

June 20, 2011

From the Desk of:

Dr. Raymond A. Semente

Suffolk County Police Conference Chiropractor

Update on Workers' Compensation

We thought we would update the membership on how workers' compensation is developing so that our injured policemen and women can make adjustments as is relevant to them.

Our experience to this moment in time demonstrates the following;

- 1) Any treatment that is necessary for you outside of the guidelines that are created (see our earlier message to the membership above) requires a variance. A variance is a serious matter! If your variance for additional treatment or services is denied, you **must** appear at the hearing.
- 2) If you do not appear at the hearing, it is my opinion that you are certain to lose unless there is some administrative error.
- 3) It is my opinion that the judges are not thrilled with this system as it is giving them a lot of work and I have been deposed many times already and testified for policemen and women regarding their injuries and it is common that we are alerted to your needs at the last minute by the court. This means that our **paperwork** must be in good order and ready immediately for your hearing.
- 4) It is my opinion, and the opinion of some attorneys, that the current system is designed to make treatment for necessary care difficult. It most definitely has been made more difficult for you. However, our paperwork has been precise and supportive for your treatment needs and to this date we have no record of not prevailing at a hearing for you.
- 5) **Should your care be denied at a variance** for any treatment that you need, it is important to be managed very carefully from that point forward and you should make sure that you and your healthcare professional understand that your treatment is essentially decertified and your case technically may not exist since it may be the opinion of the carrier who has had you examined by the insurance company or has had your records reviewed by a peer review doctor (All peer review doctors reviewing documentation to date on any policeman or woman have denied care) that **your treatment is no longer necessary**. This opinion is essentially predicated upon the belief that all treatment provided after the "specific allotment of treatment for acute care" (generally over a 4-4 1/2 month period) is unnecessary since any additional care falls into the chronic guideline category by their opinion.

- 6) My patients and I understand that some patients will need care outside of these preconceived guidelines and your treatment should not be decertified because many of you have undergone the following:
 - A. Epidural injections
 - B. Nerve Blocks
 - C. Discectomies
 - D. Rhizotomys
 - E. Trigger Point Therapy
 - F. Radiofrequency ablation
 - G. Physical Therapy Intervention
 - H. Not to mention, Chiropractic, Neurosurgical, and Orthopedic consults
 - I. MRI with or without contrast
 - J. CT contrast
- 7) Another pitfall is that some carriers are making the mistake of denying a doctor's treatment because it is given at the same time as another specialist's treatment. Under the guidelines, they actually can do that because the law has changed. However, **chiropractic treatment is unique** in that our service can only be rendered by us and although some of the other services we do, if they are performed at the same time by another specialist, can be rejected. **Our core service of spinal treatment that gets you well and treats your acute problem is always payable even if you go to another doctor.**
- 8) Your doctor should not be harassed away from your treatment (and neither should you) simply because they are not getting paid.
- 9) Lastly, **there is a whole new procedure to follow for non-payment** that the office must use under the new law. This is allowed by law and statutorily regulated but they have to be followed very specifically and without time delay, or your treatment will be denied, which negatively affects your claim of injury.

Have questions?

I bet you have plenty.

Should you have any questions regarding your workers' compensation case, please call for a "**Workers' Compensation Checkup**" and call our office. We understand that the pain that you may have recovered from, when it returns is fearful to you. We understand that the horrible pain of sciatica and arm and hand pain, which got well from chiropractic treatment is a necessary treatment for you and we will do everything we can to preserve your right to have the treatment that you need and that is legally permissible to you.

We are here to help you and can be reached at (631)584-7722 should you have any worries or concerns.

Very Truly Yours,

Raymond A. Semente D.C., P.C.