

# PA workers' comp cases need medical testimony to prove illness

A recent court ruling by the Pennsylvania Workers' Compensation Appeal Board may have significant impact on future workers' compensation cases filed in the state. The Pennsylvania Workers' Compensation Appeal Board ruled that injured workers who file a workers' compensation claim need to establish how their workplace injury contributed to their subsequent illness.

The board said that workers' cases should provide medical testimony if their injury or illness could have possibly been caused by something other than the workplace accident or incident. This means that workers who suffer an illness or infection caused by their workplace injury must have medical testimony proving that the workplace injury led to their illness or infection.

The board's ruling stems back to a workers' compensation case filed by an electrician who suffered from a work-related knee strain. The worker filed a claim stating that he became infected with MRSA after receiving treatment for his work-related knee injury. His employer filed a petition to have his workers' compensation terminated because he believed the worker's knee injury was not work-related and that the resulting infection should not be covered by workers' compensation because it didn't result from a work injury.

The original court granted the worker's claim, stating that his knee strain was a work-related injury and that the injury subsequently led to the infection. However, after the appeal board reviewed the case, they reversed the ruling in favor of the worker because the worker did not provide medical

testimony showing how the infection was caused by the work injury.

This ruling could impact future cases in Pennsylvania where workers are trying to prove an illness or infection occurred as a result of a work injury. In order to prove this, future cases will have to prove through medical testimony that the illness or infection is related to the work injury for it to be covered through workers' compensation benefits.

**Source:** Risk & Insurance, "MRSA infection can't be linked to work in absence of medical evidence," Feb. 4, 2013