

7 Pitfalls to Avoid in Kentucky Workers' Compensation Claims

By Frank Jenkins

The [Kentucky workers' compensation system](#) is designed to provide benefits to people who suffer work-related injuries. Workers' compensation applies to most employees in the state with a few narrow exceptions. Your entitlement to workers' comp benefits does not require you to show that your employer did something wrong. While Kentucky workers' compensation laws are intended to provide you with the medical benefits and disability payments you need to get better and support yourself after an injury, unfortunately sometimes things don't go like they should.

Employers or their insurers might not pay what you deserve, or you could make mistakes that jeopardize your right to recover full benefits. While contacting a lawyer is the best way to make an insurer pay when they wrongfully refuse, it is possible to educate yourself about some of the common workers' compensation mistakes and pitfalls so that you can avoid them.

Some of the key mistakes in Kentucky workers' compensation claims include the following:

- 1) **Failing to notify your employer of your injury in a timely manner.** Under Kentucky law, you are required to notify your employer promptly when you suffer an injury or learn that you have a work-related illness. If you fail to provide prompt notice, your workers' comp claim could be denied outright.
- 2) **Allowing your employer to choose a doctor for you.** Kentucky law provides you with the right to choose your own physician without interference from your employer. However, if your employer is part of an authorized managed care program, you do need to go to a doctor that participates in the program for your medical bills to be covered.
- 3) **Waiting to get medical help for your injury.** Sometimes, you may believe or hope that an injury will just go away on its own. Unfortunately, if this doesn't happen and the injury becomes worse, you could put your workers' comp claim at risk by waiting. A delay in reporting can send up red flags suggesting workers' comp fraud or can result in your employer trying to deny coverage by claiming the injury wasn't work-related. Not only that, but you don't start to receive payments for lost wages until you've been out of work for at least seven days. The longer you wait to report your injury, the more days you'll go without getting income if your injury makes it impossible to work.
- 4) **Letting a nurse case manager interfere with your treatment.** Insurance companies often assign a nurse case manager to your claim. This nurse case manager may promise to help you, but typically, the allegiance of the nurse case manager is to the insurance company. He or she could act in the best interests of the insurer when dealing with your doctor, rather than in your best interests.

You are not obligated to have any of your medical information turned over to the nurse case manager, and it may be advisable not to give permission for the case manager to be involved.

- 5) **Getting your medical costs covered through health insurance.** Your employer might suggest or imply that you don't need to make a workers' comp claim because your health insurance will pay your medical costs. However, health insurance and workers' comp are not the same thing. You might have co-pays or deductibles with health insurance (you don't with workers' comp) and you will not get disability benefits or compensation for missing work from your health insurer.
- 6) **Signing a final settlement before your recovery is complete.** Employers and their insurance companies sometimes try to push you to sign a final settlement or suggest that you have to do so in order to receive the last of your benefit checks. You do not have to sign this settlement and typically shouldn't until you have talked to a lawyer and until you are sure you are 100 percent recovered.
- 7) **Failing to report your injury for any reason.** Sometimes people fail to report their injuries because they believe that the injury was their own fault. You can still recover workers' comp benefits even if this was the case in most situations, so do not make this mistake. Likewise, failing to report your injury because you already had a pre-existing medical condition or because you are afraid of employer retaliation is also a mistake. Employers can't retaliate, by law, and you could still get coverage for a work injury aggravated a pre-existing condition.

These are just a few of the many mistakes that are common when making a Kentucky workers' compensation claim. Remember, the best way to avoid mistakes is to get help from a legal advocate who can protect your rights.

About Frank Jenkins

Frank M. Jenkins III founded The Frank Jenkins Law Office in in 1997. He handles personal injury, workers' compensation and Social Security Disability cases.

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