

SUBMISSION #81



Manitoba Chiropractors' Association

BRIEF

to

Manitoba Workers Compensation Board

Legislative Review Committee

June 2004

Good afternoon. My name is Dr. Gord Partridge and I am the President of the Manitoba Chiropractors' Association. The Manitoba Chiropractors' Association is pleased for this opportunity to submit our recommendations to the Legislative Review Committee.

Before reviewing our recommendations, I believe it is important to provide you with a brief understanding of the chiropractic profession.

The Manitoba Chiropractors' Association is the provincial governing body for the chiropractic profession in Manitoba. The MCA serves a dual role as both the regulatory body for licensure for Doctors of Chiropractic and as the advocacy body for the benefits of chiropractic for the health and well being of Manitobans.

Enacted by legislation in 1945 under *The Chiropractic Act*, the MCA is committed to empowering all people in their pursuit of optimal health by serving through excellence in chiropractic.

As primary healthcare practitioners, chiropractors are licensed to diagnose and treat patients without referral from a physician, including those individuals who may be claiming WCB benefits. Chiropractic has been included in the WCB Act of Manitoba since its inception in 1950.

Chiropractors assess and diagnose disorders and dysfunctions of the neuromusculoskeletal system related to the spine and extremities and provide treatment, rehabilitation and where possible, prevention of those disorders. This is done without the use of drugs or surgery. Chiropractic manual therapy, also called the chiropractic adjustment, is one of the safest and most effective choices for treating neuromusculoskeletal disorders.

The primary goal of chiropractic care is directed towards maintaining, improving, restoring or enhancing the health of the patient through the use of the chiropractic adjustment and related therapies. Not only is chiropractic one of the most effective treatments for neuromusculoskeletal disorders but it is also one of the most cost effective.

According to the statistical information provided by the WCB to the MCA in 2003, the average treatment cost per WCB claim comparing chiropractic care versus physiotherapy revealed chiropractic total claim costs were 1/3 less.

Chiropractic has also proven itself to be the forerunner in getting injured workers back to health and back to work. According to the WCB 2001 Annual Report relating to time-loss claims, 47.7% were classified under a single category – sprain, strain, tears, unspecified. A comparison of treatment providers show that Chiropractors averaged 28 time-loss days, versus 37.3 days for a medical doctor and 69.5 days for a physiotherapist.

The cost of chiropractic as an effective treatment is clear – safety, efficacy and cost-effectiveness for workplace injuries is well documented, including when we use the WCB's own statistical data.

In the spring of 2003, the MCA and WCB of Manitoba entered into a new contractual agreement for the provision of chiropractic services to WCB claimants. An agreement which we believe set the tone for a new, positive working relationship and demonstrated a respect for the chiropractic profession as a valued partner in the treatment of injured workers.

Insert quote from their 5 year plan

This legislative review process represents an opportunity to build on our relationship and address a number of inequities which we believe exist in the current legislation. These inequities limit the Chiropractic profession in our service to injured workers and negatively affect the WCB's ability to fulfil its mandate.

Recommendation 1

In the Workers Compensation Act, Section 1(1), the term physician is defined as a ‘duly qualified medical practitioner who is lawfully and regularly engaged in the practice of his profession in Manitoba’.

There is however no clear definition under Section 1(1) for the practice of chiropractic other than its listing within the definition of “medical aid”. Therefore:

The MCA recommends that the Section 1(1) of the Act be amended to include Chiropractors, defined as a duly qualified chiropractic professional who is lawfully and regularly engaged in the practice of his profession in Manitoba.

Recommendation 2

Section 27 (18) Treatment by a Chiropractor or Osteopath

The practice of chiropractic is in no way associated with the practice of osteopathy and is not identified in legislation under *The Chiropractic Act*. Section 27 (18), as it is currently written, suggests that there is a relationship between Chiropractic and Osteopathy. Therefore:

The MCA recommends that the reference to Osteopathy be removed from Section 27 (18).

Recommendation 3

Section 67 is titled ‘Definitions and the work of the Medical Review Panel’.

The MCA is concerned that the WCB Act no longer accurately reflects matters which come before the Appeal Commission Medical Review Panels. Doctors of Chiropractic

diagnose and treat over 6,000 WCB patients each year. There are many instances where a matter before the review panel may include a claimant who is receiving or has received chiropractic treatment where a physician has had no involvement in the claim. As the WCB Act is currently written, only physicians may have involvement at the Medical Review Panel stage. As a result, claimants must rely solely on the opinions of physicians – opinions which may in fact be biased with regard to chiropractic treatment. It does not serve in the best interests of the claimant when the process fails to recognize chiropractic as a distinct, specialized treatment modality. It is the opinion of the MCA that the current legislation is discriminatory and does not provide equal access for treatment providers to present or participate in review panels. Therefore:

It is the recommendation of the MCA that the sections listed below be amended to delete the references to ‘physicians’ and be replaced by ‘physician/chiropractor’ in all instances.

Section 67(4), 67(5), 67(6), 67(9) (a) (b), 67(10), 67(11), 67(12.1), 67(14)

Section 67(11) (b), 67(12)(b) and 67(13) be amended to include a reference to: names on a list provided by the Manitoba Chiropractors’ Association.

Recommendation 4

In 1999 the WCB of Manitoba unilaterally implemented, without agreement from the MCA, Chiropractic Management Guidelines to “provide the chiropractor, in advance of treatment therapy, an understanding of the WCB’s expectations with respect to chiropractic treatment provided to its clients”. Chiropractors were assured that similar guidelines were to be developed for both medicine and physiotherapy. This has not happened to date. During the development process, the MCA expressed concern that the proposed protocols did not reflect generally accepted regimens and were purely based upon cost-containment. The potential for prejudicial claim management by the WCB, based upon which mode of healthcare the injured worker has chosen, must be eliminated. A claim management guideline applied to all healthcare disciplines, based solely upon

the injury diagnosis, would provide a clear management plan for adjudicators and the injured workers they serve.

It is the opinion of the MCA that current WCB Chiropractic Management Guidelines adopted unilaterally by the WCB are not in the best interest of the injured worker in that the guidelines have created the potential for both a bias in the adjudication process and withholding of adequate treatment due to the principle that injured workers who choose chiropractic treatment are managed by a separate management guideline. Therefore:

It is the recommendation of the MCA that WCB legislation ensure that claims of injured workers be managed by a universal management guideline, based upon the specific diagnosis of injury, that are applicable to all forms of healthcare.

Recommendation 5

It has come to the attention of the Manitoba Chiropractors' Association that employers may be directing their injured workers to see a specific healthcare practitioner or clinic, chosen by the employer, for initial examination and/or treatment of a workplace injury. This issue should not be confused with an employer's right to have a worker examined for vocational fitness prior to return to work. The worker's right to choose a healthcare practitioner is identified in current legislation. This right should be further entrenched in the WCB Act by providing a clause strictly prohibiting such practice and provision for penalties against an employer who continues to insist that their injured workers see a particular doctor or clinic for initial examination and/or treatment. Therefore:

It is the recommendation of the Manitoba Chiropractors' Association that the right of an injured worker to choose the healthcare practitioner of their choice be strengthened in the WCB Act, including a provision for penalties against an employer who continues to insist that their injured workers see a particular doctor or clinic for initial examination and/or treatment.

Conclusion

Chiropractors are highly educated and skilled members of the health professional team. Under the current WCB legislation, we are considered a first-provider, a healthcare professional who can do the initial examination, diagnose, develop appropriate treatment plans and execute those plans. Chiropractors have repeatedly demonstrated their effectiveness in the management of workplace injuries and our concern for the well being of the injured worker. Yet in caring for WCB claimants, our diagnoses are questioned, frequency and duration of treatment remains dictated, and our patients progress is held to a different standard.

The MCA accepts that the WCB has a responsibility to oversee the treatment of injured workers. As an external healthcare provider, chiropractors recognize the responsibility to report the claimant's progress and provide treatment that is both necessary and effective. However, it appears that the WCB's concern is driven primarily from a cost-containment perspective, while the external healthcare provider is driven by their concern as to what is in the best interest of the injured worker. These different objectives can lead to frustration and discord for both the healthcare professional and by all accounts, the staff of the WCB.

The greatest cost to the Workers Compensation system is associated with wage-loss rather than healthcare costs. Timely and effective treatment have the greatest impact on reducing WCB expenses relating to income replacement. It is the opinion of the Manitoba Chiropractors' Association that the WCB of Manitoba focus attention on working with healthcare professionals to develop procedures that allow the healthcare providers to focus on what they do best, return injured workers to their pre-accident state of health.

We sincerely hope that the positive relationship that we have been able to establish over the past year continues to build over the years to come. Chiropractors in Manitoba remain

committed to this relationship and we trust that the WCB of Manitoba is similarly committed. Together we will continue to serve the needs of injured workers.

Thank you.