



Automobile Injury Compensation Appeal Commission

IN THE MATTER OF an Appeal by [the Appellant]
AICAC File No.: AC-02-147

PANEL: Ms. Yvonne Tavares, Chairperson
Ms. Diane Beresford
Mr. Wilson MacLennan

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

HEARING DATE: February 3, 2004

ISSUE(S): Entitlement to reimbursement of expenses for additional chiropractic treatments.

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

AICAC NOTE: THIS DECISION HAS BEEN EDITED TO PROTECT THE APPELLANT'S PRIVACY AND TO KEEP PERSONAL INFORMATION CONFIDENTIAL. REFERENCES TO THE APPELLANT'S PERSONAL HEALTH INFORMATION AND OTHER PERSONAL IDENTIFYING INFORMATION HAVE BEEN REMOVED.

Reasons For Decision

The Appellant, [text deleted], was involved in a motor vehicle accident on April 16, 1998. Upon referral from [text deleted], Registered Clinical Psychologist, the Appellant attended for chiropractic care commencing January 24, 2001, for evaluation and treatment of her motor vehicle related injuries.

The Appellant is appealing the Internal Review decision dated December 5, 2002, regarding reimbursement of expenses for chiropractic treatments. The Internal Review decision of December 5, 2002 confirmed the case manager's decisions of July 29, 2002 and October 10, 2002, declining to fund additional chiropractic treatments beyond the approved treatment plan.

The Appellant seeks reimbursement for the additional chiropractic treatments, which she claims she required in order to maintain her level of function. She advises that chiropractic care provided her substantial symptom relief. She maintains that without the additional chiropractic treatments, her level of functioning regressed. When she attended for the extra chiropractic treatments (in excess of the number approved by her case manager) her condition progressed and she felt relief from her pain symptoms.

In support of her position, the Appellant advises that chiropractic treatments were eventually reinstated on February 19, 2003 at a level of three times a week for six weeks. Since that time, the Appellant advises that she has slowly been able to decrease her treatment dependency and presently may only attend one to two times a week for chiropractic care, depending upon how she feels. She argues that the fact that her case manager subsequently agreed to reinstate her chiropractic care at the treatment frequency of three times per week, establishes that this level of care was required throughout. She therefore submits that she is entitled to be reimbursed for the chiropractic expenses which she had to incur out of her own pocket.

Counsel for MPIC submits that there was no objective evidence that the additional chiropractic treatments provided any therapeutic improvement in the Appellant's condition. She maintains that the extra chiropractic treatments, beyond the approved treatment plan, could not be deemed medically required within the meaning of the legislation. Counsel for MPIC therefore submits

that the Appellant's appeal should be dismissed and the Internal Review decision dated December 5, 2002 confirmed.

Having carefully reviewed all of the evidence made available to it, both oral and documentary, the Commission finds that the objective medical evidence on the Appellant's file indicates that further chiropractic treatments were not medically required as a result of her motor vehicle related injuries beyond those approved by the case manager. We find that the additional chiropractic treatments did not provide any further therapeutic benefit to the Appellant's physical injuries. Rather, the Appellant's requirement for the level of chiropractic care was likely related to a psychological dependency. While the psychological dependency may have rendered the chiropractic treatments medically required given the significant psychological factors present in this Appellant's case, there is no evidence before the Commission which would allow us to make such a finding. As a result, we are obliged to dismiss the Appellant's appeal, and confirm the decision of the Internal Review Officer dated December 5, 2002.

Dated at Winnipeg this 9th day of February, 2004.

YVONNE TAVARES

DIANE BERESFORD

WILSON MACLENNAN