

KWORCC Select Claims Reports

Presented March 26, 2020



Claim Summary – Settlement Request

Employer: Geary County	Date of Injury: 09/21/2008
Claim No.: 2008036133	Job Description: Law Enforcement, unemployed
Employee Age: 58	Updated: 3/17/2020
AWW: 476.65	TTD Rate: 317.91
Attorneys: Jeff Cooper	Employer: Ron Laskowski
Adjuster: Amanda Chamberland	

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$127,501.48	\$ 106,090.01	\$ 0.00	\$ 10,000.00	\$ 12,000.00	\$ 255,591.49
Amount Paid:	\$ 97,651.11	\$ 76,090.01	\$ 0.00	\$ 4,325.00	\$ 10,827.17	\$ 188,893.29
Outstanding:	\$ 29,850.37	\$ 30,000.00	\$ 0.00	\$ 5,675.00	\$ 1,172.83	\$ 66,698.20

Accident Description / Nature of Injury:

- The employee was injured in 2008 as she was broke up a fight between two inmates when she slipped and then the inmates fell on her. Her initial complaints were to her R knee, buttocks, R wrist and her back.

Investigation / Compensability:

- The event was acute and accepted as compensable

Medical Management:

- The employee has undergone multiple surgical procedures including a right knee arthroscopy as well as a lower back laminectomy. After her claim was settled with open medical in 2010 she proceeded in pursuing ongoing pain management care through Dr. Hendler. Dr. Hendler requested her care be transferred from his practice in 2019. Since that time she has seen both Dr. Pinkerton and Dr. Aks for her continued pain medication needs as well as injections.

Periods of Disability:

- The clmt received 34.88 weeks of TTD prior to her termination

Permanent Partial Impairment / Permanent Disability:

- The employee received a prior body as a whole impairment and was determined to be permanently partial disabled prior to her original settlement. This resulted in a compromise of closed indemnity review and modification but open medical for \$65,000.00 in 2010.

Subrogation / Other Issues:

- The claimant is a Medicare beneficiary and Medicare interests are to be considered
- The current conservative treating physician, Dr. Aks, has dismissed clmt. from his practice due to aggressive behavior opening her claim up to newer, less conservative treatment.

Plan of Action:

- Counsel has requested authorization to offer claimant up to \$30,000 as incentive to close out her future medical care, full and final
- A pre-emptive Medicare Set Aside has been completed and is pending CMS approval which will include an additional estimated medical payment of approximately \$24,000.00.



Claim Summary – Reserve Advisory

Employer:	Mitchell County	Date of Injury:	01/14/2020
Claim No.:	20802701	Job Description:	911 Director
Employee Age:	42	Updated:	3/17/2020
AWW:	1,035.27	TTD Rate:	666.00
Attorneys:	NONE	Employer:	NONE

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 32,000.00	\$ 10,123.20	\$ 0.00	\$ 550.00	\$ 4,925.00	\$ 47,598.20
Amount Paid:	\$ 3,114.59	\$ 0.00	\$ 0.00	\$ 0.00	\$ 103.09	\$ 3,217.68
Outstanding:	\$ 28,885.41	\$ 10,123.20	\$ 0.00	\$ 550.00	\$ 4,821.91	\$ 44,380.52

Accident Description / Nature of Injury:

- The employee injured her left ankle as she twisted it after slipping on ice and stepping off of a curb while checking the mail.

Investigation / Compensability:

- This is an acute and compensable injury with no pre-existing defenses.

Medical Management:

- The claimant was seen at the Beloit Medical Center originally and later referred to Dr. McAtee for a possible tendon injury. Dr. McAtee requested authorization for a left ankle examination under anesthesia, arthroscopy, and exploration of peroneal tendons and repair of peroneus brevis. This was authorized and surgery performed on 3/11/2020.

Periods of Disability:

- The claimant has been off of work since her surgery on 3/11 and plans to return to work on 3/25.

Permanent Partial Impairment / Permanent Disability:

- The claimant is anticipated to receive an impairment rating of 8% to the ankle and her file is reserved for the same

Subrogation / Other Issues:

- The claimant fell on the employer’s owned and maintained premises and there is no means of subrogation

Plan of Action:

- I will follow up with the employer after claimant’s post-operative appointment to confirm she has returned to work
- I will work with the claimant to establish a post-surgical rehabilitation plan of action
- Once claimant has been released at MMI I will request a rating an attempt to settle her file full and final



Claim Summary – Reserve Advisory

Employer: Osborne County	Date of Injury: 01/27/2020
Claim No.: 20804831	Job Description: Heavy Equipment Operator
Employee Age: 63	Updated: 3/17/2020
AWW: 528.18	TTD Rate: 352.13
Attorneys: NONE	Employer: NONE

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 24,550.00	\$ 6,239.70	\$ 0.00	\$ 550.00	\$ 3,857.50	\$ 35,197.20
Amount Paid:	\$ 1,542.36	\$ 0.00	\$ 0.00	\$ 0.00	\$ 112.47	\$ 1,654.83
Outstanding:	\$ 23,007.64	\$ 6,239.70	\$ 0.00	\$ 550.00	\$ 3,745.03	\$ 33,542.37

Accident Description / Nature of Injury:

- The employee suffered an injury as he was getting in a motor grader. He had stepped on the motor grader’s blade which was down, then as he tried to enter the grader at a distance of about 1-2 feet he felt the knee pop.

Investigation / Compensability:

- It was discovered that the employee has underlying and degenerative issues to the left knee which were thought to be contributing to his current injury. The prevailing factor was requested of the specialist and work has been found to be the prevailing factor for his need of current treatment.

Medical Management:

- The claimant was treated at the Goad clinic where an MRI was ordered. The MRI showed a meniscus tear to the left knee as well as underlying findings. The claimant was sent to Dr. Michael Johnson at Salina Orthopedics who found that his underlying osteoarthritis is not the result of the work injury however his tear is the result of the work injury and surgery is needed. His surgery has been authorized to be performed this month.

Periods of Disability:

- The claimant missed 6 days of work post injury but has since returned to work light duty.

Permanent Partial Impairment / Permanent Disability:

- The claimant is anticipated to receive an impairment of 5% to the left knee and the file is reserved for the same.

Subrogation / Other Issues:

- There are no other issues at this time.

Plan of Action:

- I will work with the employer to bring the claimant back to work after his surgery in a light duty position
- I will monitor his medical care for relatedness to the injury
- Once the claimant is at MMI I will request a rating and attempt to settle his file full and final.



Claim Summary – Reserve Advisory

Employer:	Rush County	Date of Injury:	01/14/2020
Claim No.:	20809840	Job Description:	Volunteer Firefighter
Employee Age:	59	Updated:	3/17/2020
AWW:	Volunteer	TTD Rate:	\$666, Max Rate
Attorneys:	NONE	Employer:	NONE

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 22,400.00	\$ 10,656.00	\$ 0.00	\$ 550.00	\$ 3,255.00	\$ 36,861.00
Amount Paid:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Outstanding:	\$ 22,400.00	\$ 10,656.00	\$ 0.00	\$ 550.00	\$ 3,255.00	\$ 36,861.00

Accident Description / Nature of Injury:

- The employee was injured as he exited a fire truck down the stairs in full gear twisting his left knee as well as pulling the fire hose from up and behind his L shoulder to fight the same fire.

Investigation / Compensability:

- The employee reported the injury to his Fire Chief timely, however, the supervisor reported his claim to an incorrect carrier. We were not informed of the injury until March however our investigation found that the employee did meet his burden of timely reporting to his employer.

Medical Management:

- The claimant was seen at Rush County Clinic and had physical therapy to the left knee and left shoulder. A left knee MRI was ordered showing a meniscus tear. He was referred to Dr. Hildebrand at Central KS Orthopedics who requested a left knee arthroscopic repair. This has been authorized and will be performed in April.

Periods of Disability:

- The employee is estimated to receive up to 8 weeks off of work post-surgery

Permanent Partial Impairment / Permanent Disability:

- It is estimated that the employee will receive an impairment rating to the knee of 4% and the file is reserves for the same. At this time it is unknown if he will suffer any additional impairment for his injury to the left shoulder.

Subrogation / Other Issues:

- There are no other issues.

Plan of Action:

- I will work with the claimant post-surgery to determine a plan of action regarding his physical therapy needs as well as a plan to return him to employment in at minimum a modified duty capacity.
- Ultimately a rating will be request for the L knee and we will attempt to settle his file full and final