

Dear Clients and Friends:

Whether you have been injured at work or in an auto accident, or whether you suffer from a chronic condition leading to a Social Security Disability claim, the contact you have with doctors and other medical providers is crucial. Doctors need to have a clear understanding of how your symptoms started, how your condition affects you on a day-to-day basis and how well any particular medication or treatment is working in order to get the best results for you as an individual patient. The same information is critical to document any claim you may have.

Judges thoroughly review all medical records. They focus on medical history (what you tell the doctor) and medical impressions (what the doctor has to say about you) as they decide whether to rule for or against you. In other words, whether you win or lose often comes down to what's in your medical records.

With that in mind, we have compiled some suggestions on how to talk with your doctor to get the best results, both medically and legally:

1. GIVE AN ACCURATE HISTORY

- Make sure that the doctor understands what you're saying and that you're "on the same page". For example, one client injured his back doing heavy lifting in the course of his employment at a lumber yard. He reported to the ER that he hurt his back "in the yard" (meaning a lumber yard), but the doctor wrote down that he hurt himself "at home doing yard work." The Workers' Compensation insurance carrier denied the claim as being non-work-related based on that inaccurate history. We had to file a case to get his benefits paid.

- Never let an employer pressure you into telling a false history or to keep an injury "off the record". Every employer in Michigan is required to have Workers' Compensation insurance, so the employer is never responsible for out-of-pocket expenses. You can forever forfeit your right to Workers' Compensation if you give a false history, even if you wind up with a permanent disability and exorbitant medical expenses.

- If you had similar physical problems in the past, don't deny it, but do explain how your current condition is different or worse. For example: "I've had some backaches before, but they'd go away with rest and aspirin. Now I have a constant stabbing pain in my low back all the way down to my foot. It hasn't gone away since I injured it at work six weeks ago."

- If your primary care physician refers you to a specialist, be sure to give the same accurate history. Judges often compare what you tell one doctor to what you tell another, looking for inconsistencies.

2. FOLLOW DOCTORS' ORDERS

- Take your medications as prescribed. If the medications don't work or have side effects, discuss with your doctor. Don't make changes on your own.

- Go to physical therapy if recommended. If problems arise, for example, with transportation, with payment or with effectiveness, discuss these with your doctor and physical therapist. If you drop out on your own, a judge may conclude that you're not motivated to get better.

- If a doctor recommends a change in your diet or exercise, do it. This is especially important in disability cases involving conditions like diabetes, where personal behavior can dramatically affect the underlying condition.

- Never use alcohol, street drugs or other people's prescriptions to control pain. Discuss prescription options with your doctors. If you have a history of problems with alcohol or substance abuse, it's important to stay clean and sober. Seek treatment, join Alcoholics Anonymous or Narcotics Anonymous.

- Never overuse prescription medications or DEMAND more and stronger drugs. Never request narcotic medications from more than one doctor. If doctors suspect "drug-seeking behavior," they turn off on that patient. If judges suspect drug-seeking behavior, they deny claims.

3. CONTINUE TO SEE THE DOCTOR

- Don't quit treatment because the case is denied or disputed. This is when you need good medical documentation the most! If judges see no treatment, they often assume the condition has improved or resolved altogether and rule against you.

- Don't give up because the first course of treatment doesn't work -- tell your doctors and let them try something else.

4. SEEK TRADITIONAL TREATMENT

- It's fine to see a chiropractor, but be sure to continue treating with your primary care physicians and specialists as well. While many people get good relief of symptoms with chiropractic care, Social Security does not consider chiropractic doctors to be "acceptable treating sources" and judges won't give controlling weight to their opinions.

- Medical marijuana is controversial. While it's legal in Michigan, it's still illegal under federal law. Most judges are conservative and don't look favorably on marijuana use as a serious treatment. This is compounded by the fact that most primary care physicians will not prescribe marijuana and many doctors who do are seen as less than reputable.

5. KEEP TELLING THE DOCTOR HOW YOUR INJURY OR CONDITION IMPACTS YOU

- Don't be too proud to admit your problems or to complain. Doctors can't help you if they don't know what the problem is and how it affects you personally.

- Chronic pain and depression often go hand-in-hand. Let your doctor know if you are having problems with depression so that this condition can be treated as well.

- If your condition causes difficulty with sleep resulting in daytime fatigue and the need to rest or take naps, talk to your physician. If pain or medication side effects cause problems with tiredness, focus and concentration, tell your doctor. All of these factors can seriously impact your employability.

- Discuss with your physician any steps you take at home to relieve symptoms such as stretching, hot baths or showers, or needing to recline or use ice and heat. Requiring excessive breaks to accomplish these activities may impact on your ability to work.

- Don't be afraid to repeat yourself. Doctors have many patients. They don't have time to write down every word you say at each office visit. They may not recall the details of how your condition impacts you personally. Update your doctors for good treatment options as well as good documentation.

If you are a current client, we hope you find these suggestions helpful. If you know of family or friends who are struggling with a work injury, injuries due to an auto accident or have a disability claim with Social Security, please share this information with them. We are always available to answer questions as well.

Sincerely,

BOTT & SPENCER, PLC



Timothy J. Bott



Karen M. Spencer