

# **Workers' Compensation for Orthopedic Appliances in PA**

David Griffiths went to work one August morning in 2000 just as millions of Americans do every day. While on the job that day, however, he suffered a catastrophic injury that left him a C-5 quadriplegic, confined to a wheelchair for life. Thereafter, he underwent a four-month hospital stay and many follow-up medical appointments. He required the use of a specially modified van. After trying two rented models for a two-month period, the Griffiths purchased a van and had it modified to accommodate his wheelchair.

When Griffiths sought worker's compensation from his employer, the employer fought back saying, among other things, that it did not have to compensate the expense of the vehicle itself but rather only the modifications that were performed to the vehicle.

## **Orthopedic Appliances**

Pennsylvania workers' compensation law requires employers to "provide payment for medicines and supplies, hospital treatment, services and supplies and orthopedic appliances, and prostheses." The Griffiths case was appealed to the state supreme court, which relied on the broad dictionary definitions for "orthopedic," "appliance" and "orthopedic appliance," and found legislative intent that the statute encompasses future innovation in orthopedics.

To decide otherwise would have created two classes of injured workers: those who could afford a financial benefit because they could afford to purchase a vehicle that could then be modified, and those who would not have access to that benefit because they could not afford a new vehicle.

But the court did not go so far as to say the vehicle will always be compensable. While the purpose of the act is remedial, the court declined to offer injured workers the potential to seek a benefit unrelated to remedying his or her injury. That is, the court left the door open to future litigation over the compensability of a vehicle purchased by an injured worker. Compensation depends on the circumstances of the case, including the reasonable purchase price of the vehicle and the amount for which the employer is liable, given the employee's prior financial circumstances.

## **Modifications to Living Space**

As early as 1987, the courts have recognized that home and vehicle modifications are orthopedic appliances. Accessibility modifications such as construction of ramps or stair lifts, safety rails or hand bars, or widening doorways within the home to make it accessible may therefore be compensable under the statute.

Injured employees who have questions about seeking workers' compensation for medical expenses, orthopedic appliances, and home or vehicle modifications should contact an experienced workers' compensation attorney promptly.