

CCGPP Takes on Workers' Compensation Guidelines in California

Mark D. Dehen, DC

The state of California is under siege, caused by the misuse of ACOEM (Academy of Occupational and Environmental Medicine guidelines) and ODG (Official Disability Guideline). This misuse has driven many DCs out of business and adversely affected the care of thousands of patients. While many believe both documents are overly restrictive, others - normally payors and MDs - believe the documents allow adequate treatment but often are misinterpreted by consultants and claims administrators who do not understand the proper application of a guideline.

Many payors in California (and across the nation) use guidelines like rigid cookbooks/prescriptions for care, instead of serving only as a guide. At the request of the leadership of the California Chiropractic Association, the CCGPP has decided to weigh in and assist California.

Generally, what happens in California ripples across the United States within a few years. For example, claims deniers are using ACOEM as the axe in Ohio, despite the fact that very few, if any DCs, have gained access to the contents of ACOEM or ODG. We need to act now and we need your help.

In our opinion, both ACOEM and ODG were developed with inadequate chiropractic input. Both documents are restrictive, especially in relation to chiropractic treatment of the chronic pain patient. After in-depth and detailed review of the literature, the CCGPP/Commission released the Low Back literature synthesis. The Low Back chapter fully supports chiropractic management, inclusive of spinal manipulation, for the chronic pain patient. Therefore, the CCGPP will begin work on an ambitious project to help California and provide the rest of the nation the tools to fight inappropriate denials based upon misuse of ACOEM and ODG. At the same time, it remains our desire to work directly with the publishers of ACOEM and ODG in an effort to update the recommendations based upon current literature.

The Solution

The CCGPP intends to assist California by initiating a Delphi consensus panel, which will review the literature, ACOEM and ODG documents, and develop treatment recommendations aligned with current literature and appropriate chiropractic practice. The Delphi panel will consist of a diverse group of national content experts, representing a broad cross-section of chiropractic practice, to maintain integrity of the process and recommendations.

Delphi Consensus Process Description

Collect seed documents, including ACOEM and ODG documents, CCGPP literature synthesis, California workers' compensation chronic-pain draft guideline, etc.

Develop seed statements concerning the number of visits for acute and chronic LBP, outcomes and progress measures, etc.

Appoint Delphi Group members. The CCGPP Council will seek nominations for members from the field. Representation of all stakeholders is essential and diversity of opinion, location and background is important. The group will include experienced DCs from across the nation including content experts and those recognized academic/research experts in LBP. Multidisciplinary representation is helpful. [Note: Nominations were accepted through Jan. 15, 2008.]

Coordinator will conduct Delphi rounds by e-mail until all comments are received and agreement is reached (must keep to a specified time limit).

Final document containing results will be completed by coordinator. All participants will be recognized by name and affiliation in publication.

California law requires that nationally recognized guidelines be used. The California Division of Workers' Compensation (DWC) is reviewing alternative guidelines, particularly for chronic pain patients. ACOEM guidelines are considered "reasonable," although the state recognizes they fall short in chronic cases.

We have been given a golden opportunity to complete this consensus process and influence the guidelines with which chiropractors in California (and the rest of the nation) will live for years to come. Initially, the leadership in California - led by Dr. Gary Globe, who was appointed by the DWC - hoped to provide national chiropractic guidelines in lieu of ACOEM, by Dec. 5, 2007, as required by California state law. However, due to technical circumstances, that deadline has been extended until June 1, 2008. Therefore, if the CCGPP can complete this work in the interim, there is an excellent opportunity to immediately improve the workers' compensation environment in California and eventually, across the nation. It is important to have, at minimum, a completed draft of this work by the next workers' compensation committee meeting on March 19, 2008.

We request that you consider sponsoring this process with additional funding, if possible. While a Delphi process is relatively inexpensive, there will be administrative costs beyond the CCGPP's current budget.

If you have any further questions, please feel free to contact me at (507) 388-7744 or dehenchiro@juno.com.

JANUARY 2008