



Automobile Injury Compensation Appeal Commission

IN THE MATTER OF an Appeal by [the Appellant]
AICAC File No.: AC-01-40

PANEL: Ms. Yvonne Tavares, Chairperson
Ms. Barbara Miller
Ms. Deborah Stewart

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

HEARING DATE: January 30, 2004

ISSUE(S): Entitlement to reimbursement of expenses for 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 November 18, 1995.

As a result of this motor vehicle accident, the Appellant suffered from a number of symptoms including neck pain, headaches, shoulder pain and low back pain. The Appellant seeks reimbursement of thirty-four chiropractic treatments from March 1998 to December 2000, which she undertook for treatment of the injuries related to her motor vehicle accident.

There have been two Internal Review decisions regarding the Appellant's entitlement to chiropractic care. The Internal Review decision dated January 19, 1999 confirmed the case manager's decision of March 4, 1998, which declined to fund any further chiropractic treatment beyond March 4, 1998. The Internal Review decision dated March 12, 2001 confirmed the case manager's decision of April 19, 2000, which denied any further funding for medical, chiropractic or physiotherapy care beyond April 19, 2000.

Although the Appellant's Notice of Appeal had been filed in regard to the Internal Review decision dated March 12, 2001, she advised at the appeal hearing that her intention had been to also appeal the earlier Internal Review decision dated January 19, 1999. Counsel for MPIC did not object to the appeal proceeding from both decisions, since the issue in both decisions concerned reimbursement of chiropractic care.

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 March 4, 1998.

In order to qualify for funding under the Personal Injury Protection Plan contained in the MPIC Act and Regulations, expenses must be incurred by a victim because of the accident and must be medically required. We find that the Appellant has not established, on a balance of probabilities, that the chiropractic treatments in question were medically required on account of injuries sustained in the motor vehicle accident of November 18, 1995. We rely on [Appellant's chiropractor #1's] report of November 20, 1997, [Appellant's chiropractor #2's] report of February 13, 1998, and [MPIC's chiropractor's] numerous reports respecting this Appellant's

need for ongoing chiropractic care. These chiropractors each conclude, in their respective reports, that the Appellant had likely reached maximum therapeutic benefit from chiropractic care by March 1998, at the latest. We are therefore of the opinion that MPIC was justified in terminating payments for further chiropractic care for the Appellant on March 4, 1998 and on April 19, 2000, as it did.

As a result, the Appellant's appeal is dismissed and the Internal Review decisions dated January 19, 1999 and March 12, 2001 are confirmed.

Dated at Winnipeg this 16th day of February, 2004.

YVONNE TAVARES

BARBARA MILLER

DEBORAH STEWART