

KWORCC Select Claims Report
Presented September 24, 2020



Claim Summary – Reserve Advisory

Employer:	Hamilton Health Systems	Date of Injury:	02/22/2020
Claim No.:	20808747	Job Description:	Housekeeper
Employee Age:	36	Updated:	9/15/2020
AWW:	499.00	TTD Rate:	0.00
Attorneys:	n/a	Employer:	n/a

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 29,250.00	\$ 3,389.36	\$ 0.00	\$ 550.00	\$ 4,697.50	\$ 37,886.86
Amount Paid:	\$ 2,841.09	\$ 0.00	\$ 0.00	\$ 0.00	\$ 207.41	\$ 3,048.50
Outstanding:	\$ 26,408.91	\$ 3,389.36	\$ 0.00	\$ 550.00	\$ 4,490.09	\$ 34,838.36

Accident Description / Nature of Injury:

- The employee was injured she carried a heavy trash bag to a dumpster, when she lifted the trash she felt her R elbow pop. The pain extended down her right arm to her wrist.

Investigation / Compensability:

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

Medical Management:

- The claimant treated with Dr. Neel, orthopedics for an elbow injury with negative MRI findings. After eight months of conservative care to include physical therapy, light duty and injection she had minimal improvement. As Dr. Neel took temporary medical leave her care was reassigned to Dr. Do at Mid America Orthopedics who has recommended a right elbow lateral epicondyle release with debridement and treatment as indicated which is authorized and pending.

Periods of Disability:

- The claimant has been accommodated since her injury date and minimal to no lost time is anticipated post-surgery.

Permanent Partial Impairment / Permanent Disability:

- The claimant is estimated to receive an impairment of 4% and her file is reserved for the same

Subrogation / Other Issues:

- N/a

Plan of Action:

- I will confirm the claimant is able to return to work light duty post-surgery
- Medical records and treatment will be managed to ensure progression in her care and intervention as needed
- Once the claimant is at MMI I will request PPI rating and then attempt to settle her file full and final



Claim Summary – Settlement Request

Employer:	Meade County	Date of Injury:	07/04/2012
Claim No.:	2012043382	Job Description:	Former Corr. Officer
Employee Age:	62	Updated:	9/15/2020
AWW:	370.15	TTD Rate:	246.78
Attorneys:	Melinda Young	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$255,931.00	\$ 104,688.82	\$ 0.00	\$ 8,500.00	\$ 15,000.00	\$ 384,119.82
Amount Paid:	\$127,053.97	\$ 104,688.82	\$ 0.00	\$ 3,575.09	\$ 9,465.47	\$ 244,783.35
Outstanding:	\$128,877.03	\$ 0.00	\$ 0.00	\$ 4,924.91	\$ 5,534.53	\$ 139,336.47

Accident Description / Nature of Injury:

- The claimant was assaulted by an inmate during the course of a jail escape, resulting in multiple facial fractures and subdermal hematoma as well as alleged subsequent PTSD.

Investigation / Compensability:

- The employee was in the course and scope of his employment and the event was accepted as compensable

Medical Management:

- The claimant has not had the need for treatment to alleviate his physical injuries for many years and his care has centered around the PTSD diagnosis instead. Post settlement the claimant has received continuing ongoing care for PTSD including psychiatric care and medications. Review of the records indicate that his psychiatric concerns are increasingly centered more around personal issues including the death of his wife and custody of his child thus a second opinion IME was obtained with Dr Barnett. Dr. Barnett found that his need for continued psychiatric care and medications are at this time more closely related to his personal life issues versus the work injury and opined that he would be at MMI if not for the unrelated personal life events. Since prior presentation, claimant’s counsel has obtained a counter opinion from the prior authorized treating physician on the case recommending a case manager to help claimant with daily functioning. This could include but not be limited to financial guidance, grooming, food preparation, etc.

Periods of Disability:

- The claimant missed approximately 16 weeks of work post injury and returned for a short time later being dismissed for poor job performance. He was unable to locate steady employment post event and found to be disabled based on his task loss.

Permanent Partial Impairment / Permanent Disability:

- The claimant received a prior settlement for \$100,000.00 closing his indemnity and review and modification and leaving his medical benefits only. Claimant received a significant task loss and is on SSDI benefits.

Subrogation / Other Issues:

- The injury resulted as a result of an assault. Therefore restitution was the means of subrogation.
- The claimant is a Medicare beneficiary and their interests will need considered at time of further settlement.

Plan of Action:

- The case manager recommendation from an authorized treating physician increases the exposure on the claim dramatically. Based on a simple average estimate of \$15,515.57 per year for over 22 years, the minimum exposure would head towards over \$340,000 over his lifetime.
- The current settlement plan is directed towards a court order denying future psychiatric treatment, cash incentive to convince claimant to consider an MSA followed by a MSA approved by CMS. The primary issue at this time is the cash incentive, without claimant agreement there will be no MSA.
- Settlement authority is requested in the amount of up to \$38,500 as an incentive to be offered in exchange for claimant's agreement to participate in the MSA process and close out the open comp case. It remains to be seen whether an acceptable MSA can be obtained however that will never be known if the underlying agreement cannot be reached.



Claim Summary – Reserve Advisory

Employer:	Pratt County	Date of Injury:	08/04/2020
Claim No.:	20823435	Job Description:	Noxious Weed Employee
Employee Age:	78	Updated:	9/15/2020
AWW:	222.51	TTD Rate:	148.34
Attorneys:	n/a	Employer:	n/a

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 20,700.00	\$ 2,718.78	\$ 0.00	\$ 550.00	\$ 3,350.00	\$ 27,318.78
Amount Paid:	\$ 480.24	\$ 0.00	\$ 0.00	\$ 0.00	\$ 290.79	\$ 771.03
Outstanding:	\$ 20,219.76	\$ 2,718.78	\$ 0.00	\$ 550.00	\$ 3,059.21	\$ 26,547.75

Accident Description / Nature of Injury:

- As the employee lifted a 41 pound box of herbicide into a spray rig he felt snap in right arm and associated pain.

Investigation / Compensability:

- The employee was found to be in the course and scope of his employment and no pre-existing defenses are found.

Medical Management:

- An MRI was taken of the arm which showed a near complete tear of the distal bicep tendon and partial intra-substance tears. He later saw Dr. Strickland at Mid America Orthopedics who performed a surgical repair of the same. He is now in post-operative rehabilitative care.

Periods of Disability:

- The claimant has been off of work since his surgery date of 9/03 as he is unable to be accommodated at work but is anticipated to return to work in less than two weeks.

Permanent Partial Impairment / Permanent Disability:

- The file is reserves for an estimated PPI of 5% to the right arm.

Subrogation / Other Issues:

- The claimant is a Medicare beneficiary and Medicare’s interests will need considered at time of settlement.

Plan of Action:

- I will continue to work with the employer to locate an accommodated position
- Due to claimant’s age he may require a more extensive rehabilitation period and his medical will be reviewed for progression
- Once the claimant is at MMI I will request a rating report and attempt to settle the file full and final with the claimant