



Automobile Injury Compensation Appeal Commission

**IN THE MATTER OF an Appeal by H.H.
AICAC File No.: AC-02-140**

PANEL: Ms. Yvonne Tavares, Chairperson
Ms. Deborah Stewart
Dr. Patrick Doyle

APPEARANCES: The Appellant, H.H., appeared on her own behalf;
Manitoba Public Insurance Corporation ('MPIC') was
represented by Ms. Dianne Pemkowski.

HEARING DATE: September 22, 2003

ISSUE(S): Entitlement to reimbursement of chiropractic treatments
beyond July 15, 2002.

RELEVANT SECTIONS: Section 136(1) of The Manitoba Public Insurance
Corporation Act (the "MPIC Act") and Section 5(a) of
Manitoba Regulation 40/94.

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

Reasons For Decision

The Appellant was involved in a motor vehicle accident on March 10, 2002. As a result of that accident, the Appellant complained of lower neck pain and stiffness, pain between the shoulder blades, right and left shoulder pain, low back pain and bilateral arm pain and weakness. The Appellant sought chiropractic care for treatment of her injuries.

On July 9, 2002, MPIC's case manager wrote to the Appellant to advise her that:

That report, as well as your entire medical file, was reviewed by our Health Care Services Team. The review indicates that you have reached your maximum therapeutic benefit and continued chiropractic care is not medically required. Therefore, Manitoba Public Insurance will not consider additional chiropractic treatment effective July 15, 2002.

The Appellant sought an Internal Review of that decision. The Internal Review Officer in his decision dated November 18, 2002, which was reaffirmed by his decision dated December 5, 2002, dismissed the Appellant's Application for Review and confirmed the case manager's decision.

At the appeal hearing, the Appellant advised that she had continued with chiropractic treatments at her own expense until November 2002. In November 2002, her condition had improved to the point that she was able to discontinue chiropractic treatment when she became too busy to attend for appointments. She maintains that if the chiropractic treatment had not been beneficial, she would not have continued attending.

Counsel for MPIC contends that there is no objective evidence to demonstrate what happened to the Appellant between July 15, 2002 and November 2002. She submits that the Internal Review Officer correctly considered all of the relevant factors when making his decision and the Internal Review decision should be upheld.

Decision:

We find that, on a balance of probabilities, the Appellant had not attained maximum therapeutic benefit from chiropractic care as of July 15, 2002, when MPIC terminated reimbursement of funding. While we have considered Dr. Pethrick's analysis, we accept the Appellant's testimony that she continued to derive continuing benefit from ongoing chiropractic care until November

2002. Accordingly, we find that the Appellant is entitled to reimbursement of one chiropractic treatment per week from July 16, 2002 to November 1, 2002.

Dated at Winnipeg this day of October, 2003.

YVONNE TAVARES

DEBORAH STEWART

DR. PATRICK DOYLE