

Millions Awarded To Those In Pain. Millions In Fraudulent Claims Prevented. A True Win-Win.

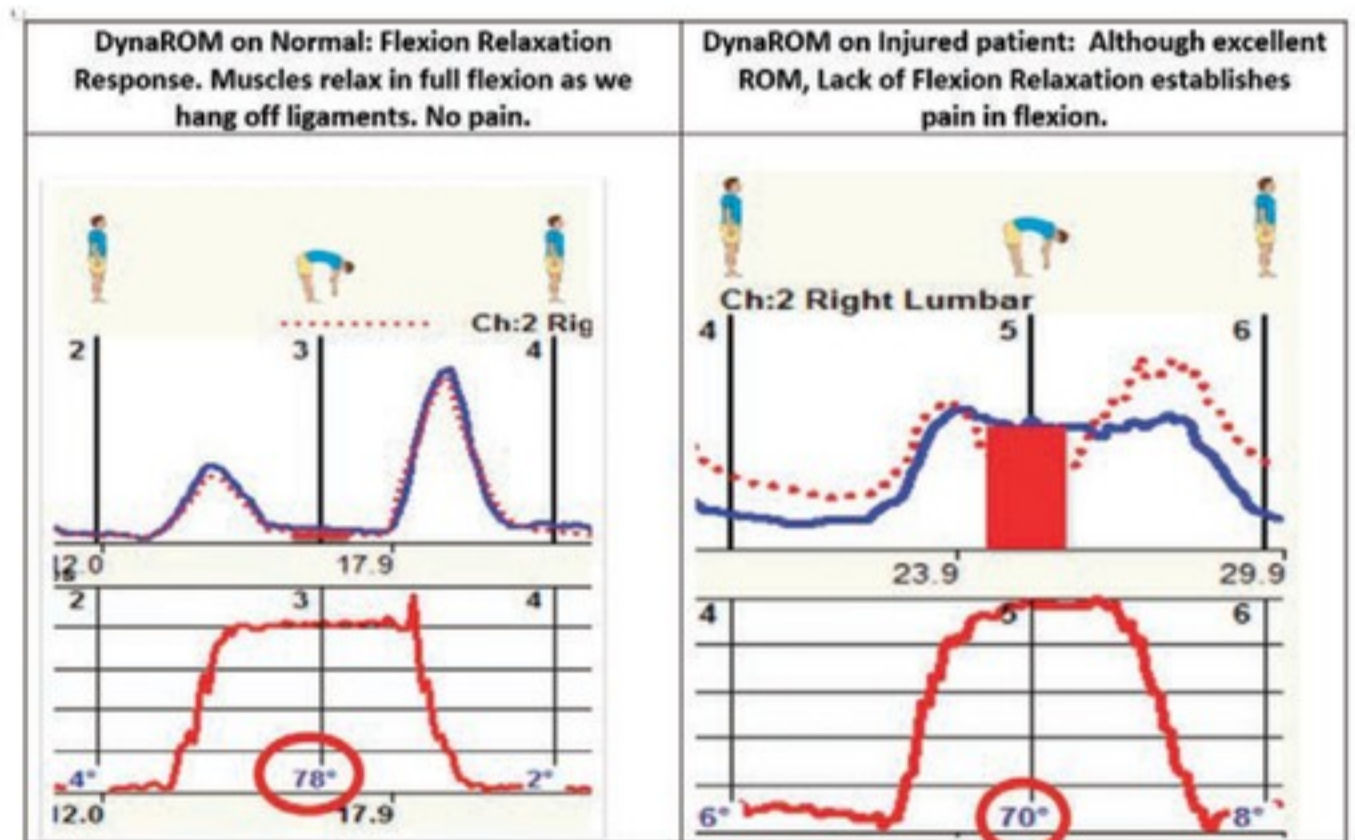


by Jeri Anderson, DC
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Can you imagine a world where IMEs and insurers no longer control patient care? With US Patent 9,808,172 B2 there is no need to imagine. The newly patented DynaROM Motion EMG is the Gold Standard per the AMA Medical Text on Range of Motion Assessment, and has been named "the lie detector for back pain" by prestigious attorneys for its ability to detect the presence or absence of soft tissue injury.



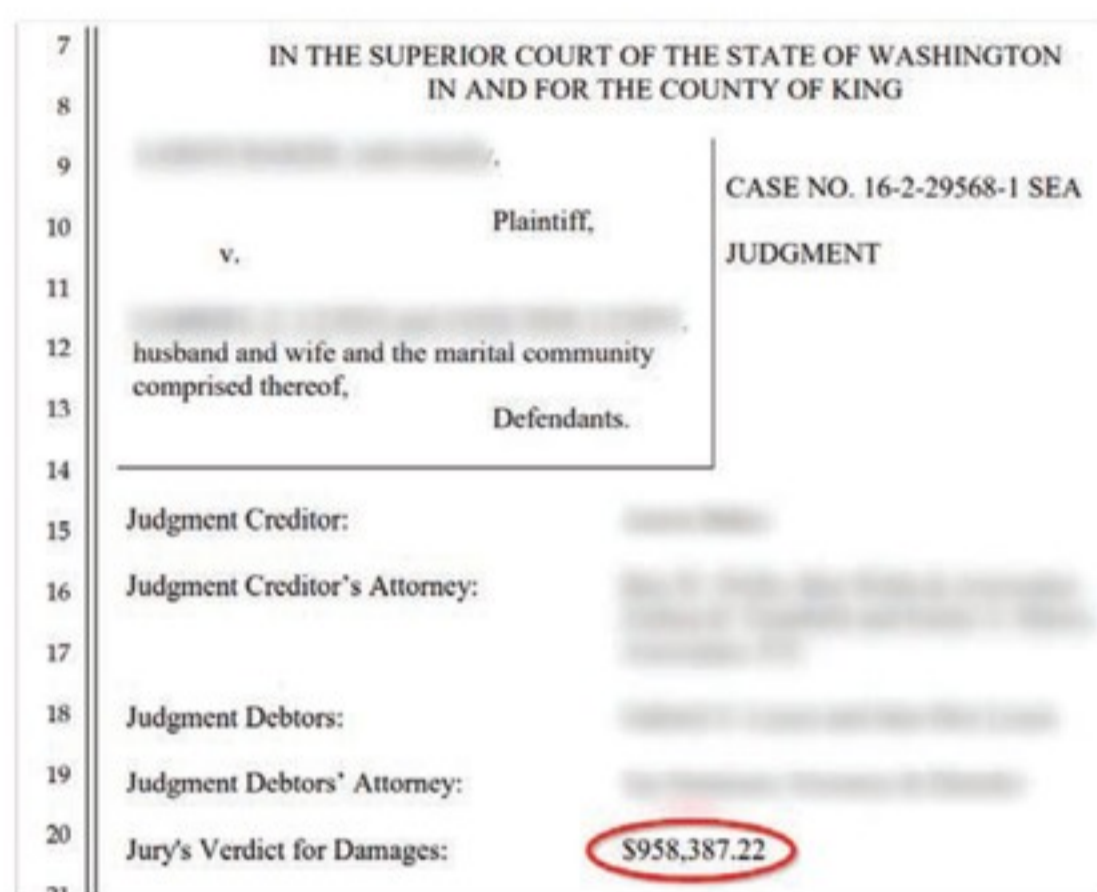
guarding. It is commonly known that muscle guarding is the body's natural defense in response to pain in motion; so, when you measure these two together, the results become considerably more sensitive to soft tissue injury and symptom magnification. This is because a significant percentage of the population has normal range of motion yet show muscle guarding and pain. A fitting example is the yoga instructor involved in a rear end MVA: they had excellent range of motion prior to the MVA and won't be considered abnormal post MVA. When the muscle guarding component is measured alongside ROM, their normal ROM now becomes an abnormal DynaROM, as their muscle guarding is exposed, and injury is clear.



So, is this a valid tool? Absolutely. Its validity was upheld through to the State Supreme Court in Merritt vs DOH. In this landmark case, the State of Florida questioned the validity of the DynaROM and requested that it be removed from the list of approved diagnostic devices. David Marcarian, inventor of the DynaROM and the only expert witness to testify on behalf of the chiropractic profession, won against the State of Florida, 300 insurance companies, 75 attorneys and 9 expert witnesses. His testimony and exhibits not only led to a victory but also subsequent appeals led to the Superior Court upholding the decision, and the State Supreme Court rejecting the insurance company appeal. You can download the judge's 47-page decision at www.dynarom.com.

The DynaROM technology is actually quite simple; it combines wireless dual inclinometry with EKG technology to simultaneously measure range of motion and muscle

The real test of the DynaROM came on March 26, 2018 (King County Superior Court Case #16-2 29568-1 SEA) where an injured patient was seeking \$85,000 in mediation. The insurance company refused to settle at mediation and went straight to jury trial. During this trial, a DC, an MD and Mr. Marcarian testified on behalf of the patient. The defense came armed with the most prestigious expert witness in the state who not only has a reputation for winning, but also maintains a high standard of ethics. With Mr. Marcarian's testimony last, he demonstrated the DynaROM for the jury and interpreted the patient's test data. Afterwards, the defense's expert witness made the unprecedented decision not to rebut Mr. Marcarian's testimony, leading to the \$958,387.22 jury award 4 days later.

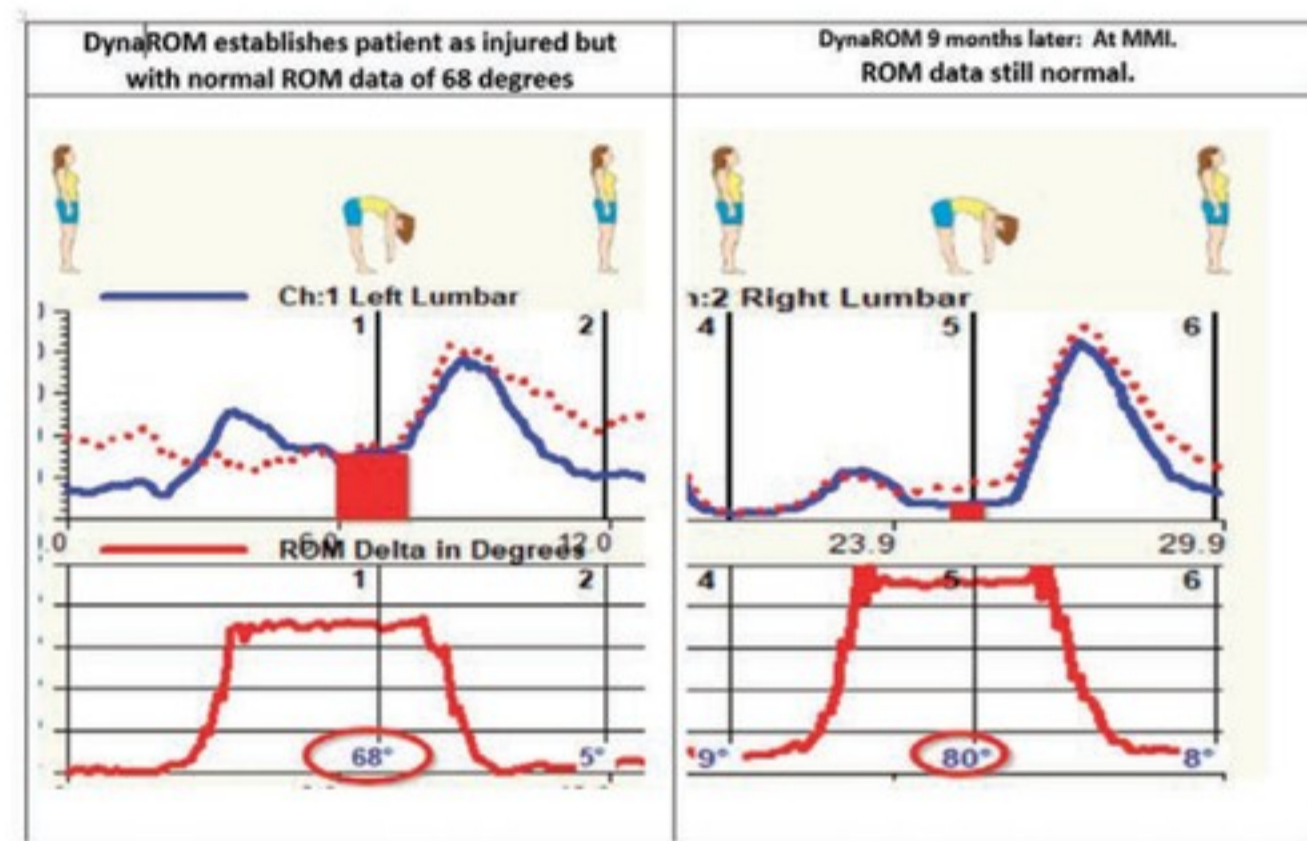


Insurers have always been careful to avoid going to jury trial, quietly settling most cases for significant amounts, but when they do, it's always the same strategy: find the best expert witness with the best CV to testify for them. This strategy may have worked well for them in the past, but in today's courtroom the plaintiffs are armed with the DynaROM – showing objective data that MRI, CT and even Range of Motion cannot show. The outcome of this jury trial proves that the old strategy of expert opinion against expert opinion no longer works.

What's more, the same week, three other cases using the DynaROM data demonstrated symptom magnification, all receiving concomitant and fair reduced settlements. In one case, the patient claimed to be in so much pain they almost did not finish the test, yet there was no muscle guarding to support the complaint.

In the case study below, you can see that when the patient was at MMI, the DynaROM provided the data to justify the patient's release, even though she continued to complain of significant pain. When shown her DynaROM results compared to a normal test, it was obvious she was not injured. She responded, "I just don't want to go back to my job." The reality check the DynaROM provided this patient was invaluable. Not only did it save taxpayers a significant amount of money in workers compensation payments but helped the patient deal with the real

problem, i.e. that she hated her job. The doctor received a message 3 months later from this patient stating that she was thankful the test provided her with proof that her injuries were no longer severe, and by dealing with the real problem she got a new job. Her quality of life improved dramatically. Bigger than this? For the doctor utilizing this tool, it would be impossible to be labelled biased towards the defense or plaintiff – instead, you develop a reputation of maintaining high integrity no matter the situation.



Many doctors are experiencing a new shift. It has been found that, by sending DynaROM test results to both the IME and PCP, the referrals from the PCP increased dramatically. The notion that medical doctors do not want to refer to chiropractors is no longer applicable. MDs are data driven. When you have a tool that provides solid data, their respect for you and the chiropractic profession grows. A number of doctors are even receiving referrals from orthopedic surgeons for DynaROM evaluations, to determine whether a mechanical source of back pain can be treated through chiropractic care before considering potentially harmful, invasive procedures. The introduction of this truly objective data leads to a more efficient, cost-effective solution for both personal injury and workers compensation cases.

The bottom line? A tool that provides the objective proof of subjective complaints is invaluable to all parties. By determining whether a patient's complaints of pain are real or not, you are able to confidently provide proper care, making you the most credible source of information not only for PI attorneys but also workers comp cases and insurance adjusters as well. The result? Injured patients are properly cared for and those not injured are redirected or removed from the system. With solid, court-proven objective data, we all win.

References Available On Request

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