

Work Comp Roundup

Reduce Your Workers Comp Costs

5 Ways to Get to the Bottom of Work Injury Causation

Michael B. Stack · Tuesday, March 7th, 2017



Some things were a lot simpler back in the day, like determining whether an employee's injury or illness should be compensated through workers' comp. Workers tended to stay with the same employer throughout their careers, creating a solid trust level on both sides. Employees also were more inclined to retire earlier, before the onset of age-related and comorbid conditions.

But things are more complicated now and proving causation can be a tricky business. You want to ensure that injured workers who sustain work-related injuries at your company are duly compensated, but you certainly don't want to pay for injuries that did not result from your employ. While determining causation is not an exact science, there are some tools you can use to assure you pay only for those injuries truly related to your workplace.

1. Investigate

The best place to start is at the beginning, as soon as you get word of an injury or illness. Work with your team to find out what happened. In addition to speaking with the injured worker, talk to any witnesses. Drill down to the details. Ask lots of questions - of witnesses and others who may have been aware of potential problems in the area in question. Take pictures of the area, since that may shed some light on what was happening at the time. If nothing else, you may at least uncover a festering problem in your workplace that can be corrected to prevent another injury.

1. **Look at the mechanism of injury**

The MOI can reveal valuable details to medical professionals about injuries to the bones, skin, muscles and organs. Did the person fall from a height? How high? Or, was it a ground level fall? If it involved a motor vehicle accident, what speeds were involved? Get as many details as possible as soon as possible after the injury is reported.

1. **Understand chronic vs. acute**

While the medical nuances are best left to those in the biz, you can at least have a general idea so you can speak the lingo with medical providers, adjusters and others. The problem with chronic conditions is that they affect just about everyone on the planet in some way, at some time, and often we don't even know it's happening to us. Degenerative changes may build up somewhere in the body yet the person has no awareness of it until an awkward movement at work renders him wracked with pain. Of course, he assumes it is work related. But maybe it's not.

For example, arthritis is not typically aggravated by soft tissues trauma, so check that out before you agree to pay for a knee replacement in such cases. Researchers have found that low back pain — one of the most common ailments among injured workers — often has a genetic basis rather than a link to an occupational activity. A rotator cuff injury may be chronic, especially if it is associated with muscle atrophy; however, such a tear may become larger after acute trauma. And, contrary to what many believe, carpal tunnel syndrome does not necessarily result from keyboarding. It behooves you to request and get medical evidence to help identify what is your responsibility under workers' comp and what is not.

1. **Use quality providers**

Seek medical providers who use evidence based medicine, especially in jurisdictions where you have a say in the physician the injured worker sees; look at their credentials — board certification, etc., and check out their educational backgrounds. Same with other providers and medical facilities — you want to make sure the MRI that's the basis of your decision on a claim is of high quality and read by a top notch radiologist.

If you use a medical expert in a challenge to a claim denial, find one that is believable.

Ask questions such as how the provider arrived at a certain diagnosis, whether the MOI was accurately described and applied, and how EBM pertains to the case.

1. **Know the law**

Causation standards have changed in a number of states in recent years, with many requiring work to be the major contributing cause of injury. However, some injured workers and their attorneys have become more adept at challenging those standards.

There are also legislative proposals in several states that would ensure first responders are compensated for instances of post-traumatic stress following an incident on the job. Still other statutes or proposals would guarantee benefits to firefighters who contract certain cancers. It would be a mistake to assume all states have the same types of allowances for workers' comp benefits.

Conclusion

Weeding out the legitimate claims can be tough, as there is often no black and white answer. By being proactive when a claim is first reported and using the right experts, you can save yourself headaches, time and money.

For additional information on workers' compensation cost containment best practices, register as a guest for our next live stream training.



Author Michael Stack, Principal, COMPClub, Amaxx LLC. He is an expert in workers compensation cost containment systems and helps employers reduce their work comp costs by 20% to 50%. He works as a consultant to large and mid-market clients, is co-author of [Your Ultimate Guide To Mastering Workers Comp Costs](#), a comprehensive step-by-step manual of cost containment strategies based on hands-on field experience, and is founder of [COMPClub](#), an exclusive member training program on workers compensation cost containment best practices.

Contact: mstack@reduceyourworkerscomp.com.

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