

## Claims Cost Containment

### Part 4 – Avoiding Litigation: What Can You Do?

**According to the National Council of Compensation Insurance, litigated workers' compensation claims cost 40 percent more than non-litigated claims.**

Analysis shows that if an injured employee perceives the workers' compensation claim will not be accepted, it increases the possibility that person will seek legal help. The major threats felt by employees follows:

- 46 percent of injured workers who retained an attorney said they did so because they **felt** the claim had been denied.
- 23 percent hired attorneys because they were **concerned** about retaliation for filing a claim, like being fired or laid off.
- 15 percent were **worried** that their employer might consider the claim illegitimate.

Note that the highlighted words convey perceptions of how their injury would affect their employment or work relationships.

Your veterinary practice can reduce the likelihood that an injured employee will seek legal counsel by ensuring employees are educated about their workers' compensation rights.

#### 5 Steps to Avoid "Driving" an Injured Worker to an Attorney

##### 1. Educate and Communicate

Before an injury, educate employees of their rights by providing the *Facts About Workers' Compensation* pamphlet provided to all California businesses by their insurance carrier.

When transporting the employee to the clinic for treatment, remind them of the benefits they can receive through workers' compensation.

- Medical treatment and prescriptions will be paid by workers' compensation insurance. The employee will incur no out of pocket expense.
- Should the worker miss time from work, he or she will get two-thirds of their average weekly wage if more than three days of work are missed. If more than 14 days of work are missed, they will be paid for the initial three unpaid days.
- Tell the employee that if the doctor releases them to work with physical restrictions, the practice will do what it can to accommodate the restriction and bring them back to work.

##### 2. Report Injuries Promptly

Late reporting of an injury by either an employee or the practice increases the chance of litigation. Instruct employees to report all work injuries regardless of severity

and report an injury to your insurance carrier as soon as you learn of it. Failure to report could result in the injured employee receiving medical bills at home, having to pay for prescriptions, and using their vehicle without reimbursement when traveling to the medical provider. These unexpected expenses and hardships can easily create the impression that the claim is denied.

##### 3. Stay in Contact with the Injured Employee

When an injured worker loses time from work, they often lose contact with the veterinarian, veterinary technicians, and other practice associates. An injured employee may have worked for a practice for years, yet when they are off work, they do not hear from anyone at the practice. Consider how this plays in their mind. Feelings and emotions take over.

Keep the injured worker connected to the practice and fellow employees.

- A short telephone call from the veterinarian to ask how they are doing or that they look forward to having them back, can have a profound influence on the employee's mental state and feeling of being needed.
- A "get well" card signed by the practice staff can have an immeasurable impact.

##### 4. Modified Work

When the treating physician releases the injured worker for modified work, do all you can to bring the employee back even if it is for a few hours a day. It is **YOUR** responsibility to make the offer of modified work. Make it in writing to minimize the risk of misunderstanding the specifics of the offer.

Having the employee return to the workplace sends the message that their presence and work is valued.

##### 5. Communicate Injury Reporting Procedures

Unnecessary lag time between when the injury occurred and the date your practice learns about it can mean the difference between a medical-only injury and a lost time claim. A clear understanding of the injury reporting procedures will educate employees and reduce the intimidation factor of filing a claim.

Train your office manager and supervisors on the proper method to respond to a workers' compensation claim and ensure employees know what to expect if injured at work. The desired objective is to provide employees with accurate information to avoid false perceptions.