



State of Ohio

# Ohio State Chiropractic Board

Kelly A. Caudill, Executive Director

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March 17, 2006

Thomas J. Allenburg, D.C., CEO  
ACN Group, Inc.  
6300 Olson Memorial Highway  
MN010-W120  
Golden Valley, MN 55427

Dear Dr. Allenburg:

This correspondence is written on behalf of the Ohio State Chiropractic Board concerning allegations of discriminatory practices against Ohio licensed chiropractic physicians in ACN Group's role as a chiropractic benefit management services company.

The reports we have received are not flattering. If these are in fact true, the Board is gravely concerned about your company's arbitrary and aggressive denial of the care, claims, and treatment plans of our licensees that are clearly based upon financial concerns rather than clinical necessity and appropriate care. Furthermore, it is reported that your participation agreements are mandated under threat of termination, demonstrating a complete disregard for the physician's discretion to diagnose and treat patients in accordance with prevailing standards of care.

It would appear that the "chiropractic benefits" that your company manages on behalf of health plans are an illusion. The reports we have received include such devious behavior as misleading recipients to believe that chiropractic care is available at their discretion or that of their chiropractic physician. It also appears that most patients and employers who purchase benefits that are managed by your company are unaware that their treatment must be approved by ACN Group, and are alleged to be arbitrarily limited to frequency, regardless of the condition and/or complexity of the condition including aggravating factors or severity. If true, these denials and limitations may result in substandard care that negatively affects outcomes and the ability of patients to achieve the lasting benefits of chiropractic care.

As portal of entry providers, Ohio chiropractic physicians statutorily assume the responsibility for the care of their patients. Accordingly, Ohio's laws and rules mandate that chiropractic physicians practice according to acceptable and prevailing standards of care. If these allegations are true, ACN Group makes fulfilling this legal obligation unachievable by severely limiting and/or denying care or threatening severe penalties culminating in dismissal.

Thomas J. Allenburg, D.C., CEO  
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As evidenced by the following excerpts from your website, ACN Group claims to help people achieve better health and that health care professionals are in the best position to make determinations regarding the treatment of their patients:

**Our Mission**

“to help people achieve better health through access to actionable information and consistently superior healthcare. We will achieve our mission, significantly contribute to the advancement of health care delivery and grow our business....”

**Evidence-Based Knowledge**

“We believe that health care professionals are in the best position to make determinations regarding the treatment of their patients.”

**Accountability**

“At ACN Group, we believe that patients and their practitioners are in the best position to make decisions about individual care plans.”

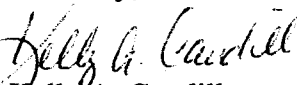
These statements, when contrasted to the alarming allegations we have received of your actual practice, would appear to be direct opposites. Intentional or accidental? Misleading or fraudulent? These are questions we pose to you. If these allegations prove to be true, you would be exercising control over the practice habits of Ohio chiropractic physicians. If true, this act usurps the authority and responsibility of this Board, and we would have no choice but to put you on notice as such.

In conclusion, the care, claims, and treatment plans of chiropractic physicians in the state of Ohio must be evaluated based on clinical necessity and appropriateness of care. This should be according to prevailing standards of chiropractic care – not the allegations that your decisions are based upon financial concerns and/or arbitrary statistical models.

It is our hope that you indeed correctly and completely fulfill the mission statement of your company, and you will be in a position to explain our issues detailed above. In the alternative, we ask that you cite any correctional behavior that will be implemented to alleviate our concerns.

The members of the Ohio State Chiropractic Board look forward to your reply,

Sincerely,

  
Kelly A. Caudill  
Executive Director

cc: United Health Care  
Ohio Department of Insurance  
American Chiropractic Association  
Ohio State Chiropractic Association  
Federation of Chiropractic Licensing Boards