

HMO charged with fraud for denying baby headgear

BY SHAMUS TOOMEY

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Now that doctors recommend parents lay infants to sleep on their backs, doctors are seeing more babies with misshapen skulls, a Children's Memorial Hospital physician said Wednesday. And Cook County prosecutors say insurance providers are illegally denying claims for a special device used to correct the problem.

Prosecutors filed suit in circuit court Wednesday to compel Blue Cross and Blue Shield of Illinois to pay for the \$3,000 corrective devices.

And prosecutors say Blue Cross is not the only health care provider to deny claims for the device, which was approved by the government three years ago.

The most popular of the devices is called the Dynamic Orthotic Cranioioplasty, or DOC, band. The individually fitted band has a hard plastic shell and soft foam interior and fits around an infant's head like a helmet.

It uses pressure to reshape a skull while still malleable, helping to prevent future problems with the jaw, ears and eyes, said Dr. Julia Corcoran, a pediatric plastic surgeon at

Children's.

Corcoran said she and her colleagues see about 10 new cases of misshapen skulls a month. A DOC or similar band is prescribed in about a third of the cases, she said.

"Fifteen years ago, there were probably none," she said. That was before the push to have babies placed on their backs to avoid Sudden Infant Death Syndrome, she said.

Health care providers have been denying claims for the bands, said Cook County State's Attorney Dick Devine. That violates the Illinois Consumer-Fraud Act, Devine argued, because the device was ap-

proved by the Food and Drug Administration and is not "investigational." The suit alleges Blue Cross has promised to pay for noninvestigational treatments such as the band, and refusing to pay is fraud.

Blue Cross declined to comment on the suit, which was filed on behalf of three area families. Devine's office said the suit is believed to be the first of its kind filed against an HMO alleging consumer fraud for denial of benefits.

Parents should continue to place babies on their backs because SIDS is too serious to ignore, Corcoran said.

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Devine: Insurer must cover infant treatment

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In what is believed to be the first lawsuit of its kind in the country, Cook County State's Attorney Dick Devine sued Blue Cross and Blue Shield on Wednesday for consumer fraud for refusing to cover a federally approved treatment for infants.

The treatment involves fitting a helmet-like device around an infant's head to correct skull malformities.

The company is accused of not covering the \$3,000 cost by claiming it is experimental, but Devine said the device long has been approved by the U.S. Food and Drug Administration.

"In our view, this is a violation of the Consumer Fraud Act," Devine said. "There were deceptive practices involved. It is our view we should bring this to the attention of

both the courts and of the public."

Skull malformities are on the rise as an unfortunate by-product of pediatricians' "Back to Sleep" campaign, which encouraged parents to place infants on their backs to sleep to prevent Sudden Infant Death Syndrome, said Julia Corcoran, a plastic surgeon at Children's Memorial Hospital.

"When they came out with the 'Back to Sleep' statement in 1997, we saw the cases of plagiocephaly [misshapen head] increase about 400 percent," said Mary Kay McGuire of Oak Brook-based Cranial Technologies Inc., which makes about 10,000 of the devices a year.

Corcoran and McGuire emphasized that parents should continue placing their children on their backs. "Better a kid with a flat head than a dead kid," Corcoran said.

In the more severe cases, pressure on the skull causes it to grow in the wrong direc-

tion, pushing on the jawbone and giving some children asymmetrical facial features that may need surgery to correct, Corcoran said.

"We probably see 10 new cases a month here at Children's, and we probably send a third to half of them for helmet treatment," Corcoran said.

Parents should not be denied the treatment to correct the problem early, Devine said. Often just a few months wearing the device is enough to reshape the infant's head.

"This decision should not come from an insurance company making a business decision, but from a doctor making a medical decision about what is best for the patient," Devine said.

Deborah Rich, who works in the accounts payable department for a surgical center, said she had seen Blue Cross and Blue Shield pay for the device for other children.

But when her son Matthew needed it, the company declined to cover it, saying the device was experimental.

"I handle insurance companies for a living. I know how to read policies," Rich said. "They said it was an 'investigational' item. I said, 'No, it's FDA-approved.'"

The company's own policy obligates it to cover treatments that have gone beyond the experimental stage to being approved by the FDA, Devine said.

After eight months of failing to get the company to pay for it, the Riches took out a loan and bought it themselves. Now their son may have to wear it for six months instead of two, they said.

A Blue Cross and Blue Shield spokesman declined comment.

Devine's suit seeks to force the company to cover the procedure and reimburse families it has denied.