

MINNESOTA WORKER'S COMPENSATION

Agenda for Today

- ▶ Introduction
- ▶ Investigation of a claim including how to look for fraud
- ▶ Elements of a claim
- ▶ Concerns
- ▶ Questions



Introduction



Investigation of a Claim



- ▶ Notice
- ▶ Treatment
 - ▶ Medical
 - ▶ Vocational
- ▶ Video/Photographs
- ▶ Witnesses
- ▶ Accident Site Review
- ▶ Police Reports

Red Flags that Indicate Fraud



- ▶ Adapted from:
- ▶ Worker's Compensation Top 10 Issues; Feb. 2005
- ▶ PESI, Inc

Questions

- ▶ 1. Is story line consistent?
- ▶ 2. Do medical records confirm history?
- ▶ 3. Does employee avoid communication?
- ▶ 4. Is accident description consistent?
- ▶ 5. Does employee maintain eye contact?
- ▶ 6. Is the employee punctual post injury?
- ▶ 7. Is there an IME companion?



More Questions

- ▶ 8. Was the accident witnessed?
- ▶ 9. Was the accident reported immediately?
- ▶ 10. Is a lawyer hired right away?
- ▶ 11. Is there more than one doctor treating?
- ▶ 12. Is the duration consistent with diagnosis?
- ▶ 13. How much time is missed from work?
- ▶ 14. Are outside activities consistent with diagnosis?

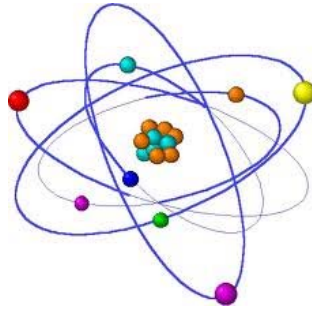


Final Questions



- ▶ 15. Is there a past history of similar problems?
- ▶ 16. Is employee keeping a diary?
- ▶ 17. History of personality disorder?
- ▶ 18. History of mental illness?
- ▶ 19. History of drug/alcohol abuse?
- ▶ 20. Work injury reported in conjunction with economic issues (i.e. layoff)?

Basic Elements for a Claim



- ▶ Physical Injury
- ▶ Arose out of Employment
- ▶ Within Course and Scope of Employment
- ▶ Notice of Claim to Employer

Notice

Notice

Employee – 14 days,
30 days, 180 days

Statue of Limitations

3 years
6 years



Everything constitutes an "Injury"



- ▶ Specific Incident
- ▶ Idiopathic Incidents
- ▶ Natural Consequences
- ▶ Gillette Injuries
- ▶ Occupational Disease
- ▶ Stress Injuries
 - ▶ Physical cause Mental
 - ▶ Mental cause Physical
 - ▶ Mental cause Mental
 - ▶ PTSD



Arising out of Employment

Acts of God, Idiopathic, While Traveling, Acts of Third Persons



Within the Course and Scope
Transportation, Conduct, At Home, Pre-employment

Employee Concerns

- ▶ Employees want to be taken care of
- ▶ How
 - ▶ Medically
 - ▶ Emotionally
 - ▶ Financially
 - ▶ Employability



Department Concerns



► Points

- Assessments
- Work time
- Legitimacy of claims
- Protecting employee
- Insulation from further litigation (ADA, Human Rights, FMLA, HIPAA)

State's Concerns

- Pay claims as appropriate
- Keep costs of administration down
- Keep lower assessments/premiums for departments
- Follow state laws and regulations
- Defend against questionable claims



Questions and Answers



Questions
are
guaranteed in
life;
Answers
aren't.