

Ryan Swanson's 34th Annual Employment Law Webinar



# Workers' Compensation: Tips for Navigating the Tough Claims

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# Topics

- Allowance protest
- Continued treatment
- Terminating time loss

# Allowance Protest

- Report of Accident (ROA) – employer response
  - Request claim denial
  - Interlocutory order
- 60 days to protest allowance order
  - Preserve / confirm information
  - Note and obtain facts you do need
- Injury – tangible happening, discrete time, medical diagnosis
- Occupational – condition arose naturally & proximately

# Allowance Investigation

- Claimant statement
  - Mechanism of injury, condition & history, correlate with schedule
- Medical
- Pictures
  - Assist the trier of fact, experts & vocational witnesses
  - Jobsite, machine, object (weight & measurement)
- Employer statements
  - Personal observations, outside activities, medical concerns
  - Preserve contact information

# Continued Treatment

- Medical fixity & employability = closure
- Conservative care & imaging
- Department Treatment Guidelines – OMD
  - Has the physician documented objective & subjective findings
  - Health Technology Clinical Committee (HTCC) - considerable weight
- Reconcile area of expertise
- Claim investment – medical and/or surveillance

# Terminating Time Loss

- Continues if injury/disease prevents gainful employment, *unless*
  - Released for full-duty by attending
  - Found employable after vocational retraining / transferable skills
  - Worker returns to work – job of injury (JOI) or another employer
- Light Duty
  - Avoid secondary gain
  - Written, approved, provided to worker with acceptance
  - Creative, meaningful
- Prepare for dispute
  - Communication
  - Job history, training, certifications
  - Vocational assessment

# Thank you.

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