

CCM e-News Brief

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[Compliments of Charlotte Bishop, President, Creative Case Management, Inc.]

The New Normal The State of New Mexico has a Compassionate Care Act which provides for medical marijuana when a patient is certified for the program by his or her health care provider. In the case of *Gregory Vialpando v. Ben's Automotive Services and Redwood Fire & Casualty*, the New Mexico Court of Appeals affirmed a decision of a Judge of Compensation requiring the worker's employer to reimburse him for the cost of medical marijuana. Mr. Vialpando was seriously injured on June 9, 2000. He underwent multiple back procedures leading to a 99% permanent partial disability. One doctor described his pain as "high intensity multiple-site" chronic pain. Vialpando had been taking multiple narcotic-based pain relievers and multiple anti-depressant medications. On April 8, 2013, Vialpando filed an application for approval of medical treatment for medical marijuana. He had been certified for the program by two physicians. The Judge of Compensation found that the worker was "entitled to ongoing and reasonable medical care," including medical marijuana, and ordered the employer to pay for the care. The employer appealed. The court found that medical marijuana is a product from a supplier that may be reasonable and necessary for an employee's treatment. ...defining 'services' as including a product from a supplier that is reasonable and necessary for a worker's treatment, the regulations do not contemplate that every aspect of a worker's reasonable and necessary treatment be directly received from a health care provider. Such a requirement would be unworkable. A worker's treatment may well require services that are not available from a health care provider. The most obvious of such services may be medical supplies or equipment. Source: <http://www.workerscompensation.com/compnewsnetwork/workers-comp-blogwire/18964-court-in-new-mexico-orders-employer-to-reimburse-injured-worker-for-costs-of-medical-marijuana.html>

Vets in the Workplace. With nearly 300,000 American veterans struggling with Post Traumatic Stress (PTS) and another 25,000 veterans facing mild Traumatic Brain Injuries (mTBI), U.S. Sen. Sherrod Brown (D-OH) introduced a bill to make it easier for veterans with war-related injuries to claim benefits. He was joined by Michael Fairman, an Ohio combat veteran whose experiences in the military helped establish the legislation. "When veterans seek claims for war-related injuries like post traumatic stress and traumatic brain injury, the burden for establishing the connection should be on the Department of Defense, not on the veteran," said U.S. Senator Sherrod Brown. "When Mr. Fairman, an Ohio combat veteran, shared the frustrations many veterans face in filing claims, I knew we could do better. The SET Act will ensure that the Department of Defense does a better job at tracking significant events so that retired service members have full records of their service upon seeking the benefits they've earned at the VA." When service members are exposed to significant events – like a roadside bombing – these events may later be connected to "invisible injuries." These injuries – including PTS – leave no physical scar but can still necessitate treatment and assistance from the VA. There are nearly 300,000 American veterans struggling with PTS. An estimated 300,000 American veterans also struggle with TBI, 25,000 of whom are thought to have sustained mTBI specifically. While the Department of Defense (DoD) currently records and reports significant events for every military unit, the events are not transferred to the files of individual members of that unit. When veterans file compensation and disability claims, or seek medical care, for an injury related to a significant exposure during their service, they must provide supporting documentation to support the claim. This includes written testimony from another service member who witnessed the accident, relevant medical documentation, or military orders that prove the veteran was in a unit or location. These types of documentation however provide only a secondary account of the claim and may not fully illustrate the veteran's claim of service-connected PTS and mTBI. Source: <http://www.workerscompensation.com/compnewsnetwork/news/19001-plan-announced-to-benefit-veterans.html>

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