

TIPS FOR INJURED WORKERS

By

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Injuries are an unfortunate part of many occupations, particularly for those in firefighting who are exposed to hazardous conditions on a daily basis. While injuries may at times be unavoidable, there are steps that can be taken to assure that injuries are recognized as valid worker's compensation claims and an injured worker receives the compensation to which the worker is entitled and the medical treatment he/she needs.

First, and this is important, **report your injury/incident immediately**. Claims can be lost if the worker delays reporting the injury and the incident. Make a verbal communication to your supervisor followed by a written report according to the employer's policy. If there are witnesses, be sure to obtain their names and contact information. Obtain and keep a copy of your report, any other relevant documents, and even photos if possible.

Seek medical treatment as soon as possible. Employers often contest claims when the injured worker delayed seeking treatment. Even if you think the injury is relatively minor and will resolve itself, you should report it to, and obtain medical advice or treatment from, a medical professional. If the injury does quickly resolve itself, fine. But if it doesn't, you should be covered.

Seek medical treatment from the doctor of your choice. You are *not* required to use the employer's doctor or a doctor suggested by your employer. You should instead choose a doctor certified by the OBWC who has only your well-being in mind.

Make certain a claim is filed with the OBWC as soon as possible and, at the latest, within one year of the injury. This may seem obvious, but some employers may discourage employees from filing a claim, or tell the employee that there is no need to file since the employer "will take care" of the employee. Some employees may not file a claim because they can utilize sick or injury leave. This could have disastrous consequences later when the employer decides it no longer wants to "take care" of the employee or the sick time or injury leave have been exhausted.

Sometimes medical providers may file a claim on behalf of an employee. But don't assume someone else has filed a claim; verify for yourself that a claim has actually been filed.

Inform all medical providers that the injury is work-related and **be sure all bills, including prescriptions, are submitted to your self-insured employer, your employer's managed care organization, or the OBWC**. Don't let your medical provider bill your insurance carrier instead; all bills relating to your injury

should be submitted for reimbursement through your claim. Note that many medical treatments must be pre-approved by your employer's MCO, so make certain that your medical provider follows the proper procedure for obtaining approval before you receive that treatment.

Keep a journal, noting the events in your claim (date of injury, description of incident/injury, how incident was reported, dates of medical treatment, names and addresses of medical providers, days you missed work, etc.). Keep a record of any exposures to carcinogenic substances or possible pathogens. The more detailed the journal, the better.

Be careful about signing medical releases your employer or its representative may request. Injured workers are required to sign a medical release so OBWC and employers may obtain from the worker's medical providers *only* the medical information, records, and reports relative or pertinent to the issues necessary for the administration of the claim. Employees are *not* obligated to sign a blanket release, allowing the employer to obtain the employee's entire medical history, regardless of whether it is related to the claim or the body part injured. Before signing a release for your employer, ask your attorney if you should sign it.

Read your mail from the OBWC, the Industrial Commission, your employer, your employer's MCO, or your attorney. You don't want to miss a deadline or an appointment because a letter sat unopened in your home. If you do receive any correspondence about your claim from anyone other than your attorney, contact your attorney's staff to make certain they also received a copy.

Not all covered injuries or occupational diseases occur immediately or suddenly. Some occur gradually over time as a result of repetitive use; some occur later, developing from or as a consequence of the original injury or exposure; and some are substantial aggravations of conditions that existed before the injury. If you are experiencing any problems that you think may be work-related, talk to your doctor and your attorney.

Let your attorney know if you have another job, besides the job where you were injured, or if you are making money from any other work. Other earnings may be factored into your level of compensation. They may also affect your entitlement to some workers compensation benefits, so your attorney absolutely has to be made aware of the fact that you may have outside earnings or are planning on working anywhere else.

Do not file for other benefits unless your attorney approves such a filing. For instance, you do not want to request temporary total compensation benefits under your worker's compensation claim, which are payable only if you are medically unable to work, and at the same time file for unemployment compensation benefits, which are payable only if you certify that you are able to work.

Your doctor may want to file a motion or a request in your claim, seeking a number of things such as, for instance, the allowance of additional conditions. Consult with your attorney before agreeing to such a request or signing a motion prepared by the medical provider's staff. Your attorney can make sure that there is sufficient medical documentation to support the motion or request before it is filed.

Workers compensation laws can be confusing, and there are often strict time deadlines that must be met, so keep your attorney informed of everything happening in your claim.