

Pi Omega Delta



INSURANCE SERVICES
CA LICENSE #0724142

November 5, 2001

Re: Manipulation Under Anesthesia (MUA)
Chiropractic Malpractice Program

TO WHOM IT MAY CONCERN:

We are the managing general agent for a doctor of chiropractic malpractice program that has been active in the California marketplace for fourteen years. In that endeavor, we have continuously insured in excess of 1500 chiropractors. Of these doctors, from the early 1990's on, we know of 30 or 40 who have regularly participated in MUA activities. It is the position of this program:

1. That the non-invasive procedure (MUA) is within the statute of chiropractic in California.
2. That it has coverage under our policy of insurance.
3. That we do not charge an additional premium for this specific risk.

Finally, in our 10+ years of this known activity in chiropractic, we have not had a single claim or paid loss as a result of the MUA.

Should you need any additional information, please let me know.


Virgil Carter
Principal Agent

cc: Dr. Edward Cremata, D.C.

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October 18, 2001

Gideon Letz, MD
Medical Director
CA State Compensation Insurance Fund
1275 Market St
Ste 1400
San Francisco, CA 94103

Re: Questions related to MUA performed by chiropractors

Dear Dr. Letz:

At the request of Dr. Robert Gordon, I am writing you to address some questions / concerns you have related to the MUA procedures performed by chiropractors. As it was related to me, the two areas that you wish addressed are safety features and statistics.

Before I address these issues let me tell you about who we are and what perspective my answers will be coming from. First, I am a Senior Litigation Consultant in our claims operation. A vast majority of the claims our doctors report come across my desk at some point in time so I am familiar with the various types of claims and their frequencies. Secondly, NCMIC Insurance Company is the largest writer of Chiropractic Malpractice Insurance in the country insuring over 30,000 doctors of chiropractic. We have been insuring chiropractors for more than 50 years. The information I will share with you is based upon NCMIC's data and our experiences with the MUA procedures only.

Prior to a Doctor of Chiropractic (DC) receiving an MUA endorsement they must provide NCMIC proof that they have graduate from an MUA course that is taught by or through a CCE (Counsel on Chiropractic Education) accredited institute or a similar course that is approved by NCMIC. The course must consist of two parts; one part must be didactic (book based) and the other practical or hands on.

The practical part of the training, performing the MUA procedure, must be performed at a hospital accredited by the Joint Commission on Accreditation of Health Care Organizations (JCAHO), Medicare through the Department of Health and Human Services (DHHS) or an ambulatory surgery center accredited as such, the DHHS or the Accreditation Association of Ambulatory Health Care (AAAHC).

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A well-respected authority on the MUA procedure will proctor the procedures performed, as part of the practical part of the course work. The proctor observes the procedure being performed and certifies the chiropractor.

As far as statistics go, there is very little. When NCMIC started to cover the MUA procedure back in the early 90's, we did charge an additional premium to have the MUA Endorsement added to a DC's policy. However, after monitoring the claims or lack thereof, for several years, we determined that the risks associated with the procedure were so small that they did not warrant an additional premium charge. The MUA Endorsement is now, and has been for some time, offered free to DC's who provide the documentation showing they have graduated from a course as described above.

I hope this information has been helpful to you and answered your questions. Should you have any additional concerns, feel free to give me a call.

Sincerely,

Keith P Henaman
Senior Litigation Consultant

cc: ~~Robert Gordon, DC, via fax: 704-633-3102~~
Carla Carmichael, NCMIC LINK
Bruce Beal, NCMIC Director of Claims