

InfoSheet – Worker’s Compensation and Medical Treatment



David M. Klein, MD – Kennedy - White Orthopaedic Center

What is the object of Worker’s Compensation?

Worker’s Compensation (W/C) is a form of no-fault insurance, meaning that both wages and medical care are provided regardless of whether the injury was your employer’s fault, your fault, or no-one’s fault at all. The goal of medical treatment is to get you recovered and back to your activities at work and at play as soon as possible. Usually this starts at work with a return to a modified duty before return to regular duty. If at modified duty you will be on a different pay scale, W/C will pay 80% of the difference, tax-free, between 80% of your regular pay scale and your modified duty pay scale. If placed at a no work status, or if there is no work to match the light duty restrictions, W/C will pay you 66% of your regular wages.

What is the difference between my case adjuster and my nurse case manager?

Your case adjuster is an administrator who’s job it is to line you up for medical care and ensure that your compensation is being attended to. All injured workers are assigned case adjusters. Some injured workers are also assigned nurse case managers. These people are nurses with medical backgrounds who are paid to be your advocate, and who often accompany you to doctor’s appointments. It is in your interest to be on good terms with both your adjuster and your nurse-manager.

Is my case adjuster ‘the enemy’?

Your case worker is your representative from the insurance company. They can

help you with your job, your medical care, and social problems brought out by your injury. It is in your best interest to speak to them and be on good terms with them. They do not work for your employer, and can often help you with problems that come up at work.

Does my doctor ‘work for the insurance company’?

Your *treating physician* is an *independent practitioner and is working for your benefit*. While he or she is *not* an employee of the W/C insurance company, medical services are paid by the insurance company, just as they would be by other managed-care health insurance plans (HMOs). Your physician renders opinions regardless of whether they are good or bad for the insurance company. There is no ‘bonus’ for the physician depending upon how the case progresses.

I hurt my right shoulder at work last month, for which my doctor is seeing me. Why won’t my doctor treat my left ankle injury that I received at work three days ago? What about treatment of my opposite left shoulder, since I’m using it more now?

Each injury is considered separate, and must be reported separately to your employer before W/C will authorize the doctor to treat you.

Why is my doctor sending me back to work?

Your doctor is required by Florida State law to specify what work restrictions you have, regardless of what your job duties are, and whether or not your employer

has any light duty positions suitable for you.

What if there is no 'light duty' at my job?

If your doctor places you at light duty from a medical standpoint, and none exists at your workplace, than you are still considered 'off work' by W/C and you will be paid at a "temporary partial disability" status. Alternatively, W/C can find you light duty at a different jobsite.

What is MMI?

MMI is *Maximal Medical Improvement*, the point where things are medically stable and unlikely to improve further. If you haven't medically reached MMI by two years, MMI is reached by law after 104 weeks (two years) of paid temporary benefits regardless of the medical condition.

Will I still receive medical care after MMI?

As long as you do not settle the medical care part of your W/C case, you can be treated for life, as long as you are checked by your doctor on at least a yearly basis after the compensation part of the settlement.

What is *impairment*? Does it reflect how disabled I am?

Impairment is a medical loss of function. How this loss of function can affect your life is *disability*. For example, a 24 year-old runner who goes back to running marathons with a prosthetic leg after losing her leg in a car wreck has the same impairment, "28% of the whole person", as does a 78 year-old man with diabetes who is now wheelchair-bound after losing his leg to gangrene. They have the same impairment rating, but the man in the wheelchair is *far more*

disabled than is the runner. *Impairment and disability are not the same.*

What is an impairment rating? Does my doctor just pick an arbitrary number for the rating?

An impairment rating reflects the physical loss of function, with respect to stability, motion, sensation, etc. In Florida, by law, *neither pain nor loss of strength* is reflected in an impairment rating. Impairment ratings are calculated from a set of tables published in 1996 by the State of Florida.

So what about my disability rating?

By law, worker's compensation does not consider disability ratings, and your doctor does not rate disability.

What if I want a second opinion?

Under worker's compensation, you can request a second opinion from a different medical doctor of the same medical specialty. Ask your case adjuster.

What if I feel that the insurance company or my workplace is mistreating me?

If your case adjuster or nurse-manager cannot help you work things out to your satisfaction, then you have the option to contact an attorney that specializes in worker's compensation law.

Can I get retrained or vocational rehabilitation?

The State of Florida makes funds available for job retraining via vocational rehabilitation. You cannot qualify for this until you are medically stable, are not planning to have surgery, and are no longer involved in physical therapy.