

Understanding Preexisting Injuries and Their Impact on Workers' Compensation Claims

GET IN TOUCH

 [845-363-0500](tel:845-363-0500)

 info@highviewins.com

 highviewins.com

Workers' compensation claims can become more complex when a preexisting injury or condition is involved. Understanding how preexisting conditions are treated within workers' compensation is essential for both employers and employees. This newsletter explores the impact of preexisting injuries on claims, as well as the legal and financial implications for businesses and workers alike.

What Are Preexisting Injuries?

Preexisting injuries or conditions refer to medical issues that existed before a worker's current job-related injury. These can include chronic conditions (such as arthritis or back pain), past injuries (like a previous sprain or fracture), or long-standing health issues (such as diabetes or heart disease). Preexisting injuries can complicate workers' compensation claims by making it more difficult to differentiate between a new workplace injury and an existing health condition.

How Preexisting Injuries Impact Workers' Compensation Claims

When an employee sustains a new injury at work, workers' compensation typically covers medical expenses, lost wages, and rehabilitation. However, the presence of a preexisting condition can affect the claim in several ways:

1

APPORTIONMENT OF LIABILITY:

Determining how much of the injury is attributable to the workplace accident versus the preexisting condition can be legally complex. Some states allow for apportionment, meaning the workers' compensation insurer may only be responsible for the portion of the injury directly related to the workplace event.

Example: If an employee with a preexisting back condition aggravates the injury at work, the insurer may cover only the exacerbation, not the underlying condition.

THE "COMING AND GOING" RULE:

This rule determines whether an injury sustained while commuting to or from work is compensable. If a preexisting condition contributed to an injury during a commute, the claim may become more complicated.

2



PROVING CAUSATION:

Employees must demonstrate that their workplace injury significantly contributed to the worsening of their preexisting condition. This often requires clear medical evidence and, in some cases, expert testimony.

PERMANENT DISABILITY CLAIMS:

If an employee has an existing disability and suffers a workplace injury that worsens their condition, they may be entitled to permanent disability benefits. However, the extent of these benefits may be influenced by the preexisting condition, as insurers may argue that the majority of the disability is due to the prior injury.



Conclusion: Navigating the Complexity of Preexisting Injuries in Workers' Compensation

Managing workers' compensation claims involving preexisting injuries requires a solid understanding of legal requirements and best practices. By staying informed, employers can better navigate claims, protect employees' well-being, and mitigate financial risks.

We specialize in workers' compensation claims management and legal compliance. If you have questions about preexisting injuries and their impact on claims, we are here to help. Contact us today to learn more about best practices and how we can support your business.