

KWORCC Select Claims Report
Presented November 15, 2018

CLAIM SUMMARY-SETTLEMENT REQUEST

Employer: Anderson County
Claim No.: 2016WR000602
Employee Age: 64
AWW: \$734.78
Attorneys, Employee: Donald Taylor
Adjuster: Amanda Chamberland

Date of Injury: 08/10/2016
Job Description: Corrections Officer
Updated: 11/5/2018
TTD Rate: \$ 489.88
Employer: Ron Laskowski

	Medical	Indemnity	Expense	Total
Reserves	\$55,869.19	\$60,080.29	\$20,461.00	\$136,410.48
Amount Paid	\$41,445.00	\$10,080.29	\$3,319.43	\$54,844.72
Outstanding	\$14,424.19	\$50,000.00	\$17,141.57	\$81,565.76

Accident Description/Nature of Injury:

- The employee slipped on a slick spot on the jail kitchen floor and fell to the ground. She injured her knees and wrists with primary injury to her lower back.

Investigation/Compensability

- Claimant was in the course and scope of her employment, mechanism accepted as compensable
- Pre-existing and underlying back issues found and investigated for separation of liability

Medical Management

- The claimant was referred to Dr. Cicarelli at Premier Spine. Dr. Cicarelli found that she required a fusion to L3-5; however, he felt only the 3-4 level was related to the work injury. We were able to successfully negotiate a separation of charges for the separate levels with her personal health insurance carrier. Claimant underwent surgery and after a period of rehab returned to work regular duty. Claimant complains of continued pain and muscle spasms while attempting to perform her job duties. She is 64 and seeking to retire at this time with no ongoing and active medical treatment other than medications from her physician.

Periods of Disability

- Employee received the equivalent of 20.57 weeks of TTD benefits. She has since returned to regular duty.

Permanent Partial Impairment/Permanent Disability

- Dr. Hopkins assigned 25% whole body impairment. Dr. Bernhardt, the court ordered IME provider, has assigned a 25 % whole percent impairment as well but opines that only half is attributable to the work injury resulting in a rating of 12.5%

Subrogation/Other Issues

- There is no subrogation as the incident occurred on the employer owned and operated premises.
- Claimant is soon to be a Medicare beneficiary

Plan of Action:

- In conjunction with counsel recommendations we are requesting settlement authority in the amount of \$50,000.00 to attempt to close the claim on a full and final basis
- An additional check will be issued under medical payments to satisfy Medicare interests of up to \$5,000.00

CLAIM SUMMARY-Reserve Advisory

Employer: Cowley County
Claim No.: 18731138
Employee Age: 55
AWW: \$548.90
Attorneys: None
Adjuster: Amanda Chamberland

Date of Injury: 7/27/2018
Job Description: Corrections Officer
Updated: 11/5/2018
TTD Rate: \$ 365.96
Employer: None

	Medical	Indemnity	Expense	Total
Reserves	\$28,720.57	\$7,647.17	\$4,852.43	\$41,220.17
Amount Paid	\$2,959.74	\$2,404.35	\$55.06	\$5,419.15
Outstanding	\$25,760.83	\$5,242.82	\$4,797.37	\$35,801.02

Accident Description/Nature of Injury:

- As the employee attempted to maintain control of a combative inmate she pushed the inmate against a wall then maneuvered him to the ground causing her to hit her R knee on the concrete floor.

Investigation/Compensability

- Employee was in the course and scope of his employment when the accident occurred which was witnessed
- No pre-existing injuries or treatment to the R knee were identified and the injury was accepted as compensable.

Medical Management

- The claimant initially treated at Cowley county urgent care. She was diagnosed with a right knee contusion and placed on light duty. An MRI was ordered which showed no acute changes. The claimant repeatedly requested to be taken off work and indicated she felt she needed a surgery. Due to claimant's persistence she was scheduled with an orthopedic physician, Dr. Pat Do, for causation and prevailing factor to be addressed. Dr. Do found that she was in need of an R knee scope and chondroplasty due to her continued complaints. He opined that as she had not had prior treatment to the knee therefore her injury was acute and consistent with her mechanism of injury. Based on the opinion of Dr. Do the surgery was authorized and the claimant is now in post op physical therapy.

Periods of Disability

- The employee is currently off of work post-surgery, it is estimated that she will be able to return to work in less than 3 weeks

Permanent Partial Impairment/Permanent Disability

- The claimant will have a disability rating as a result of this injury which will result in a settlement. The claim is currently reserved based on a potential 6% impairment to right knee

Subrogation/Other Issues

- The injury was not the result of direct assault from the inmate therefore no restitution is applicable
- There are multiple red flags on the claim including claimant's prior short work history with other settlements, her persistence in demanding a surgery since onset and asking the doctor to keep her off work

Plan of Action:

- The claimant does not feel she should return to work post-surgery, I will continue to work with her supervisor and the insured to find accommodations in a sedentary position.
- Ultimately we will strive for claimant to reach a full recovery with a full duty work release.

CLAIM SUMMARY-Reserve Advisory

Employer: Geary County
Claim No.: 18740744
Employee Age: 24
AWW: \$95.76
Attorneys: None
Adjuster: Amanda Chamberland

Date of Injury: 9/29/2018
Job Description: Animal Technician
Updated: 11/5/2018
TTD Rate: \$ 63.84
Employer: None

	Medical	Indemnity	Expense	Total
Reserves	\$36,550.00	\$7,680.00	\$6,107.50	\$50,337.50
Amount Paid	\$367.23	\$63.84	\$11.88	\$442.95
Outstanding	\$36,182.77	\$7,616.16	\$6,095.62	\$49,894.55

Accident Description/Nature of Injury:

- As the employee called a dog inside he ran in between her legs knocked her off balance and to her right side injuring her right foot.

Investigation/Compensability

- Employee was in the course and scope of his employment when the accident occurred and it has been accepted as compensable.
- No pre-existing defenses

Medical Management

- The claimant was seen at Alphacare where she was diagnosed with a sprain. Due to persistent pain she was seen in the emergency room where they felt she had a ligament tear or fracture and was referred to Dr. Gaskill with Manhattan Orthopedics. Dr. Gaskill concluded that she had a lisfranc tear of the right foot which would require surgery to repair. A lisfranc repair was authorized and performed. The claimant is now off of work and recuperating post operatively.

Periods of Disability

- The employee is currently off of work post-surgery, it is estimated that she will be off of work 2-6 weeks.

Permanent Partial Impairment/Permanent Disability

- The claimant will have a disability rating as a result of this injury which will result in a settlement. The claim is currently reserved based on a potential 8% impairment to the lower extremity

Subrogation/Other Issues

- The claimant works part time for the county and full time for an outside employer at a call center. Due to statute she is ineligible to receive pay for her missed wages from her full time employer.

Plan of Action:

- I will work with claimant to try and return her to work with one of her employers so that the impact of her wage loss does not move her towards litigation
- Ultimately we will strive for claimant to reach a full recovery with a full duty work release.

CLAIM SUMMARY-SETTLEMENT REQUEST

Employer: Jefferson County
Claim No.: 2014069404
Employee Age: 73
AWW: 360.55
Attorneys: Employee John Bryan
Adjuster: Amanda Chamberland

Date of Injury: 09/20/2014
Job Description: Corrections Officer
Updated: 11/5/18
TTD Rate: \$ 240.38
Employer: Ron Laskowski

	Medical	Indemnity	Expense	Total
Reserves	\$145,603.17	\$77,164.00	\$20,950.00	\$243,717.17
Amount Paid	\$125,603.17	\$17,164.00	\$13,351.27	\$156,118.44
Outstanding	\$20,000.00	\$60,000.00	\$7,598.73	\$87,598.73

Accident Description/Nature of Injury:

- The employee was walking in the law enforcement lobby when she tripped and fell over a lock from a show case display that had fallen to the floor. She complained of injury to her L shoulder and later her R knee and R shoulder as well.

Investigation/Compensability

- The prevailing factor was addressed and per Dr. Fevurly the work injury was the prevailing factor for her injuries to the bilateral shoulders although the R knee was questionable.

Medical Management

- Dr. Stechsulte was the agreed treating physician for claimant and her multiple injuries. He recommended a total R knee replacement which Dr. Fevurly opined was not related to the work event. The judge disagreed and ordered the same under the comp claim which was performed. Later, in January 2017, Dr. Stechsulte also recommended and performed a left shoulder rotator cuff and labral repair with subacromial decompression. The claimant was placed at MMI in August 2018 by Dr. Stechsulte and subsequently was seen by Dr. Zimmerman for an IME in June 2018. She is not in any active ongoing treatment at this time.

Periods of Disability

- Employee received the equivalent of 71.40 weeks of off work benefits. She is now working part time for the same employer in a sedentary position.

Permanent Partial Impairment/Permanent Disability

- Dr. Zimmerman assigned a 75% impairment to the R knee and 18% to the left shoulder. Dr. Stechsulte assigned 37% to the R knee and 15% to the L shoulder. The combined indemnity based on a split of the two ratings holds value of \$37,152.30.

Subrogation/Other Issues

- A work disability has not yet been alleged however it is feasible and her attorney has insinuated she may have thoracic issues as a result of her long term cane usage.
- The claimant is a Medicare beneficiary and a Medicare set aside will be required to settle the claim

Plan of Action:

- Counsel is recommending settlement authority in the amount of \$50,000 to close review and modification and we are requesting the board authorize an additional \$10,000 to close future medical for a total indemnity request of \$60,000.00.
- Counsel is setting up a Medicare Set Aside review and any payments to be made based on that recommendation will be paid out of medical reserves and separate from the indemnity settlement amount requested.

CLAIM SUMMARY-Reserve Advisory

Employer: Meade County

Claim No.: 18720813

Employee Age: 72

AWW: \$578.14

Attorneys: None

Adjuster: Amanda Chamberland

Date of Injury: 08/28/2018

Job Description: Bailiff/Sheriff Deputy

Updated: 11/6/2018

TTD Rate: \$ 385.44

Employer: None

	Medical	Indemnity	Expense	Total
Reserves	\$21,200.00	\$7,130.64	\$3,742.50	\$32,073.14
Amount Paid	\$527.72	\$0.00	\$13.72	\$541.44
Outstanding	\$20,672.28	\$7,130.64	\$3,728.78	\$31,531.70

Accident Description/Nature of Injury:

- The employee was removing debris from the highway when he lost balance while stepping on the debris, fell and stuck his R arm out to catch himself injuring his R shoulder.

Investigation/Compensability

- Employee was in the course and scope of his employment when the accident occurred
- Claimant reported the event timely and sought immediate medical attention however he had a 2month gap in treatment due to other previously scheduled and unrelated surgeries. We initially denied continued treatment as unsure if related however Dr. Do opined his work injury was the cause of his continued complaints.

Medical Management

- After the prevailing factor opinion of Dr. Do he was designated as the authorized treating physician. He later recommended a right shoulder scope, rotator cuff repair and biceps tenodesis which was performed 10/22. Claimant is progressing well and in post op physical therapy.

Periods of Disability

- The employee has returned to work although at lesser hours to accommodate his restrictions. We will be issuing TPD benefits to the claimant.

Permanent Partial Impairment/Permanent Disability

- The claimant will have a disability rating as a result of this injury which will result in a settlement. The claim is currently reserved based on a potential 6% impairment to the R shoulder.

Subrogation/Other Issues

- There are no other issues and no party liable for subrogation interests.

Plan of Action:

- I will work with the county and doctor to return claimant to a full duty position
- Ultimately we will strive for a full and final settlement of the file post MMI