



MANAGING WORKERS' COMPENSATION CLAIMS WITH PREEXISTING CONDITIONS

When managing a workers' compensation claim, we take the injured worker as they are regardless of underlying or preexisting conditions. It can be difficult to prove that a work injury aggravated a preexisting condition.

Some Considerations:

A "new" injury claim is treated differently than a worker with a "preexisting condition" claim. A new injury typically receives full coverage for related medical expenses and lost wages. In contrast, a preexisting condition claim only covers the portion of the injury that was aggravated by the work-related incident, not the original or preexisting condition itself. This requires more complex evaluation to determine the extent of aggravation and potentially leads to a reduced benefit amount.

Key Differences:

1. Coverage:

- A new injury generally receives full coverage for medical treatment and lost wages related to the work-related accident.
- A preexisting condition claim only covers the portion of the injury that was worsened by the work incident.

2. Proof of Causation:

- For a new injury, proving the work-related cause is usually simpler.
- A preexisting condition claim requires demonstrating how the work activity significantly aggravated the preexisting condition.

3. Medical Documentation:

- New injury claims may only require medical records related to the recent incident.
- A preexisting condition claim will likely need extensive medical history to assess the preexisting condition's severity before the work-related event.

4. Claim Denial Potential:

- A claim involving a preexisting condition, especially if the work-related aggravation is not clearly established has potential for denial.

How Preexisting Conditions are Handled in Workers' Compensation Claims:

1. Medical Review and Examination:

- A medical expert may be required to evaluate the severity of the preexisting condition and to what extent to which it was aggravated by the work injury.
- Sometimes preexisting conditions are asymptomatic prior to the work-related accident.

2. Disclosure Requirement:

- Employees are generally required to disclose any preexisting medical conditions when filing a workers' compensation claim.

3. Texas State Laws:

- Workers' compensation covers injuries that aggravate preexisting conditions.
- It can be difficult to prove new injuries when a preexisting condition is present.
- A preexisting condition can be included in a workers' compensation claim if an accident made it worse. Examples include back pain or arthritis.
- Doctors must state that the work injury was a substantial contributing factor to the employee's current condition.

Resolution:

In Texas, a workers' compensation claim involving a preexisting condition is typically resolved by only compensating the portion of the injury that is directly attributable to the work-related incident. This means the employer is only liable for the aggravation of the preexisting condition caused by the work injury, not the condition itself. This is often determined through medical expert opinions and a detailed review of the employee's medical history. Texas law applies the "aggravation" principle, meaning the employer is only responsible for the extent to which the work injury worsened the preexisting condition. To prove a claim, the injured worker must provide medical documentation clearly linking the work injury to the aggravation of the preexisting condition.