

2/24/11

Written Testimony of Nancy Dushay  
Before the Connecticut General Labor and Public Employees  
Committee in Support of SB 986  
February 24, 2011

Senator Prague, Representative Zaleski and members of the Labor Committee,

My name is Nancy Dushay and I am writing in support of Senate Bill 986 An act concerning additional requirements for an employer's notice to dispute certain care deemed reasonable for an employee under the Worker's Compensation Act. I am an injured worker who is now permanently disabled not because of being injured at work, but because I was denied the medical treatment that not only my doctor recommended to me but that even the insurer's doctor recommended.

Five and a half years ago, I was an active woman who could bike and hike with my nieces and nephews. Then I received multiple injuries in a car accident while on the job. All of my injuries healed well except for my right knee. My doctor recommended a partial knee replacement. As part of the Workers' Compensation process I was then seen by the insurer's physician who actually stated that the knee was in worse shape than my doctor indicated. What happened next started the downhill slide to where I am today. Instead of allowing me to have the surgery that both my doctor and the insurer's doctor recommended, the insurer deposed their doctor during which time they attacked his credentials. All of this was done while the commissioner looked on. It then took almost 17 months from that point on before I was allowed to have surgery. I was without health insurance as I had been released from my job and unable to pay for COBRA. I was also caring for my sick mother who had been recently diagnosed with breast cancer. During those 17 months, the condition of my knee steadily worsened. By the time of my surgery, I needed a total knee replacement. My doctor was not capable of performing the surgery alone and I was advised by my attorney that to change physicians could take up to another year. I ended up being operated on by my physician and another surgeon who specialized in knee replacements. After the surgery I suffered a series of complications including a reaction to Cumiden, an infection, a blood clot and ultimately a failed recovery. At times I was denied pain medication and physical therapy. Eventually I was sent to another physician who performed a revision that same knee 10 months after the first surgery. I have since needed to have my left knee replaced because of the years of overcompensating for the right knee that is still not stable even with the support of a brace. My most recent setback came a little over a week ago when simply getting out of bed I found that my right leg was unable to support my weight. I have been diagnosed with peri-prosthetic right knee dislocation. I am now in a total leg cast in the hope that the leg will form scar tissue so that there will be tissue for the next surgery.

I am on now on Disability, living with my brother and his wife until I recuperate enough from this latest setback to look for an easily accessible place of my own. I live in pain and cannot trust that my legs will support me. The worst part about this is that if I had received the proper treatment years ago, I am sure that I would be in a very different position. I have been a victim of the Workers' Compensation system that was supposed to provide me with medical care and instead doomed me to live as I am now.

Though the damage has been done and it is too late for me, perhaps my story will demonstrate that providing an injured worker with timely medical treatment is not only the right thing to do for the injured worker, but that it is practical and makes sense for all of us. It is for this reason that I ask you to support SB 986 that will not allow employers and insurers to deny, delay, and reduce medical treatment without a sound, medically constructive reason.

Sincerely,  
Nancy Dushay  
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