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Indexed as:  
K.D. (Re)

IN THE MATTER OF an appeal by K.D.  
AICAC File No.: AC-99-71

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[1999] M.A.I.C.A.C.D. No. 49

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Manitoba Automobile Injury Compensation Appeal Commission  
J.F.R. Taylor, Q.C. (Chairperson), C.T. Birt, Q.C., and  
L. Goodspeed

Heard: October 25, 1999.  
Decision: November 23, 1999.  
(9 paras.)

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Issues(s):

Whether Appellant entitled to continued chiropractic  
care.

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Relevant Sections:

Section 136(1) (a) of the MPIC Act and Section 5(a) of  
Manitoba Regulation No. 40/94.

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Appearances:

Manitoba Public Insurance Corporation ('MPIC') represented by  
Keith Addison.

The appellant, K.D., appeared on her own behalf.

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MAIC NOTE: THIS DECISION HAS BEEN EDITED TO PROTECT THE  
PERSONAL HEALTH INFORMATION OF INDIVIDUYALS BY REMOVING  
PERSONAL IDENTIFIERS AND OTHER IDENTIFYING INFORMATION.

#### REASONS FOR DECISION

[para1] While this matter has been adjourned rather than  
concluded, we felt it appropriate to issue this interim  
decision, as confirmation of what was agreed upon between the  
parties and the Commission at the time of the hearing of  
K.D.'s appeal.

[para2] K.D. was injured in a motor vehicle accident on  
August 28th, 1995. She sustained a fractured right forearm  
and sternum, contusions to the left posterior rib cage and

both knees, along with a Grade 2 Whiplash Associated Disorder affecting her neck and back.

[para3] In addition to care from her family physician, K.D. received physiotherapy treatments from mid-September to December 20th, 1995. In January of 1996 she changed her forms of treatment from physiotherapy to chiropractic care. She received chiropractic treatments from January 22nd to February 6th, 1996, and then changed back to further physiotherapy until June 12th, 1996 when she was discharged. Having had a relapse in August 1996 she returned to physiotherapy from September 11th to September 25th, 1996.

[para4] In May 1998 K.D.'s file was again reopened and she recommenced chiropractic treatments with a different practitioner, Dr. Gus Lodewycks. On a number of occasions, treatment plans suggested by Dr. Lodewycks were approved and, indeed, extended by MPIC, until December 30th, 1998 when K.D.'s adjuster at MPIC wrote to tell her that no further chiropractic care would be paid for by the insurer. That letter was based upon MPIC's view that K.D. had reached maximum therapeutic benefit from chiropractic.

[para5] She applied for an internal review of that decision and, based upon the opinion of Dr. Darrell Minuk, MPIC's chiropractic consultant, the internal review officer confirmed the adjuster's decision but added that if, after an eight week withdrawal, K.D. required supportive care, MPIC would pay for it.

[para6] K.D. appealed from that latter decision, seeking a waiver of the eight week period of withdrawal so that she could recommence chiropractic treatments immediately.

[para7] At the hearing of her appeal, K.D. agreed that she had, in fact, continued to see Dr. Lodewycks, and had received two adjustments in September and one on October 14th. Dr. Lodewycks also provided us with a report indicating that, up to and including August 9th of 1999, K.D. had received 53 spinal adjustments between May 20th, 1998 and August 9th, 1999.

[para8] Following further discussion between Dr. Lodewycks and Dr. Minuk, MPIC agreed to cover K.D.'s treatment costs for the year 1999, upon a maximum frequency of twice per month throughout November and December, with the firm expectation of all parties that, after December 1999, MPIC's responsibilities in this regard would terminate. There, the matter rests. If K.D. continues to need supportive care, that can probably be provided within the mandate of Manitoba Health Services Commission.

[para9] It was agreed that we would consider this an adjourned matter, only for the purpose of ensuring that the treatment plan agreed upon is workable. In what we trust is the unlikely event that K.D. needs to reopen the matter within the first six months of the year 2000, she may do so by direct application to this Commission, rather than having to go back to her adjuster and start the appeal process from the beginning. Failing the need to reopen this matter by June 30th, 2000, this interim decision will automatically become final.

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