

KWORCC Select Claims Reports

Presented January 30, 2020



Claim Summary – Settlement Request

Employer:	Ellsworth County	Date of Injury:	08/15/2017
Claim No.:	17683022	Job Description:	Heavy Equipment Operator
Employee Age:	62	Updated:	1/20/2020
AWW:	714.09	TTD Rate:	476.08
Attorneys:	Jan Fisher	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 42,700.00	\$ 42,594.64	\$ 0.00	\$ 10,750.00	\$ 3,850.00	\$ 99,894.64
Amount Paid:	\$ 29,932.33	\$ 12,594.64	\$ 0.00	\$ 60.00	\$ 608.01	\$ 43,194.98
Outstanding:	\$ 12,767.67	\$ 30,000.00	\$ 0.00	\$ 10,690.00	\$ 3,241.99	\$ 56,699.66

Accident Description / Nature of Injury:

- Claimant alleges multiple injuries to his lower back while working for the county including a back strain while shoveling as well as a slip while leaning over and into a truck.

Investigation / Compensability:

- The claimant was found to have prior issues to his back in our investigation. The prior records were obtained and presented to physicians for a prevailing factor opinion. On all occasions submitted the physicians found the work related events to be the cause for his need of continued treatment.

Medical Management:

- After failing conservative treatment at the local Ellsworth Medical Clinic the claimant was referred to Dr. Burton who recommended surgery due to advanced lumbar stenosis with work being the primary causative factor. A second opinion was sought by Dr. Henry, neurosurgeon, who opined that the claimant did need the surgery as recommended however he found the surgery specific to an L2-3 disc protrusion. The surgery requested was performed with partial payment from claimant’s personal health insurance. The patient then underwent a period of post-operative rehabilitation and was ultimately placed at MMI January 2019.

Periods of Disability:

- The claimant was off of work for a period equivalent to 26.45 weeks totaling \$12,594.64 in indemnity benefits.

Permanent Partial Impairment / Permanent Disability:

- The claimant has received multiple ratings for his condition, a split of all using the AMA 6th edition to total 9.5% to the body as a whole with a value of \$18,256.96.

Subrogation / Other Issues:

- Medicare interests will need to be considered in settlement of this file

Plan of Action:

- Counsel has requested settlement authority of up to \$30,000 to resolve all indemnity issues in the file
- A separate check will be issued to satisfy Medicare interests in a self-administered Medicare set aside for up to \$10,000.00
- If a self-administered Medicare set aside agreement cannot be reached a Medicare set aside will be performed through CMS



Claim Summary – Settlement Request

Employer:	Ellsworth County	Date of Injury:	03/19/2018
Claim No.:	18714312	Job Description:	Heavy Equipment Operator
Employee Age:	62	Updated:	1/20/2020
AWW:	731.20	TTD Rate:	487.49
Attorneys:	Jan Fisher	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 34,572.00	\$ 19,774.82	\$ 0.00	\$ 9,050.00	\$ 3,860.80	\$ 67,257.62
Amount Paid:	\$ 29,466.61	\$ 3,412.43	\$ 0.00	\$ 0.00	\$ 758.11	\$ 33,637.15
Outstanding:	\$ 5,105.39	\$ 16,362.39	\$ 0.00	\$ 9,050.00	\$ 3,102.69	\$ 33,620.47

Accident Description / Nature of Injury:

- The employee was injured as he was lifting a traffic sign to replace it on a post. It was a windy day and the wind pulled the sign; he heard a pop in his left shoulder.

Investigation / Compensability:

- The employee was found to have suffered an acute accident with no pre-existing defenses, the claim was accepted as compensable.

Medical Management:

- The claimant was referred to Dr. Strickland with Mid America Orthopedics who performed a left shoulder arthroscopy with debridement of the RTC bicep tendon and labrum glenohumeral joint as well as a decompression and distal clavicle excision. After a period of post-operative physical therapy the employee was placed at MMI with no specific future medical care recommendations.

Periods of Disability:

- The claimant was off of work a total of seven weeks post injury resulting in a total TTD payment of \$3,412.43

Permanent Partial Impairment / Permanent Disability:

- The claimant has received ratings of 5%, 18% and 25% to the shoulder by Doctors Fevurly and Flutter. A split of the ratings using the AMA 6th edition would equivalent a rating of 11.5% and total \$12,221.37.

Subrogation / Other Issues:

- The employee is soon to be a Medicare beneficiary and Medicare interests must be considered

Plan of Action:

- Counsel has requested settlement authority of up to \$16,000.00 to settle the indemnity portion of the claim full and final
- A separate check will be issued for up to \$5,000 to satisfy a self-administered Medicare set aside
- If a self-administered set aside agreement cannot be reached a Medicare set aside will be pursued through CMS



Claim Summary – Reserve Advisory

Employer:	Franklin County	Date of Injury:	10/28/2019
Claim No.:	19795596	Job Description:	Heavy Equipment Operator
Employee Age:	64	Updated:	1/17/2020
AWW:	664.12	TTD Rate:	442.76
Attorneys:	Andy Dickson	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 11,450.00	\$ 20,000.00	\$ 0.00	\$ 8,000.00	\$ 2,592.50	\$ 42,042.50
Amount Paid:	\$ 1,195.90	\$ 0.00	\$ 0.00	\$ 0.00	\$ 439.56	\$ 1,635.46
Outstanding:	\$ 10,254.10	\$ 20,000.00	\$ 0.00	\$ 8,000.00	\$ 2,152.94	\$ 40,407.04

Accident Description / Nature of Injury:

- The employee was injured as he began putting cable on the tarp of dump truck when he stepped back, missed step and fell approximately 4 feet to ground injuring his right ear, neck, left knee, shoulders and back.

Investigation / Compensability:

- The employee suffered an acute non questioned event however he was found to have significant underlying findings to his left knee resulting in the denial of ongoing treatment specific to the left knee.

Medical Management:

- The employee’s primary areas of complaint were to his lumbar spine and left knee. His lumbar MRI showed no acute findings and he was treated conservatively for a sprain. His left knee MRI showed significant underlying conditions that resulted in the referral to a specialist which was denied due to the underlying reasoning. The claimant sought legal counsel and his current treatment is being performed under his personal health insurance while the claim is litigated.

Periods of Disability:

- The claimant has not missed any time from work due to his work related injuries.

Permanent Partial Impairment / Permanent Disability:

- As the claim is litigated an impairment and settlement is anticipated. The file is reserved for the general amount of \$20,000 due to the multiple body parts and the claimant’s age until a more precise treatment plan and estimation of permanency can be established.

Subrogation / Other Issues:

- Due to the claimant’s age of 64 Medicare interests will need to be considered at conclusion/settlement of his file

Plan of Action:

- I will work with counsel to obtain the prior medical care records for the claimant to further establish our defense of pre-existing
- Authorized medical treatment will be granted for those injuries which do not carry a pre-existing component
- Once the claimant is at MMI a rating will be requested and we will work with counsel to settle this claim on a full and final basis



Claim Summary – Reserve Advisory

Employer:	Franklin County	Date of Injury:	01/25/2019
Claim No.:	19755735	Job Description:	Maintenance
Employee Age:	54	Updated:	1/17/2020
AWW:	413.64	TTD Rate:	275.77
Attorneys:	Timothy V. Pickell	Employer:	Ron Laskowski

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 55,900.00	\$ 24,788.50	\$ 0.00	\$ 7,500.00	\$ 8,685.00	\$ 96,873.50
Amount Paid:	\$ 11,113.50	\$ 5,791.17	\$ 0.00	\$ 408.00	\$ 1,636.78	\$ 18,949.45
Outstanding:	\$ 44,786.50	\$ 18,997.33	\$ 0.00	\$ 7,092.00	\$ 7,048.22	\$ 77,924.05

Accident Description / Nature of Injury:

- The employee alleges a repetitive motion injury from lifting and loading a vacuum on and off of a housekeeper cart. She initially indicated her injury was to her groin area then later described the left hip as the source of her pain.

Investigation / Compensability:

- The employee has a history of abdominal aortic aneurysms. Due to the non-specific mechanism of her injury and underlying condition the prevailing factor was requested twice, both times the physicians reported that her work injury is the prevailing doctor for her current condition.

Medical Management:

- The employee failed conservative treatment with an occupational physician and was referred to Dr. Pat Do for orthopedic evaluation. Dr. Do referred the claimant for injection management with Dr. Own. After a series of injections without benefit she was referred to a hip specialist who found her to have a hip impingement with possible labral tear requiring surgery. This was recently authorized and will be performed on 1/30/2020.

Periods of Disability:

- The employee has received the equivalent of 21 weeks of TTD benefits. She was terminated on 12/20/2019 and it is expected that her off work benefits will continue until she is released to regular duty,

Permanent Partial Impairment / Permanent Disability:

- It is estimated that the claimant will receive an impairment of 11% to the body as a whole with possible future medical demands

Subrogation / Other Issues:

- There is no subrogation applicable

Plan of Action:

- I will work with the physician to return the claimant to a regular duty job release
- Once the claimant is at MMI a rating will be request
- Counsel and I will strategize to develop a settlement with claimant and her counsel that will result in a full and final closure of her file



Claim Summary – Reserve Advisory

Employer:	Gray County	Date of Injury:	07/04/2019
Claim No.:	19777552	Job Description:	Former EMS volunteer
Employee Age:	36	Updated:	1/17/2020
AWW:	749.56	TTD Rate:	666.00
Attorneys:	Lawrence Gurney	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 33,600.00	\$ 7,870.74	\$ 0.00	\$ 9,000.00	\$ 5,540.00	\$ 56,010.74
Amount Paid:	\$ 6,994.71	\$ 0.00	\$ 0.00	\$ 0.00	\$ 1,413.47	\$ 8,408.18
Outstanding:	\$ 26,605.29	\$ 7,870.74	\$ 0.00	\$ 9,000.00	\$ 4,126.53	\$ 47,602.56

Accident Description / Nature of Injury:

- The employee was injured while treating a patient in back of an ambulance when the ambulance struck another vehicle, throwing her. She complained of multiple injuries but her left shoulder is now her primary injury.

Investigation / Compensability:

- The employee was in the course and scope of her work duties when the event occurred with no pre-existing defenses, the claim has been accepted as compensable.

Medical Management:

- The claimant originally was seen at the local clinic where she received an order for physical therapy and light duty. Eventually an MRI was performed showing a low grade intra-substance tear. When she failed to improve an appointment was made for her to see orthopedic surgeon Pat Do who found the claimant to be in need of a left shoulder rotator cuff tear which was recently performed on 1/6/2020.

Periods of Disability:

- The claimant had not missed any work up to the time of her surgery due to the inability to accommodate from her employer. It is assumed that her counsel will request lost wage benefits post-surgery.

Permanent Partial Impairment / Permanent Disability:

- It is estimated that the claimant will receive an impairment of 7% to her left shoulder as a result of the work injury and the file is reserved for the same.

Subrogation / Other Issues:

- The claimant was terminated by her employer 8/30/2019 for cause however her counsel may attempt to relate her termination to the work injury
- Counsel has been instructed to review the case for any subrogation potential against the other party driver

Plan of Action:

- The claimant’s treatment will be authorized until the point of MMI at which time a rating will be requested
- Counsel and I will attempt to prove that claimant’s termination would have been imminent regardless of the work injury
- Counsel will attempt to settle the file on a full and final basis



Claim Summary – Reserve Advisory

Employer:	Scott County	Date of Injury:	12/20/2019
Claim No.:	19801003	Job Description:	Jailer
Employee Age:	35	Updated:	1/17/2020
AWW:	679.63	TTD Rate:	453.10
Attorneys:	N/a	Employer:	N/a

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 50,700.00	\$ 9,492.68	\$ 0.00	\$ 500.00	\$ 7,700.00	\$ 68,392.68
Amount Paid:	\$ 45.40	\$ 1,359.30	\$ 0.00	\$ 0.00	\$ 15.00	\$ 1,419.70
Outstanding:	\$ 50,654.60	\$ 8,133.38	\$ 0.00	\$ 500.00	\$ 7,685.00	\$ 66,972.98

Accident Description / Nature of Injury:

- The employee was injured as she slipped and fell on the ice in the county parking lot after her shift had ended. She fell on top of her left leg and knee while it was bending resulting in a compression injury. Cellulitis later developed due to the constriction injury to the muscle and tendon and she became septic.

Investigation / Compensability:

- The employee was in the course and scope of her employment when injured and the event was accepted as compensable.

Medical Management:

- The employee was hospitalized with cellulitis and resulting sepsis for one week. She was later dismissed with outpatient intravenous IV antibiotic care ordered. A nurse case manager was assigned to assess the causative relation to the accident and to ensure she progressed and did not need redirected to more specialized care. On 1/17/2020 she was released back to work with no restrictions and had been moved to oral antibiotic care with follow up other than on an as needed basis.

Periods of Disability:

- The claimant was off of work from 12/26/19-1/17/2020 due to the work related injury and resulting infection.

Permanent Partial Impairment / Permanent Disability:

- The final medical will be reviewed to determine if any permanency will result due to the work related event although this is not likely.

Subrogation / Other Issues:

- The employee fell on the employer's owned and maintained premises therefore there is no subrogation applicable

Plan of Action:

- Final medical will be reviewed to determine if a PPI rating is warranted
- If no rating is established the final medical bills will be paid and the claim will be closed as resolved