

Steps for Dealing with a Nurse Case Manager



INJURED WORKERS
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Nurse case managers are often assigned to monitor the care, recovery progress and return to work ability of injured workers. Sadly, what many injured workers' are not aware of is that these nurse case managers are hired by the insurance company to cut costs. Unfortunately, the nurse case manager does not always have the injured workers best interests at heart. Never forget who is paying the nurse case manager. Although there are some good nurse case managers out there with a genuine desire to help, many times it appears they are more interested in helping the insurance carrier and employer save money by "speeding up" the return to work process or "recommending" treatments that are usually less expensive than the course of treatment recommended by the treating physician.

If you are injured on the job and seeking the help of a medical professional to speed your recovery process, you will likely come into contact with a nurse case manager. Below are some useful tips for dealing with the nurse case manager assigned to your claim.

1) Always insist upon a private examination by your doctor outside the presence of the nurse case manager.

You have the right to a private examination with your physician. This will give you an opportunity to discuss your medical issues privately with your doctor. If the nurse case manager walks into the room, you simply ask the doctor if there could be some privacy during your meeting with him and, hopefully, that will do the trick and he will ask the nurse case manager to leave and come back at the end of the appointment. A second part of this is to try to avoid having the nurse case manager talking privately with your physician by staying present until the end of the appointment. If the nurse case manager asks to speak to the doctor privately, you ask to join in that conversation.

2) Never let the nurse case manager switch your treating physician without your consent.

One of the greatest areas of abuse in the workers' compensation system is the habit of "doctor shopping," especially when the insurance adjuster does not like the authorized treating physician's opinion (usually regarding work restrictions or the capacity to work). A trick I have seen a few times is the nurse case manager says the doctor you picked is not available for a month or more and you could see another particular doctor this week. There is a reason why one doctor is booked and the other is not. Why would anyone go to a doctor who has no patients? My suggestion is to set the appointment for next month and tell the receptionist to call you if there are any cancellations so you could come in immediately. Unfortunately, there are a few doctors to whom the insurance companies always send injured workers for second opinions, or treatment, or Independent Medical Examinations when they want an opinion that the worker is able to return to work without restrictions or with very little restrictions. A lawyer who handles workers' compensation cases on a regular basis knows who these doctors are and knows what they're going to say even before the worker has been seen by the doctor. The insurance industry knows these doctors will be a great value to them for the money they are being paid and will make every effort to be sure that the injured worker is seen by those doctors. These very few doctors are paid hundreds of thousands of dollars each year by insurance companies to do their dirty work.

3) Keep your lawyer informed.

You need to keep your lawyer informed of any significant discussions that you may have with your nurse case manager. It is essential for you to keep your lawyer informed if you feel that your nurse case manager is taking a position contrary to your interests or is working against you in obvious ways. Any concerns that you have with your nurse case manager should be discussed with your attorney.

Why is this so important?

Here is a case in point that has happened to more than one of my clients, and countless others:

The injured worker leaves an appointment with the nurse case manager still there with the doctor, and then they get a call the next day from their employer saying they are **fired!** The employer states this is because the injured worker didn't show up for work and that the doctor had released them to full duty. What really happened was the nurse case manager got the doctor to "adjust" the work restrictions allowing the injured worker to return to work after he or she had already left the appointment. The nurse case manager then gave the return to work release to the employer, and "forgot" to inform the injured worker. Don't forget, the nurse case manager is working for the insurance company.



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