

Ohio DCs Emerge as Full Partners in Workers' Comp.

SETTLEMENT SETS STAGE FOR BETTER FUTURE

Editorial Staff

After a protracted five-year legal battle with the Ohio Bureau of Workers' Compensation, the Ohio State Chiropractic Association (OSCA) has emerged with a substantial settlement. In 1991, OSCA challenged the Ohio Bureau's attempt to impose prior authorization on chiropractic treatment after 12 visits. The association also sought damages from the Bureau in a separate suit filed in the Ohio Court of Claims for those years when the Bureau placed fee limitations on chiropractic, but paid other providers their billed charges.

Through their legal team of Rob Sherman and Keith Karr of Karr & Sherman, the OSCA was able to obtain an injunction in 1991 preventing the implementation of prior authorization; that decision was upheld throughout appeals by the Bureau. The Ohio Court of Claims action was "stayed" during these appeals and is part of the OSCA's current settlement with the Bureau.

But the victory is not in the settlement, but in the new opportunities for chiropractic in Ohio. Over the last few years, the OSCA has cultivated a much improved relationship with the Ohio Department of Workers' Compensation. The positive interaction between the two groups has resulted in the OSCA being asked to represent the chiropractic profession on the Health Partnership Program. OSCA President Thomas Montgomery, DC, explained:

"We have had some problems in the past, but during this struggle we have emerged as full partners. We are now members of Ohio's Health Partnership Program (HPP) with all other workers' compensation stakeholders. Now we can all work together for the benefit of the injured worker."

The lawsuits resulted in a settlement of over \$500,000 after attorneys' fees. This money is specifically for the benefit of chiropractic in Ohio. It will be used to increase chiropractic's exposure and offset the effect managed care has had in Ohio. Dr. Montgomery gave this optimistic assessment:

"With the settling of this case, we have effectively closed the door on past Bureau confrontations and are now looking forward to moving forward on behalf of the injured worker. The proceeds from this settlement will be directed towards further benefitting all Ohio DCs through a concerted effort by the OSCA. We want every person in Ohio to recognize the importance of chiropractic care in their effort to maintain great health."

Divided between each chiropractor, this settlement would do little more than provide a weekend vacation, but combined, it provides a once-in-a-lifetime opportunity for chiropractic to expand in Ohio.

MARCH 1997