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MEDICAL CARE CAN EXPAND

BY: SCOTT A. O'MARA

The worker that has a job related injury can be entitled to receive medical care to cure or relieve the effects of the injury. Typically, the medical care is ascribed to a particular system and/or body part that were injured in the job-related event, and the medical care can be expanded.

There can also be supplemental medical care that is connected to a particular body part and/or systems that were not specifically injured in the job-related event. The connectivity is that the non-related body part or system is that it must be treated to alleviate or minimize the body parts or systems that were injured in the job-related event such as a job-related heart condition but the worker has non-related diabetes and the diabetes is negatively impacting the heart. Therefore, the Workers' Compensation system will have to provide treatment for the diabetes (expanded care).

The courts have determined there are situations where the injured worker who receives medical care for the industrial injury and this medical care causes ancillary problems not directly related to the job-related injuries create responsibilities for the employer. These ancillary problems requiring medical care and treatment, again, can be the responsibility of the Workers' Compensation provider. If it is determined that the care received for the work-related events has a deleterious effect causing the change in function or dysfunction for the worker, again, the responsibility for care lies with the Workers' Compensation provider (expanded care).

Some of the areas that can be easily defined would be the side-effects attributed to the prescribed medication. The side-effects can be as simple such as dryness of the mouth, sensitivity to heat, swelling of extremities, gastrointestinal problems, diarrhea, constipation, blood in the stool, etc., all fall within parameters of the Workers' Compensation system. The worker can use <https://www.WebMD.com> to review listed side-effects for their

medication, and, if they determine that those side-effects are there and they do indeed emanate from the medication, this, again, becomes the responsibility of the employer.

Key factors in the Workers' Compensation system and the employers' liability is a potential of connectivity to inadvertent harm that occur in the treating of a job-related injury. If the physician is not using the proper knowledge, judgment, or skills required and this treatment causes a worker the harm the need for care and treatment associated with that is responsibility of the employer under the Workers' Compensation system (expanded care).

The medical industry has many people that are participants, some have a strong economic goal of achievement for themselves and they are not readily willing to acknowledge or advise the parties associated risks and/or consequences with the treatment offered.

One of the areas that are coming under review is the opioid medication. There is a company that produces the opioids and charges have been laid and fines imposed regarding the misuse of this medication. For the patient that has side-effects, whether it is an addictive quality of the medication or other aspects, those injuries or harm caused falls with the providers of Workers' Compensation.

In the medication realm, some of the pharmaceutical companies are aware of the harm caused by the particular medication, and, they are designing new pharmaceutical products to deal with the side-effects of the medications – *two sources of revenue for them*.

There have been numerous discussions in lawsuits filed against a provider that they were concealing information that caused harm and damage to the patient.

The side-effects of medication whether it is an addictive component, kidney failure, sensitivity to skin, or complex situations evolve are a continuation of the responsibilities of Workers' Compensation. The workers may also have additional causative actions, against the doctor and/or the provider depending upon the injury and/or the knowledge that the provider had and did not disseminate for the worker to make a determination, or a cause of action against the drug manufacturer.

Another realm that is considered is a pre-existing condition such as being overweight. For example the worker develops job-related back conditions and weight issues. Even though the weight condition is not job-related, if the weight condition exacerbates or makes recovery more difficult -- Workers' Compensation can be mandated to provide a weight reduction program if it improves the ability for the job-related injury to get better. Therefore, if the weight condition exacerbates or makes the recovery more difficult -- Workers' Compensation can be mandated to provide a weight reduction program

