

The Importance of Medical Treatment in Workers' Compensation Cases

Consistent and reliable medical treatment is at the heart of almost every successful workers' compensation claim, and a recent Commonwealth Court decision in *Ciarolla v. WCAB (Astrazeneca Pharmaceuticals)* reinforces the critical role it plays. In fact, any gaps in medical treatment can be used to undermine an injured worker's claim, and anyone with an injury would be wise to seek medical care as consistently as possible.

Facts:

Ms. Ciarolla was injured at work on January 9, 2014. While traveling as a sales representative, her vehicle was struck by a school bus.

The Employer accepted her injury as a low back sprain and strain, and she began to receive medical treatment. However, the Employer eventually sent Ms. Ciarolla to one its IME doctors, who evaluated her and found her fully recovered from her injury. As a result, the Employer filed a Termination Petition claiming Ms. Ciarolla's benefits should be stopped since she was fully recovered from her injury.

During testimony, the Employer's doctor noted a "gap" in Ms. Ciarolla's treatment from October 2014 until March 2016. While Ms. Ciarolla testified that she treated at home with an exercise program and oral and topical medications prescribed by a physician during the period in question, the Employer's doctor testified that these measures do not constitute medical treatment. Unfortunately, the judge believed the Employer's doctor and found Ms. Ciarolla fully recovered.

Before the Commonwealth Court, Ms. Ciarolla argued that the judge should not have relied on the testimony of the Employer's doctor that there was a "gap" in her treatment between October 2014 and March 2016. She argued that this mischaracterized her treatment during this period since she was using medications and performing a home exercise program. The Commonwealth Court disagreed and affirmed the judge's decision finding her fully recovered.

Eliminate Gaps in Medical Treatment:

This decision highlights the critical role medical treatment plays in the life of a workers' compensation claim. Any gaps in treatment or any failure to follow a treatment plan may expose the injured worker to an allegation they are no longer injured or what they say about their injury is not believable.

Often, injured workers believe they are "doing the right thing" by avoiding medical treatment. Sometimes, if they have returned to work in some way, they receive pressure from work to avoid medical appointments in favor of work assignments. Other times, the pressure may come from a doctor who recommends a plan the injured worker simply follows. However, the "right thing" for injured workers is almost always receiving medical treatment.

Medical treatment documents your symptoms, records your examination findings, and outlines the doctor's opinions. It also provides a judge something to rely upon when insurance companies try to stop paying benefits.

One of the key lessons in Ms. Ciarolla's case is that injured workers must find a way to maintain medical treatment with a physician. This may require an injured worker to speak up and request follow up appointments or actively schedule them on their own to check in with their treating physicians as they follow the treatment plans prescribed. It may very well mean

the difference between receiving the benefits they need and not.