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# The Rocky Mountains of Workers' Compensation

## CLIMBING THE PEAKS IN THE PRACTICE OF WORKERS' COMPENSATION

**2023 WORKERS' COMPENSATION PRACTICE GROUP SEMINAR**

**SEPTEMBER 27-29, 2023 | PENDRY PARK CITY | PARK CITY, UTAH**

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**The Peaks and Valleys of Telemedicine: Navigating the Treacherous Slopes of Telemedicine in Workers' Compensation**





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# How Did We Get Here?

Covid

Remote work

New technology



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# Types of Injuries to Consider Telemedicine

- Sprains/Strains
- Burns
- Lacerations
- Contusions
- Repetitive Use Injuries
- Bloodborne pathogen(BBP) exposures
- Rashes
- Mental Health
- COVID-19

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# Benefits for Utilizing Telemedicine

- Employees
  - Peace of Mind - knowing they have access to medical care when needed
  - Convenience – Eliminates Travel Time
  - Reduces fear of being exposed to COVID or other illnesses
- Employers
  - Reduces time away from shift
  - Shows employees their employer cares by offering this option
  - Reduces Medical Spend on wc claims
  - Increased Provider Options, especially in rural areas
  - Improves Access to Timely Care

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# Benefits Continued

- Physicians
  - PROS
    - Autonomy
    - Scheduling Flexibility
    - Allows Contract Work in Addition to Private Practice Patients
  - CONS
    - Lack of Interpersonal Connections with Staff
    - Lower Compensation Compared to Traditional Office

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# Types of Virtual Visits On The Rise

- Physical Therapy - TeleRehab
  - Video-Conference – with a licensed physical therapist for one-on-one therapy
  - APPS – Uses Avatars to guide employee through Home Exercises
  - Hybrid – in-clinic sessions supplemented with virtual home exercise supervision

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# Types of Virtual Visits on the Rise

- Mental Health
  - Primarily therapy- psychologists willing to treat claimants primarily through telehealth for ongoing therapy
  - Initial in person visits followed by telehealth follow ups
  - Advantages- opens up options for available treating physicians

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# Types of Virtual Visits on the Rise

- Urgent Care/Initial Evaluation
  - Employers utilizing telehealth for initial intake following accident to determine need for additional treatment
  - Good option for minor injuries

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# Navigating the Consequences

- Limitations of the Types of Injuries
- Patient doesn't feel they are getting appropriate care
- Inequitable Access – no computer/tablet/mobile or unreliable internet or uncomfortable with technology
- Privacy Concerns
- Misdiagnosis
- Potential Billing Abuse – inflated time spent when invoicing
- Limitations to assessing the veracity and extent of Injury
- Potential aggravation of injury due to imprecision
- Initial cost savings but may slow progress

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# Navigating the Consequences from a Legal Perspective

- Doctor not considered a treating physician
- Potential arguments as to the weight/credibility of a doctor's opinion
- Push back from opposing counsel on use of telehealth

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# Resources

- Quick Hit: Telemedicine for Wash. IMEs (8/28/23 Article)- In Washington, the following exams may be conducted via telehealth: Mental Health, Dermatology, Speech(no documented hearing loss), Kidney Function, Hematopoietic System, Endocrine-  
<https://www.workerscompensation.com/daily-headlines/quick-hit-telemedicine-for-wash-imes/>
- Telehealth Use Among Most Common cost-Containment Strategies( 3/30/2021 article)-  
<https://www.businessinsurance.com/article/20210330/NEWS08/912340809/Telehealth-use-among-most-common-cost-containment-strategies-COVID-19-coronaviru>
- Telehealth in Workers' Compensation is Here to Stay(3/27/23 Article) -  
<https://carrierchronicles.com/telehealth-in-workers-compensation-is-here-to-stay/>
- WCIRB Report Compares Telehealth to In-Person Services in California Workers' Comp (3/22/2023 Article) - <https://www.wcirb.com/news/wcirb-report-compares-telehealth-person-services-california-workers%E2%80%99-comp>

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