

The Changing Face of Industrial Health Care

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The rising cost of health care has everyone's attention, from national news magazines such as Time and Newsweek, to television programs like "20/20" and "60-Minutes." Even politicians have recognized that health care costs are an important campaign issue.

One area that is receiving a great deal of attention currently is the workers' compensation system. This system was devised to provide injured workers with access to legitimate and effective care. Over the years, however, many of the initial intentions of the workers' compensation system have gradually changed. Workers, health care professionals, and attorneys have found money to be made in the system. In addition to getting their medical bills paid, many injured workers now receive long periods of disability and large sums of compensation. Health care professionals and attorneys aggressively recruit workers' compensation patients. Los Angeles television airs an ad for PI/WC an average of every six minutes throughout the day. Injured workers who are recuperating at home are bombarded by promises of huge settlements and employers are made out to be the enemy. "Cappers" wait outside unemployment offices and receive a fee from unscrupulous health care professionals and attorneys for "patients" referred.

In many respects, the system is its own worst enemy. Compensation costs are rising so rapidly, particularly in California, that many companies are being forced to relocate. The costs to California businesses last year was \$10 billion, more than triple the amount of a decade ago. Added to the legitimate costs for injured workers is the added burden of fraudulent or magnified claims. Some industry officials state that between 10 and 40 percent of the claims may be abusive. Rather than fight fraudulent claims, insurance companies have often found it cheaper to settle out of court. Compensation awards have been so liberal that injured workers are almost discouraged from returning to work. In many states, workers are only eligible for disability if they miss work for a specified period of time. The worker who stays on the job is essentially "penalized" for remaining employed.

While one does not need to look far to find abuse of the workers' compensation system, there has also been a rise in legitimate claims. This may, in part, be due to an increased awareness on the part of the workers and an increased willingness to stand up for their rights. In addition, with the changing work environment has come a change in the types of injuries that are prevalent. Most workers today are not subjected to life-threatening tasks or to extremely physically demanding tasks. Instead, there has been a significant rise in repetitive stress injuries such as carpal tunnel syndrome and in stress-related claims.

With this rise in more "modern" injuries comes increasing difficulty in documentation of injuries. This often equates to more sophisticated and costly diagnostic testing of injured workers. Certain soft tissue injuries and stress-related problems are extremely difficult to objectively document. Consequently, the compensation system has tended to be overly sympathetic to the workers. As an

example, a worker in California only has to demonstrate that 10 percent of stress is created by work in order to receive a stress-related workers' compensation claim.

In an effort to control runaway costs, workers' compensation has come under close scrutiny by many groups including legislators. Several states (e.g., Oregon) have recently modified their workers' compensation programs to curtail rampant abuse. Others such as California have enacted legislation designed to make the workplace safer (i.e., California Senate Bill 198 and the San Francisco VDT Law). Anti-fraud legislation was recently enacted in California, Senate Bill 1218. Under this law, doctors, lawyers and anyone else found guilty of workers' compensation fraud can receive up to five years in prison and fines of up to \$50,000 or twice the amount of the fraud. The federal government has recently enacted the Americans with Disabilities Act (ADA) designed to eliminate discrimination in the workplace based on individual disabilities. In addition to impacting employers and employees, this legislation will have a significant impact on health care providers.

There is no question that the face of health care is changing. The system that has provided health care to Americans for many decades is failing due to rising costs, inefficiency, and rampant abuse. Nowhere is this more evident than in the workers' compensation system. In an effort to maintain the system, major changes must be made. In the past, chiropractic care has proven to be a cost-effective alternative to traditional medicine. In these changing times, care alone, however cost effective, is only a part of the solution to the escalating workers' compensation costs. If we, as a profession, are to continue to participate in the management of work-related injuries, each chiropractor must improve the understanding of the multi-factorial nature of work-related injuries and must address the continuing need for prevention in the workplace. An effective prevention model includes pre-work screening, ergonomic work analysis, and injury-prevention education.

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Editor's Note:

If you would like to learn more from Dr. Hooper, he is featured along with Steven Foreman, D.C., DABCO on the video "Chiropractic Pain Management." Please see V-434 on page xx of the Preferred Reading and Viewing List for more information.

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