

TESTIMONY BEFORE BWC BOARD OF DIRECTORS
JUNE 26, 2008
Woody Woodward, Executive Director

Thank you, Mr. Chairman and members of the Board. I am Woody Woodward, Executive Director of the Ohio State Chiropractic Association and I am pleased to be with you this morning to briefly discuss the care which our nearly 1,000 member doctors provide to Ohio's injured workers and to address some of the barriers to care which injured workers face when seeking chiropractic care in the system.

As I testified back in April, our member chiropractic physicians throughout Ohio provide, safe, conservative and cost effective treatment to tens of thousands of injured workers. In the majority of these cases, chiropractic care alone effectively addresses the workers injuries. This care often renders riskier and higher cost treatment protocols including surgery and prescription drugs unnecessary. Numerous published studies, some as recently as this year, suggest that spinal manipulation performed by chiropractic physicians is at least as effective for eliminating low back pain as prescription drugs, injections or surgery. Still, Ohio injured workers face some barriers when seeking chiropractic treatment for their work-related injuries.

There are two critical issues relating to scope of care and effective delivery of managed care services which we did not directly address in April and are more appropriate for this forum.

The first concerns the concept of supportive care. Supportive care is necessary patient management directed toward a condition with objective functional instability. Management may include periodic monitoring and treatment to retain function as well as to reduce the frequency and severity of exacerbations that have occurred. The need for supportive care is seen in cases where the injury or occupational disease results in an objective functional instability, and the patient is unable to maintain pre-injury status, and where the patient will benefit from treatment.

Many injured workers are treated over a period of time by a chiropractic physician and are able to return to their jobs. However, continuing chiropractic care is often necessary in order to keep the worker at work and to limit or eliminate pain which is the result of a previous workplace injury.

Currently, the workers' compensation system in Ohio defines the necessity of supportive care within the definition of maximum medical improvement. "Maximum medical improvement," is a treatment plateau (static or well stabilized), at which no fundamental functional or physiological change can be expected within the reasonable medical probability in spite of continuing medical or rehabilitative procedures. A claimant may need supportive treatment to maintain this level of function.

The current definition strongly suggests that treatment that only maintains a level of function can meet the test of medical necessity.

The workers' compensation system in Ohio does reimburse physicians for supportive care which is provided to keep an individual at work once that individual has returned to work following a workplace injury and which is provided to maintain a maximum medical improvement level of function. It appears to us that chiropractic treatment requests for supportive care are denied more than they are approved. This appears to us shortsighted and expensive, as the system will be burdened with additional lost time claims as well as potential surgical and drug costs—all of which could be alleviated by a few annual chiropractic treatments. This is the rationale for supportive care within the BWC.

Supportive care is necessary for those patients who have reached maximum therapeutic benefit where periodic trials of therapeutic withdrawal failed to sustain previous therapeutic gains that would otherwise progressively deteriorate. Supportive care follows appropriate application of active and passive care, including lifestyle modifications.

The OSCA has worked with the BWC in the past to develop supportive care guidelines which will work for the system and for injured workers. We would certainly welcome the opportunity to begin that dialogue again, as we believe that it would be beneficial for injured workers and for the system as a whole.

The OSCA is also concerned about ensuring that injured workers fully understand their rights within the workers' compensation system, particularly as it relates to freedom of choice of health care providers. We hear stories almost weekly about injured workers' who ultimately get to a chiropractic physician only after being told by their employer that they must seek treatment at an occupational medical facility (often associated with a managed care organization) or other company-chosen provider. We have in the past seen postings at job sites instructing injured workers to report to company-related facilities rather than their provider of choice if injured. As you know, this violates the spirit of the health partnership program.

Any steps which the BWC can take to inform injured workers early in the process of their right to see any BWC certified provider would protect injured workers and level the playing field within the provider community.

The OSCA truly appreciates the opportunity to present testimony this morning and the work which is being done within the Bureau to improve the medical management system. The document, "BWC's Plan to Enhance Medical Services," which was released in May, provides a framework which we believe will be helpful moving forward. We look forward to continuing to work with you in pursuit of the goals outlined there and in developing a supportive care guideline and a mechanism for informing injured workers of their right to choose their own health care provider so that we might continue to provide the best possible care to all of Ohio's injured workers.