

KWORCC Select Claims Report

Presented December 14, 2023



Claim Summary – Settlement Request

Employer:	Cherokee County	Date of Injury:	03/03/2023
Claim No.:	231089417	Job Description:	Heavy Equipment Operator
Employee Age:	54	Updated:	12/2/2023
AWW:	690.00	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:	\$ 5,843.25	\$ 0.00	\$ 0.00	\$ 551.25	\$ 350.34	\$ 6,744.84
Outstanding:	\$ 9,856.75	\$ 30,000.00	\$ 0.00	\$ 9,448.75	\$ 2,749.66	\$ 52,055.16

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 was not accepted as compensable initially pending a medical records 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. The employee disputes the timely reporting defense, and alleges the employer was aware of the care and its relation to his work activities.

Medical Management:

- No medical care was initially directed under the worker’s compensation file pending the investigation. The employee quickly obtained counsel, before any determination could be made or records reviewed. The employee did seek a variety of treatments including specialized medical consults under his personal healthcare coverage. Through counsel, a consult was scheduled with Dr. Alexander Bailey, Orthopedic Spine Specialist. Dr. Bailey determined that the claimant has significant lumbar spine issues including but not limited to care needs at multiple levels resulting in both bowel and bladder issues. Dr Bailey find that the claimant would be a candidate for possible surgery although it would be exceptionally complex and require neuro ICU care. Dr, Bailey found that the claimant had a long history of prior back issues and the alleged work activities would not be the prevailing factor for the care needed.

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:

- There are currently no valid impairment ratings in this case. Counsel believes if the claimant were to undergo the treatment recommendations of Dr. Bailey alone, his impairment could be as high as 30% to the body as a whole.

Subrogation / Other Issues:

- The claimant has been diagnosed with stomach cancer, and we are in a position to settle the claim.

Plan of Action:

- Counsel has thoroughly reviewed the case and in his opinion, the claim would more likely than not be found to be compensable if presented through an Administrative Law Judge.
- In the event this case is found compensable, there would be exposure for not only functional impairment, but also potentially work disability exposure or perhaps permanent total disability exposure in combination with medical fees.
- Although the claimant has an extensive medical history, there was also a fairly extended time where he was able to perform his work duties, unrestricted without complaints.
- It is the Claim's Examiner's request that the board consider granting authority in an amount of up to \$40,000 to settle the claim, full and final.



Claim Summary – Reserve Advisory

Employer:	Clark County	Date of Injury:	05/24/2023
Claim No.:	231092774	Job Description:	Heavy Equipment Operator
Employee Age:	50	Updated:	12/2/2023
AWW:	643.23	TTD Rate:	428.84
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 26,500.00	\$ 7,715.36	\$ 0.00	\$ 600.00	\$ 5,400.00	\$ 40,215.36
Amount Paid:	\$ 5,699.77	\$ 0.00	\$ 0.00	\$ 0.00	\$ 409.59	\$ 6,109.36
Outstanding:	\$ 20,800.23	\$ 7,715.36	\$ 0.00	\$ 600.00	\$ 4,990.41	\$ 34,106.00

Accident Description / Nature of Injury:

- While welding, the employee stood on a stool which slipped out from underneath him. This caused him to fall and land on the metal aspect of the stepstool with his left shoulder hyperextended.

Investigation / Compensability:

- The employee was in the course and scope of employment at time of the event.
- The employee has a history of a prior rotator cuff injury; however, it was appx. 15 years prior, and the provider finds that he has suffered a new acute injury.

Medical Management:

- The employee was sent to Dr. Pat Do at MAO. Dr. Do opined that surgery would be only indicated if the SLAP tear shown on his MRI was 50% or more, and as it was not, he was instead ordered to undergo PT. He underwent PT and the overall pain with occasional popping continued. At recheck with the orthopedic specialist, the provider requested authorization for a left shoulder arthroscopy, possible rotator cuff repair, SLAP repair vs labral debridement with treatment as indicated. This was authorized and performed, and he is healing well at this time.

Periods of Disability:

- The employee received one week of TTD pay and returned to work light duty post-surgery.

Permanent Partial Impairment / Permanent Disability:

- The employee is expected to receive a PPI rating of up to 6% and the file is reserved for the same.

Subrogation / Other Issues:

- N/A

Plan of Action:

- I will review the post operative PT notes to ensure the claimant is healing as expected.
- Once the claimant is at MMI, I will request a PPI rating.
- At time of rating, I will remind the provider of the prior tear, many years prior, to be sure no impairment is assigned for the prior non work related injury.
- I will attempt to settle the claim with the claimant, full and final.



Claim Summary – Settlement Request

Employer:	Cowley County	Date of Injury:	04/15/2022
Claim No.:	22882788	Job Description:	Sheriff Deputy
Employee Age:	32	Updated:	12/1/2023
AWW:	1,032.76	TTD Rate:	688.54
Attorneys:	Jonathan Voegli	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 76,750.00	\$ 60,000.00	\$ 0.00	\$ 10,600.00	\$ 18,987.5	\$166,337.50
Amount Paid:	\$ 49,924.57	\$ 0.00	\$ 0.00	\$ 381.35	\$ 10,614.3	\$ 60,919.95
Outstanding:	\$ 27,325.43	\$ 60,000.00	\$ 0.00	\$ 10,218.65	\$ 8,373.47	\$ 105,917.55

Accident Description / Nature of Injury:

- While responding to a suspicious person call the employee was shot. The bullet entered through the pelvic area and traveling out the back side of his opposite thigh. He then fell to the ground and injured his right shoulder and left thumb.

Investigation / Compensability:

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

Medical Management:

- Emergency trauma care was sought at Wesley Medical Center. As the wounds healed, he developed a scar near the area of the penis. Dr. Kolla performed a scar tissue reduction to the phallus to improve functioning. Dr. Do treated the claimant’s right shoulder, performing a right sided distal clavicle excision. He was released at MMI for all injuries earlier this year and requested to proceed with a PPI rating. However, he did not attend the appointment as scheduled and instead hired counsel for an unknown reason. Claimant’s counsel sent the clamant to Dr. Murati who rated the claimant and recommended future medical care to include a future shoulder replacement, long term medications, physical therapy, and injections of varying additional body parts.

Periods of Disability:

- The employee was off work following his injury; however, he suffered no wage loss as the employer maintained his normal pay during the KBI investigation. He has since returned to work in a regular duty capacity.

Permanent Partial Impairment / Permanent Disability:

- Dr. Do has provided an impairment of 6% to the BAW, while Dr. Murati has assigned 14% to the BAW.

Subrogation / Other Issues:

- The suspect who shot the employee was killed during the exchange therefore there will be no restitution.

Plan of Action:

- Settlement authority is requested of the board to settle the claim, full and final in an amount up to \$33,000.00.



Claim Summary – Reserve Advisory

Employer:	Kiowa County	Date of Injury:	11/28/2023
Claim No.:	231116618	Job Description:	Heavy Equipment Operator
Employee Age:	66	Updated:	12/2/2023
AWW:	824.89	TTD Rate:	549.95
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$688,000.00	\$155,000.00	\$ 0.00	\$650.00	\$110,000.00	\$953,650.00
Amount Paid:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Outstanding:	\$688,000.00	\$155,000.00	\$ 0.00	\$650.00	\$110,000.00	\$ 953,650.00

Accident Description / Nature of Injury:

- The employee was attempting to clean the sandbox bed of a truck used to spread sand after inclement weather. Sand became lodged in the auger inside the box. The employee opened the safety grate on top of the box, exposing the auger. He stepped in the box and attempted to kick the built-up sand, the sand gave way, and his right leg was pulled down and caught in the auger. The auger continued to run until the lower leg was amputated.

Investigation / Compensability:

- The employee was in the course and scope of employment and the event is accepted as compensable.
- The injury would have been avoided if the auger was turned off prior to entering the sandbox, or by avoiding entry into the sandbox all together. KWORCC loss control provided a thorough investigation and education of the employer to prevent reoccurrence.

Medical Management:

- The employee was taken via ambulance to Kiowa Hospital where he was air flighted to Wesley Medical Center. There were broken and exposed bones with muscle tissue saturated with debris. The employee underwent immediate further surgical amputation of the leg to the level of the knee upon arrival. Dr. Corrigan of Advanced Orthopedics was the selected emergency surgeon. There was residual muscle damage, and an additional higher amputation level with subsequent surgery is possible. A nurse case manager is assigned to assist with the care coordination of the claimant.

Periods of Disability:

- The employee lives in a rural area with limited job opportunities and is 66 years of age. At this time, it is unknown but unlikely he will return to work post event.

Permanent Partial Impairment / Permanent Disability:

- The claim is reserved for a permanent total disability of up to \$155,000.

Subrogation / Other Issues:

- The claimant is of Medicare age, and their interests will need considered at time of any medical settlement.

Plan of Action:

- I have met with the claimant and his wife at the hospital, and will continue to maintain close contact to ensure all his medical needs are taken care of timely and there are no concerns.
- Due to the age of the claimant any settlement would involve a Medicare Set Aside, and given the claimant's current medical condition and general health it may be more cost effective to leave the medical portion open- this will continue to be evaluated.
- Medical facilities and prosthetics will be carefully selected for approval to ensure the best medical outcome for the patient.
- Reserves will be re-assessed after the inpatient hospitalization bill is received to ensure accuracy.



Claim Summary – Reserve Advisory

Employer:	McPherson County	Date of Injury:	10/28/2021
Claim No.:	21870811	Job Description:	Mechanic
Employee Age:	61	Updated:	12/1/2023
AWW:	1,206.84	TTD Rate:	737.00
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 24,903.00	\$ 17,422.00	\$ 0.00	\$ 600.00	\$ 5,180.00	\$ 48,705.00
Amount Paid:	\$ 4,078.30	\$ 0.00	\$ 0.00	\$ 0.00	\$ 705.57	\$ 4,783.87
Outstanding:	\$ 20,824.70	\$ 17,422.00	\$ 0.00	\$ 600.00	\$ 4,474.43	\$ 43,921.13

Accident Description / Nature of Injury:

- While moving a 55-gallon drum of cleaning fluid on a dolly, the dolly wobbled. As the claimant stepped in to stop it from falling over, he bore the weight of the drum and strained his left wrist, elbow, and shoulder.

Investigation / Compensability:

- The injury mechanism was reviewed, and the claim accepted as compensable.

Medical Management:

- Medical treatment was sought at Hutchinson Clinic where he was later referred to Salina Orthopedics, Dr. Johnson. He had undergone PT and an injection and was released at MMI in July 2022. He continued to have sporadic issues with the same shoulder and would return for assessments with Dr. Johnson. Ultimately, Dr. Johnson diagnosed the claimant with a progressed high-grade tear of the shoulder, recommending surgical repair for the same. The surgery is set to take place this month.

Periods of Disability:

- The claimant has not missed any work because of the work-related injury.

Permanent Partial Impairment / Permanent Disability:

- It is estimated the claimant will receive a PPI rating of up to 7%, 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 claimant back to work post-surgery.
- Medical records and contact with claimant will be maintained to ensure the claimant is healing as expected.
- Once the claimant is at MMI, we will request a PPI rating and attempt to settle the claim with the claimant, full and final.