

Occupational Health Group is a service offered to the business community of North Alabama by Huntsville Hospital and Decatur General Hospital Systems

Distinguishing Between Work Related and Pre-existing Medical Conditions

by James F. Gauthier M.D., M.P.H. Medical Director, Occupational Health Group



Distinguishing between work-related and personal medical conditions can be a source of frustration for human resource managers, insurance adjusters, providers and others involved in managing workers compensation claims. No one would contest the fact that some non-work related illnesses and injuries are

erroneously covered by workers compensation insurance. Conversely, some work-related injuries and illnesses are erroneously covered by private health insurance. It has been my experience that employers are willing to assume responsibility for legitimate work-related injuries and illnesses.

However, causation is not always as clear cut as a laceration caused by a chainsaw. Often there is a gray area in which a determination is difficult and opinions will vary. Although determinations must be made on a case-by-case basis, an understanding of a few legal and medical concepts can make the decision maker's job easier. The legal concepts include the eggshell skull theory and burden of proof. The medical concepts include an understanding of the natural history of degenerative conditions, an understanding of the preventability of an injury and the mechanism of injury.

The legal concept called the eggshell skull theory states you must accept the worker (or egg) as they come to you (thin shell and all). In other words, even though an employee has a number of pre-existing medical problems, if a work injury makes them worse, the employer is responsible. Thus, we must distinguish between normal deterioration according to that particular condition's natural history and an injury that worsens that condition.

An understanding of the concept of burden of proof can be useful as well. Many managers and physicians have the mistaken belief that when work is raised as an issue it must be exonerated 'Beyond a Reasonable Doubt.' In point of fact, the burden of proof in the majority of Workers' Comp cases is actually a 'Preponderance of Evidence' also known as the evidence of substantial weight. In other words, it is the determination of whether one outcome is more likely than another. If it is more likely that the evidence points to a degenerative condition, then work should be exonerated. If on the other hand, the evidence points to work as playing the major role then that is the call that should be made.

A useful medical concept to be aware of is the natural history of a degenerative condition. The symptoms of most degenerative conditions typically wax and wane and generally get worse as one ages, whether employed or not. An increase in symptoms from an activity does not mean the disease process has been caused, aggravated or accelerated by the activity. For example, if an individual experiences chest pain while trudging up a hill, is it the blockage in the coronary artery that is to blame or the hill? If you had chest pain, would you want the hill on which you experienced your chest pain leveled or the blockage in your coronary artery treated?

The following is an example of this situation:

The patient, JL, reports that he has had right-sided groin pain that has been coming and going for about three months and that it has become unbearable. He cannot recall any specific event that preceded his difficulty. Physical exam confirms a right-sided inguinal hernia.

JL is advised to follow-up with his personal physician since this scenario does not meet the statutory criteria. In Alabama for a hernia to be considered work-related, it must be "definitely proven to the satisfaction of the Court all of the following:

- *That there was an injury resulting in hernia.*
- *That the hernia appeared suddenly.*
- *Was accompanied by pain.*
- *That the hernia immediately followed an accident.*
- *That the hernia did not exist prior to the accident for which compensation is claimed".*

The preventability of an injury is also a useful medical concept to understand. If an individual with arthritis of the knee states their knee 'just gave way' while walking down the hall, yet no workplace hazards can be identified (e.g., water on the floor), chances are it was due to an inherent or pre-existing medical condition like degenerative joint disease. It appears that nothing could have been done to the work environment to prevent this from occurring. A review of medical records often documents the pre-existing nature of the condition.

The third medical concept that can be useful is an understanding of the mechanism of injury. A plausible mechanism of injury must exist consistent with the particular injury alleged. For example, tripping in the parking lot will not typically cause a clean straight-line laceration more typical of a knife or box cutter. This sort of history on the part of the patient would be suspect.

The mechanism of injury given for most claiming carpal tunnel syndrome is similarly suspect. For example, contrary to popular belief, even among physicians, the medical literature does not seem to support a work related cause for CTS. In separate literature reviews by Norton M. Hadler, M.D., Peter A. Nathan M.D., and Michael A. Vendor M.D., it was concluded that most studies describing a cause and effect relationship between work and upper extremity disorders and/or carpal tunnel syndrome (CTS) were seriously flawed. Lack of an acceptable case definition, reliance on self-reported symptoms, the existence of confounding factors, and the lack of prospective studies are primary reasons cited for the flaws.

Distinguishing between work-related and personal medical conditions can be quite frustrating. An understanding of the above legal and medical concepts can assist managers and providers in making better decisions regarding the work relatedness of complaints raised by employees.



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Flu News

Influenza is one of the leading causes of absenteeism from work. Unlike the common cold, the flu can leave a person unable to function for several days - a problem that plagues many companies across North Alabama. On average, unscheduled absences cost U.S. employers \$602 for every employee annually, and according to trends, these expenses are only expected to increase in the coming years.

The cost per employee for on-site vaccination is:

Over 500 participants	\$25.00
301- 500 participants	\$26.00
101-300 participants	\$27.00
51 -100 participants	\$28.00
25 - 50 participants	\$30.00

Looking for a solution? Through OHG's On-Site Wellness Services Department, businesses have a unique opportunity to sponsor a flu clinic tailored specifically to the needs of their employees and organization. OHG's On-Site flu vaccination Program can reduce absenteeism, increase productivity, improve workplace morale, and cut medical costs, for the employer and employee. The Centers for Disease Control (CDC) is reporting that U.S. businesses could save \$12 billion annually through proactive flu shot campaigns and other wellness services.

If you expect less than 25 participants, you may send your employees to any of our OHG Clinics. The cost at the clinic is \$30.00 per person. We will administer vaccinations on-site and at our clinics starting October 15th and continuing through November and December. To find out how to develop a program that's customized to meet your specific needs, contact OHG Wellness Services at 256-922-6699.

Occupational Health Group Goes to ASIA

Andrea Calloway, Marketing and Business Development, for Occupational Health Group (OHG), recently attended the Alabama Self-Insurers Association (ASIA) Summer Conference. The 3-Day Conference, which was held in San Destin, was attended by 600 members, guests, and exhibitors, and was ASIA's largest conference to date. ASIA is a statewide, non-profit membership organization that represents the interests of employers in Alabama who self-insure workers' compensation coverage on their employees. <http://www.asiaal.org>

OHG Welcomes Marketing Personnel



OHG welcomes Audra Campbell as its new Marketing and Business Development Representative for the Decatur and Madison area. Audra is a native of the Huntsville area and has a great deal of experience in Marketing and Communications. We look forward to introducing her to our clients.

OHG Physician Presentations

Dr. James Gauthier, OHG Medical Director, delivered a presentation recently on the topic "Special Evaluations". He presented the topic to 200 insurance adjusters from across the southeast during the Alabama Department of Industrial Relations Worker's Compensation Seminar in Huntsville.

OHG would like to thank the Alabama Department of Industrial Relations for giving us the opportunity to present.

MARK YOUR CALENDAR - Dr. Gauthier will be the guest speaker for the Shoals Safety & Health Association, September 10th. His presentation will be "OSHA Respiratory Standard, Employer Responsibility". He is also presenting as the guest speaker for the National Safety Council on September 16th, "Distinguishing between Work Related and Pre-Existing Conditions" and the Case Management Society of America luncheon on September 18, at the Huntsville Public Library, where his presentation will be "The Pre-Travel Consultation". Nursing CEU's will be offered at the National Safety Council and the CMSA meetings. Seating for these two events will be limited, so watch your e-mail for upcoming registration information.

OHG Directory

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OHG - Decatur.....	(256) 353-4325
Wellness Services.....	(256) 922-6699

www.OHGonline.org

Holiday Closings

All OHG clinics will be closed in observance of the following holidays:

Thanksgiving	November 27th & 28th
Christmas	December 24th, 25th, & 26th



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