

## **PASSIVE TREATMENT OPTIONS WITH WORKERS COMPENSATION – LOW BACK PATIENTS**

Wisconsin Chiropractors will often treat patients with lower back related pain in connection with a Workers Compensation pain. There are unique guidelines under the Wisconsin workers compensation regulations relating to “passive treatment modalities” provided to these types of patients, by chiropractors. Generally, the regulations in the Administrative Code at DWD 80.06 restrict such modalities of treatment to no more than twelve (12) weeks of care before payment by the workers compensation insurance company is terminated. Although this guideline of twelve weeks is the general rule for passive treatment from the first day the chiropractor begins treatment for up to 12 calendar weeks as long as the doctor demonstrates improvement based on DWD 81.04(d) with such treatment continuing to meet 2 of 3 criteria:

1. Patients’ subjective complaints are gradually improving.
2. Patients’ objective clinical findings are progressively improving.
3. The patient’s functional status, especially vocational activity, is objectively improving.

After that time, the chiropractor may then have additional treatment options:

The provider also has additional passive treatment modalities for 12 visits beyond the 12 weeks as long as the doctor can prove the need based on 2 of the 3 criteria referenced at 81.06(3)(b). As a second option, a healthcare provider may direct an additional 12 visits for the use of passive treatment modalities over an additional 12 months if ALL of the following apply:

1. The patient is released to work or is permanently disabled and the additional passive treatment shall result in progressive improvement in, or maintenance of, the functional status that was achieved during the initial 12 weeks of passive care.
2. The treatment is not given on a regularly scheduled basis.
3. A healthcare provider documents in the medical record a plan to encourage the patient’s independence and decreased reliance on healthcare providers.
4. Maintenance of the patient’s condition includes active treatment modalities during this period.
5. The additional 12 visits for passive treatment does not delay the required surgical or chronic pain evaluation required by this chapter.
6. Passive care is not necessary while the patient has chronic pain syndrome.

A final option is 81.04(5) DEPARTURE FROM GUIDELINES: A healthcare provider’s departure from a guideline that limits the duration or type of treatment in this chapter may be appropriate in any of the following circumstances:

- (a) There is a documented medical complication.
- (b) Previous treatment did not meet the accepted standard of practice and meet the guidelines in this chapter for the healthcare provider who ordered the treatment.
- (c) The treatment is necessary to assist the patient in the initial return to work where the patient’s work activities place stress on the part of the body affected by the work injury. The healthcare provider shall document in the medical record the specific work activities

that place stress on the affected body part, the details of the treatment, and treatment delivered on each visit, the patient's response to the treatment, and efforts to promote patient independence to the patient's own care to the extent possible so that prolonged or repeated use of healthcare providers and medical facilities is minimized.

- (d) The treatment continues to meet two of the three criteria, as documented in the medical record:
1. The patient's subjective complaints of pain are progressively improving as evidenced by the documentation in the medical record of decreased distribution, frequency, or intensity of symptoms.
  2. The patient's objective clinical findings are progressively improving, as evidenced by documentation in the medical record of resolution or objectively measured improvement in physical signs of injury.
  3. The patient's functional status, especially vocational activity, is objectively improving , as evidenced by documentation in the medical record or successive reports of less restrictive limitations on activity.

Chiropractors should be aware of these treatment options when faced with these types of workers compensation claims. Overall, using the option which extends the benefits of chiropractic care to the patient should provide the best means of recovery for that patient.

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