

CHICAGO

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## Devine sues Blue Cross over skull device

Cook County State's Atty. Richard Devine filed suit Wednesday against Blue Cross and Blue Shield of Illinois, alleging the medical insurer committed fraud when it failed to cover the cost of a federally approved device that can correct cranial deformities in infants.

Devine told reporters at a news conference in the Daley Center that Blue Cross violated the Illinois Consumer Fraud Act when it elected not to pay for the \$3,000 polymer and Velcro device, which has been approved by the Food and Drug Administration since 1998.

Specifically, Devine accused Blue Cross of "deceptive practices" in its handling of claims regarding the device known as the Dynamic Orthotic Cranioplasty band. Devine said the company initially refused to reimburse patients for the device, saying it was experimental. The company then rejected payment on the grounds that the band was for cosmetic purposes.

The suit further alleges that Blue Cross used "criteria not contained within its own policies in order to deny claims."

A spokesman for Blue Cross declined to comment.

► **ILLINOIS BLUES SUED** In what may be the first governmental lawsuit in Illinois against a health maintenance organization for fraud, Cook County State's Attorney Richard A. Devine sued Blue Cross & Blue Shield of Illinois last week for denying coverage for a prescription headband that corrects cranial malformities in infants. The suit, filed in Cook County Circuit Court, charges that BC/BS of Illinois is violating the Illinois Consumer Fraud Act by routinely denying coverage for the Dynamic Orthotic Cranioplasty band. In one case, according to the suit, the Blues plan refused to cover the cost of the \$3,000 headband by claiming first that it was "investigational," though the device is approved by the Food and Drug Administration, and then that the band was solely for cosmetic purposes. In two other cases, the suit charges, BC/BS of Illinois claimed that the medical necessity of a DOC band had not been established, despite doctors' prescriptions. A spokesman for BC/BS of Illinois said he still had not seen the suit and could not comment.