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Date: 6/24/08

To: MCMS/7th District Branch Members/Staffs

From: Nancy J. Adams

Re: **ATTORNEY GENERALCUOMO AGREEMENT WITH EXCELLUS -2PAGES**

ROCHESTER, NY (June 24, 2008) - Attorney General Andrew M. Cuomo today announced an agreement with Excellus BlueCross BlueShield and CareCore National LLC ending a long-standing dispute with physicians and streamlining critical care decisions. In a separate agreement, Excellus also adopted the Attorney General's Doctor Ranking Model Code, which has become the national standard for the industry on this issue.

Last fall, Excellus launched a program that quadrupled the number of tests requiring preapproval. The implementation of the program had administrative problems, including the fact that Excellus and CareCore would not disclose their preapproval criteria to doctors until after denying a test.

Physicians and patients complained to the Attorney General's Office and Excellus agreed to delay the launch of the proposed program. Excellus, CareCore, and physician and patient advocates worked cooperatively with the Attorney General to fashion today's reforms.

Under the agreement announced today, doctors specializing in cancer treatment will not have to obtain approval before ordering tests known as CAT scans, the most frequently ordered test for cancer patients. In addition, other doctors who have a track record of complying with insurance requirements can gain "fast track" status and be exempt from the preapproval process as well.

"Prompt diagnosis can be a matter of life and death," said Cuomo. "Controlling costs need not mean compromising patient care. Today's agreement strikes the right balance because all stakeholders-doctors, patients, and insurers-had a voice in the solution. I applaud Excellus and CareCore for helping craft these reforms, which ended a cumbersome approval process and protects the integrity of the doctor-patient relationship."

Today's agreement was forged in consultation with the Monroe County Medical Society, with input from the Onondaga Medical Society and numerous physician organizations and hospitals in the region.

Under the agreement announced today, Excellus and CareCore will:

Disclose, in user-friendly language on their websites, the clinical criteria for approving radiology tests;

Exempt oncologists ordering scans for Excellus BCBS cancer patients;

Provide fast-track status, meaning a waiver of the Excellus approval requirement, for physicians whose imaging referrals for Excellus BCBS patients are approved at least 95% of the time for specific kinds of tests;

Give physicians at risk of losing the Excellus fast-track status notice and a right to explain why their ordering patterns have changed;

For certain conditions, i.e. multiple sclerosis, make preauthorization for Excellus members good for up to 180 days;

Make decisions on urgent requests within 3 hours of receipt of the request (emergencies are already exempt by law);

Answer the telephone within an average of 30 seconds, and handle the call within an average of five minutes; and

Cut in half the number of tests requiring preapproval from Excellus BCBS, from 252 to 125.

Jamie E. Kerr MD, Vice President and Chief Medical Officer for Utilization Management of Excellus BlueCross BlueShield, said, "We want to thank the Attorney General and his staff, as well as our local physicians for working with us to meld an agreement that addresses the collective concerns of all sides. We are agreeing to hold ourselves to

higher and speedier standards for radiology review than what the law requires and what is common practice within the industry-both statewide and nationally.”

Consumer advocacy and provider organizations praised the agreement as a model of transparency and collaboration.

Leslie F. Algase MD, Immediate Past President of the Monroe County Medical Society, said, “Physicians needed access to ordering criteria at the outset of the radiology management program. The physician community applauds the Attorney General’s efforts to make the prior authorization process transparent by insisting that evidence-based ordering criteria be made available to physicians and other health care professionals. The agreement directly affects our ability to provide high quality care for our patients. The program changes and accompanying requirements for accountability and timely access will do much to alleviate our concerns that patient care will be delayed by administrative requirements.”

Onondaga County Medical Society President Thomas A. Bersani MD said, “The Onondaga County Medical Society is pleased to join with the Medical Society of the State of New York, the Monroe County Medical Society and the American Cancer Society in thanking Attorney General Andrew Cuomo and his staff for once again showing tremendous leadership in addressing another important health issue of great concern to patients and physicians. It is a credit to all involved that the agreement establishes a transparent process with criteria clearly defined for the benefit of patients, physicians and their offices.”

Medical Society of the State of New York President Michael H. Rosenberg MD, said, “The Medical Society of the State of New York congratulates Attorney General Cuomo and his staff, the Monroe County Medical Society and Excellus BlueCross BlueShield on a job well done. Once again, our Attorney General has used diplomacy and hard work to achieve a result that is good for New York. Through this important agreement, we all now have an efficient, effective and transparent radiology pre-authorization process that puts patients first, as it must be. Everyone involved with making this agreement a reality is to be commended.”

The agreement announced today concerning radiology services is the result of an investigation led by Kathryn E. Diaz, Senior Trial Counsel in the Health Care Bureau, under the supervision of Timothy A. Clune, Chief of the Health Care Bureau, and Linda A. Lacewell, the head of the Attorney General’s Healthcare Industry Taskforce.

MCMS remarks delivered by Leslie Algase, MD Immediate Past President MCMS-Full comment appears below

Attorney General Cuomo, on behalf of the Rochester area physician community please accept my sincere thanks to you and your staff, in particular Timothy Clune and Kathryn Diaz, for taking action to address concerns relative to the Excellus radiology management program.

In accepting the mantle of professionalism, the Monroe County Medical Society also accepts the responsibility to speak out and to resist when our leadership feels that burdens placed on the healthcare system have the potential to cause patient harm. Your swift action, in response to our outcry, to discourage and or disallow unnecessary prior authorization burdens is commendable.

The physician community supports managing spiraling healthcare costs by providing coordinated, high quality care to our patients and most certainly agrees that radiology studies should be ordered appropriately and in accordance with evidence-based standards. It is for this very reason that physicians, patients and health plans should work in concert to develop a high-value, outcome based healthcare system which promotes community health. It is for this very reason that physicians needed access to ordering criteria at the outset of the radiology management program. It is for this very reason that the physician community applauds your efforts to make the prior authorization process transparent by your insistence that evidence based ordering criteria be made available to physicians and other health care professionals.

Even more important, your actions directly affect our ability to provide high quality care for our patients. The program changes and accompanying requirements for accountability and timely access will do much to alleviate our concerns that patient care will be delayed by administrative requirements.

Mr. Cuomo, it was our privilege to work with you and your staff on this important issue. ~~~~
Excellus indicated the revised program will go into effect on **July 23, 2008**. Details to follow.