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12/8/23

GA Insurance Commissioner  
2 M.L.K. Jr Dr SE #716  
Atlanta, GA 30334  
Fax: 404-657-8540 (Consumer Complaint Division)

RE: JM  
DOB: (redacted)

To Whom It May Concern:

I am writing on behalf of the patient JM who has given me permission to share his medical information for this complaint.

I am writing to hopefully engender an investigation against the insurance company BCBS and their Care Management Department for inappropriate denial of medical services and essentially suborning/causing medical malpractice. Also, I believe that the actions here constitute bad faith.

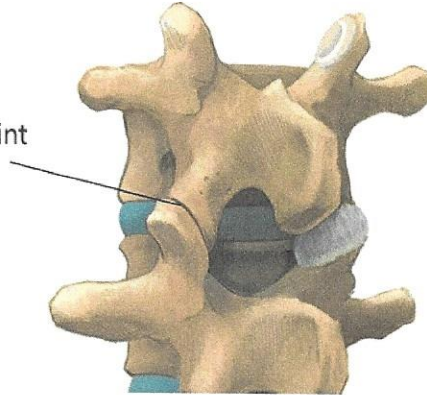
I am writing specifically about the inappropriate denial by the insurer of the code for the pedicle screws, which are an essential part of doing a spinal fusion.

I received a notification from our surgery scheduler that for this patient, some codes have been approved, including 63042, 63048, 22853, 22633, but for reasons that are completely unclear to me and are completely inappropriate, 22840, which is the code for pedicle screws is listed as investigational.

This code is not investigational, but that fact doesn't stop the insurer from using an irrelevant reason to either delay or obstruct an indicated surgery from proceeding.

To explain this anatomic detail as if I'm talking to a 6-year-old, we have to decompress the segment at L3-4, which involves removing one of the small joints on the back of the spine called the facet joint.

Normal Facet Joint

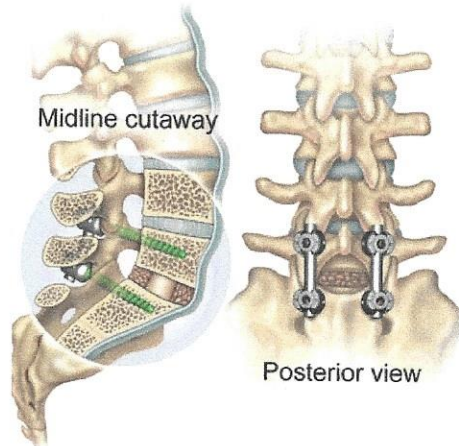


When we think of spinal stability, you can think of the model like a three legged stool, or a tricycle. If you take away one leg or one wheel, the structure becomes unstable. Adding stability, with pedicle screws (code 22840) is essential for the surgery to work. The denial of this code is arbitrary, ridiculous, inappropriate, and immoral.

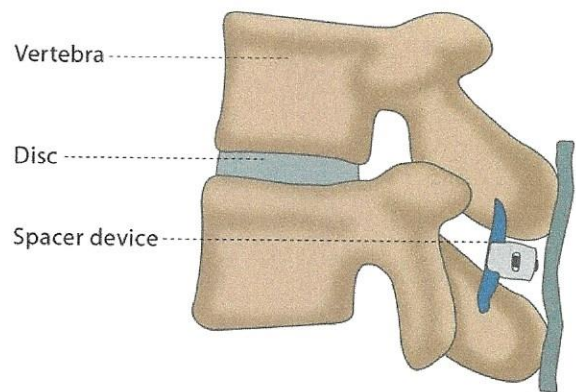
Unless a practicing spine surgeon can explain to me how to do a lumbar fusion after destabilizing the segment, and how to do so without hardware, this denial by the insurance company is both an instance of the insurance company practicing medicine (did they go to medical school?) and is also in fact below the standard of care. In other words, the insurance company is committing malpractice.

Nowhere in my notes, nor in the second request for surgery, does it say anywhere that I am suggesting using the code 22840 for an interspinous process spacer (which would be inappropriate). This code 22840 has been used for years for pedicle screw fixation across one segment, and to attribute this code for use as an "interspinous process spacer" and label it as investigational is not only willful ignorance but is immoral. The insurer, which could not care less about actually helping the patient, is instead throwing him under the bus.

Pedicle screws:

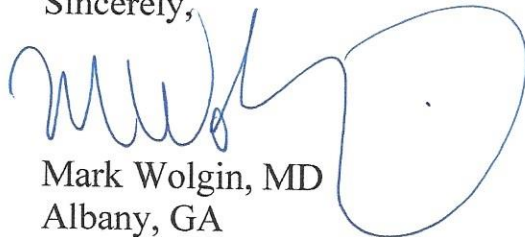


Interspinous spacer:



The patient will be advised of this inappropriate decision, and I need to have an expedited appeal to speak with a practicing spine surgeon physician reviewer to explain what I am missing. Otherwise, maybe this is the insurance company teaching me that the new standard of care is to promote mechanically unsound reconstructions, and to ignore what spine surgeons have learned over decades. Apparently, doing proper care for patients, or more basically, approving surgery, is bad for the insurance company bottom line.

Sincerely,



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cc: JM