

# Taking the Injury Claim to the Finish Line

Best Practices from Point of Injury Through  
Medical Treatment that Can Assist with  
Efficient Claim Closure

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# Overview

- Reporting of Injury
- Control of Medical Treatment
- Communication Throughout Claim
- Monitor Claim for Medical/Work Status
- Case Law
- MMI and Claim Closure

# Reporting of Injury

- RSMo §287.380.1 requires every employer or his insurer within 30 days after knowledge of the injury to file with the DWC a full and complete report of every injury or death to any employee for which the employer would be liable to furnish medical aid, other than immediate first aid which does not result in further medical treatment or lost time from work,...

# Reporting (con't)

- What happens if the injury is not timely reported?
  - Statute of Limitations will be tolled
  - Loss of control of medical treatment
- What if employer tries to “handle themselves”?
- Benefits of timely reporting

# Control of Medical Treatment

- RSMo §287.140.1 states the employee shall receive and the *employer* shall provide such medical, surgical, chiropractic, and hospital treatment, including nursing, custodial, ambulance and medicines, as may reasonably be required after the injury or disability, to cure and relieve from the effects of the injury

# Control of Medical Treatment (con't)

- When should control of medical treatment be asserted? By whom? How?
- Benefits of controlling medical treatment
- What if the authorized treating physician finds claimant at MMI but claimant demands more treatment?

# Control of Medical Treatment (con't)

- What happens if/when the employer loses control of medical treatment?
- Employer can be held liable for unauthorized medical treatment when:
  - The employer has notice that the employee needs treatment;
  - A demand is made on the employer to provide medical treatment; and
  - The employer refuses or fails to provide the needed treatment

# Control of Medical Treatment (con't)

- What can medical providers do to assist?
  - Review IME cover letters
  - Ask for additional information, if needed
  - Address all issues requested including medical causation, work status, MMI, and/or PPD
  - Be honest
  - Ask questions



# Communication Throughout Claim

- What can the employer do to assist?
  - Communicate with adjusters and attorneys
  - Provide job descriptions when requested
  - Provide wage information for correct calculation of AWW and rates
  - Assist with addressing light duty restrictions and identifying light duty work, accommodations and prompt return to work offers

# Monitor Claim for Medical/Work Status

- Request and obtain timely updates following all medical appointments
  - If an employer receives a work status slip from the claimant, share with the adjuster and attorney
  - Review for work status, diagnostics, treatment recommendations, MMI
- Medical providers – timely reports, work status notes, anticipated MMI date
- Request and review physical therapy notes

# Case Law

- *Downing v. McDonald's Sirloin Stockade*, 418 S.W.3d 526 (2014)
- *Hayes v. Compton Ridge Campground, Inc.*, 135 S.W.3d 465 (2004)
- *Sterling v. Mid America Car, Inc.*, 456 S.W.3d 473 (2014)
- *Customer Engineering Services v. Odom*, 573 S.W.3d 88 (2019)
- *Reed v. Associated Elec. Co-op, Inc.*, 302 S.W.3d 693 (2009)
- *Meyers v. Wildcat Materials, Inc.*, 258 S.W.3d 77 (2008)

# MMI and Claim Closure

- Impact of efficient claim handling on overall claim costs and PPD exposure
- Once MMI is reached, obtain updated PPD evaluation from attorney, request rating of disability from authorized treating physician, issue settlement authority, make initial offer of settlement
- Request setting with DWC

# Questions?



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