

Senate Bill #61

Good afternoon,

I would like to thank you for the opportunity to share just a couple of my experiences of treading the waters of Workers Compensation with some of our injured members. I feel that this bill is beneficial to injured workers and employers alike. Although our Union and the employer, who which our members work for, take safety very seriously, unfortunately workplace injuries do happen. We have had one of our members suffer a knee injury on the job. He reported the injury to the employer and was sent to the medical department for examination. He was directed to the company's PPO list to choose a Doctor to treat his knee injury as he did not wish to have the company medical department treat him.

Upon further examination by the treating physician, it was determined that surgery was needed. Our member notified the employer of this and surgery was scheduled. Before the surgery could take place, the Worker's Comp insurance carrier for the employer notified the employee that "they reviewed his case and disputed the need for surgery." His initial Plan of care was to have surgery and then Physical Therapy and he would be out of work for eight weeks.

The Insurance Carrier disputed the treating physician's plan of care. The injured employee finally was "allowed" to have the surgery eight weeks after the initial surgery was scheduled. So, instead of the employee and employer losing eight weeks of wages and labor respectively, 16 weeks of lost labor and wages was the final outcome. Neither employee nor employer benefited from the delay. I would like to also note that, during the course of the delay, it has been determined by the employee's doctor that he had been favoring the knee that was injured which resulted in another problem developing with the employee's hip and other knee.

I have seen this time and time again. The treating physician determines treatment only to have the insurance carrier request an IME and delaying the process. The IME is another area of concern for me and my members. On numerous occasions I've had my members tell me that some IME's only consisted of a conversation with the IME physician. No examination or tests were performed and the average time spent with the injured employee was between 4-7 minutes. Then a report will be issued from the IME stating a conflicting opinion from the treating physician.

I could go on for hours citing example after example, but I'll only share one more experience.

One that stood out in my mind, and I'll be brief, was an employee who was hit in the head by the end of an air hose. The fitting hit him in the eye. He was escorted to the company medical department by his supervisor who had witnessed the accident. The supervisor, along with several co-workers provided statements as to how the accident occurred. To my dismay the claim was contested by the insurance carrier. The gentleman needed emergency surgery for a detached retina. Despite documentation provided by the treating physician who performed the surgery, the insurance carrier would not issue a voluntary agreement and only offered a

Stipulation-to-Date....after 6 Informal and Pre-Formal hearings If the injured employee has any further claims, he'll have to request a hearing before a commissioner for an injury that was clearly the result of a documented workplace accident.

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