

BOLEN REPORT

The Bolen Report is the archive for the infamous "Millions of Health Freedom Fighters - Newsletter," Health Care Crisis Management Consultant, and Consumer Activist, **Tim Bolen's** RUTHLESS, but humorous, analysis of North America's Health Care System.

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[The ENEMIES of Health Freedom](#)

[The BROKEN Health System](#)

[The REAL Health Fraud](#)

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[The Forming Alliance - Health Freedom Movement Joining with Autism Parents...](#)

[\(Brian\) Deer in](#)

AETNA Loses Major Dental Case in Fed Court - Is This Their Demise?...

Opinion by Consumer Advocate Tim Bolen

Sunday, January 29th, 2006

Late Friday, January 27th, 2006, 10th District Federal Court Judge Marcia Krieger handed struggling Aetna Insurance, perhaps the biggest legal loss in Aetna's history. And, it was over a dental issue. The reverberations will be felt worldwide. This case may be one of the two straws to break this company's back. I'll tell you about the second straw further into this article.

About 3:00PM, Central Standard time, in Denver, Colorado, Aetna attorneys and top management no doubt went into cardiac arrest when a decision in the "*Cavitat v. Aetna*" Federal case was announced by the Judge, especially since the decision came only one week after Aetna had arrogantly crowed its legal position to its customer base in Business Week Magazine. It is not known whether Business Week plans to retract its story and apologize to those it named.

In August of 2004, a small manufacturer of medical devices, Cavitat Medical Technologies of Denver, Colorado filed suit against Aetna, and named as co-conspirators:

Delicensed MD [Stephen Barrett](#), his dubious website "[quackwatch.com](#)," Robert S. Baratz MD, DDS, PhD, the [National Council Against Health Fraud \(NCAHF\)](#), and a big chunk of the organized "[quackbuster](#)" [conspiracy](#), in Colorado, for *"were and are each employed or associated with an enterprise, and participated and participates in the conduct of the enterprise affairs through a pattern of racketeering activity in violation of 18 USAC1962(c) and C.R.S. 18-17-104(3). Said pattern of activity included and includes, but was and is not limited to, the preparation, publication, dissemination and transmittal of information by US Mail and by wire through internet websites by wire and other media which falsely represented the Plaintiff's product and technology, constituting a violation of 18 USC 1341, 1343, 1347 and 1349, and CRS 18-17-103(5)(a)..."*

"(1) Publication of an Injurious Falsehood, (2) Tortious interference with a Prospective Business Advantage, (3) Negligent interference with a Prospective Business Advantage, (4) Interference with contract or prospective Contractual Relation, (5) Federal and State RICO (18USCA 1961 et seq. and C.R.S. 18-17-104).

I have a copy of [the lawsuit](#) on my desk (12 pages), and I LOVE the way it reads. I've put a [copy](#) on one of my websites. It's a model, as far as I'm concerned, of the way a hundred other lawsuits should be filed against the "[quackbuster](#)" [conspiracy](#), all over North America.

Basically, [the lawsuit](#) complains that Bob Jones invented a device called CAVITAT which easily finds cavitations in the jawbone long before an x-ray can, got that device properly approved by the FDA, started selling it all over North America, only to have the [quackbuster](#) operation bad-mouth it. Aetna Insurance picked up the [quackbuster's](#) commentaries and used them to deny claims for its use, and for treatment based upon results of its findings. The [quackbusters](#) that wrote the report (Dodes and Schissell) claim to have a dental clinic in Forest Hills, New York. They are the mainstay writers for Barrett's dubious "[dentalwatch.com](#)" website. Dodes and Schissell have very questionable credentials.

Scientist Bernard Windham probably explains best why the [quackbusters](#) are so eager to kill CAVITAT for their paymasters. Windham says "*Cavitations are diseased areas in bone under teeth or extracted teeth usually caused by lack of adequate blood supply to the area. Tests by special equipment (Cavitat) found cavitations in over 90% of areas under root canals or extracted wisdom teeth that have been tested, and toxins such as anerobic bacteria and other toxics which significantly inhibit body enzymatic processes in virtually all cavitations. These toxins have been found to have serious systemic health effects in many cases, and significant health problems to be related such as arthritis, MCS, and CFS. These have been found to be factors along with amalgam in serious chronic conditions such as MS, ALS, Alzheimer's, MCS, CFS, etc.. The problem occurs in extractions that are not cleaned out properly after extraction.*

Frankly, the [American Dental System](#), with the American Dental Association (ADA) at the helm, is buried in 100 year old technologies, won't accept anything new, and is fighting a losing battle over their promotion of deadly poisonous mercury amalgam (they call them "*silver*") fillings, and ultra-dangerous, but highly profitable "*Root Canals*." The ADA, I hear, has lost a second insurance carrier, because of its endorsement of certain dental products. And, it is being sued by its former insurance carrier for lying to that carrier about the safety of mercury amalgams.

Articles About the Doctor's Data v Barrett case

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[Quackwatch, Inc Fails To Respond... 8/3/10](#)

[Federal Summons Issued For NCAHF... 8/18/10](#)

[Barrett Lawyers Up - Sort Of... 8/21/10](#)

[Has Stephen Barrett's "Puppet Master" Appeared? 8/25/10](#)

[Botts and Barrett - Fumble Bumble Stumble Jumble... 8/27/10](#)

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["Igor" Not In Evidence - No Lead Attorney For Barrett - Yet... 9/9/10](#)

[Is Terry Polevoy the Information Source for Barrett's Data?](#)

Worse, the ADA, isn't telling its membership about its legal problems. A California dentist found out the hard way that the ADA won't back those dentists that still install mercury amalgams, stating *"he should have known how dangerous they were..."*

The ADA, isn't telling its membership about its Public Relations problems, either. Mainstream media has picked up on the ADA's plight. The Chicago Tribune, a few weeks ago, ran an article titled *"Are your teeth toxic? The mercury in 'silver' fillings would be hazardous waste in a river---yet it's sitting in your mouth..."*

Aetna has been in BIG trouble for a while...

Aetna, just a few years ago, according to Baseline magazine, *"was losing about \$1 million dollars a day..."* Then John W. Rowe was brought aboard as CEO. Rowe made big changes to stop the hemorrhaging. The biggest thing was implementation of a new system labeled Executive Management Information System (EMIS) designed to replace an old system that Rowe said was *"using stale information to make actuarial assumptions about what was happening in health care."*

Again, Baseline says *"This performance management system helped Aetna understand where it was losing money and what it would have to change to reverse that trend. Initially, Aetna returned to profitability by raising its rates and deliberately driving away unprofitable customers. But over the past couple of years, it has continued to increase profits by whittling away at overhead expenses and medical costs."*

The *"Cavitat v. Aetna"* case, though, points out Aetna's reality - and the emptiness of their so-called *"recovery."* The key words to the problems brought up in the Cavitat case were in the statement above *"it has continued to increase profits by whittling away at overhead expenses and medical costs."*

It's how they accomplished that increase in profits, that becomes the rub - and is the situation that will anger the health industry towards Aetna far more than anything else.

So, how DID Aetna do the "whittling?"

The *"Cavitat"* case uncovered four Aetna secrets, a good many of which are revealed in a transcript of a hearing where Aetna tried, unsuccessfully, to change the trial to as different Court. They were:

(1) Aetna makes a policy of using known medical/dental *"quackpots,"* and *"liars for hire"* as *"medical dental experts"* evaluating the unsuspecting health professional's choice of testing, diagnosis, and treatment of patients for the purpose of denying claims.

(2) Aetna has a list of legitimate CPT codes that they will NOT pay for under ANY circumstances. They do not reveal this to health professionals.

(3) If ANY health professional uses the legitimate CPT codes mentioned above in a billing, Aetna puts that health professional on a supposedly *"independent"* computer *"health fraud"* list it shares with other insurance companies, State licensing agencies, and law enforcement - permanently *"marking"* that unsuspecting health professional as a *"suspected criminal,"* nationwide. From that point on there is a target on that health professional's heart. The victims have no way of knowing, or finding out, that they are listed as a *"suspected criminal."* We suspect that there are over 70,000 health professionals on that list right now.

(4) Worst, is that Aetna uses the State health professional licensing boards, and their disciplinary process, to punish health professionals who dare to challenge Aetna's payment denial - filing a formal complaint against that doctor/dentist forcing them to go through an expensive *"investigation,"* and a State hearing process. Aetna can refer the State agency to the supposed independent computer *"health fraud"* list, saying *"see, they're already a suspected criminal..."* The New York State Medical Society ran an article last year claiming that not only are insurance companies using, and abusing, the State licensing boards over claims, but they are *"funding"* those investigations and prosecutions.

Keep in mind that these policies are not just restricted to those patients covered by Aetna. Aetna is the so-called *"plan administrator"* for hundreds of other insurance plans, including some segments of Medicare....

The "Cavitat v. Aetna" case was the beginning of a war...

War is not for the timid.

Bob Jones the inventor of *"Cavitat"* is certainly not timid. He spent years proving his Cavitat device had merit - so much merit, he scares the crap out of *"big dentistry."* His device, literally, tears apart long, and strongly held, beliefs in dentistry. His *"Cavitat"* device shows that dentistry's highly profitable *"root canal"* method is, and always has been, an oral cess-pool of bacteria of the worst kind - the kind that can, will, and does, literally, stop the human heart from beating. His device changes dentistry forever.

The *"quackusters"* are an industry unto themselves. It is their job to stop new things in health care. Originally started, and funded, by 26 drug companies, they've expanded to become the misdirection agency for everything new in health care. They get paid to stop, or damage, anything, and everything, that competes with the status quo. When something new arrives on the health scene, soon you'll see an article about it on delicensed MD

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9/12/10](#)

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Barrett "Second
Amended
Complaint" to be
Filed - and More...
9/18/10](#)

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Data v Barrett
case is important
to North
America... 9/22/10](#)

[Barrett Gets the
Attorney He
Deserves...
9/29/10](#)

[While We're
Waiting... 10/5/10](#)

[Barrett Responds
to Doctor's Data v
Barrett Lawsuit...
10/10/10](#)

[The Doctor's Data
v. Barrett, et al,
case - a Summary
to Date... 11/19/10](#)

[Quackbusters:
Their Fear is
Palpable...
10/22/10](#)

[Doctor's Data V
Barrett, et al - The
NCAHF Board
Members are
Screwed -
REALLY
Screwed...
11/30/10](#)

[Captain
Screwloose
\(Stephen Barrett\)
Runs For Cover...
12/14/10](#)

[Are Barrett's
Handlers About to
Buy Off Terry
Polevoy?
12/29/10](#)

[Barrett's "Battle
of the Bulge"
Begins... 1/7/11](#)

[Trine "Two
Shoes"
Tsouderos -
Barrett's Tokyo
Rose... 1/25/11](#)

[Pissy Pimple-
Popper Polevoy
Patently
Purchased?...
2/6/11](#)

[Barrett's Sweaty
Desperation...
3/8/11](#)

[Stall, Stall, Stall -
Stephen Barrett in
a Diarrhea
Panic? He
Should Be For](#)

Stephen Barrett's dubious website "[quackwatch.com](#)." And Barrett, and his sleazy quackpot friends, are more than willing to testify against that new thing, claiming to be experts at something that, a few days before, they'd never even heard of. For a price.

They made the mistake of trying that crap on Bob Jones. They used their usual sleazy "*bad-mouthing*," bringing in two of their lower-level "*testifying whores*," Dodes and Schissell, from the ludicrous "[dentalwatch.com](#)" infamy. Dodes and Schissell wrote a so-called "*scientific paper*," which NO peer reviewed JOURNAL would publish, but Barrett put on his website, parading it as though it had merit.

Everything would have been fine, because, in the industry, for the most part, Barrett, and his cronies have the acceptance of dog doo-doo on your shoe. Aetna Insurance, for reasons not yet revealed, however, chose to accept [quackbuster](#) crap as credible - and chose to republish their statements, with statements of their own, added.

So Bob Jones said "*Oh yeah?*" And down he went, into central Denver, and plopped himself down in front of **nationally famous civil rights attorney Walter Gerash**, and said "*Walter, I need your help on something...*"

And the war began...

Aetna's counter-attack...

Aetna had to have been literally stunned at Cavitat's legal assault. For, Cavitat had laid out the situation, in legal documents, flawlessly. To me, there was no "out" for Aetna, They'd done exactly what Cavitat said. So, what would their response be?

Well, they did what every multi-billion dollar corporation does when sued by a "*little guy*." They went out of their way to make the case too expensive for Cavitat to litigate. Here's what they did:

- (1) First, they assigned the case to five separate BIG law firms, all of which began to file massive amounts of legal paperwork designed to deluge Cavitat's attorneys with work, distracting them from pursuing their own case against Aetna.
- (2) They subpoenaed every item they could think of, including Cavitat's trade secrets, their bank accounts, personal and corporate - and even though the court ordered those documents to be "*confidential*," they turned all of that information over to sleazy [Stephen Barrett](#), who put all of it on his dubious website "[quackwatch.com](#)."
- (3) Then they went to every State licensing board and filed formal charges against ALL of Cavitat's backers, and expert witnesses, pressuring those witnesses to "*not testify*." This action, of course, was designed to cost those Cavitat "*expert witnesses*" a fortune in personal legal fees, and exert stress in their lives. The so-called "*expert witness*" Aetna used against all of these people was Robert S. Baratz MD, DDS, PhD - the current president of the legally defunct [National Council Against Health Fraud \(NCAHF\)](#). Baratz was named as a co-conspirator in Cavitat's original lawsuit.
- (4) Then Aetna filed their counter-claim (a counter-lawsuit) stating that Cavitat, all of its users, all of its expert witnesses, etc, in essence, were engaged in a conspiracy to defraud Aetna insurance, blah, blah, blah... Their claim, although poorly written and hard to understand because of its almost "*ranting*" quality, seems to be saying that NICO (Neuralgia Induced Cavitation Osteonecrosis) doesn't actually exist - and (insert laughter here) is a "*fake diagnosis designed to defraud Aetna insurance, blah, blah, blah...*"

In that complaint they listed some of the who's who of American Dentistry, and science, as "*conspirators*" against them - top people from the University system, including the Universities of Texas, Kentucky, Ohio, Arizona, etc. The complaint went on and on - even naming one of the top authors of Dental textbooks in the US as a "*conspirator...*"

- (5) Using the "*fake*" counter-suit described above, Aetna used its billions of dollars, its hundreds of attorneys, and its connections with State and Federal authorities to begin to harass, en-masse, with subpoenas, demands for depositions and personal information, anyone, and everyone connected to Cavitat. Of course, Aetna bragged in court that it had listed all of these victims on the so-called "*independent computer 'health fraud' list*."

(a) They even began to harass me, Tim Bolen, claiming that I was somehow a "*conspirator*" against them. They gave me fifteen (15) paragraphs (insert belly-laugh here) in the writing of their cross-complaint. Using that, they sent thugs to my daughter's apartment building, physically threatened my neighbors, and I've just found out - "*subpoenaed my telephone bills*" without me knowing it. So, if I've called you on the phone within the last seven years, and your cat has disappeared recently, your dog has been poisoned, there is a bad smell in your yard, or there is someone who looks suspiciously like a vampire peering in your windows - call Aetna's Customer Service line, and complain.

- (6) Bob Jones, Cavitat's founder and CEO, believes that Aetna has been illegally wiretapping his telephone. I tend to agree with him - they are, and here's why I think so. Bob and I, in a telephone conversation we knew, for certain, couldn't be wiretapped by Aetna, set a trap for Aetna - and they walked right into it. We "*invented*" information, a non-existent bank account, supposedly in the "*Bank of Laredo*." Bob Jones then briefly discussed, with his own attorney, that account in the "*Bank of Laredo*" as though it actually existed. Only a few weeks later,

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