

The investigation was handled by Assistant Attorney General Dorothea Caldwell-Brown under the supervision of Lisa Landau, Bureau Chief, Health Care Bureau and Executive Deputy Assistant Attorney General for Social Justice, Janet Sabel.