

# GREENBERG & ASSOCIATES INSURANCE

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## **\* \* \* IMPORTANT BULLETIN \* \* \***

**TO: TO ALL REGENCE BLUECROSS INNOVA CLIENTS**

**FROM: GREENBERG & ASSOCIATES INSURANCE**

**DATE: September 11, 2009**

**RE: IMPORTANT COVERAGE CLARIFICATION**

REGENCE BLUECROSS HAS RECENTLY NOTIFIED US OF AN IMPORTANT COVERAGE CLARIFICATION PERTAINING TO THEIR INNOVA CONTRACTS. THE COVERAGE ISSUES IN QUESTION ARE THOSE FOR MENTAL HEALTH AND CHEMICAL DEPENDENCY. THEY HAVE BEEN RECEIVING MANY CALLS AND COMPLAINTS REGARDING HOW THESE BENEFITS ARE BEING PROCESSED AT CLAIM TIME. THEREFORE, IT HAS PROMPTED US TO SEND THIS BULLETIN TO INFORM YOU OF THE SITUATION.

ON THEIR SUMMARY PLAN DESCRIPTIONS AND IN THEIR CONTRACT, THEY STATE THAT **OFFICE VISITS** FOR A TIER 1 PROVIDER ARE PAID AFTER A \$20 COPAYMENT, A TIER 2 PROVIDER AFTER A \$35 COPAYMENT, FOR THE TREATMENT OF "ILLNESS, INJURY OR PREVENTIVE SERVICES". IT IS IMPORTANT TO NOTE, THAT REGENCE BLUECROSS, AS WELL AS ALL INSURANCE CARRIERS ONLY PAY FOR MENTAL HEALTH OR CHEMICAL DEPENDENCY CLAIMS IF THERE IS A MEDICAL DIAGNOSIS CODE ASSOCIATED WITH IT THAT INDICATES THE SERVICES ARE FOR A MENTAL "ILLNESS" OR CHEMICAL DEPENDENCY "ILLNESS", I.E. DEPRESSION, ANXIETY, ADDICTION, ALCOHOLISM. THEREFORE, ALL MENTAL HEALTH AND CHEMICAL DEPENDENCY CLAIMS MUST RELATE TO AN ACTUAL ILLNESS IN ORDER TO BE ELIGIBLE FOR COVERAGE. THEREFORE, ONE WOULD INTERPRET THAT THE OFFICE VISIT COPAY WOULD APPLY TO MENTAL HEALTH AND CHEMICAL DEPENDENCY SERVICES IN A PHYSICIAN'S OFFICE. HOWEVER, REGENCE IS ADJUDICATING CLAIMS FOR OFFICE VISITS FOR MENTAL ILLNESS AND CHEMICAL DEPENDENCY **AFTER** THE DEDUCTIBLE HAS BEEN MET. AS YOU CAN WELL, IMAGINE, THERE IS NOW A HOT DEBATE AS TO HOW THEY CAN **EXCLUDE** OFFICE VISITS FOR MENTAL HEALTH AND CHEMICAL DEPENDENCY FROM BEING COVERED AFTER AT THE OFFICE VISIT COPAYMENT LEVEL.

WE HAVE BEEN TOLD THAT REGENCE'S LEGAL TEAM HAS "INTERPRETTED" THE OREGON STATE MENTAL HEALTH PARITY LAW THAT STATES THAT "THE PARITY LAW ELIMINATES SEPARATE AND UNEQUAL DEDUCTIBLES AND OUT-OF-POCKET COPAYMENTS OR COINSURANCE FOR MENTAL OR NERVOUS CONDITIONS AND CHEMICAL DEPENDENCY" TO MEAN THAT THIS BENEFIT CAN BE PAID LIKE "OTHER" SERVICES SUCH AS PHYSICAL THERAPY OR OUTPATIENT SURGERIES, WHICH ON INNOVA ARE REIMBURSED AFTER THE DEDUCTIBLE. IN OUR OPINION, REGENCE'S INTERPRETATION DOES NOT APPEAR TO COMPLY WITH THE INTENT OF THE MENTAL HEALTH PARITY LAW THAT WAS MANDATED. HOWEVER, THIS IS A LEGAL ISSUE AND NOT BEING AN ATTORNEY, THIS IS JUST OUR OPINION. UNLESS THIS IS CHALLENGED WITH THE STATE OF OREGON INSURANCE DIVISION, OR, IN THE COURTS, REGENCE CAN CONTINUE WITH THEIR INTERPRETATION.

WE HAVE BEEN TOLD, HOWEVER, THAT REGENCE IS CONSIDERING CHANGING THE REIMBURSEMENT FOR MENTAL HEALTH OFFICE VISITS BACK TO A COPAYMENT FOR OFFICE VISITS ON THEIR INNOVA PLANS. TO DO SO WILL REQUIRE THE PROCESS OF CHANGING ALL OF THEIR SUMMARY PLAN DESCRIPTIONS, CONTRACTS AND CLAIM'S SYSTEM ACROSS FOUR STATES. THEREFORE, EVEN IF THEY DO CHANGE THE WAY THEY ARE GOING TO PAY THESE CLAIMS DOWN THE ROAD, IT WILL NOT HAPPEN OVERNIGHT. THEREFORE, UNTIL A CHANGE DOES POSSIBLY TAKE PLACE, WE WANTED TO LET YOU KNOW THAT FOR THE TIME BEING THESE SERVICES ARE SUBJECT TO THE DEDUCTIBLE!

PLEASE DON'T HESITATE TO CONTACT US IF YOU HAVE ANY QUESTIONS ABOUT THE INNOVA COVERAGE FOR MENTAL HEALTH OR CHEMICAL DEPENDENCY.

SHARON GREENBERG AND ADRIENNE HUTCHINS