

# For Immediate Release



## **PBI/MyoVision**

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January 27, 2005 - San Carlos, California –



## **MyoVision, Marcarian Win Landmark Court Decision for Chiropractic & Surface EMG in Florida**

David Marcarian, MA, president of MyoVision and expert witness credited with winning one of the largest PI jury awards in U.S. history, testified successfully again on behalf of chiropractic in the case Richard W. Merritt, DC vs. State of Florida, Department of Health (DOH) heard in a Tallahassee, Florida court in July of 2004. A final decision in the case was rendered on January 25<sup>th</sup>, 2005.

The case overturned a January, 2004 Florida statute that listed surface electromyography (sEMG) “not medically necessary” as a diagnostic method for evaluating injured persons..

“We reached out for help from Marcarian, and others who appear to specialize in sEMG, and the only one up for the challenge was Marcarian,” says one DC involved in the case. “I for one am glad, as it turns out that Marcarian’s testimony was extremely powerful in court. We also found out that some of the other sEMG companies were actually a large part of the problem by promoting improper use of the technology.”

According to Dr. Merritt, “Marcarian’s testimony in court was crucial to this win. His masterful skills as an expert witness completely dominated the high-priced ‘hired guns’ representing the insurance interests.” The judge’s decision was an unprecedented 47 pages long – not only overturning the state’s previous decision, but also finding that sEMG had demonstrated medical value and a level of general acceptance by the relevant provider community.

The heated trial lasted two days and appeared at times impossible to win. The largest insurers in the state, including State Farm, Liberty Mutual, Allstate, and United Services Automobile Association, provided financial backing and joined the Florida DOH in defending the state’s decision. The DOH relied upon four expert witnesses including an MD/PhD with expertise in electrodiagnostic medicine.

“This is a landmark case and another legal victory for MyoVision,” stated Marcarian. “It sets a precedent for insurance reimbursement equity and validates again that MyoVision is an essential tool for any modern high tech office interested in providing the highest level of patient care. We are very pleased that research conducted with MyoVision Technology is largely responsible for this recent legal triumph.” For more information, contact David Marcarian at 800-969-6961, via email at [info@myovision.com](mailto:info@myovision.com), or go to [www.myovision.com](http://www.myovision.com) to review court documents or go to: <http://www.doah.state.fl.us/internet/search/detail.cfm?CaseNo=04-001149&URLString=0>