

KWORCC Select Claims Reports
Presented September 26, 2019



Claim Summary – Settlement Request

Employer: Cherokee Date of Injury: 12/26/2013
Claim No.: 2013047426 Job Description: Former law enforcement officer
Employee Age: 58 Updated: 9/16/2019
AWW: \$835.38 TTD Rate: \$557.19
Attorneys: William Phalen Employer: Ron Laskowski
Adjuster: Amanda Chamberland

Table with 7 columns: Medical, Indemnity, Rehabilitation, Legal, Expense, Total. Rows include Reserves, Amount Paid, and Outstanding.

Accident Description / Nature of Injury:

- The claimant was injured as he walked down the county sidewalk to his patrol car when he slipped on ice and fell, landing initially on both his knees then twisting his back. He later complained of neck pain as well.

Investigation / Compensability:

- Although the mechanism of the injury was found compensable, the employee's treatment to his neck and back was denied as an aggravation of a pre-existing and underlying condition.

Medical Management:

- The employee sought conservative treatment only up to which time the prevailing factor opinion of Dr. Do indicated that the claimant had aggravated an underlying condition with his work injury. The claimant sought treatment on his own after our denial including a lumbar laminectomy and L2-3 fusion with thoracic laminectomy both in 2015 by Dr. Ellie Nichols. He was placed at maximum medical improvement in 2016 from the non-authorized provider. He has since seen multiple providers for independent medical examinations with varying ratings and recommendations for further care.

Periods of Disability:

- The claimant missed an unknown period of work while he continued medical treatment under his personal insurance for his conditions. No temporary total disability was paid as related to the worker's compensation claim.

Permanent Partial Impairment / Permanent Disability:

- The claimant would have \$130,000.00 remaining available to him for permanent partial disability and \$155,000.00 remaining available for permanent total disability. Dr. Koprivica's 40% impairment rating would have a value of \$92,493.54. Each 1% of impairment in the case would have a value of \$2,312.33.

Subrogation / Other Issues:

- The employee is a Medicare beneficiary and any settlement will need to consider Medicare interests.
Claimant counsel has reserved a request for prior temporary total benefits as well as prior medical coverage reimbursement for his self-sought treatment.
The claimant no longer works for the employer and a vocational report received by Karen Terrill finds that the claimant is essentially and realistically unemployable.

Plan of Action:

- Counsel recommends that we consider a full lump sum settlement of this claim with a Medicare Set-Aside arrangement. He requests settlement authority of up to \$120,000.00 to close out all exposure for permanent partial disability, past temporary total compensation and permanent total disability.
- If settlement terms are agreed upon, a separate Medicare Set Aside will be pursued to close future medical needs.



Claim Summary – Reserve Advisory

Employer:	Hodgeman County	Date of Injury:	06/24/2019
Claim No.:	19776104	Job Description:	Emergency Dispatch Director
Employee Age:	37	Updated:	9/17/2019
AWW:	735.17	TTD Rate:	490.13
Attorneys:	Stanley Ausemus	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 25,600.00	\$ 12,500.00	\$ 0.00	\$ 6,000.00	\$ 3,875.00	\$ 47,975.00
Amount Paid:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 23.75	\$ 23.75
Outstanding:	\$ 25,600.00	\$ 12,500.00	\$ 0.00	\$ 6,000.00	\$ 3,851.25	\$ 47,951.25

Accident Description / Nature of Injury:

- As the employee walked to the bathroom at the end of her shift she fell causing a broken right fibula. She is unsure what caused her to fall.

Investigation / Compensability:

- The claim has been denied based on the unexplained fall, neutral in nature.

Medical Management:

- The employee has sought treatment with Dr. Boone, orthopedist at Central Ks Orthopedics, for her lower leg fracture. As her claim is denied, and now being processed under her personal health insurance, no updates have been received regarding her current treatment plan.

Periods of Disability:

- The claimant has not received any off work benefits as a result of her denied worker’s compensation claim.

Permanent Partial Impairment / Permanent Disability:

- The employee is expected to have a rating as a result of her injury however at this time it is unknown if we will be deemed responsible for coverage of the same in the litigation process.

Subrogation / Other Issues:

- The employee’s husband is also the Sheriff for the county and her direct supervisor. There was video of the event that her husband allegedly prohibited the retaining of during our investigation.

Plan of Action:

- We will continue to pursue the litigation and denial of the file through our counsel
- If litigation and medical evidence eludes to an unfavorable compensability decision for KWORCC we will attempt to settle the file for a reduced sum to limit the exposure.



Claim Summary – Reserve Advisory

Employer:	McPherson	Date of Injury:	08/29/2019
Claim No.:	19784912	Job Description:	Maintenance
Employee Age:	80	Updated:	9/17/19
AWW:	335.13	TTD Rate:	223.43
Attorneys:	none	Employer:	none

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$222,200.00	\$ 120,000.00	\$ 0.00	\$ 500.00	\$ 33,225.00	\$ 375,925.00
Amount Paid:	\$ 0.00	\$ 446.86	\$ 0.00	\$ 0.00	\$ 15.00	\$ 461.86
Outstanding:	\$222,200.00	\$ 119,553.14	\$ 0.00	\$ 500.00	\$ 33,210.00	\$ 375,463.14

Accident Description / Nature of Injury:

- The claimant was injured as he was in the breakroom ready to clock in when he tripped over a co-worker's feet. He then reached for the handle of a refrigerator door to break his fall which caused it to swing open throwing him around and then to the ground. He hit both the front and back of his head on the floor.

Investigation / Compensability:

- The employee was found to be in the course and scope of his employment and on the employer's owned and maintained premises. The accident has been accepted as compensable.

Medical Management:

- The patient was treated at Wesley Medical Center for multiple brain bleeds and an occipital fracture resulting in a total brain injury. He has since been moved to an inpatient rehabilitation facility in Newton, KS where he is beginning speech and cognitive care. A nurse case manager has been assigned to facilitate his care until he is capable of being released and to assure a smooth transition to the home environment.

Periods of Disability:

- The claimant is unable to work at this time and due to the severity of the injury in conjunction with his age, will be unlikely to return to work. He had previously retired twice and was employed only part time at the time of the event.

Permanent Partial Impairment / Permanent Disability:

- The claimant is expected to have an impairment to the body as a whole with a likely work disability resulting in a settlement.

Subrogation / Other Issues:

- The claimant is a Medicare beneficiary and any settlement will involve Medicare consideration.
- The patient has significant co morbidities such as gout, COPD, Afib, etc. that must first be stabilized before his treatment can advance for his acute head injury.
- The claim is excess reportable, notification to Safety National is complete.

Plan of Action:

- I will maintain communication with the medical providers and family to ensure that all needs are being met
- I will closely monitor his treatment so at which time he completes his care for his cognitive issues he is able to be released from the work comp standpoint by separating his treatment for his comorbidities.
- Ultimately, I will work with the claimant for settlement of his file. His medical treatment will be difficult yet not impossible to close due to his age and Medicare status. I will seek to isolate the responsibility specific to that of the head injury with any potential Medicare Set Aside that is obtained.



Claim Summary – Reserve Advisory

Employer:	Osage County	Date of Injury:	05/06/2019
Claim No.:	19778912	Job Description:	Law Enforcement Officer
Employee Age:	43	Updated:	9/17/19
AWW:	829.60	TTD Rate:	553.09
Attorneys:	none	Employer:	none
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 26,750.00	\$ 11,858.24	\$ 0.00	\$ 500.00	\$ 4,797.50	\$ 43,905.74
Amount Paid:	\$ 6,917.65	\$ 475.65	\$ 0.00	\$ 0.00	\$ 698.12	\$ 8,091.42
Outstanding:	\$ 19,832.35	\$ 11,382.59	\$ 0.00	\$ 500.00	\$ 4,099.38	\$ 35,814.32

Accident Description / Nature of Injury:

- While on site at a school facility, a juvenile became combative. The employee wrestled the child to the ground and held him there until back up arrived twisting and pressing on his knees in the process.

Investigation / Compensability:

- The claim was initially investigated for possible denial based on late reporting. In my investigation I found the employee had indeed reported the incident timely and his employer failed to turn in the claim in his behalf. The event has been accepted as compensable.

Medical Management:

- The employee treated first with his local primary care physician and then was referred to Dr. Poole who recommended left medial meniscectomy with chondroplasty, we received the claim after the surgery was requested. After our investigation determined the claim as compensable surgery was then authorized for the acute injury and performed on August 15th. He is now recuperating well in post-operative care.

Periods of Disability:

- The employee received TTD pay for 6 days of missed work over his waiting period. He has since returned to work in an accommodated position.

Permanent Partial Impairment / Permanent Disability:

- The employee is estimated to receive a PPI rating of 7% to the left knee and the file is reserved for the same.

Subrogation / Other Issues:

- The employee alleges injury from the twisting and movement of him being on his knees while wrestling the child. Per employer no charges are to be filed as the child was experiencing a mental health crisis. Without charges filed for the indirect injury there is no restitution and therefore no subrogation.

Plan of Action:

- I will monitor medical bills and records for their relatedness to the claim and strive for the claimant to progress to full duty by November.
- Once the claimant is at MMI I will request a rating and attempt to settle the file on a full and final basis.