

# **KWORCC Select Claims Report**

**Presented August 24, 2023**



## Claim Summary – Settlement Request

Employer:	Allen County	Date of Injury:	01/27/2021
Claim No.:	21840307	Job Description:	Heavy Equipment Operator
Employee Age:	48	Updated:	8/12/2023
AWW:	\$513.49	TTD Rate:	\$342.34
Attorneys:	William Phalen	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
<b>Reserves:</b>	\$ 81,000.00	\$ 72,739.08	\$ 0.00	\$ 16,050.00	\$ 9,325.00	\$ 179,114.08
<b>Amount Paid:</b>	\$ 64,310.82	\$ 25,513.20	\$ 0.00	\$ 3,794.20	\$ 3,870.15	\$ 97,488.37
<b>Outstanding:</b>	\$ 16,689.18	\$ 47,225.88	\$ 0.00	\$ 12,255.80	\$ 5,454.85	\$ 81,625.71

**Accident Description / Nature of Injury:**

- While using a hand saw to cut a tire, the saw struck a piece of ice causing the saw to kick back and bend his right wrist. He later alleged injuries to his bilateral shoulder, neck, and thoracic spine.

**Investigation / Compensability:**

- The employee was in the course and scope of his employment and the event was accepted as compensable. He later alleged injury to his neck and shoulders and requested care for carpal tunnel which we disputed as related.
- The employee was found to have a pre-existing fracture to the same wrist, however Dr. Mih and Dr. Winston found the work injury to be the prevailing factor.

**Medical Management:**

- The employee was diagnosed with a wrist tendon rupture and underwent surgery with Dr. Mih to repair the same. He has seen a variety of providers since this time due to his multiple complaints for the sake of IME/rating appointments. Ultimately, the court ordered Dr. Winston to make a final determination. Dr. Winston found that the claimant should be treated for bilateral shoulder injuries and carpal tunnel. Care was directed to Dr. Michael Hall who performed subsequent bilateral carpal tunnel release procedures. The claimant is now at MMI.

**Periods of Disability:**

- The employee was paid \$25,513.20 in TTD to represent 74.5 weeks of missed work. The employer had the ability to accommodate the employee at various points throughout the claim, however each time he was placed in a light duty position he would report a new worker’s compensation injury. Ultimately the employee was released to regular duty December of 2022.

**Permanent Partial Impairment / Permanent Disability:**

- Dr. Murati has assigned a whole-body rating of 48%
- Dr. Johnson has assigned a whole-body impairment of 18%
- A split of the ratings equals settlement value of \$32,999.86, although this does not include the termination of the review and modification or the closure of medical. It is more probable than not that the court will award a general body disability despite the initial injury to the wrist. Hit is due to the opinion of Dr. Winston, the court ordered medical provider.

**Subrogation / Other Issues:**

- Surveillance was performed which found the claimant using the primary afflicted wrist and arm without difficulty. Unfortunately, the medical providers did not find sufficient evidence to terminate his medical treatment.

**Plan of Action:**

- Settlement authority is requested of the board in the amount of \$47,000 to settle the claim, full and final.
- The settlement request includes the anticipated split of the settlement ratings, the closure of review and modification and the resolute of future medical care recommended.
- Although the employee still works for the same employer and can file claims for new injuries, the impairments assigned will be used to show a pre-existing impairment for possible credit in the event of new occurrence.



## Claim Summary – Reserve Advisory

Employer:	Franklin County	Date of Injury:	02/14/2023
Claim No.:	23902286	Job Description:	Heavy Equipment Operator
Employee Age:	51	Updated:	8/12/2023
AWW:	\$717.83	TTD Rate:	\$478.57
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
<b>Reserves:</b>	\$ 35,500.00	\$ 19,214.80	\$ 0.00	\$ 600.00	\$ 6,200.00	\$ 61,514.80
<b>Amount Paid:</b>	\$ 4,828.44	\$ 9,484.00	\$ 0.00	\$ 0.00	\$ 987.96	\$ 15,300.40
<b>Outstanding:</b>	\$ 30,671.56	\$ 9,730.80	\$ 0.00	\$ 600.00	\$ 5,212.04	\$ 46,214.40

**Accident Description / Nature of Injury:**

- As the employee stepped out of a track loader, his foot slipped on a wet peg. His right leg turned outward, and he injured his right knee.

**Investigation / Compensability:**

- The event mechanism is accepted as compensable. The prevailing factor was requested, and work is the prevailing factor in his need for care.

**Medical Management:**

- The claimant treated at Advent Health and an MRI was ordered. The MRI showed possible underlying vs acute findings. Dr Wendt addressed the prevailing factor and found the work injury to be the prevailing factor in his need for care. After physical therapy and light duty trial, the employee continued to digress. Dr. Wendt referred the claim to his partner, Dr. Pro, who requested the employee undergo a right knee arthroscopy with debridement including an open repair of patella tendon and PRP injection. This was authorized and will be performed in September.

**Periods of Disability:**

- The employee is off work currently as the employer is unable to accommodate his current restrictions. He is expected to be off work a total of 6 weeks post operatively and has missed 19 weeks of work to date.

**Permanent Partial Impairment / Permanent Disability:**

- The employee is expected to be assigned an impairment of 8% and the file is reserved for the same.

**Subrogation / Other Issues:**

- The employee has a history of pulmonary embolism and DVT and required a special clearance to undergo surgery.

**Plan of Action:**

- I will continue to check with provider to try and get an earlier surgery date for the employee.
- Once the surgery is performed, I will work with the employer to locate a light duty position for the employee.
- Once the employee is at MMI, I will request a rating and attempt to settle the claim, full and final.



## Claim Summary – Reserve Advisory

Employer:	Gray County	Date of Injury:	06/01/2023
Claim No.:	231093787	Job Description:	Former Heavy Equipment Operator
Employee Age:	52	Updated:	8/12/2023
AWW:	\$740.55	TTD Rate:	\$493.72
Attorneys:	Jeff Cooper	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
<b>Reserves:</b>	\$ 17,250.00	\$ 15,000.00	\$ 0.00	\$ 9,500.00	\$ 4,000.00	\$ 45,750.00
<b>Amount Paid:</b>	\$ 586.67	\$ 4,018.88	\$ 0.00	\$ 0.00	\$ 66.90	\$ 4,672.45
<b>Outstanding:</b>	\$ 16,663.33	\$ 10,981.12	\$ 0.00	\$ 9,500.00	\$ 3,933.10	\$ 41,077.55

### Accident Description / Nature of Injury:

- The employee performed maintenance on a piece of equipment when the equipment shifted from the hitch, hitting his upper left leg and thigh area and sliding down the leg. This resulted in a laceration to the leg and a fracture of the fibula.

### Investigation / Compensability:

- The employee was in the course and scope of his employment when the event occurred.
- There was suspected alcohol use alleged by the employer, although this could not be confirmed.

### Medical Management:

- The employee was taken to St. Catherine's' emergency room. He was found to have a fracture and directed to Dr. Garcia, his sister's husband. Dr. Garcia treated his fracture non operatively. The claim was received as a laceration with no indication of a fracture. He was terminated immediately following the emergency room treatment by the employer and promptly hired an attorney. We did not learn that he had a fracture or was seeking continued care until notice was received from the claimant's counsel. The employee has been redirected to Dr. Do for continued management of his left leg fracture care.

### Periods of Disability:

- The employee was terminated the date of his injury. He began employment with a new employer, however he is owed back TTD from the date of his termination to the time of his new employment due to prior provider off work status.

### Permanent Partial Impairment / Permanent Disability:

- General settlement reserves are set at \$15,000, although this may increase as the full treatment needs of the claimant are evaluated.

### Subrogation / Other Issues:

- The employer terminated the employee based on the report of ambulance workers who transported the patient, stating they thought they smelled alcohol on the employee during transport. He was not tested for alcohol at the emergency room and there is no evidence he was in fact intoxicated or that if he was it would have contributed to the accident.

**Plan of Action:**

- We are unable to use the alcohol as a defense and the claim will be treated as compensable.
- As the claimant progresses, we will determine what additional care he may need as a result of the fracture and adjust reserves as needed accordingly.
- Once the claimant is at MMI, a PPI rating will be requested.
- Due to litigation, it is likely the employee will be referred for a neutral IME to determine final settlement to resolve the claim.



## Claim Summary – Reserve Advisory

Employer:	Hamilton County	Date of Injury:	07/05/2023
Claim No.:	231097483	Job Description:	Equipment Operator
Employee Age:	39	Updated:	8/12/2023
AWW:	\$863.78	TTD Rate:	\$575.88
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
<b>Reserves:</b>	\$ 29,500.00	\$ 10,455.28	\$ 0.00	\$ 600.00	\$ 4,000.00	\$ 44,555.28
<b>Amount Paid:</b>	\$ 2,872.09	\$ 3,455.28	\$ 0.00	\$ 0.00	\$ 86.15	\$ 6,413.52
<b>Outstanding:</b>	\$ 26,627.91	\$ 7,000.00	\$ 0.00	\$ 600.00	\$ 3,913.85	\$ 38,141.76

**Accident Description / Nature of Injury:**

- As the employee stepped down a ladder, he missed a step and fell striking his left knee on the concrete.

**Investigation / Compensability:**

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

**Medical Management:**

- The employee treated at the Kearney County Hospital ER. He was diagnosed with a left knee fracture and an ACL tear. Care was redirected to Dr. Jansson at AOA in Wichita, KS. Dr. Jansson found the claimant in need of a left knee arthroscopy, partial medial and lateral meniscectomy, chondroplasty and ACL reconstruction with Achilles tendon allograft. This was authorized and performed. The claimant is now recuperating at home and participating in physical therapy.

**Periods of Disability:**

- The employer is not able to accommodate the light duty restrictions. The employee is expected to be off work a period of up to 8 weeks.

**Permanent Partial Impairment / Permanent Disability:**

- The employee is expected to receive an impairment of 7% to the knee, and the file is reserved for the same.

**Subrogation / Other Issues:**

- N/A

**Plan of Action:**

- Medical records will be reviewed to ensure that the claimant is healing as expected.
- Contact will be maintained with employee throughout the claim to ensure all needs of treatment are addressed until MMI.
- Once the claimant is at MMI, I will attempt to resolve his claim, full and final.



## Claim Summary – Reserve Advisory

Employer:	Lyon County	Date of Injury:	06/23/2023
Claim No.:	231097787	Job Description:	Bus Driver
Employee Age:	67	Updated:	8/12/2023
AWW:	\$389.74	TTD Rate:	\$259.83
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
<b>Reserves:</b>	\$ 29,000.00	\$ 8,078.64	\$ 0.00	\$ 600.00	\$ 4,700.00	\$ 42,378.64
<b>Amount Paid:</b>	\$ 214.97	\$ 0.00	\$ 0.00	\$ 0.00	\$ 61.60	\$ 276.57
<b>Outstanding:</b>	\$ 28,785.03	\$ 8,078.64	\$ 0.00	\$ 600.00	\$ 4,638.40	\$ 42,102.07

**Accident Description / Nature of Injury:**

- While operating a bus for the County, the employee exited the bus to assist a customer. He walked in a parking lot which had cracks, but no obvious deformity. As he was walking and turning around the bus, he felt a pop in his left knee with pain. He then tried to fasten someone in a wheelchair while kneeling and noticed immediate pain and swelling in the knee.

**Investigation / Compensability:**

- The employee had a prior surgery to the same knee over twenty years beforehand. The providers found work to be the prevailing factor in his need for care.

**Medical Management:**

- The employee treated with the designated provider in Emporia who diagnosed him with large horizontal meniscus tear of the left knee. A referral was generated to Dr. Pro who found the claimant in need of a left knee arthroscopy and partial meniscectomy. Dr. Pro found the surgical need directly related to the new work event. Based on this information, the surgery was approved and will be performed this month.

**Periods of Disability:**

- The employee is working light duty at this time and is expected to miss less than two weeks of work.

**Permanent Partial Impairment / Permanent Disability:**

- The claimant is expected to receive a lower PPI rating, however Medicare interests will increase the settlement amount to resolve the claim, full and final.

**Subrogation / Other Issues:**

- The claimant is a Medicare beneficiary, and their interests will need to be honored at time of settlement.

**Plan of Action:**

- I will work with the employer to maintain a light duty position for the employee post-surgery.
- I will ensure the employee attends post operative therapy as scheduled and progresses as expected.
- Once the claimant is at MMI, we will review for a Medicare set aside and resolve the indemnity via settlement.