

KWORCC Select Claims Report

Presented May 18, 2023



Claim Summary – Reserve Advisory

Employer:	Bourbon County	Date of Injury:	03/20/2023
Claim No.:	231085228	Job Description:	Truck Driver
Employee Age:	75	Updated:	5/8/2023
AWW:	499.00	TTD Rate:	0.00
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 32,000.00	\$ 12,500.00	\$ 0.00	\$ 600.00	\$ 4,500.00	\$ 49,600.00
Amount Paid:	\$ 114.55	\$ 0.00	\$ 0.00	\$ 0.00	\$ 52.67	\$ 167.22
Outstanding:	\$ 31,885.45	\$ 12,500.00	\$ 0.00	\$ 600.00	\$ 4,447.33	\$ 49,432.78

Accident Description / Nature of Injury:

- The employee was squatted down under a truck on a creeper. He used his leg to push the creeper forward, however the wheels were locked causing him to hyperextend and twist the right knee then fall onto the knee.

Investigation / Compensability:

- The employee was in the course and scope of his employment.
- Due to the age of the employee, we did question any contributing chronic or degenerative changes, the provider found work to be the prevailing factor for his injury.

Medical Management:

- An MRI was taken of the right knee which showed radial tearing of the posterior horn of the meniscus. Dr. Grantham with Mercy Orthopedics requested authorization to perform a right knee arthroscopy with partial medial meniscectomy. This was authorized and performed, the employee is healing well.

Periods of Disability:

- The employee has not missed time from work greater than 7 days and returned to work within 3 days of his operation.

Permanent Partial Impairment / Permanent Disability:

- General reserves are set with an expectation to settle the claim under \$12,500 including general funds for an estimated analytic powered MSA.

Subrogation / Other Issues:

- The employee is a Medicare beneficiary, any settlement will involve the satisfaction of their interests.

Plan of Action:

- We will work with the employee and the medical providers to ensure claimant is progressing as expected.
- Once the claimant is at MMI we will request a Medicare set aside estimate to determine any future medical needs.
- Once the MSA is obtained and a PPI rating, we will attempt to settle the claim with claimant full and final.



Claim Summary – Reserve Advisory

Employer:	Finney County	Date of Injury:	03/24/2023
Claim No.:	231085549	Job Description:	Equipment Operator
Employee Age:	56	Updated:	5/8/2023
AWW:	1,107.62	TTD Rate:	738.45
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 24,150.00	\$ 10,338.30	\$ 0.00	\$ 600.00	\$ 3,700.00	\$ 38,788.30
Amount Paid:	\$ 32.66	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 32.66
Outstanding:	\$ 24,117.34	\$ 10,338.30	\$ 0.00	\$ 600.00	\$ 3,700.00	\$ 38,755.64

Accident Description / Nature of Injury:

- While stepping off his motor grader the employee stepped backwards into a hole, twisting his left knee.

Investigation / Compensability:

- The employee was in the course and scope of his employment and has sought no prior care to his left knee, the claim is accepted as compensable.

Medical Management:

- The employee was referred to Mid America Orthopedics. Dr. Pat Do evaluated the employee as well as his MRI and recommended a left knee arthroscopy, partial medial meniscectomy vs repair and treatment as indicated. This was authorized and the surgery is complete. The employee is healing post operatively and progressing well. He currently is working with physical therapy to advance his range of motion.

Periods of Disability:

- The employee is accommodated at work light duty and has missed no time from work over the seven-day waiting period.

Permanent Partial Impairment / Permanent Disability:

- It is estimated that the employee will receive a PPI rating of 6% and the file is reserved for the same.

Subrogation / Other Issues:

- N/A

Plan of Action:

- I will oversee the employee’s progression through his post operative care and work status with the county.
- Once the clmt. is at MMI, I will request the PPI rating.
- Once the rating is received, I will attempt to settle the claim full and final.



Claim Summary – Reserve Advisory

Employer:	Osage County	Date of Injury:	02/11/2023
Claim No.:	23902338	Job Description:	Sheriff
Employee Age:	47	Updated:	5/8/2023
AWW:	1,203.86	TTD Rate:	765.00
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 31,250.00	\$ 6,000.00	\$ 0.00	\$ 600.00	\$ 4,500.00	\$ 42,350.00
Amount Paid:	\$ 381.47	\$ 0.00	\$ 0.00	\$ 0.00	\$ 41.05	\$ 422.52
Outstanding:	\$ 30,868.53	\$ 6,000.00	\$ 0.00	\$ 600.00	\$ 4,458.95	\$ 41,927.48

Accident Description / Nature of Injury:

- While on the county premises obtaining gas from a county owned fuel pump, the employee tripped on a rubber mat that was attached to the ground. He landed on his right knee with his right arm on the gas pump twisting and hyper abducting the right shoulder in the process.

Investigation / Compensability:

- The employee was in the course and scope of his employment, and he denies prior care or injury to the right shoulder before this claim, the incident is accepted as compensable.

Medical Management:

- An MRI was ordered showing a traumatic bursal sided tear and articular sided tear of the supraspinatus and infraspinatus tendon. The claimant was referred to Dr. Poole at Stormont Vail Orthopedics who recommended a right shoulder arthroscopy with rotator cuff repair vs. debridement. This was authorized and is to be performed this month.

Periods of Disability:

- The employee is not expected to miss any work because of the work-related injury.

Permanent Partial Impairment / Permanent Disability:

- The employee is expected to receive a rating of 4% to the shoulder and the file is reserved for the same.

Subrogation / Other Issues:

- N/A

Plan of Action:

- I will keep in contact with the employee after his surgery to ensure he is progressing as expected.
- I will facilitate post operative physical therapy for the employee.
- 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:	Pottawatomie County	Date of Injury:	12/12/2022
Claim No.:	22899164	Job Description:	Paramedic
Employee Age:	39	Updated:	4/30/2023
AWW:	1,037.10	TTD Rate:	691.43
Attorneys:	Keith Mark	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 33,500.00	\$ 57,680.02	\$ 0.00	\$ 11,000.00	\$ 9,500.00	\$ 111,680.02
Amount Paid:	\$ 6,662.64	\$ 13,137.17	\$ 0.00	\$ 0.00	\$ 4,414.04	\$ 24,213.85
Outstanding:	\$ 26,837.36	\$ 44,542.85	\$ 0.00	\$ 11,000.00	\$ 5,085.96	\$ 87,466.17

Accident Description / Nature of Injury:

- While responding to a lift assist call, the employee tried to move an immobile patient from a chair to a bed. The employee reported pain and tightness in his lower back.

Investigation / Compensability:

- The employee was in the course and scope of his employment at the time of the event.
- The employee has significant pre-existing back complaints that are contributory, and the prevailing factor is under investigation.

Medical Management:

- Initial care was sought with the employee’s personal chiropractor. He soon after sought care with the employer’s designated treating provider. The provider removed the employee from work and ordered physical therapy. The employee has been inconsistent with his physical therapy attendance. When the provider placed him on restrictions, he retained counsel. He has been redirected to Dr. Bailey at Precision Spine for further care and recommendations.

Periods of Disability:

- The employee has been off work since his injury date from Pottawatomie County.

Permanent Partial Impairment / Permanent Disability:

- The BAW estimate is premature as we continue to investigate pre-existing which may lead to a partial denial of the file. Current indemnity reserves are based on a general estimation for a litigated case with extended lost time.

Subrogation / Other Issues:

- The employee owns his own Spray Foam business. Surveillance was performed to determine if the claimant continued to perform job tasks that he stated he could not perform for the county, surveillance was unable to clearly confirm the same.
- The information regarding his self-employment business is concerning but circumstantial. We have chosen to focus on the prevailing factor defense acknowledging that he has significant prior care spanning years to his lower back.

Plan of Action:

- All prior medical records are currently under review for a possible aggravation of a pre-existing condition defense, with records still outstanding.
- Medical care is now re-routed to a spinal specialist who can separate out the acute sprain/strain vs the underlying and pre-existing condition.
- Ultimately, there may be a partial denial of the case based on prior records received.



Claim Summary – Reserve Advisory

Employer:	Rush County	Date of Injury:	10/23/2022, 2/16/2023
Claim No.:	22896446	Job Description:	Vounteer FF, Mechanic
Employee Age:	47	Updated:	5/8/2023
AWW:	Pending	TTD Rate:	Pending
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 24,500.00	\$ 6,000.00	\$ 0.00	\$ 600.00	\$ 3,500.00	\$ 34,600.00
Amount Paid:	\$ 1,835.08	\$ 0.00	\$ 0.00	\$ 0.00	\$ 596.49	\$ 2,431.57
Outstanding:	\$ 22,664.92	\$ 6,000.00	\$ 0.00	\$ 600.00	\$ 2,903.51	\$ 32,168.43

Accident Description / Nature of Injury:

- The employee drove the county water truck in response to a fire, while in the capacity of a Volunteer Firefighter. He drove into blacked out conditions due to extreme wind, dirt, and smoke. While attempting to back up on the road he backed into the ditch rolling the truck on the driver's side. He injured his left elbow on the truck’s inside handle. Later, in February 2023, he reported a new event of screwing in a bolt at work when he heard a loud pop and had sudden onset of pain at the common extensor origin of the same elbow. This was in the role of a mechanic.

Investigation / Compensability:

- The employee suffered two injuries during his roles at the county, both mechanisms are accepted as compensable.
- The employee recently had surgery to the same elbow under worker’s compensation, therefore the prevailing factor has been evaluated throughout the claim.

Medical Management:

- The employee attended physical therapy, light duty and had an injection with minimal to no relief. Due to the recent prior surgery and settlement to the same body part, we have kept in close contact with the provider to ensure that the new injuries are not an aggravation of his prior condition. The provider finds that there is new structural change as the result of the new work injuries. Dr. Hildebrand at Central Ks Orthopedics has referred the claimant to his partner, Dr. Toby, for further assessment. Dr. Toby has requested authorization to perform a left elbow tendon repair which will be performed this month.

Periods of Disability:

- The employee has not missed time from work to qualify for TTD and his employer has accommodated his light duty since the original injury date.

Permanent Partial Impairment / Permanent Disability:

- General reserves are set with an anticipation of resolving the case for under \$6,000.

Subrogation / Other Issues:

- N/A

Plan of Action:

- I will review the operative report to confirm a new structural change took place as indicated by the provider.
- I will authorize a period of post operative physical therapy.
- One the claimant is at MMI I will request a rating and attempt to settle the claim full and final.
- I will request a rating reduction based on the prior settlement to the same body part.