

KWORCC Select Claims Report

Presented March 31, 2022



Claim Summary – Reserve Advisory

Employer:	Ellis County	Date of Injury:	08/14/2021
Claim No.:	21858623	Job Description:	Deputy
Employee Age:	27	Updated:	3/17/2022
AWW:	881.40	TTD Rate:	587.62
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 27,775.00	\$ 7,639.06	\$ 0.00	\$ 550.00	\$ 3,516.25	\$ 39,480.31
Amount Paid:	\$ 2,124.47	\$ 0.00	\$ 0.00	\$ 0.00	\$ 627.71	\$ 2,752.18
Outstanding:	\$ 25,650.53	\$ 7,639.06	\$ 0.00	\$ 550.00	\$ 2,888.54	\$ 36,728.13

Accident Description / Nature of Injury:

- While examining the undercarriage of a patrol vehicle, the Deputy stooped and kneeled with his heal underneath his buttocks. While doing so he felt multiple pops in his right knee.

Investigation / Compensability:

- The employee is a coach for a school wrestling team and the plausibility of pre-existing issues to the knee or intervening events was investigated. Our investigation concluded that the employee suffered an acute work event and the file is accepted as compensable.

Medical Management:

- The employee sought initial care at Worksmart occupational clinic followed by physical therapy. Ultimately an MRI was taken showing a right knee meniscus tear. The employee was then referred to Dr. Hildebrand at Central Ks Orthopedics. Dr. Hildebrand found his work event to be the prevailing factor for his need of treatment and his acute tear. He recommended a right knee arthroscopy with possible partial medial meniscectomy as indicated. This is authorized and will be performed in April.

Periods of Disability:

- The employee has not missed any work as a result of his work related event and is anticipated to return to work light duty post-surgery.

Permanent Partial Impairment / Permanent Disability:

- The employee is estimated to receive an impairment of 5% to the right knee and the file is reserved for the same.

Subrogation / Other Issues:

- N/A

Plan of Action:

- I will work with the employer to bring the employee back to a light duty position post-surgery
- I will review medical and follow up with claimant to ensure he is healing as expected
- Once at MMI I will request a rating and attempt to settle the file, full and final



Claim Summary – Reserve Advisory

Employer:	Lyon County	Date of Injury:	02/22/2022
Claim No.:	22877976	Job Description:	Bus Driver
Employee Age:	69	Updated:	3/16/2022
AWW:	462.82	TTD Rate:	308.56
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 16,850.00	\$ 12,174.02	\$ 0.00	\$ 600.00	\$ 2,527.50	\$ 32,151.52
Amount Paid:	\$ 97.39	\$ 527.63	\$ 0.00	\$ 0.00	\$ 24.81	\$ 649.83
Outstanding:	\$ 16,752.61	\$ 11,646.39	\$ 0.00	\$ 600.00	\$ 2,502.69	\$ 31,501.69

Accident Description / Nature of Injury:

- The employee is a bus driver for Lyon County Transportation. While walking to assist with the doors of the wheelchair lift, he stepped down from the curb and lost his footing on the ground. He landed on his right shoulder.

Investigation / Compensability:

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

Medical Management:

- Initial medical care was sought at Newman Express Care, where the claimant was diagnosed with a right proximal humerus fracture. Follow up care has been with Dr. Stull, orthopedic surgeon, who is attempting to treat claimant with non-surgical intervention. The employee will recheck periodically to obtain repeat radiology to monitor the bone healing progression.

Periods of Disability:

- The employee missed less than two weeks of work and has since returned back to a light duty position of employment.

Permanent Partial Impairment / Permanent Disability:

- The employee is expected to receive a PPI rating of 5% to the right arm and the file is reserved for the same.

Subrogation / Other Issues:

- The fall took place on the premises of a local chiropractor’s parking lot, subrogation plausibility will be reviewed.
- The claimant is a Medicare beneficiary and any settlement of his file will entail the satisfaction of Medicare interests.

Plan of Action:

- I will work with the provider and employee to ensure he is healing as expected and no intervention is needed.
- I will continue to support the employer in the maintaining of light duty accommodation.
- Subrogation review will be completed and pursued as applicable.
- Once the claimant is at MMI I will attempt to settle his claim full and final. Due to Medicare interests the consideration of a Medicare set aside versus open medical rights will be considered.



Claim Summary – Settlement Request

Employer:	Reno County	Date of Injury:	04/09/2021
Claim No.:	21846769	Job Description:	Former Youth Detention Officer
Employee Age:	58	Updated:	3/16/2022
AWW:	1,043.23	TTD Rate:	687.00
Attorneys:	Jeff Cooper	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 36,500.00	\$65,366.00	\$ 0.00	\$ 8,500.00	\$ 4,200.00	\$114,566.00
Amount Paid:	\$9,436.58	\$ 10,305.00	\$ 0.00	\$ 571.80	\$ 246.56	\$ 20,559.94
Outstanding:	\$27,063.42	\$55,061.00	\$ 0.00	\$ 7,928.20	\$ 3,953.44	\$94,006.06

Accident Description / Nature of Injury:

- While giving a youth a portable DVD player, the youth thrust the DVD player downward on to the claimant’s left leg (knee) and struck her in the head with his hand.

Investigation / Compensability:

- The event was documented on video and not questioned, however the videoed event did not match the severity of the symptomology described by the claimant.
- At the time of the incident the claimant was still recovering from injuries suffered in a non-work-related motor vehicle accident in 2020. We discovered the claimant’s settlement brochure associated with that claim wherein she asserts essentially the same symptom complex that she attributes to the work accident.

Medical Management:

- The claimant received minor, conservative care pending a prevailing factor opinion with Dr. Sand, neurologist. Dr. Sand’s opinion was generally unclear, but certainly did not concretely relate any of the “new” symptomology of claimant to the 4/9/2021 work event. The claimant had only been released from her head injury for the non-work related vehicle accident within a few weeks of the work event. Based on the unclear evidence tying any new symptomology to the April 2021 incident, continued care was denied as an aggravation of her prior and pre-existing condition. The claimant obtained counsel and was sent for a subsequent medical evaluation with Dr. Murati who found that the April 2021 work event was the cause of her continued concussion symptomology. We have since scheduled three IME appointments with Dr. Wheeler, Dr. Eva Henry and Dr. Hufford to assess the validity of the opinions of Dr. Murati who neither had the video or access to the prior settlement evaluation from the auto event for review in making his decision.

Periods of Disability:

- The claimant was paid TTD benefits for approximately 14 week as we awaited the initial prevailing factor opinion of Dr. Sand. Dr. Sand did recommend that the claimant avoid working in situations where she could be subjected to yet an additional head injury. Since work at the detention center posed such a risk, the claimant initially elected to resign but later took the position that the County was unable to accommodate Dr. Sand’s restrictions.

Permanent Partial Impairment / Permanent Disability:

- The claimant is alleging that she is permanently totally disabled as a result of the work injury.

Subrogation / Other Issues:

- The Administrative Law Judge could completely disregard the opinion of Dr. Murati and find that the claimant simply did not suffer any additional PPD particularly given the demands she made and settlement she received with respect to the motor vehicle accident. The claimant, however, is convinced that she has suffered injury at work and will make every effort to convince all three of the pending IME doctors as well as the Administrative Law Judge that she had managed to be back at work for eight (8) months and was able to work until such time that the new injury occurred. The judge will have to decide whether the new incident was solely an aggravation of a pre-existing condition or did it, in fact, cause some new structural issue within the claimant's head resulting in more significant symptomatology. Unfortunately, this is a case that, more probably than not, has an all or nothing conclusion.
- The claimant has been approved for KPERS disability. In order to receive KPERS disability, the claimant is required to pursue Social Security Disability as well. Although I do not believe the claimant is currently a Medicare beneficiary, Medicare's interest would need to be taken into consideration as part of any settlement agreement

Plan of Action:

- Due to the expense of litigating the case, the exposure if determined compensable and the possible future Medicare interests, counsel and I would like to pursue an effort to resolve the file short of a final decision via the judge.
- Counsel will make every effort to resolve the case via an award of partial deniability to the head, which will limit any future medical benefits via the Medicare Set Aside.
- Request is made of the board to settle the file, full and final, in the amount of up to \$55,0000
- An additional Medicare Set Aside will likely be performed, with the attempted exclusions previously described, with an estimated value of less than \$10,000.



Claim Summary – Reserve Advisory

Employer:	Sherman County	Date of Injury:	01/03/2022
Claim No.:	22874309	Job Description:	EMT
Employee Age:	40	Updated:	3/17/2022
AWW:	781.56	TTD Rate:	521.06
Attorneys:	Randy Stalcup	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 31,500.00	\$ 23,216.00	\$ 0.00	\$ 9,500.00	\$ 4,760.00	\$ 68,976.00
Amount Paid:	\$ 7.91	\$ 0.00	\$ 0.00	\$ 0.00	\$ 26.72	\$ 34.63
Outstanding:	\$ 31,492.09	\$ 23,216.00	\$ 0.00	\$ 9,500.00	\$ 4,733.28	\$ 68,941.37

Accident Description / Nature of Injury:

- The employee states that on 01/03/22 she was getting a jump bag off the wall to go on a call when she "tweaked" her right shoulder and neck area. The next morning she got up and it felt like "she slept on it wrong".

Investigation / Compensability:

- The claim was denied based on multiple inconsistencies regarding the alleged mechanism and relation of injury to work activities.

Medical Management:

- The employee did not report the alleged event to the employer until 1/18 after returning from a ski vacation. She had already sought treatment on her own with her primary care provider, and did not report the injury as work related rather stating it was without precipitating event. Further calls to the medical providers showed that she had received prior care to the same extremity before her work event, although she denied the same. The claimant received chiropractic care, a CT showing underlying degenerative spondylosis and a referral to an orthopedic spine specialist all under her personal health care insurance due to the denial under the worker’s compensation claim. The claimant has obtained legal representation in order to dispute the deniability of her file.

Periods of Disability:

- The claimant is off of work, however no TTD benefits have been paid on the file due to the denied status.

Permanent Partial Impairment / Permanent Disability:

- Due to litigation it is anticipated that a settlement will be reached to conclude the file. Reserves are set for a general settlement without PPI apportioned in the amount of \$23,216. This will be re-evaluated as the claim progresses.

Subrogation / Other Issues:

- N/A

Plan of Action:

- Counsel will obtain an order of production to receive prior medical records to support the pre-existing condition defense.

- Further investigation to include witness and provider testimony will be performed to again bolster the deniability defense.
- Ultimately, the claim will likely be settled via a nuisance settlement or we will be obligated to pay some portion of care to settlement. I will work with counsel to mitigate the costs on the questionable file as it progresses.