



The Workers' Compensation  
Law Seminar

# **PITFALLS FOR NEW ADJUSTERS**

**or HOW TO AVOID FALLING INTO THAT PIT**

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# Assume the claim is covered?

- Review the policy
  - Determine the dates of coverage
  - Find out if the injury occurred during coverage period
  - Find out where the injury occurred
  - What is the injured worker's position – find out if the employee-owner covered

# **Need to investigate whether the claim is covered under Iowa law, and what Iowa law holds regarding compensability, benefits, defenses**

- The injury does not have to be witnessed
- Find out if timely notice has been given
- If timely notice is not given, then need to do conduct additional investigation before benefits commence
- Find out what the medical provider says regarding causation
- Iowa does not allow medical reviews to contradict opinions of authorized medical providers

# Investigation cont'd

- If illegal drug use/intoxication suspected, get a drug test done
- Talk to employers about ensuring that a drug test is part of all injury claims
- An employer's claim that employee has signed a contract he/she won't file for work comp is invalid
- If benefits are owed, make sure you find out how many dependents the employee has along with getting accurate wage records

# Carefully choose the medical providers

- Iowa allows the employer/insurer to choose the medical providers
- Exercise that right carefully
- Because if that authorized provider refers a claimant to a specialist, a therapist, a surgeon, orders an MRI or other testing, that care must be approved
- But attempt to maintain control over who the therapist is, what specialist the claimant sees

# When a claim is made talk to those with knowledge!

- Contact the claimant – what happened, where, get a statement & get their employment & medical history
- Get the names & addresses of witnesses, medical providers
- Be sure to get the names & address of the claimant's primary care providers
- Request they sign & return the patient waiver you will send
- Find out if there were any witnesses to the injury



# Communicating with those with knowledge cont'd

- Contact the employer to find out what they know about the injury
- Find out whether notice was timely provided & to who
- Ask what the claimant told the employer
- Get the names of any witnesses
- Request they forward all medical records and the personnel file
- Get accurate wage records
- Find out whether the employer has light duty work

# Communicating with those with knowledge cont'd

- Contact the medical provider & get the medical records
- If the claimant has been seen by their primary doctor, get the care with someone of your choosing
- Find out if what the claimant reported to the doctor is consistent with what he/she told you
- Find out if the reported injury would cause the condition being treated
- Make sure that the provider knows you expect the office notes that relate to each bill sent



# Communicating with those with knowledge cont'd

- Contact the defense attorney if you have questions regarding compensability
- Or if you need the names of medical providers
- Or if you want to just want to pick their brain
- If the claim is litigated, provide the attorney with all medical records, employee files, statements & all other documents
- Log notes are also helpful to defense attorneys

# Following up is also necessary

- Contact the claimant – find out: how are they doing, what the doctors are telling them, can they work light duty, is the employer keeping work within restrictions, are they getting to all the medical appointments
- Contact the employer to find out whether the claimant is reporting for work on time, get wage records so TPD can be timely paid

# Following up cont'd

- Very important to maintain contact with the medical providers – so you know how the claimant is doing, to avoid referrals being made without your knowledge, not letting treatment drag on
- If claimant files an alternate care petition, get that to the defense attorney with all medical records as soon as possible

# Use other the resources

- Get ISO reports
- Obtain claimant's prior medical records
- Use google regarding medical issues
- Follow up if suspicious activity on the part of the claimant is reported
- Use surveillance
- Talk to peers about issues, facts, how to further investigate
- Talk to defense counsel
- Invest in IWCA's handbook

# Continue to evaluate the claim

- When a claim is denied based on the known information, if new or different or additional information comes in the denial of the claim must be reevaluated
- Failure to do so can lead to a run away claim – with denial, there is not right to choose the care, a claimant oriented deputy may be affected by the failure to recognize additional information
- If the new information supports compensability, interest on benefits might be owed
- AND this can lead to the assessment of penalty benefits



# Other actions that might keep the claimant from seeking out an attorney

- While you are not friends with the claimant, be empathetic. Make sure they are being paid benefits timely, getting the needed medical care. Find out how they are doing.
- Make sure the bills for related medical care are getting paid, & not going to the claimant
- Don't make promises to the claimant you can't keep.
- Don't be the king or queen of denial – about 90% of injuries are compensable.

# QUESTIONS??