

**SENT VIA ELECTRONIC MAIL**

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Jacqueline Kurth  
Manager, Medical Resource Office  
The Industrial Commission of Arizona  
P.O. Box 19070  
Phoenix, Arizona 85005-9070  
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RE: Comments on Expanded Applicability of the Official Disability Guidelines

Dear Ms. Kurth:

The American Insurance Association (“AIA”) appreciates the opportunity to submit comments on this important issue. AIA’s members write more than \$318 million in workers’ compensation insurance premiums in the State of Arizona, and accordingly have a significant interest in the provision of safe, appropriate, and cost-effective medical treatment to injured workers.

AIA strongly supports expanding the applicability of the Official Disability Guidelines (ODG) to *all* commonly occurring workers’ compensation injuries. Doing so will benefit injured workers as well as employers, while satisfying the regulatory admonition that such an expansion will: (1) improve medical treatment for injured workers; (2) make treatment and claims processing more efficient and cost effective; and (3) adequately cover the relevant body parts or conditions.

The use of objective, scientifically based, and nationally recognized courses of treatment for specified injuries – as embodied in the ODG guidelines – is widely credited with ensuring that injured workers receive more effective and higher quality medical care by reducing or eliminating unnecessary treatment that may cause them physical harm or, at the very least, hinder their prompt and successful recovery and return to work. The ODG guidelines have been rigorously developed – and are constantly refined – by experts in the relevant medical specialties through a transparent and inclusive process.

For many injuries and medical conditions common to workers’ compensation, such as low-back injuries, there is significant and unexplained variation in clinical practice. Many workers with essentially the same injuries are treated very differently – both in the mix of services provided and the intensity of services. Treatment, in many cases, is inconsistent with current clinical research indicating what is and is not effective in treating the specific injuries involved.

In order to eliminate these unnecessary and potentially harmful inconsistencies, *all* medical care provided to injured workers should be delivered in accordance with evidence-based treatment guidelines such as ODG. Treatment guidelines play a critical role in promoting evidence-based medicine by translating scientific clinical research into information that medical providers can use when making important diagnostic and treatment decisions. Where treatment guidelines are available and being used by medical providers, one can expect substantial uniformity in clinical practice.

While some providers unfairly and gratuitously disparage treatment guidelines as “cookie-cutter” medicine, guidelines reflect not only the consensus opinion of medical experts as to the standard approach for treating various types of injuries, but also the simple fact that the physiology of injured workers does not vary based on the state in which an injury occurs or the training and clinical preferences of a particular provider. Furthermore, while treatment delivered in accordance with the ODG guidelines should be presumed to be correct (which makes treatment and claims processing more efficient and cost effective), deviations should be permitted where there is sound and clearly ascertainable scientific evidence that an alternative treatment is otherwise advisable.

Once again, we appreciate the opportunity to submit comments, and thank the Commission for its efforts on these regulations. Please feel free to contact me if you have any questions.

Sincerely,

Jeremy Merz  
Vice President, Western Region