 Yukon Workers' Compensation Health and Safety Board	<b>Part:</b>	<b>Health Care Assistance</b>		
	<b>Board Approval:</b>	Original signed by Chair	<b>Effective Date:</b>	<b>Jan. 1, 2010</b>
	<b>Number:</b>	<b>HC-04</b>	<b>Last Revised:</b>	
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## **CHIROPRACTIC TREATMENT**

### **GENERAL INFORMATION**

Section 36 of the *Workers' Compensation Act* S.Y. 2008 (the *Act*) states that the Yukon Workers' Compensation Health and Safety Board (YWCHSB) may provide payment for health care assistance. The *Act* further provides the YWCHSB with the authority and discretion to determine the necessity, character and sufficiency of health care assistance. This includes authorizing payment for appropriate chiropractic treatment required to treat an injured worker's compensable injury and associated secondary disorders that may arise from the compensable injury.

### **PURPOSE**

Chiropractic treatment may be appropriately used for some injuries in order to help an injured worker regain function and return to work in a timely and safe fashion. This policy establishes parameters for the appropriate authorization and safe use of chiropractic treatment for compensable injuries. It outlines the responsibilities of the injured worker, the chiropractor, the YWCHSB and other medical practitioners.

### **DEFINITIONS**

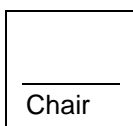
- 1. Case Management Team:** A team that assists the injured worker with their recovery, early and safe return to work plan and, if needed, vocational rehabilitation. The team always includes the injured worker and YWCHSB. Employers have a duty to co-operate in their injured worker's early and safe return to work and will be encouraged to use participation on the Case Management Team to facilitate that duty. The team can also include up to two representatives of the injured worker<sup>1</sup> (as desired by the injured worker), disability manager and the health care community. Other members may be added depending on their specific roles and responsibilities.

<sup>1</sup> Note that the only type of representative who may make decisions on behalf of the worker is a lawyer retained by the worker or a worker's representative with power of attorney and/or power of personal attorney.

2. **Chiropractor:** Refers to a person who is entitled to practise chiropractic treatment in Yukon under the *Yukon Chiropractors Act*.
3. **Chiropractic:** Refers to a self-regulated, primary health care profession, whose members assess, diagnose and treat disorders related to the spine, joints and associated soft tissues, primarily by adjustment with or without the aid of companion therapies.
4. **Daily Living Activities:** Refers to a person's actions that contribute to self-maintenance (such as performing personal hygiene, dressing, walking and working).
5. **Function:** Refers to a mode of activity or action that permits the body to do its job (for example, a fully functioning spine allows a person to bend over, twist around, and permits the proper transmission of nervous impulses to and from the brain).
6. **Injury:** As per Section 3 of the *Act*, an injury is a disablement, occupational disease or death caused by work-related events.
7. **Medical Practitioner:** This refers to health care providers, recognized by the YWCHSB, who are responsible for the ongoing care of the injured worker. This includes medical doctors, chiropractors and other health care providers recognized under legislation such as the *Chiropractors Act*, the *Medical Profession Act*, the *Registered Nurses Profession Act* or by the YWCHSB.
8. **Primary Health Care:** Refers to the entry point to the health care system, whether through a medical doctor or other medical practitioner who is accredited and able to diagnose and treat a patient.
9. **Service Agreement:** This refers to an agreement between the YWCHSB and the Chiropractic Council of Yukon or the YWCHSB and a chiropractor carrying on individually, in partnership or as a limited corporation to assess, treat and report on injured workers for payment.

## PREVENTION

Preventing workplace injuries is the responsibility of everyone in the workplace. When injuries do occur it is important for workers and employers to minimize the impacts by focusing on keeping the worker, when possible, or returning the injured worker to safe and productive work as soon as it is functionally appropriate for the worker to do so. Prevention of recurrences and further injuries once injured workers have returned to work is of utmost importance.



Where chiropractic treatment is indicated to support the injured worker, the treatment must be provided safely and appropriately to foster a timely return to work and to prevent unintended subsequent conditions.

## POLICY STATEMENT

The YWCHSB supports the provision of necessary and appropriate chiropractic treatment services to:

- promote effective recovery from a work-related injury;
- regain function in order to remain at work or enable early and safe return to work for injured workers; and
- reduce the severity of symptoms and maintain function (where the work injury continues to have a significant impact on daily living activities after the injured worker reaches maximum medical improvement).

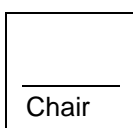
The YWCHSB may cover the cost of chiropractic treatment under this policy, where treatment is provided by a chiropractor licensed to practice and in good standing with and who is registered in Yukon under the *Chiropractors Act* (or a Provincial/Territorial regulatory body) and is subject to the terms of the Agreement for Provision of Chiropractic Services (Service Agreement) with the YWCHSB or is an employee of a signatory to the Service Agreement.

## AUTHORIZING PAYMENT FOR CHIROPRACTIC TREATMENT – KEY PROVISIONS

### 1. General

The YWCHSB authorizes payment for chiropractic treatment after a work-related injury where chiropractic treatment:

- is appropriate to address the worker's health care needs arising out of their work-related injury;
- supports the goals of timely recovery and return of function;
- is expected to maintain or improve the worker's function, thus preventing further disability;
- focuses on musculoskeletal function;
- helps the worker stay at work while recovering from an injury (if possible), or fosters a timely, safe and successful return to work;
- is provided by a licensed chiropractor who is subject to the terms of a Service Agreement with the YWCHSB; and
- is obtained either by:
  - an injured worker's self-referral; or



- referral by another treating medical practitioner.

The YWCHSB recognizes chiropractors as primary health care providers; therefore, injured workers may seek chiropractic treatment without referral from another medical practitioner (see YWCHSB policy, “Overview: Provision of Health Care Assistance”).

In order to support the timely provision of treatment, the YWCHSB will authorize payment for an initial chiropractic assessment (which may or may not include the first treatment) prior to adjudication.

## 2. Mitigation

Injured workers must take personal responsibility for their recovery and co-operate with treatment plans, health care providers and the YWCHSB (see YWCHSB policy, “Duty to Co-operate, Part 2 of 4: Roles and Responsibilities”). They must also mitigate any loss caused by their injury.

Mitigation of loss includes the injured worker staying at work where safe to do so and where functional abilities allow (see Section 14 of the *Act* and YWCHSB policy, “Mitigation of Loss”).

Where chiropractic treatment is included in an injured worker’s recovery, typical examples of the worker’s mitigation of injury include:

- a prompt initial visit to a chiropractor for assessment of the effects the injury has on mobility and function;
- attending all scheduled appointments or immediately informing the YWCHSB when unable to attend;
- following the chiropractor’s recommendations, including any prescribed exercises (such as stretching), between appointments;
- putting forth best effort in carrying out any treatment recommendations made by the chiropractor; and
- communicating progress or concerns with the YWCHSB and the medical practitioner overseeing their recovery.

Failure to mitigate loss may result in reduction, suspension or termination of benefits (see YWCHSB Policy, “Duty to Co-operate, Part 4 of 4: Penalties for Non Co-operation”).

### 3. Eligibility

The YWCHSB may authorize payment for chiropractic treatment necessary for treating a worker with a work-related injury where it is appropriate and in the following circumstances:

- as soon as reasonably practicable after the injury;
- as soon as medically recommended after surgery for the work-related injury or subsequent related condition (see YWCHSB policy, “Subsequent Disorders or Conditions Resulting From a Work-Related Injury”);
- as soon as medically recommended after a recurrence of a work-related injury; or
- where a worker has recovered to the point of maximum medical improvement and:
  - where the work injury has a significant impact on daily living activities;
  - where chiropractic treatment is determined to be appropriate in order to reduce the severity of symptoms or maintain function and mobility; and
  - there is a medical recommendation for chiropractic treatment.

### 4. Appropriateness of Chiropractic Treatment

Approved chiropractic treatment must be appropriate to the work-related injury and to the injured worker. The YWCHSB considers chiropractic treatment appropriate when it focuses on:

- early intervention;
- treatment and rehabilitation of the injured worker through restoring function and mobility;
- educating the worker about their responsibilities in the rehabilitation and return to work process;
- allowing the injured worker to safely stay at work while recovering or to return to work as early and safely as possible;
- developing a suitable self-directed exercise plan (including stretching) as part of the treatment plan;
- effective communication between the injured worker’s health care providers, the worker and the YWCHSB as determined in the Service Agreement; and
- maintaining function and mobility in certain situations where there is significant long-term impairment to engaging in activities of life.

In determining what constitutes appropriate chiropractic treatment, the YWCHSB will take into consideration the recommendation and treatment plan of the chiropractor and the intended benefit of the treatment in relation to the compensable injury. If this determination cannot easily be made, the YWCHSB may, in consultation with

other appropriate medical practitioners (as determined by the YWCHSB), such as the injured worker's physician, specialist or the YWCHSB Medical Consultant, consider current evidence-based guidelines relating to chiropractic treatment and the functional limitations and abilities pertaining to the work-related injury.

## 5. Duration of Treatment

In order to support the timely provision of treatment, the YWCHSB will authorize payment for an initial chiropractic assessment (which may or may not include the first treatment) prior to adjudication. Subsequent chiropractic treatments may be authorized prior to claim adjudication, based on the treatment plan and in accordance with the Service Agreement.

Once the claim has been adjudicated, the YWCHSB may approve chiropractic treatments as set out in the Service Agreement. Billing will be as described in the Service Agreement.

Chiropractors must submit a written request, with rationale, to the YWCHSB for a treatment extension beyond the initial set of approved treatments. The YWCHSB may consult with, or refer the worker to, the injured worker's physician, specialist or the YWCHSB Medical Consultant to determine whether further treatments would be appropriate and to co-ordinate a new treatment plan. Where there is documented improvement in function and there is a defined end date to an extension request (within one month of the extension request), a referral to a physician will not be necessary.

Duration guidelines and Section 4 of this policy will be used to monitor treatment plan durations and approve requested extensions.

## 6. Concluding Chiropractic Treatment

The YWCHSB will no longer authorize payment for chiropractic treatment in the following circumstances:

- when there is no objective evidence of improvement in functional abilities;
- where evidence-based guidelines (such as Medical Disability Advisor) indicate that chiropractic treatment is not useful for treatment;
- when the treatment focus has moved away from regaining function related to the compensable injury;
- where there is no reasonable expectation of further improvement with an extension of treatment; or
- the YWCHSB determines that chiropractic treatment is not appropriate for the compensable injury.

The YWCHSB may also stop authorizing payment for chiropractic treatment when the YWCHSB determines that the injured worker has no legitimate reason for failing to mitigate loss as referenced in this policy and YWCHSB policy “Mitigation of Loss”.

## 7. Provision of Devices

In accordance with Section 36(1) of the *Act*, the YWCHSB has an obligation to *provide a worker with...devices or equipment necessary to grant relief from a work-related injury*. The YWCHSB has sole authority for deciding to authorize payment for items that may be required to assist recovery.

Ready-made devices (such as shoe inserts) may be reimbursed by the YWCHSB when:

- the prescribing of these devices is within the scope of practice of the chiropractor;
- the device is recommended by the treating chiropractor or other medical practitioner;
- the device provides sufficient relief for a worker;
- the device has little risk of harm; and
- the item(s) are within a cost amount set by the YWCHSB.

All custom-made devices require written authorization by the YWCHSB prior to purchase.

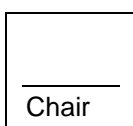
Any device which may create risks to the particular injured worker’s health (such as the use of a back brace, which studies show can affect blood pressure) will not be authorized by the YWCHSB.

## ROLES AND RESPONSIBILITIES

### The Chiropractor

Chiropractors providing treatment to injured workers will:

- be registered and licensed to practice, and in good standing under the *Yukon Chiropractors Act* (or a Canadian Chiropractic regulatory body) and is subject to the terms of the Agreement for Provision of Chiropractic Services (Service Agreement) with the YWCHSB or be an employee of a signatory to the Service Agreement;
- provide functional abilities information to the injured worker’s employer, the injured worker and the YWCHSB in order to facilitate return to work;



- provide appropriate chiropractic treatment as described in this policy and the Service Agreement;
- work collaboratively as part of the injured worker's Case Management Team in order to foster successful return to work outcomes;
- submit timely and objective reports to the YWCHSB and the injured workers' other treating medical practitioners; and
- notify the YWCHSB in writing within one business day where, in the judgement of the chiropractor, an injured worker is non-compliant.

It is critical that the injured worker's chiropractor shares information and submits required assessment, treatment plan and progress reports to the YWCHSB and to the injured worker's other health care providers. Functional abilities information will be provided to the worker's employer and the Case Management Team. The goal of information sharing is so that all parties can work collaboratively to help the injured worker recover and return to work as soon as it is safe and functionally possible.

Other specific obligations will be addressed in the Service Agreement between the YWCHSB and the chiropractor.

### **The YWCHSB**

The YWCHSB will

- develop and monitor a Service Agreement with chiropractors;
- work collaboratively as part of the Case Management Team, make all decisions concerning the payment for chiropractic services and supplies for injured workers;
- maintain sole authority for determining the worker's co-operation with treatment;
- determine the information required in chiropractor's reporting; and
- meet its obligations to chiropractors as set out in the Service Agreement.

### **The Medical Practitioner**

In addition to diagnosing and treating the injured worker, medical practitioners are responsible for:

- working collaboratively as part of the Case Management Team with the chiropractor and the YWCHSB;
- considering the treatment plan developed by the chiropractor;
- supporting the injured worker recovering at work whenever possible;
- supporting early and safe return to work; and
- communicating the worker's progress and functional abilities to the YWCHSB.



## The Worker

In addition to mitigating the loss caused by an injury, the injured worker has a duty to co-operate fully in their recovery. If the worker is unable to participate fully in their chiropractic treatment or will be late or miss a chiropractic appointment, the worker must immediately inform both the chiropractor and the YWCHSB of the reason.

## APPLICATION

This policy applies to all injured workers and to licensed chiropractors providing treatment to injured workers under a Service Agreement with the YWCHSB.

This policy applies to the Board of Directors, President/CEO, staff of the YWCHSB, the Workers' Compensation Appeal Tribunal, employers and workers covered by the *Act*.

## EXCEPTIONAL CIRCUMSTANCES

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, the YWCHSB will decide the case based on its individual merits and justice in accordance with YWCHSB's policy "Merits & Justice of the Case". Such a decision will be considered for that specific case only and will not be precedent-setting.

## APPEALS

Decisions made by the YWCHSB under this policy, can be appealed in writing to the YWCHSB Hearing Officer in accordance with subsection 53(1) of the *Act*, or any decision made under subsection 14(2) or subsection 40(6) of the *Act* may be appealed directly to the Workers' Compensation Appeal Tribunal (WCAT).

A notice of appeal must be filed within 24 months of the date of the decision by the YWCHSB, in accordance with section 52 of the *Act*.

## ACT REFERENCES

Sections 3, 14, 36, 40, 52, 53.

## **POLICY REFERENCES**

EN-02, "Merits and Justice of the Case"

EN-10, "Subsequent Disorders or Conditions Resulting From a Work-Related Injury"

HC-01, "Overview: Provision of Health Care Services" (Proposed)

RE-02-2, "Duty to Co-operate, Part 2 of 4: Roles and Responsibilities"

RE-02-4, "Duty to Co-operate, Part 4 of 4: Penalties for Non Co-operation"

RE-03, "Mitigation of Loss"

## **HISTORY**

HC-01, "Complementary Treatments", effective July 1, 2008; revoked January 1, 2010

CL-55, "Complementary Treatments", effective July 12, 2005; revoked July 1, 2008

CL-11, "Chiropractic Treatments", effective January 1, 1993; revoked July 12, 2005

CL-17, "Chiropractic Treatment", effective January 1, 1993; revoked July 12, 2005

CL-49, "Acupuncture", effective May 1, 1995; revoked July 12, 2005