



New Case Brief
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Casillas v. County of San Luis Obispo
(2005) GRO 24818 [WCAB Panel]

In an Order Granting Reconsideration and Decision After Reconsideration, the WCAB discussed the applicability and presumption of the ACOEM guidelines in cases of chiropractic care prescribed for acute exacerbations. The Reconsideration Unit vacated the WCJ's order denying chiropractic care and ordered chiropractic care to be provided for acute exacerbations.

The applicant injured her right arm and back on March 1, 2000. The parties entered into a Stipulated Award, approved June 24, 2002, which included a stipulation that there is a "need for medical treatment to cure or relieve from the effects of said injury". The applicant had been receiving ongoing chiropractic care that included over 100 chiropractic treatments over a 5 year period both before and after the award with 4 different chiropractors. In November 2004, defendant cut off chiropractic treatment based on a Utilization Review report which cited the ACOEM guidelines saying that continued chiropractic treatment with spinal manipulation is not effective in treating this type of injury.

The applicant obtained a report from a chiropractic QME. The QME stated that ACOEM guidelines allowed chiropractic treatment for acute injuries, which would include acute exacerbations of chronic conditions. The QME also cited the Guidelines for Chiropractic Quality Assurance and Practice Parameters, which stated that "supportive care using passive therapy may be necessary if repeated efforts to withdraw treatment/care results in significant deterioration of clinical status."

The Workers' Compensation Judge found that the applicant was not entitled to any further chiropractic care. On reconsideration, the WCAB Panel held that the award did include chiropractic treatment based on the fact that the permanent and stationary report of the original treating chiropractor indicated the applicant would require occasional chiropractic care and on the basis that defendant had provided chiropractic care without any objection for over two years following the approval of stipulation. The Board Panel then looked at the question of how much chiropractic treatment is to be provided pursuant to the medical award.

The Panel held that the ACOEM guidelines do not specifically preclude continuing chiropractic care for acute exacerbations of the applicant's symptoms. Therefore, there could be no presumption in favor of the Utilization Review opinion. The Panel went on to say that even if such a presumption existed, the presumption was rebutted by the reasoned opinion of the applicant's QME, the chiropractic guidelines, and the applicant's experience in obtaining relief from acute exacerbations to her symptoms of the use of chiropractic care. The Workers' Compensation Judge's order denying chiropractic care was vacated and the Board Panel ordered chiropractic care to be provided for acute exacerbations. The defense attorney advises as of 9/9/05 that defendant will not be filing a Petition for Writ of Review.

EDITORS COMMENT: If the date of injury had been after 1/1/04, the denial of chiropractic care would have been allowed pursuant to Labor Code §4064.5(d) which limits chiropractic treatment to 24 visits."