

KELLER (CBSDFW.COM) – Sitting backwards on a horse, riding circles inside a barn, Kaitlyn Samuels slapped her knee. Her eyes were wide, her mouth open. She was happy.

The Samuels family is pursuing what has become a law-changing fight to keep their daughter in therapy using the horse. A military family, they are going up against no less than the [United States Department of Defense](#). It believes the therapy is unproven. Kaitlyn's therapists say that without it, she could die.

Samuels, now 16, was born with a brain disorder, cerebral palsy and scoliosis among other ailments. She can't speak or eat on her own. She walks with help, mirroring the steps of someone holding her from behind. Therapy is necessary to continually lengthen and straighten her spine, to keep it from crushing her organs.

There's no way Jennifer Samuels can explain to her daughter the importance of that physical work. Tests have shown she never developed past a young pre-school student at best. So it was no surprise when she grew bored with traditional work in a therapy room. She would just slump over. She had been on horses before, for recreational rides. So doctors prescribed her therapy on the horse. It worked. She was active, engaged, and had no idea it was for her health.

TRICARE, the benefits provider for military families, paid for the therapy. Then in July 2010 someone took a closer look at how the therapy was being performed. It denied the claim. It also wanted the family to repay the money already provided, \$1,327.44.

"Somebody looked at it closer and said wait a minute, this is on a horse, we don't cover that," said Mark Samuels, a U.S. Navy Pilot.

The family appealed and it began a two-year battle of filings. The family stopped therapy, in order to re-pay the money and pay for treatments they had already received at Rocky Top Therapy Service in Keller that TRICARE would not cover. In that time, Kaitlyn's therapist Suzanne Samuels said she regressed. Her spine curved an additional 12-degrees.

"Results are results," she said. "So why does it matter if I'm using a ball, a bench or a horse."

In February 2012 the Samuels' finally had a hearing in front of an administrative law judge. They had witnesses, sworn testimony from therapists and doctors. The family didn't know it at the time, but the judge, Claude Heiny, agreed with them.

"The Beneficiary is receiving physical therapy, not some alternate type of therapy," he wrote in his decision. "It would be a waste of the government's money to pay for therapy in a traditional setting for it would provide no benefit to the Beneficiary."

In fact the therapy is cheaper than in an office setting. There is no extra charge for the horse. It didn't matter.

In October, Michael W. O'Bar, the Deputy Chief of TRICARE Policy and Operations decided to ignore the judge's recommendation. The treatment "has not been proven safe and effective by [reliable](#) evidence" he wrote. The Samuels attorney told them they won the battle, and lost the war. They decided they weren't done.

In December, [Akin Gump](#), an international law firm, heard about the case. They sent it to their Houston office. Marcella Burke, who has a brother in Afghanistan, said it struck a chord.

“This case exposes how vulnerable families really are, that an administrator would say no we’re going to deny this benefit, you’re just going to have to prove me wrong,” Burke said. She intends to do just that. Work has started not only to convince TRICARE it is wrong, but change federal law.

Statutes already allow for anything medically necessary and proven to work, to be covered, Burke said. She believes that clearly covers Kaitlyn’s situation. They’re working to expand the law then, and specifically mention equine therapy, as being allowable. They’re also doing it for free.

“I can’t tell you how grateful we are,” Jennifer Samuels said, as she watched Kaitlyn ride around the corral. Before getting off the horse Kaitlyn was outfitted with a new pair of boots from [Justin Boots](#).

Justin is one of the companies that has signed on to support Kaitlyn’s Foundation. It is raising money to support her therapy. Mark Samuels said it will be expanded to help other military families stuck in similar positions. They’re learning every day that there are others.

>>[CLICK HERE to learn more about Kaitlyn’s Foundation](#)<<

After volunteers helped Kaitlyn off the horse, she and her younger brother fed it a carrot. Her therapist helped sit her back in her wheelchair, and she started to nod off. It was a long morning. She was still smiling.

Reporter Jason Allen. This story and video link can be found online:
<http://dfw.cbslocal.com/2013/02/21/military-family-fighting-government-insurance-for-horse-therapy/#.USccTDDwCCN.mailto>

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