

July 25, 2008

Mr. Robert Coury
 Chief of Medical Services and Compliance
 Ohio Bureau of Workers' Compensation
 30 W. Spring St.
 Columbus, Ohio 43215-2256

Dear Mr. Coury;

On behalf of the more than 900 chiropractic physicians who are members of the Ohio State Chiropractic Association, I write to offer comments on the Bureau's proposed 2008 Provider Fee Schedule, specifically as it relates to the reimbursements which chiropractic physicians receive when treating injured workers. The new fee schedule includes changes in reimbursements which would negatively impact chiropractic physicians more than most other providers in the system. We must, therefore, state our strong opposition to the proposal.

During the public hearing earlier this week, reference was made to increases in fees for 85% of codes. This will certainly not be the reality for our members. While increases to E/M codes 99201 through 99204 and 99212 through 99214 will likely provide overall increases to medical doctors and some other providers, these increases will have a limited impact on the chiropractic profession. As you know, our members bill E/M codes only once for every 10 to 12 patient encounters, while our counterparts in the medical profession bill E/M codes during every patient visit. So while the E/M code increases may have an impact on some providers, their impact on the chiropractic profession is limited at best, and certainly mitigated by the decreases in more commonly used chiropractic codes.

While E/M codes are used relatively infrequently by chiropractic physicians, CPT codes 98940-98943 are frequently used by our members. Each of these four codes are decreased by the proposed fee schedule. In fact, the following chart demonstrates the cuts in each of the fees since 2003:

CPT	2003	2007	Proposed 2008	Reduction '03 to '08
98940	\$ 40.20	\$ 34.72	\$ 33.10	18%
98941	\$ 52.92	\$ 48.18	\$ 46.27	13%
98942	\$ 67.27	\$ 63.62	\$ 60.52	10%
98943	\$ 40.06	\$ 32.30	\$ 30.15	25%

As I stated in testimony before the BWC board of directors this spring, numerous published studies, some as recently as this year, suggest that spinal manipulation performed by

Mr. Robert Coury
July 25, 2008
Page Two

chiropractic physicians is at least as effective for eliminating low back pain as prescription drugs, injections or surgery. These four codes represent the essence of chiropractic manipulative therapy and are a huge part of successful chiropractic treatment for many, many of Ohio's injured workers.

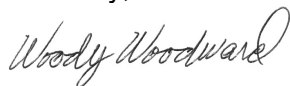
While the reductions in the CPT codes alone provide great concern to our membership, the reductions in commonly used modality codes including 97014, 97035 and 97110 exacerbate our concern. If the proposed 2008 changes take effect, our members will receive between 16 and 33 percent less for these modalities than they received five years ago.

Obviously, the cost to our members to provide injured workers the services represented by these seven codes has not decreased between 10 and 33 percent since 2003. Things like personnel costs, supply costs, insurance costs and the cost of continuing education have all increased since 2003, some have increased substantially. At the OSCA we hear frequently of our chiropractic physicians closing their doors because the reimbursements provided by many third party payers has not kept pace with the cost of maintaining a chiropractic practice. These closings are happening now, and will continue as other third party payers—including BWC—continue to reduce payments to chiropractic physicians.

These fee reductions, combined with what we continue to believe is the blatant direction of injured workers away from chiropractic care, the questionable claims review system and the lack of a predictable guideline for supportive care—all issues which we have discussed during the past few weeks—will continue to make it difficult for chiropractic physicians in Ohio to provide high-quality, cost effective care to Ohio's injured workers.

We certainly appreciate your openness and your willingness to continue dialogue with us about these important issues for the BWC and the chiropractic profession. At the same time, we would respectfully encourage you to reconsider the proposed cuts to codes 98940, 98941, 98942, 98943, 97014, 97035 and 97110.

Sincerely,



Woody Woodward
Executive Director

CC: Governor Ted Strickland
Members of the OSCA