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

Statute 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
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.