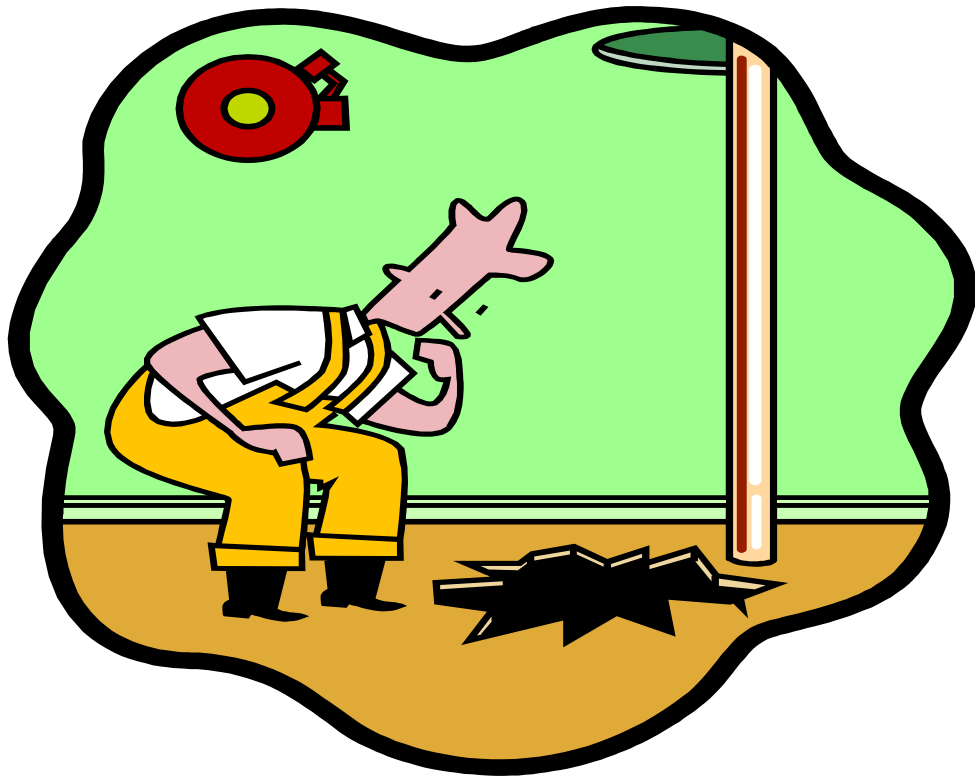


Special Report



**“What To Do Immediately
If You’ve Been Hurt At Work”**



First Health Accident and Injury Centers Central Florida

Dr. Robert S. Weatherwax
7156 West Colonial Drive
Orlando, Florida 32818
(407) 295-6552

Dear Neighbor,

When an injury occurs on the job, many employees and employers are unaware of the law and procedures that are to be followed. Employees are often given incorrect information or partial information which does not fully explain the rights of an injured worker on the job.

You Don't Have To Go To The Company Doctor

That's right. This rule only applies to the first 30 days in regards to seeing the "Company Doctor". After 30 days you have the right to change physicians, you have the right to do so. You do not need to discuss it with your employer, the insurance company or the doctor. When you chose a different doctor, the physician is required to notify the insurance company through a "Doctors First Report".

During the first 30 days of a work-related injury, you can request a doctor of your choice including chiropractic care. The employer or the insurance company for the employer must provide you the name of a doctor within five days. If they do not provide a doctor for you, you may go to physician of your choice after five days and they have to pay for those services.

Did you also know that...?

You Can Change Doctors More Than Once After The First 30 Days

You can change primary treating physicians more than once after 30 days? This is often unknown, but true. In fact, you can change three (3) times as is considered reasonable by the insurance company who is obligated to pay for the care in most circumstances.

There Is More...

If the employer fails to properly post certain notices required by law, the injured worker can go directly to the doctor of their choice and the employer loses the right to medical control during the first 30 days.

You Don't Have To Always Get Authorization From the Employer Or Insurance Company To See Another Doctor Of Your Choice

You need authorization during the first 30 days. After that, the doctor is the one who could authorize based on his or her findings during your appointment at the consultation and examination.

Labor Code 4600 states that the employers **SHALL** (emphasis added) provide the injured worker all reasonable and necessary medical (Chiropractic, Physical therapy, etc.) treatments to cure and/or relieve the effects of the industrial injury. In other words...

By Law, The Employer or The Employer's Insurance Company Is Required To Pay For Care Deemed Reasonable And Necessary To Cure or Relieve Your Condition

You Will Not Lose Your Job If You Report An Injury

The consequences of an employer terminating employment of an injured worker are great. Civil and sometimes criminal penalties can result and damages to employers can be very high.

Employers who routinely terminate employees who file for Worker's Compensation benefits may be investigated by the Division of Worker's Audit and Enforcement Unit. This unit insures that employers and insurance companies are following the law.

By Law, It Is An Unacceptable Practice To Fire An Employee For Filing A Legitimate Worker's Compensation Claim

The law states that it is a felony to file a fraudulent Worker's Compensation claim, but it also states that to deny someone Worker's Compensation benefits who is entitled to them is also a felony. Therefore, it works both ways. If the employer violates the law, they are in jeopardy. If the employee is lying or making up a claim for Worker's Compensation, then they are also liable. Further, attorneys, insurance companies, doctors, vocational rehabilitation specialists and others involved in Worker's Compensation are also held to the same level of accountability.

Injured Workers Who Don't File A Claim Upon Knowledge Of A Work Related Injury Are Putting Their Own Rights In Jeopardy

If you are concerned about losing your job or some other penalty or discrimination for filing a Worker's Compensation claim, don't be. If you think you have a work-related injury, see a doctor. Go to someone with the experience, expertise, and knowledge of the ever changing labor codes. Be honest. Get the facts straight. Explain the type of work you do and be forthright and you shouldn't have any problems at all.

If I File A Work-Related Injury, I Won't Have Any Money

If you have a work related injury and your doctor takes you off work, you will be entitled to disability benefits. There are several different types of disability benefits. They include temporary or total disability, meaning that you are temporarily out of work completely, or unable to do your job. The most common, is called temporary partial disability meaning for a short time, you are unable to do part of your job, such as heavy lifting for an example, because you hurt your back or any other part of your body.

In most situations, the employer will arrange for you to perform light duty or other positions not causing further injury or aggravation to your back.

If, however, you are permanently injured, you may receive long term disability benefits and also be trained for a new profession and a different type of position. Being trained for new employment is called vocational rehabilitation. This essentially means that you are trained in a new profession that does not aggravate or cause further injury to your condition. For example, a typist who has carpal tunnel syndrome may be trained as a supervisor which no longer requires typing.

The type of disability you have and whether or not you need vocational rehabilitation is determined by professionals in Worker's Compensation, mainly your doctor and a Worker's Compensation vocational rehabilitation specialist.

If you are hurt on the job and are unable to work normally within 15 days you will receive a check amounting to approximately two-thirds of your normal pay up to certain limitations. Most injured workers who are on temporary disability are paid these benefits without much problem.

The Insurance Company/Employer Says I Have To Go to Their Doctor...What Do I Have To Do?...

In some cases, this may be true. According to a section of Labor Code 4050, the employer is entitled to have the employee evaluated by their own doctor at reasonable intervals. This is to insure that the treatment the patient is receiving and the reports that the insurance company is receiving are verifiable by another doctor's opinion, examination, and review.

Essentially, the insurance company is paying for your care. Unfortunately, however, sometimes this leads to situations where the employer or the insurance company for the employer tries to dictate to the patient the care they should be receiving. As we discussed earlier, the first 30 days of care are critical this will allow the employer to have some right of control based on certain circumstances. But after 30 days, the employee has control of their own treatment and seeing physicians they feel comfortable with.

**If You Are Being Told That You Cannot Continue With Your Doctor,
Or If You Have To See Another Doctor, Discuss This With Your
Treating Doctor First.**

Patients who have feuds and upsets in this area are best advised after talking with their doctor to consider the reason behind the insurance company requesting treatment with another doctor. In some circumstances, it is quite legitimate. For example, your doctor may not be familiar with Worker's Compensation laws, or not reporting regularly or providing treatment which has not shown much benefit in terms of you improving or going back to work.

On the other hand, sometimes this is just an attempt by the insurance company to try to regain control of your medical care, chiropractic care, orthopedic care, etc.

Essentially, there are legitimate reasons for requesting treatment with another physician as well as non-legitimate reasons. The best advice is to weigh all your options and make a decision. The Worker's Compensation system in the State of Florida can be adversarial at times towards the injured party, employers, doctors, and insurance companies.

The main idea behind all the laws was to give injured workers certain benefits such as medical care, disability and retraining, if they are injured on the job and are in need of such services.

The Great Compromise

Employees give up their rights to sue their employer for negligence and other legal remedies due to the Worker's Compensation law. In essence, the law was a great compromise to employers and employees to deal with Worker's Compensation with work injuries on the job. As in all medical and legal matters, there are exceptions to the rule, federal employees do not fall under State of Florida guidelines.

This article is designed to give you a general idea of how the rules are in most cases, and give you some information relevant to the common issues injured workers have. If you have specific legal questions, it is always wise to research the law or consult an attorney who specializes in Worker's Compensation.

Most Importantly, You Must Read The Following...

1. If you are not feeling like you did before your injury, you can seek out different care and you can by law in most instances.
2. Some injured workers are frustrated because after weeks of physical therapy and/or pain medication, they still are hurting and don't know what to do.
3. Under Worker's Compensation Law in Florida, Doctors of Chiropractic are Physicians. (Labor Code 3209.3)
4. Studies show that conservative Chiropractic care gets better results than physical therapy or pain relief medication alone.
5. Dr. Weatherwax & Dr. Pappagallo are trained in treating injured workers and provide Employers as well as Insurance Companies the necessary paperwork to monitor the injured workers' return to work, progress, and/or disability.

In closing, we want you to know that you have the rights if you were injured on the job and you need to know the facts.

The information you have just read is general in nature and every case is different. Therefore, you are welcome to share your story with us. We will be happy to help if we can, like we've helped hundreds of workers before you.

For an in office consultation and evaluation of your work injury or other work related problems and/or questions, please call our office at (407) 295-6552.

Sincerely Yours,

Dr. Robert S. Weatherwax

P.S.

If you call by _____ there will be no charge to meet and speak with Dr. Weatherwax. CALL NOW!

Warning: Making a false or fraudulent Worker's Compensation claim is a felony subject to up to 5 years in prison or a fine of up to \$50,000 or double the value of the fraud, whichever is greater, or by both imprisonment and fine.