Defending Pain Claims: A Medical & Legal Perspective

Rich Lenkov
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7/17/14
If you would like a recording of this or prior webinars, please email Rich at rlenkov@bdlfirm.com

- Subrogation Basics For Workers’ Compensation Professionals
- Workers Compensation Negotiation Strategies
- Employment Law Issues Every Workers' Compensation Professional Needs To Know About
- 10 Illinois Workers’ Compensation Cases You Need To Know
- Ask an Attorney Anything: Your Most Pressing Workers' Compensation Questions ANSWERED
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- AMA Guidelines: A Legal and Medical Perspective
- Preferred Provider Programs

Upcoming Webinars
- 8/26/14 @ 10:00 AM CST: “Defending Back Pain Claims: A Medical & Legal Perspective” with Gary S. Shapiro, M.D., Illinois Bone & Joint Institute - Click Here to Register

July Workers’ Compensation Newsletter

Today’s session
- Interactive - Please ask questions
- Special surprise giveaway at the end of the presentation
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Chronic Regional Pain Syndrome

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The Spine Center of DuPage Medical Group
Severe burning pain in soldiers (Denmark)

Autonomic and vasomotor changes in skin (Paget)

X-rays reveal patchy bone demineralization (Sudeck)

Percutaneous Diagnostic sympathectomy

CRPS I

CRPS II

IV regional Guanethidine

1825 1850 1875 1900 1925 1950 1975 2000

Causalgia termed from nerve injuries during Civil War

Surgical sympathectomy (Leriche)

RSD coined

Sympathetic mediated pain (Roberts)
Neuropathic pain conditions with the facultative symptom of sympathetically maintained pain (SMP). CRPS patients have the highest incidence of an SMP followed by patients suffering from acute herpes zoster or postherpetic neuralgia, phantom limb pain and polyneuropathy.
CNS Overview

• Somatic Nervous System
  – Motor
  – Sensory

• Autonomic Nervous System
  – Parasympathetic
  – Sympathetic “flight or fight”
## CRPS Type I and II

### CRPS I
- Etiology – *any* lesion
- Location *independent* of lesion
- Symptoms *spread*
- Spontaneous pain
  - Common
  - Mostly deep
  - Orthostatic

### CRPS II
- Etiology – *nerve* Lesion
- Location confined to *distribution of nerve*
- Symptoms *rarely spread*
- Spontaneous pain
  - Rare
  - Superficial
  - Not orthostatic
Diagnostic Criteria

- Pain disproportionate to inciting event
- One symptom in 3 of 4 categories
- One sign in 2 of 4 categories

1. Sensory: Hyperesthesia +/- allodynia
2. Vasomotor: Temp asymmetry +/- skin color Δ’s
3. Sudomotor/Edema: Edema +/- sweating Δ’s
4. Motor/Trophic: ↓ ROM +/- motor weakness/tremor +/- trophic Δ’s hair/nail/skin
Tests and Diagnosis

Bone scan
• detect bone changes

Sympathetic nervous system tests
• thermography – skin temperature and blood flow
• sweat test – Dissimilar results can indicate CRPS

X-rays
• Bone Demineralization may show up on an X-ray

MRI
• may show a number of tissue changes
Causes

• Trauma
  – Crush injury
  – Fracture
  – Amputation

• Other
  – Surgery
  – Heart attack
  – Infection
  – Sprained ankle
Non Interventional Rx

• Physical Therapy
  • Start as early as possible

• Medications
  • Pain relievers
  • OTC aspirin, and naproxen
  • Opioid medications
  • Antidepressants and anticonvulsants
  • Corticosteroids
  • Bone-loss medications.
    • alendronate (Fosamax) and
    • calcitonin (Miacalcin)
Interventional Rx

- Sympathetic nerve blocks
- Dorsal Column Stimulation
- Intrathecal Pain Pump
- Surgical Sympathectomy
Lumbar Sympathetic
Dorsal Column Stimulation
Surgical Sympathectomy
Behavioral Treatment

- CRPS support groups
- Daily activity/physical therapy
- Biofeedback and pain desensitization
- Relaxation and meditation
Do I Take the Case?

- Pt. has no classic signs of CRPS
- Isn’t CRPS controversial?
- It was only a small injury
- Will the jury believe this?
- Malingering?
Poll Question

• Which of the following does not cause CRPS?
  A. Crush injury
  B. Repetitive trauma
  C. Amputation
  D. Clubber Lang
• Which of the following does not cause CRPS?

B. Repetitive trauma
Causation
Permanency Values: Case Law

• **Barbara Cantu, Petitioner**, 96 IL.W.C. 33685 (Ill. Indus. Com'n Jan. 18, 2012)
  – Petitioner was a 34-year-old kitchen worker
  – Bilateral carpal tunnel-syndrome, ulnar nerve entrapment at the elbow and **complex compartmental regional pain syndrome (CRPS)**
  – Impaired motion/lifestyle change
  – 60% MAW

• **Keith Landy, Petitioner**, 10 IL.W.C. 8226 (Ill. Indus. Com'n Dec. 6, 2012)
  – Petitioner was a police officer
  – Concussion, impaired mental acuity, 2-level cervical herniated disc, a lumbar disc herniation for which he underwent four lumbar surgeries/fusions, **RSD/spinal cord stimulator**, cervical/pulse generator, gluteal/radiculopathy and depression
  – Restricted work/job change
  – 70% MAW
• **Keith L. Ummel, Petitioner, 05 IL.W.C. 44028 (Ill. Indus. Com'n Oct. 17, 2011)**
  – Petitioner was a 39-year-old auto body and paint technician
  – Right index finger crush injury and **CRPS**; evidence showed affected her right upper extremity
  – Restricted work, job change
  – 40% MAW

• **Delores Krumrey, Petitioner, 05 IL.W.C. 10605 (Ill. Indus. Com'n June 15, 2011)**
  – Petitioner was a 58-year-old teacher's aide
  – Distal radius and ulna fracture; **CRPS or RSD**
  – Job change
  – 40% MAW
    • Commission noted that Petitioner failed to prove perm total
      – Surveillance showed Petitioner able to do various activities that she claimed she could not do
      – Petitioner did not present any evidence that she could not work
      – Petitioner attempted to RTW with previous employer but was unable to perform necessary work and was sent home. Previous employer did not make an effort to rehire Petitioner
• William Hansard, Petitioner, 07 IL.W.C. 37772 (Ill. Indus. Com'n June 14, 2011),
  – Petitioner was a 34-year-old fire fighter
  – Laceration/peroneal nerve/ CRPS
  – 36% MAW

• Linda Knight, Petitioner, 04 IL.W.C. 31222 (Ill. Indus. Com'n Mar. 11, 2011)
  – Petitioner was a 41-year-old counselor
  – Chronic clavicular and neck pain/depression
  – 15% MAW
Permanency Values: Q-Dex

- **2011-0298**
  - Petitioner was a 46-year-old license examiner
  - Disc/herniated(3)/ surgery/ fusion/ fixation/ **chronic pain**/ narcotic medication
  - Restricted work
  - 35% MAW

- **2013-0233**
  - Petitioner was a 62-year-old cleaner
  - Foot fracture; bimalleolar/surgery/fixation/ **syndrome/RSD**
  - 50% LOU foot

- **2013-0281**
  - Petitioner was a 23-year-old medical assistant
  - **CRPS**
  - 10% LOU hand
• 2012-105
  – Petitioner was a 53-year-old inspector
  – Ulnar neuropathy and neuroma/surgery(2)/ injections-multiple/CRPS – possible
  – Impaired strength and sensation-significant restricted work
  – 80% LOU arm

• 2012-1377
  – Petitioner was a 37-year-old youth services
  – Cervical/lumbar disc herniations; lumbar/surgery/fusion/disc/bulging; cervical/multiples injections; cervical and lumbar/chronic pain/prescription pain medication
  – Restricted work/not working
  – 50% MAW
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Giveaway

• Type your answer into the question box
• The first person to answer correctly wins
Giveaway

• What NFL team's stadium was known as the "House of Pain" in the late 80s-early 90s?
Giveaway

• Houston Oilers
Bonus Giveaway

• The other House of Pain was famous for their 1992 hit “Jump Around.” Name any other HOP song…
Bonus Giveaway

- On Point (Lethal Dose Remix)
- Runnin' Up On Ya
- Pass The Jinn
- Killa Rhyme Klik
- Put On Your S**t Kickers
- Top O' The Morning To Ya
- What It's Like
- What's That Smell
- Over There S**t
- Black Jesus
- 3rd Stone From the Sun
- All My Love
- All That
- Back From The Dead
- Choose Your Poison
- Come And Get Some Of This
- Danny Boy, Danny Boy
- Earthquake
- Ends
- Fed Up
- Feel It
- Guess Who's Back
- House And The Rising Son
- House Of Pain Anthem
- I Got the Knack
- I'm A Swing It
- It Ain't A Crime
- Just Another Victim
- Keep It Comin'
- Life Goes On
- Never Missin' A Beat
- No Doubt
- One For The Road
- Punch Drunk
- Put Your Head Out
- Reachin' Out
- Salutations
- Same As It Ever Was
- Same Ol Game
- Shamrocks And Shenanigans
- Shut The Door
- Still Got A Lotta Love
- The Have Nots
- The Rhythm
- Where I'm From
- While I'm Here
- Who's The Man
- Womb To The Tomb
- Word Is Bond
- X-files

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