

## California DCs Fight Back

CCA REPORT, RECENT SURVEY CHALLENGE WORKERS' COMPENSATION CUTS

Editorial Staff

Still stinging from a misguided advertising policy that jeopardized chiropractic's standing in the state's Medi-Cal system, the California Chiropractic Association (CCA) has returned with a vengeance, flexing its political muscle in an attempt to curb further efforts that would limit injured workers' access to chiropractic care. In a series of February hearings held before the state Senate, CCA officials voiced their opposition to new treatment guidelines set to go into effect in April, and presented new evidence suggesting chiropractic care results in reduced Medicare costs.

Workers' compensation reform has become a legislative lightning rod in California, and chiropractors have been among those most severely affected by recent legislation. Reforms passed last year and signed by then-Governor Gray Davis limited to 24 the number of visits an injured worker could make to a doctor of chiropractic. That cap came after a report published by the Workers Compensation Research Institute (WCRI) found that injured workers in California made an average of 34 visits each to a chiropractor for care, compared to a median of less than 17 for workers in the other states surveyed in the report. It also came after a state senator displayed a *Journal of the California Chiropractic Association* ad at a legislative hearing, which promised to show DCs how to "double or triple [their] income from the high-profit work comp market" and referred to the workers' compensation system as "the only golden goose that is really still laying the golden eggs. The CCA made changes to its advertising policy shortly after the ad was displayed.

Despite the cap, existing California law allows an injured worker to be treated by a medical doctor, chiropractor or acupuncturist. However, both MDs and DCs are characterized as primary care providers, a distinction that, among other things, allows DCs to diagnose patients and determine one's level of disability. New proposals offered by Gov. Arnold Schwarzenegger would disallow chiropractors from performing a diagnosis, while new treatment guidelines, which become effective next month, would limit chiropractic treatment to six visits or less in some cases.

Among those who testified on chiropractic's behalf was Kassie Donoghue, a Sacramento-based DC and vice president of finance for the CCA. Dr. Donoghue told the legislators in attendance that it would be counterproductive to further limit or eliminate chiropractic from the workers' compensation system. She cited a July 2001 Muse & Associates study that concluded chiropractic care significantly reduces costs to the Medicare program, and explained that the same conclusion could be made for California's workers' compensation system.

"Last year's workers' compensation legislation capped chiropractic visits at 24. The American College of Occupational and Environmental Medicine (ACOEM) guidelines only allow six visits to a chiropractor for most conditions. Those limits, coupled with fee reductions, means chiropractic care will be cut by as much as 70 percent this year," Dr. Donoghue asserted.

The CCA also criticized the results of the WCRI study, noting its ties to the insurance industry: Of the institute's 17 board members, 12 are insurance industry officials.

"Removing chiropractic care as a choice for injured workers will not save the state money," Dr. Donoghue continued. "Removing chiropractic care as a choice for injured workers will not save employers money. Removing chiropractic care as a choice for injured workers will not save workers money. To further limit chiropractic care would only drive up costs as injured workers seek more costly treatments, such as drugs and surgery, from other medical providers."

The CCA did offer its support of a measure that would certify all medical providers in the workers' compensation system, and supported provisions in proposed legislation that would create an independent medical review board (IMR), as long as the review is performed by a like provider.

"The California Chiropractic Association supports certification of all who provide medical care under workers' compensation," Dr. Donoghue testified. "With certification of all providers, any medical provider that may try to game the system could be decertified and no longer allowed to provide care under workers' compensation. We think this is a good way to remove the few 'bad actors' from the system."

Regarding the prospect of independent medical review, Dr. Donoghue said, "We are concerned that current IMR proposals allow only for a paper review of a patient's case. Reviewing the file of a patient in a complicated arena such as California's workers' compensation system is not adequate to accurately assess a patient's condition."

On Friday, Feb. 20, three days after Dr. Donoghue's testimony, the CCA released the results of a survey of more than 1,600 workers' compensation patients, helping bolster its argument that chiropractic is an efficacious, cost-effective form of therapy. The informal survey, conducted during the final week of January, showed that most of the workers considered chiropractic the most effective treatment for their injuries, after first being seen by a medical doctor or surgeon for care.

"Our survey highlights what we have suspected for years: that chiropractors are the doctors of last resort, and that two-thirds of our patients come to us after having seen medical doctors," said Dr. William Updyke, a CCA member in Santa Clara.

"The survey shows one third of our patients come to us with a recommendation for surgery from an MD," added Dr. Wayne Whalen, a practicing DC in San Diego. "We have treated these injured workers and helped them get back to work without surgery - saving the system tens of thousands of dollars per surgical procedure."

#### CCA Survey Highlights

- Ninety percent of injured workers surveyed reported that chiropractic care was the most effective treatment for their injuries. The same percentage reported that chiropractic care improved their injuries.
- Sixty-four percent of the workers said they had received care from a medical doctor or surgeon prior to receiving chiropractic care.
- Thirty-five percent said they were able to avoid a surgical procedure that had been recommended by a medical doctor.
- Fifty-eight percent of the workers treated with chiropractic care said they were able to return to the same job successfully after being treated by a chiropractor.
- Among the injured workers receiving chiropractic care, 35 percent reported that it required five or fewer visits before they could return to work, and 55 percent said they were able to return to work successfully within 15 or fewer visits.

Dr. Donoghue and the CCA are to be commended for their attempts to inform California's legislators about the benefits of chiropractic care and injured workers. Look for an update on the

status of the latest proposals and regulations that could impact chiropractic in an upcoming issue of *Dynamic Chiropractic*.

### *Resources*

1. Devitt M. California caps chiropractic workers' comp visits. *Dynamic Chiropractic* Oct. 20, 2003. [www.chiroweb.com/archives/21/22/17.html](http://www.chiroweb.com/archives/21/22/17.html)
2. Herrera P. Group decries cap on visits. *Riverside Press-Enterprise* Feb. 20, 2004.
3. Study shows chiropractic care saves money: CCA opposes efforts to further limit chiropractic care; supports workers' comp reforms to tighten utilization standards. *Business Wire*, Feb. 17, 2004.
4. Survey of 1,608 California chiropractic patients debunks myths about care in workers' compensation system. California Chiropractic Association press release, Feb. 19, 2004.

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