

KWORCC Select Claims Report

Presented September 22, 2022



Claim Summary – Reserve Advisory

Employer:	Finney County	Date of Injury:	09/02/2022
Claim No.:	22893352	Job Description:	Field Appraiser
Employee Age:	57	Updated:	9/12/2022
AWW:	728.80	TTD Rate:	485.89
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 51,000.00	\$ 28,661.36	\$ 0.00	\$ 600.00	\$ 8,250.00	\$ 88,511.36
Amount Paid:	\$ 250.38	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 250.38
Outstanding:	\$ 50,749.62	\$ 28,661.36	\$ 0.00	\$ 600.00	\$ 8,250.00	\$ 88,260.98

Accident Description / Nature of Injury:

- While entering an elevator to go to the basement of the county building the employee tripped on the elevator seam and used her right arm to catch her fall dislocating the right shoulder.

Investigation / Compensability:

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

Medical Management:

- Initial care was sought at St. Catherine’s ER where she was diagnosed with a right shoulder dislocation. Attempts were made to correct the dislocation which were unsuccessful. Due to increased pain and difficulties with basic activities I redirected the claimant to Dr. Do at Mid America Orthopedics for a second opinion. With additional imaging Dr. Do was able to confirm that the employee had an impaction fracture to the right shoulder and a complete dislocation that required an open reduction. This was authorized and performed on 9/9. Due to the severity of the dislocation Dr. Do opines that the claimant will be at increased risk for repeat dislocations and may require an additional surgery to include a tendon transfer to prevent the same.

Periods of Disability:

- The claimant is able to be accommodated by the employer with no compensable lost time owed at this time.

Permanent Partial Impairment / Permanent Disability:

- It is estimated that a PPI rating will be received of 8% and I have reserved the file for the same.

Subrogation / Other Issues:

- N/A

Plan of Action:

- I will monitor the medical progression of the employee to ensure no intervention is needed such as a second opinion or nurse case management assignment.
- Once the claimant is at MMI I will request a rating and attempt to settle the claim full and final.



Claim Summary – Reserve Advisory

Employer:	Haskell County	Date of Injury:	06/11/2022
Claim No.:	22887732	Job Description:	Former Deputy
Employee Age:	26	Updated:	9/12/2022
AWW:	1,179.93	TTD Rate:	737.00
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 27,000.00	\$ 26,532.00	\$ 0.00	\$ 600.00	\$ 4,700.00	\$ 58,832.00
Amount Paid:	\$ 2,439.35	\$ 5,159.00	\$ 0.00	\$ 0.00	\$ 130.86	\$ 7,729.21
Outstanding:	\$ 24,560.65	\$ 21,373.00	\$ 0.00	\$ 600.00	\$ 4,569.14	\$ 51,102.79

Accident Description / Nature of Injury:

- The employee attempted to break the window of a vehicle with an unresponsive driver. As he used his baton by swinging his arm back and forth he felt a pop in his right shoulder area.

Investigation / Compensability:

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

Medical Management:

- The employee was referred to an orthopedic provider due to complaints of severe pain. After consult with Dr. Pat Do at Mid America Orthopedics the claimant was diagnosed with a right shoulder posterior inferior labral tear. Surgery was requested and performed. The employee is now participating in post-operative physical therapy and progressing.

Periods of Disability:

- The employee was unable to be accommodated at his workplace post injury and ultimately submitted a notice of resignation. As the employer was unable to accommodate his restrictions pre-resignation, he is eligible for continued TTD benefits. He has received 7 weeks of TTD pay at the max benefit rate to date.

Permanent Partial Impairment / Permanent Disability:

- The employee is expected to receive a PPI rating of 8% to the shoulder and the file is reserved for the same.

Subrogation / Other Issues:

- Although the case is currently non-litigated the employee has shared that he feels he was forced to resign due to discrimination and is seeking counsel regarding the same. It is possible this claimant will retain counsel in the near future to include the worker’s compensation claim.

Plan of Action:

- I will continue to maintain close contact with claimant and attempt to avoid litigation.
- Surveillance may be considered to ensure the employee is not working secondary employment as he is known to “flip” houses in his spare time.
- I will assist the employee with his medical needs until he reaches MMI at which time I will attempt to settle his claim, full and final



Claim Summary – Settlement Request

Employer:	Miami County	Date of Injury:	09/12/2020
Claim No.:	20827045	Job Description:	Former Deputy Jailer
Employee Age:	39	Updated:	9/12/2022
AWW:	854.51	TTD Rate:	569.70
Attorneys:	James Biggs	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 21,279.52	\$ 45,000.00	\$ 0.00	\$ 8,600.00	\$ 2,497.59	\$ 77,377.11
Amount Paid:	\$ 4,699.52	\$ 0.00	\$ 0.00	\$ 445.95	\$ 477.89	\$ 5,623.36
Outstanding:	\$ 16,580.00	\$ 45,000.00	\$ 0.00	\$ 8,154.05	\$ 2,019.70	\$ 71,753.75

Accident Description / Nature of Injury:

- While attempting to remove an inmate from a cell the inmate detached the employee’s riot helmet. The inmate then struck the employee with a hard plastic tray. This resulted in lacerations and abrasions to the nose bridge and forehead.

Investigation / Compensability:

- The employee was in the course and scope of employment and the mechanism is accepted as compensable.
- Initial medical care was authorized, however when the claimant resurfaced more than seven months later we questioned if the new symptoms were consistent with the normal pattern for a concussion.

Medical Management:

- The claimant sought care at Olathe Health Paola where he received sutures for his head laceration. He denied any symptoms of a closed head injury such as nausea, dizziness, headaches, etc. After three medical visits, he was released at maximum medical improvement. Approximately seven months later, he reported new onset of headaches, slurred speech and difficulty paying attention. We requested a medical release from the claimant to send for an independent medical exam. This exam would be used to determine if the new symptoms were related to the original event. The employee was resistant to release his prior medical history and obtained an attorney. It was later discovered he had a 100% military disability including prior head trauma. The employee has since sought unauthorized medical care with Dr. Appelbaum, neurologist, who has recommended speech and cognitive therapy, imaging and medications. A consult with Dr. Wheeler resulted in the need for a referral to a neuropsychologist, which is pending.

Periods of Disability:

- The claimant did not miss any time from work over the seven-day waiting period while working for the county. He has since resigned and is working for a new employer.

Permanent Partial Impairment / Permanent Disability:

- The claimant has not yet been apportioned an impairment rating, however it is estimated that he will ultimately receive a court ordered IME rating in the range of 12.5 percent to the body as a whole.

Subrogation / Other Issues:

- This claim is eligible for restitution however; the county attorney has declined to pursue restitution at this time due to the assailant's mental health and unlikely recovery.

Plan of Action:

- To litigate the file it is necessary to authorize the neuropsychological testing, which will cost approximately \$6,000. We will also be responsible for the fees of additional IME exams and any medical costs ordered by the judge, which may include speech and cognitive therapy, radiology of the brain and medications. PPI benefits awarded will be beyond this.
- Due to the claimant's veteran status and the courts general regard for the same as well as an appreciation for Dr. Appelbaum, the odds are in favor of the claimant at this time.
- To avoid further litigation, medical costs and to seek a complete resolve counsel has requested settlement authority of up to \$45,000 to settle the claim full and final.



Claim Summary – Reserve Advisory

Employer:	Rush County	Date of Injury:	06/09/2022
Claim No.:	22887575	Job Description:	Truck Driver
Employee Age:	62	Updated:	9/12/2022
AWW:	735.55	TTD Rate:	490.39
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 44,400.00	\$ 10,942.34	\$ 0.00	\$ 600.00	\$ 7,500.00	\$ 63,442.34
Amount Paid:	\$ 22,907.13	\$ 907.36	\$ 0.00	\$ 0.00	\$ 3,524.58	\$ 27,339.07
Outstanding:	\$ 21,492.87	\$ 10,034.98	\$ 0.00	\$ 600.00	\$ 3,975.42	\$ 36,103.27

Accident Description / Nature of Injury:

- While driving a truck with a load of sand the employee rounded a curve on a road with a sharp lip to the shoulder. The truck’s tire went over the side and as he attempted to correct the truck rolled multiple times. The employee landed upside down hanging from his seatbelt until able to be extracted.

Investigation / Compensability:

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

Medical Management:

- The employee was seen at the Hays Medical Center ER where he was diagnosed with a friction burn of the abdomen and a skin tear of the left forearm. His large abdominal wound failed to heal leading to a referral to outpatient wound care services. The employee has continued outpatient wound care and taken antibiotics to attempt to heal the necrotic wound. The wound care specialist estimates it will take up to two more months for the wound to heal.

Periods of Disability:

- The employee missed just over one week of work and has now returned to regular duties.

Permanent Partial Impairment / Permanent Disability:

- The employee is expected to receive a general body disability which may require a self-administered Medicare Set Aside of up to \$3,000, the file is reserved for the same.

Subrogation / Other Issues:

- N/A

Plan of Action:

- I will review the medical notes and plan of the provider to ensure no intervention is needed. If the wound continues to fail to heal a nurse case manager will be assigned or a second opinion will be requested for alternative suggestions.
- Once the clmt is at MMI I will evaluate any future medical needs for a possible self-administered Medicare Set Aside and attempt to settle the claim, full and final.