

# **Automobile Injury Compensation Appeal Commission**

**IN THE MATTER OF an appeal by [the Appellant]  
AICAC File No.: AC-99-71**

**PANEL:** Mr. J. F. Reeh Taylor, Q.C., Chairman  
Mr. Charles T. Birt, Q.C.  
Mrs. Lila Goodspeed

**APPEARANCES:** Manitoba Public Insurance Corporation ('MPIC')  
represented by Mr. Keith Addison;  
the Appellant, [text deleted], appeared on her own behalf

**HEARING DATE:** October 25<sup>th</sup>, 1999

**ISSUE:** Whether Appellant entitled to continued chiropractic care.

**RELEVANT SECTIONS:** Section 136(1)(a) of the MPIC Act and Section 5(a) of  
Manitoba Regulation No. 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**

While this matter has been adjourned rather than concluded, we felt it appropriate to issue this interim decision, as confirmation of what was agreed upon between the parties and the Commission at the time of the hearing of [the Appellant's] appeal.

[The Appellant] was injured in a motor vehicle accident on August 28<sup>th</sup>, 1995. She sustained a fractured right forearm and sternum, contusions to the left posterior rib cage and both knees, along with a Grade 2 Whiplash Associated Disorder affecting her neck and back.

In addition to care from her family physician, [the Appellant] received physiotherapy treatments from mid-September to December 20<sup>th</sup>, 1995. In January of 1996 she changed her forms of treatment from physiotherapy to chiropractic care. She received chiropractic treatments from January 22<sup>nd</sup> to February 6<sup>th</sup>, 1996, and then changed back to further physiotherapy until June 12<sup>th</sup>, 1996 when she was discharged. Having had a relapse in August 1996 she returned to physiotherapy from September 11<sup>th</sup> to September 25<sup>th</sup>, 1996.

In May 1998 [the Appellant's] file was again reopened and she recommenced chiropractic treatments with a different practitioner, [text deleted]. On a number of occasions, treatment plans suggested by [Appellant's chiropractor] were approved and, indeed, extended by MPIC, until December 30<sup>th</sup>, 1998 when [the Appellant's] adjuster at MPIC wrote to tell her that no further chiropractic care would be paid for by the insurer. That letter was based upon MPIC's view that [the Appellant] had reached maximum therapeutic benefit from chiropractic.

She applied for an internal review of that decision and, based upon the opinion of [text deleted], MPIC's chiropractic consultant, the internal review officer confirmed the adjuster's decision but added that if, after an eight week withdrawal, [the Appellant] required supportive care, MPIC would pay for it.

[The Appellant] appealed from that latter decision, seeking a waiver of the eight week period of withdrawal so that she could recommence chiropractic treatments immediately.

At the hearing of her appeal, [the Appellant] agreed that she had, in fact, continued to see [Appellant's chiropractor], and had received two adjustments in September and one on October 14<sup>th</sup>. [Appellant's chiropractor] also provided us with a report indicating that, up to and

including August 9<sup>th</sup> of 1999, [the Appellant] had received 53 spinal adjustments between May 20<sup>th</sup>, 1998 and August 9<sup>th</sup>, 1999.

Following further discussion between [Appellant's chiropractor] and [MPIC's chiropractor], MPIC agreed to cover [the Appellant's] treatment costs for the year 1999, upon a maximum frequency of twice per month throughout November and December, with the firm expectation of all parties that, after December 1999, MPIC's responsibilities in this regard would terminate. There, the matter rests. If [the Appellant] continues to need supportive care, that can probably be provided within the mandate of Manitoba Health Services Commission.

It was agreed that we would consider this an adjourned matter, only for the purpose of ensuring that the treatment plan agreed upon is workable. In what we trust is the unlikely event that [the Appellant] needs to reopen the matter within the first six months of the year 2000, she may do so by direct application to this Commission, rather than having to go back to her adjuster and start the appeal process from the beginning. Failing the need to reopen this matter by June 30<sup>th</sup>, 2000, this interim decision will automatically become final.

Dated at Winnipeg this 23rd day of November, 1999.

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**J. F. REEH TAYLOR, Q.C.**

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**CHARLES T. BIRT, Q.C.**

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**LILA GOODSPEED**