

# **On the Job Injury?**

**A Complete Guide to Getting  
the Care You Deserve**



**Palo Brea Pain &  
Rehabilitation**

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## Introduction

Work injuries can be devastating. Not only are you coping with the pain and discomfort of your injury, you're often unable to work or working a modified job as well as navigating the workers compensation system.

Unfortunately when it comes to treatment, a work injury isn't as straightforward as a non-work injury. And, the last thing you want to think about when injured and trying to heal is the inner workings of the workers' compensation world.

Employers in Arizona are required to provide workers' compensation coverage for employees. Arizona workers' compensation law entitles workers to medical coverage for treatments, procedures and office visits as well as temporary wage replacement compensation for time off, or permanent compensation or job retraining for more severe injuries.

We've been a resource to injured workers in Arizona for over a decade. We understand the rights of injured workers and are capable of directing the clinical management of all injuries and assisting in all phases, including fighting denials if necessary.

This guide outlines the processes to follow, resources to turn to, warning signs to be on the lookout for, and ways to ensure you get the treatment you deserve when hurt on the job.

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## Self-Insured vs Commercially Insured

Before we dive into the details, it's important to understand if your employer is self-insured or commercially insured.

If your employer is self-insured AND directs care, you will need to follow their processes and see their providers. If your employer is commercially insured or self-insured and does NOT direct care, then you have more choices for treatment.

### Unsure if your employer is self-insured or if they direct care?

Call our office to learn more about which category your employer falls within.

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## Understanding Your Rights

In any position, but especially physically demanding jobs, it's important to understand a few key things in case of injury:

### 1. Who is your employer's workers compensation carrier?

There are [hundreds of carriers authorized to write workers compensation](#) in Arizona. Understand your employer's insurance policy and the insurance company so you know your rights if injured on the job.

### 2. Are you considered an employee or an independent contractor?

Are you paid by traditional paychecks with taxes withheld (employees) or are you paid all of your fees upfront and you are responsible to pay your own taxes (independent contractor)? This distinction can become a bit unclear in cases where your employer is a subcontractor for a job, in construction for example, and may claim that you are an independent contractor or under someone else's workers compensation insurance to get out of a work injury claim. Understand your employment status to ensure you have the coverage you need in the case of an injury.

## What to Do Once an ‘On the Job’ Injury Occurs

Once an injury on the job occurs, you will want to identify who you should contact to request a claim form and submit your claim to document the injury.

This form is often called a “Worker and Employer Report of Injury Form” in which you (the employee) completes a section and your employer completes a section. This form then documents the date of injury and basic facts and starts the claims process.

While you can’t force your employer to file the claim, it’s important to complete your part and then focus on getting better.

### Injured on the job but don’t have a claim yet?

It’s common for injuries to occur and treatment to be needed before a claim form is submitted or processed. This is where our team shines. If you’ve experienced a brand new injury, just left the ER and it’s unclear what should happen next – call Palo Brea Pain at 602.368.3600. We will help you cover all of the loose ends, and ensure you’re getting the treatment and care you deserve.

**In addition to the Worker and Employer Report of Injury form, you should also complete the Worker’s and Physician’s Report with your medical provider. This form must be completed within one year after the injury occurred and submitted by the physician to the Industrial Commission within 8 days after first rendering treatment.**

In the state of Arizona, workers compensation claim records are private and confidential. This means that you should not hesitate to file a claim, as future employment should not be affected by workers compensation claims filed with former employers.

Work related injuries are stress-inducing and unexpected for employees, it’s important that you get the benefits you deserve and take your time recovering so that injuries do not linger.

## Your Workers Compensation Doctor

If your employer is self-insured and directing care, you must follow their processes and see their providers. The Industrial Commission of Arizona's website states:

*"A small number of Arizona employers are self-insured with contracted medical care on file with the ICA. Workers who are injured while in the employ of one of these self-insured employers are required to go to the employers' contracted doctors for all medical care related to the industrial injury."*

If your employer is commercially insured or self-insured and not directing care, you have more options available to you.

In either case, your employer will almost always direct you to be seen by their workers compensation physician.

### Not provided any direction for care?

You may think to turn to your primary care physician for treatment but we caution you against this as they are not typically equipped to handle work-related injuries. There are many intricacies in the workers compensation system that must be followed to help ensure you receive the benefits you deserve. Rather, call Palo Brea Pain to schedule a consultation regarding your injury.

## Different Types of Work Comp Specialists

There are different types of specialists that can handle workers' comp injuries. Depending on which facility you're directed to go to these specialists are most commonly Board Certified in Occupational Medicine, Family Practice or Physical Medicine and Rehabilitation.

Some facilities have a list of specialists that are in-house that come to their facilities to treat orthopedic, pain or hand cases. Be aware that it is common for these providers to aggressively trend towards getting injured workers back to work, working in alignment with the employer. In addition, many of these physicians have foregone private practices in lieu of a fee-sharing arrangement with these facilities which may mean sub-par treatment and care.

## Independent Medical Examination (IME)

In the case of a work injury you may at any time be asked by the insurance to see a different doctor for an independent medical examination. This specialized examination is conducted to gather opinions from an independent doctor as to your injuries, if you still need treatment, your ability to work, and other related opinions. If they are asked to perform an IME, they are not the same as your treating doctors and will not discuss their findings or recommendations with you.

Although the process is intended to provide unbiased “second opinions” about your injuries, keep in mind that the providers are chosen and compensated by the insurance carriers.

## Misdiagnoses

It is not uncommon for work-related injuries to be misdiagnosed.

Sprains and strains are by far the most common conditions occurring at work and are usually temporary. At the same time, sprains and strains become convenient diagnoses to support getting people back to work quickly with limited additional treatment. Therefore, many injured workers are initially diagnosed with sprains, strains, and contusions when in fact the condition is much more substantial.

The most common examples of misdiagnoses that we see at Palo Brea include workers who injure their back, shoulder or neck and have referred pain into their arm or leg (depending on the injured body part) and the workers comp doctors diagnose it as a sprain or a strain – rather than referring to a specialist and identifying it as a pinched nerve, herniated disc, torn tendons or torn ligaments.

Misdiagnosis and returning to work too quickly can severely prolong the duration of the injury, lead to re-injury or cause more serious injury to occur.

## Warning Signs of Improper Care

We strongly encourage injured workers to pay close attention to how they feel about the physician their employer has directed them to see. A few key things to pay attention to:

1. Is the doctor identifying with your symptoms?
2. Are they sympathetic to your situation?
3. Are they working with you to create a reasonable action plan with your employer?
4. Are they listening to you and acting as your advocate?

If you're getting a bad 'vibe' from your physician, switch providers! It is within your rights to choose a provider who will put your health care needs first and foremost rather than simply stating "well, you can go back to work" without properly diagnosing and treating you first.

## Changing Providers

In Arizona, employers can direct injured workers to the physician chosen by the employer for the first visit. After that first visit, if you decide that the doctor is not the one you would like to see on an ongoing basis for treatment, you can elect to go to another provider by simply scheduling an appointment with another practice - like Palo Brea Pain - that is capable of clinical management and explaining administrative processes of the workers compensation system.

However, if you see the employer's physician a second time, they then become your attending physician. In almost all cases you are still able to switch to a doctor of your choice but this requires formal authorization.

In those cases, when you've seen the provider more than once, there are three ways you can change providers. The Industrial Commission of Arizona website states:



*“Once an attending physician is selected, there are three ways to change doctors: the attending physician refers the injured worker to another doctor; the insurance carrier approves a change of doctors; or upon written application from the injured worker the ICA approves a change of doctors.”*

Your reason for wanting to change can be anything - you can't get in to see him, you don't think they're treating you well, etc - but insurance companies can slow down the process and require the commission to accept it.

If the attending physician and/or the insurance company refuse to accommodate your request, you can [submit a claims request to change doctors through the ICA](#).

The process may take a few weeks time, and while waiting for the change to occur you are still under the care of the attending physician.

## Work Status

Another reason it is important to find a physician that is familiar with workers' compensation is the necessity of addressing work status. Many providers who do not specialize in work comp are unfamiliar with this important aspect of the process.

For example, you're sent to the ER after an injury and get the physician's note to take two days off work but then the work status expires. It may actually take two weeks for you to feel capable of returning to work, in which case there are then 12 days where no work status is attached to the claims record. This can mean that the employer can insist you return to work after the two days and the insurance declares you ineligible for workers compensation wage replacement benefits during that period. In worst cases, you can be considered terminated for abandoning your job. In that situation, the insurance can try to withhold workers compensation benefits even after you get an updated work status.

Managing your work status, and keeping written documentation, are critical steps to ensure everyone knows what is going on, you receive the benefits you deserve, and your rights are protected.

At Palo Brea, we keep injured workers informed of their work status, providing them with work status forms they can then deliver to their employer.

### KEY POINT:

If you quit while receiving workers compensation benefits, you will no longer be eligible for wage loss or disability benefits, BUT quitting your job or changing jobs does not mean that you lose your medical benefits!

## Returning to Work

Depending on your injury, it's possible that you may return to work in the same capacity as before, or on light duty, limited duty or modified duty. [According to SHRM](#), each category is defined as below

### Light Duty

Light duty jobs typically excuse you from performing certain tasks that you would normally perform in your position, that aren't possible due to your injury.

### Limited Duty

Limited duty may reduce the number of hours that someone normally works in a day.

### Modified Duty

Modified duty may eliminate some tasks and replace them with others more suitable for the employee's physical limitations in the employee's normal position.

In rare circumstances, employers may expect an unreasonable output during light or modified duty that you are unable to deliver. Worst case scenario, this could be the foundation for them to fire you and the insurance the right not to pay.

More commonly, employees are released to light duty but they're still unable to do it. For example, released to light duty office work but the injury sustained was a fractured tailbone, making sitting for long periods nearly impossible.

In either of these cases, it may be recommended that the employee seek legal representation to ensure they are receiving the benefits they deserve.

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## Ongoing Care

Supportive care is awarded in a Worker's Compensation case when injury improvement has reached a stationary condition but requires additional medical care. The supportive care includes treatment that will help the patient maintain his/her level of function for a period of time. If you don't use this benefit it will be canceled. At Palo Brea, we help administer supportive care for all industrial injuries.

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## The Work Comp Adjuster

The adjuster manages the files and documents related to the worker and injury in the worker's compensation claim to make an accurate determination of compensation and benefits due as well as authorize treatment requests.

It is common for adjusters to regularly contact injured workers if they are not represented by attorneys. While we support an injured worker working with the insurance to get the best treatment as soon as possible, we strongly recommend injured workers keep it simple when discussing their injuries and treatments with adjusters. It is easy to misspeak or over-share and provide unrelated information that could be misunderstood or misinterpreted to your detriment. It is fine to answer basic questions but otherwise redirect specific questions regarding your injury or treatment to your physician whenever possible. For example, simply state "I don't know, all I know is I'm hurt. Talk with the doctor to get the answers you need."

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## Work Comp Attorneys

While the Industrial Commission makes it worker friendly to file for your own hearings and manage your case, you may want to consider hiring a workers compensation attorney if you feel that you're being treated unfairly or unable to receive the benefits you have a right to receive.

Many injured workers are resistant to hire attorneys because they don't want to make waves with their employers or because they're unsure of the costs associated with doing so.

Very few workers compensation attorneys require a retainer or fee upfront, nearly always they are working on a contingency. This means they will handle your case at no cost to you, and only be paid once you are receiving compensation benefits.

When selecting an attorney, seek out a firm that focuses exclusively on workers compensation, or has an attorney within the practice that does. These firms or individuals may also be certified in workers compensation and are capable of managing any work-related injury case that comes their way.

**We have relationships and affiliations with all necessary specialists and ancillary service providers** to guide appropriate, comprehensive, compassionate care for all aspects of work injuries. Contact our office for more information.

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## Industrial Commission

The Industrial Commission of Arizona (ICA) was created in 1925 to handle workers' compensation claims. The Claims Division focuses on overseeing insurance companies that process claims and ensuring workers receive the proper benefits required by Arizona Workers' Compensation Law.

The staff and ICA are available for general help and resources. Their [Employee Resources](#) are a great place to find answers to more specific questions you may have.

## **Palo Brea Pain and Rehabilitation**

**As experts in handling industrial injury cases, we can help you address your injuries, manage your pain, get you to the appropriate consultants, and ensure that your rights are protected.**

We understand the rights of injured workers and are dedicated to meeting their needs. We are capable of directing the clinical management of all injuries and assisting in all phases including fighting denials if necessary. Dr. Jeffrey Scott is Board Certified in Physical Medicine and Rehabilitation and capable of handling all aspects of pain management with regards to work injuries using non-pharmaceutical, pharmaceutical, interventional and alternative pain management modalities.

We're committed to reintegrating workers back to work in a responsible way when possible to maximize safety and minimize reinjuries

**Call our office today at 602.368.3600 for more information or to**

**schedule an appointment**