

INTER-OFFICE MEMORANDUM

TO: ATTORNEYS & CLIENTS

FROM: W. Joseph Truce

DATE: June 25, 2007

RE: **George and the ACOEM Guidelines**

FROM THE LOBBY BAR AT THE HYATT:

I had been waiting for George the Bartender for more than an hours when he finally appeared. He told me that years ago he obtained a lifetime award of chiropractic treatment due to a repetiive trauma injury caused by mixing my martinis and that he felt like celebrating as he had just received treatment number five thousand (5,000) and felt great. Only after receiving my martini did I advise George that the insurance company for the Hyatt would probably cut off this ongoing chiropractic treatment as his ongoing treatment exceed the presumptively correct medical guidelines on the American College of Occupational and Environmental Medicine (ACOEM). George was aghast but finally said that these guidelines do not apply to an actually award of future medical treatment. I advised George that I had some bad news for him. In a panel decision entitled Daniel Clark v Coachella Valley Water District, State Compensation Fund, case number SBR 0116131, filed 5/8/06, a three member panel of the WCAB held that the ACOEM guidelines apply to an existing award thereby entitling the defendant carrier or employer to conduct utilization review pursuant to L.C. 4610. Even though this decision is not an en banc decision and binding on all judges, this decision can still be entered into evidence in a specific case pursuant to L.C. 5710(g) which allows as evidence decisions of the Board on similar issues. Happy litigating!!! Aw... come on George - no hard feeling - make mine a double.--joe truce