

Providing Care to Patients with Pre-existing Conditions through the Workers Compensation

An Ethical Discussion of Accountability

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Disclosure

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Accountability

- ac·count·abil·i·ty *noun* \ə-ˌkaʊn-tə-'bi-lə-tē
- the quality or state of being accountable
- an obligation or willingness to accept responsibility
- to account for one's actions

Patient Accountability

- Traditionally- obligation to pay for services rendered
- Obligation to report workplace injuries promptly to employer and engage with Worker's Compensation system to resolve the injury and return to work promptly.

Provider Accountability

- Traditionally- obligation to render services agreed upon and paid for.
- **Obligation to balance the needs of the patient and the needs of the Worker's Compensation system to:**
 - resolve the injury and return patient to work promptly.
 - Provide expertise and documentation to WC

Case Manager Accountability

- Obligation to promptly respond to workplace injury claims.
- Balance the needs of the employer, the injured employee, the provider and the Worker's Compensation system to mitigate the injury and resolve the claim.

Accountability Challenges

- The burden of healthcare costs overwhelms the system.
- **Workers with acute work related injuries with underlying pre-existing injuries.**
- Workers with non-work related injuries that falsely report work place injury.
- Inexperienced Providers

WHY?

THE PRIORITIES OF EACH PARTY MAY
NOT BE THE SAME.

Two Case Reports

- Case 1 – knee injury with underlying pre-existing knee arthritis.
- Case 2 knee/ calf injury with underlying pre-existing knee arthritis

Aggravation

- Definition – a **permanent worsening** of a pre-existing condition.
 - Accelerates the pathologic condition
 - Amplifies the symptoms of the pathologic condition
- **No improvement** despite 6 to 8 weeks of Treatment.

Exacerbation

- Definition – a **temporary worsening** of a pathologic condition. “a flare up”
- **Responds** to conservative therapy in 2 to 8 weeks.
- **Response dependent** of severity of pre-existing condition and severity of injury.

Montana Law

Work related injury that **aggravates** an underlying pre-existing injury:

Both conditions are the **responsibility** of the employer/ work comp system.

Work related injury that **exacerbates** the pre-existing condition:

Responsible for the **injury ONLY!**

Action Plan

- Communicate and Educate
 - Employer
 - Injured worker
 - Provider
- Independent Medical Provider
 - Role

Two Case Reports

- Case 1 – knee injury with underlying pre-existing knee arthritis.
- Case 2 knee/ calf injury with underlying pre-existing knee arthritis

Conclusion

- Case management of Injuries with underlying pre-existing disease :
 - Complex
 - Can be Ethically challenging
 - Require constant communication
 - Require early education
- Your IME is your friend.