

## Managing Workers' Comp Claims - The Post Hire Questionnaire

After your company has hired an employee do you have the employee complete a post hire medical questionnaire? You should. If not you are giving away a possible defense in reducing your company financial exposure in a workers' compensation serious injury claim. Let's look at an example.

Recently, a CSA member hired a new delivery driver. The new driver had previously owned his own trucking company for about five years and had no personal health insurance. During that five years, the new driver had several injuries to lower extremities while entering and exiting his truck cab and dismounting the back of his truck. A couple of those injuries involved the right knee and required medical attention.

Now at the time of hire, our new employee was feeling better so when asked to complete the post hire medical questionnaire he apparently did not disclose his previous knee injuries requiring medical attention. Well early in the morning on day two of his new job, our newbie was dispatched with another employee to make a delivery. During the delivery the newbie jumped down from the flatbed and immediately grimaced in pain and said his knee "popped." Upon initial medical treatment, it was determined a scan would be needed to assess possible internal knee damages. After the scan, the diagnosis was a ruptured ligament needing reconstructive surgery, and the scan also revealed preexisting damage to the knee. The estimated cost of surgery and time away from work for rehab and healing will possibly cost the company over \$20,000. Does the company have a defense in this claim to minimize such a large claim since there may have been, according to the doctor's medical scan, prior knee damages not previously disclosed to the employer?

The answer is "yes!" The company had followed all the recommended procedures for handling a claim and most importantly, they had the new hired employee complete the post hire questionnaire, which shows the newbie possibly had something to hide. The company immediately reported the claim to the claims administrator, and thoroughly investigated the injury incident, gathering statements and documenting all the information available that was possibly associated with the injury incident. The company submitted all their evidence to the claims adjuster within the first week and the adjuster was able to further research and collect evidence.

After the dust settled on the investigation process, it was found that the company has a defense in this claim called the Rycroft Defense. This defense states that if a new employee fails to disclose all medical conditions related to the performance of a job, the company has been prevented from making a sound business decision as to the job for the new employee. So, be sure to have your new employees complete a post hire medical questionnaire. This simple questionnaire could save your company thousands in damages down the road.