

KWORCC Select Claims Report

Presented July 27, 2023



Claim Summary – Reserve Advisory

Employer:	Cherokee County	Date of Injury:	03/03/2023
Claim No.:	231089417	Job Description:	Heavy Equipment Operator
Employee Age:	53	Updated:	7/13/2023
AWW:	79.62	TTD Rate:	460.02
Attorneys:	Kala Spigarelli	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 15,700.00	\$ 30,000.00	\$ 0.00	\$ 10,000.00	\$ 3,100.00	\$ 58,800.00
Amount Paid:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 61.13	\$ 61.13
Outstanding:	\$ 15,700.00	\$ 30,000.00	\$ 0.00	\$ 10,000.00	\$ 3,038.87	\$ 58,738.87

Accident Description / Nature of Injury:

- The employee alleges repetitive injury to his back, due to driving equipment over rough ground while sitting in a hard seat.

Investigation / Compensability:

- The claim is not accepted as compensable and is under investigation. The employee is known to have a pre-existing medical history to his back. Additionally, the employee sought care for an extended period before reporting the claim as potentially work related.

Medical Management:

- No medical care has been authorized or directed under the worker’s compensation file. However, the employee did seek a variety of treatments under personal healthcare coverage including specialized medical consults. The claimant delayed in returning a medical release for prior care investigation, and soon after sought legal representation.

Periods of Disability:

- The employee is working light duty and has not lost time from work due to the alleged work event(s) at this time.

Permanent Partial Impairment / Permanent Disability:

- The claim is reserved for a general body impairment and settlement of up to \$30,000, this is a preliminary estimate as we gather information to support a likely denial.

Subrogation / Other Issues:

- N/A

Plan of Action:

- Full medical file is to be requested under the litigation order of production.
- Once records are received a pre-existing medical defense will be considered.
- The records will also be reviewed to determine the date the claimant was advised of a potential work condition, and determine if the file was reported timely.
- We will work closely with defense counsel to develop a plan of action to defend the County against any non-compensable care.



Claim Summary – Reserve Advisory

Employer:	Hamilton County	Date of Injury:	01/12/2023
Claim No.:	23901847	Job Description:	Mechanic
Employee Age:	68	Updated:	7/13/2023
AWW:	919.34	TTD Rate:	612.92
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 27,750.00	\$ 12,903.36	\$ 0.00	\$ 600.00	\$ 4,700.00	\$ 45,953.36
Amount Paid:	\$ 2,684.08	\$ 0.00	\$ 0.00	\$ 0.00	\$ 122.97	\$ 2,807.05
Outstanding:	\$ 25,065.92	\$ 12,903.36	\$ 0.00	\$ 600.00	\$ 4,577.03	\$ 43,146.31

Accident Description / Nature of Injury:

- While lifting a frame for a conveyor, the employee felt a pop to his left shoulder.

Investigation / Compensability:

- The employee has a history of injury to the left shoulder including a surgery and settlement, requiring the prevailing factor to be addressed.

Medical Management:

- Due to the prior surgery and settlement to the same shoulder, the employee was sent to Dr. Do for a prevailing factor opinion. Dr. Do determined the work injury to be the prevailing factor for treatment. The employee sought conservative care through physical therapy and activity modification. The shoulder progression plateaued, and the orthopedic provider requested left shoulder arthroscopy with debridement vs. repair and treatment as indicated. The surgery was approved and will be performed later this month.

Periods of Disability:

- The claimant is expected to miss up to 8 weeks of work post-surgery due to limited light duty accommodation options with his employer.

Permanent Partial Impairment / Permanent Disability:

- Although the claimant will receive an impairment deduction based off of his prior PPI rating of 8%, the presence of a new tear in conjunction with Medicare eligibility will result in a similar settlement value.

Subrogation / Other Issues:

- Medicare interests will be preserved due to claimant eligibility.

Plan of Action:

- I will work with the employer and provider to locate possible light duty accommodations as the claimant progresses post-surgery.
- I will monitor the claimant's progress to ensure no medical intervention is needed.
- Once the claimant is at MMI, I will request a rating. I will then attempt to settle the claim while honoring Medicare interests.



Claim Summary – Reserve Advisory

Employer:	Reno County	Date of Injury:	04/24/2023
Claim No.:	231088932	Job Description:	R & B Supervisor
Employee Age:	61	Updated:	7/13/2023
AWW:	1,238.72	TTD Rate:	765.00
Attorneys:	N/A	Employer:	N/A
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 29,200.00	\$ 13,590.00	\$ 0.00	\$ 600.00	\$ 6,600.00	\$ 49,990.00
Amount Paid:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 29.95	\$ 29.95
Outstanding:	\$ 29,200.00	\$ 13,590.00	\$ 0.00	\$ 600.00	\$ 6,570.05	\$ 49,960.05

Accident Description / Nature of Injury:

- The employee was inspecting a dump truck which was parked on a trailer. He missed a step as he climbed down causing him to fall approximately five feet to the ground.

Investigation / Compensability:

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

Medical Management:

- The employee sustained injuries to his left shoulder and elbow, head, and chest. Emergency hospital care was followed by clinic assessments. The left shoulder became the claimant’s primary source of pain, and a referral was generated to Dr. Goin, orthopedic surgeon. Dr. Goin ordered an MRI which showed a full thickness tear to the left shoulder. He requested authorization to perform a left shoulder arthroscopy. This was authorized and performed, and the employee is healing at home.

Periods of Disability:

- The employee is off work currently, pending his post operative evaluation.

Permanent Partial Impairment / Permanent Disability:

- The employee is expected to receive a PPI rating of 7%, and the file is reserved for the same.

Subrogation / Other Issues:

- The employee is scheduled to retire in less than six months and Medicare interests will likely need to be reviewed for closure of the file.
- The employee has a dual open litigated claim with the same employer.

Plan of Action:

- I will work with the employer and provider to bring the claimant back to a light duty position.
- I will continue to try and avoid litigation on this file by working closely with claimant to assist in his care.
- Once the claimant is at MMI, I will request a rating to review for possible settlement of the file.
- A Medicare set aside will be reviewed for necessity, and if applicable be considered in any settlement of the file.



Claim Summary – Reserve Advisory

Employer:	Reno County	Date of Injury:	04/14/2023
Claim No.:	231087079	Job Description:	Maintenance Technician
Employee Age:	58	Updated:	7/13/2023
AWW:	717.59	TTD Rate:	478.41
Attorneys:	Jordan Massey	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 17,000.00	\$ 20,000.00	\$ 0.00	\$ 6,000.00	\$ 3,500.00	\$ 46,500.00
Amount Paid:	\$ 1,027.72	\$ 0.00	\$ 0.00	\$ 0.00	\$ 72.56	\$ 1,100.28
Outstanding:	\$ 15,972.28	\$ 20,000.00	\$ 0.00	\$ 6,000.00	\$ 3,427.44	\$ 45,399.72

Accident Description / Nature of Injury:

- While using a step ladder to fix a sprinkler head in a flooded cell, the employee stepped down and slipped slightly. He heard a pop, and later reported pain from his left quadricep to his knee.

Investigation / Compensability:

- The employee underwent a prior surgical repair of the quadricep in 2017. The claimant therefore was sent for a prevailing factor opinion to determine if the current injury was an extension or worsening of his prior event.

Medical Management:

- The claimant underwent an MRI which showed a recurrent tear. He was sent to Mid America Orthopedics for a prevailing factor opinion. The provider confirmed that the tear was recurrent and that he had calcific degeneration which progressed from his prior MRI. Work was not found to be the prevailing factor in his need for continued care and the claim was denied.

Periods of Disability:

- The employee has not missed time from work due to the event.

Permanent Partial Impairment / Permanent Disability:

- The claim is reserved based on an estimated PPI to include a general release of all issues through litigation.

Subrogation / Other Issues:

- N/A

Plan of Action:

- Counsel and I will work to develop a defense plan of action for the County and to uphold the denial.
- Due to recent case experience, it is possible the Judge will order an IME resulting in care.
- If the above occurs, we will work to control the medical costs associated with said treatment.
- Ultimately, this claim will likely result in a settlement to resolve all issues, full and final.



Claim Summary – Reserve Advisory

Employer:	Reno County	Date of Injury:	09/09/2022
Claim No.:	22894010	Job Description:	Sergeant, Law Enforcement
Employee Age:	60	Updated:	7/13/2023
AWW:	2,732.67	TTD Rate:	765.00
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 29,450.00	\$ 13,923.00	\$ 0.00	\$ 600.00	\$ 5,890.00	\$ 49,863.00
Amount Paid:	\$ 2,074.52	\$ 0.00	\$ 0.00	\$ 0.00	\$ 157.63	\$ 2,232.15
Outstanding:	\$ 27,375.48	\$ 13,923.00	\$ 0.00	\$ 600.00	\$ 5,732.37	\$ 47,630.85

Accident Description / Nature of Injury:

- While attending to an injured party in a motor vehicle accident, the employee rolled his left ankle on uneven ground.

Investigation / Compensability:

- The employee suffered an acute injury with no pre-existing defenses and the claim is accepted as compensable.

Medical Management:

- The employee elected to treat conservatively despite an MRI report showing a ligament tear. Due to lack of improvement, he was sent to an orthopedic specialist to review for possible surgical options. Dr. Morgan with Mid America Orthopedics determined the claimant was a candidate for a left ankle arthroscopy and debridement. The surgery was approved and performed this month. The claimant is now doing well, non-weight bearing, and will recheck for further plan of care in the immediate future.

Periods of Disability:

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

Permanent Partial Impairment / Permanent Disability:

- It is expected that the employee will receive an impairment of 8% to the ankle and the file is reserved for the same.

Subrogation / Other Issues:

- N/A

Plan of Action:

- I will work with the employee to establish a post operative therapy program.
- I will monitor the claimant’s progression to ensure no provider intervention is needed.
- Once the claimant is at MMI, I will request a rating and attempt to settle his claim, full and final.