

WC Presentation

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We wish to appear and speak in favor of changes in the Illinois WC law. Currently the pendulum in the Illinois WC system is too advantageous for the employee. We wish to bring the pendulum to the center, to have a fair system for both the employee and employer.

The following proposals would make the Illinois Work Comp system more fair for all parties.

1. To make an injury compensable only if the accident is the prevailing factor in causing the resulting medical condition or disability.
2. Amend the rules on wage loss differential awards
3. Improve the medical fee schedule
4. Allow employers to choose the treating physician
5. Consideration of AMA Guidelines for ratings of disability

To make the injury compensable only if the injury is the prevailing factor would be a cost saving change for Illinois employers. On repetitive motion claims such as carpal tunnel, employers pay thousands for a condition that has multiple causes, most not work related. But if the arbitrator hears there are some exposures related to the job, the entire condition becomes a compensable injury. The same can occur for an employee who has an arthritic back; if there is a minor strain on the job, the employer pays for the whole condition.

On wage differential cases there is a limited amount of time to review cases before the commission in the event an employee's circumstances improve. The

limit is 60 months. We feel the employer should be able to review the decision any time the circumstances change. Also, the award should not be for life. There should be a offset for pension and social security. Or perhaps a 10 or 15 year cap. For comparison, Iowa has a benefit in their system titled 'Industrial Disability'. For injuries to the body as a whole, such as lumbar disc surgery, the Industrial disability awarded to an employee in his thirties is much greater than the industrial award to an employee aged 64. The person aged 64 is not expected to be in the work force much longer, and the Industrial disability portion of his claim is less. In each case, for the employee in his thirties, or the employee aged 64, the doctor also assesses a functional disability using AMA guidelines.

Regarding the medical fee schedule, the Illinois fee schedule is either the highest or second highest in the U.S. The fee schedule should be improved for immediate savings.

On physician choice, we see certain doctors who have reputations for unnecessary surgeries or giving out off work slips. We also see employees go to their family doctors who also write time off if that is what the employee wants. The family doctor simply wants to make his patient happy, and keep his business. If employers could choose the treating physician, these abuses would be ended. Employers save medical dollars by choosing better physicians who are familiar with the industrial setting. These doctors tour the employer's premises and are familiar with the work tasks. They can recommend modified duty for an earlier, but safe return to work.

Use of the American Medical Association Guidelines to establish a disability rating would be more objective than the current designation by the Arbitrator. In Illinois, a carpal tunnel patient would likely be awarded 20% disability, basically because that is the going rate in Illinois from previous decisions. In Iowa, the WC system uses AMA guidelines and the award is in the range of 8%. Most patients who have Carpal tunnel return to the same job and work tasks after surgery.