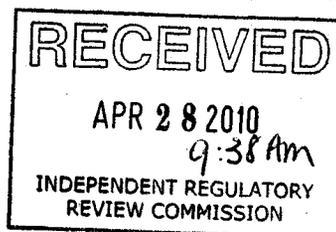


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April 20, 2010

Regulatory Unit Counsel
Department of State
PO Box 2649
Harrisburg, PA 17105-2649



Re: 16A-4315: Review of Chiropractic Treatment

To Whom It May Concern:

As the president and majority shareholder of a Peer Review and Utilization Review Organization in the Commonwealth, I have an interest in the proposed rulemaking as referenced above. Please consider the following objections and suggestions.

Regarding sections 5.55(b) and 5.56(b), the definition of "previous professional involvement with the patient or provider under review" is too vague. I suggest that this phrase be clearly defined in a manner to EXCLUDE a prior independent chiropractic examination (ICE) or prior peer or utilization review. It is often necessary to re-examine a patient at a later date as a continuation of a prior ICE (commonly referred to as a re-check). Due to the geographic requirements of arranging ICEs, it is not uncommon for different patients of a nearby treating chiropractor to be scheduled with the same examiner over time. As written, this section could be interpreted as a prohibition on this practice, necessary due to simple logistics. Further, as it pertains to both ICEs and peer reviews, the available number of reviewers is not sufficient to service the demand if a reviewer may only review a provider once. Likewise, sections 5.55(b)(2) and sections 5.56(b)(2) are also too vague. 5.55(b)(3) and 5.56(b)(3) should be removed, as this is far too subjective to be regulated. Arguments of this nature should be reserved for the adjudication process. Therefore, I suggest that these sections be re-written as follows:

5.55(b) A chiropractor may not perform an independent chiropractic examination if:

(1) The chiropractic examiner has previously provided treatment, recertification, case management, vocational rehabilitation, chiropractic peer review, or other services (re-check independent chiropractic examination excluded) to the patient regarding the same matter.

(2) The chiropractic examiner has previously or currently has contractual arrangement, legal action, known familial relationship (including by marriage), or business arrangement (including but not limited to leased or shared office space, partnership, or corporation) with the treatment provider.

Likewise:

5.56(b) A chiropractor may not perform a chiropractic peer review if:

(1) The chiropractic reviewer has previously provided treatment, recertification, case management, vocational rehabilitation, independent chiropractic examination, or other services to the patient regarding the same matter.

(2) The chiropractic reviewer has previously or currently has contractual arrangement, legal action, known familial relationship (including by marriage), or business arrangement (including but not limited to leased or shared office space, partnership, or corporation) with the treatment provider.

5.56(d) places the burden of distributing the peer review report to the provider under review on the reviewer. This is a redundancy of regulations already in place, namely 34 PA Code 127.476(c) and 31 PA Code 69.52(e). It serves no purpose to duplicate this procedure and will likely add to the cost of reviews, since the added expense of preparing and delivering the report to the provider under review will likely be passed on to the insurer in the form of a surcharge. 5.56(d) should be eliminated.

Sincerely;



David S. Blend, URA, PRA
President
West Penn I.M.E., Inc.

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