

**WC Settlement and Litigation Evaluation Corp**

<b>Claim Number:</b>		<b>TM Name:</b>	
<b>Date Prepared:</b>	03/21/2018	<b>Job Title:</b>	
<b>Claim Examiner:</b>		<b>Date of Birth:</b>	
<b>Date of Hire:</b>		<b>Current Age:</b>	47
<b>Date of Loss:</b>		<b>Age at Date of Loss:</b>	
<b>Jurisdictional State:</b>	CA	<b>Location No./Name:</b>	
<b>Pre-Injury AWW:</b>	478.57	<b>Temp Total Rate::</b>	319.05
<b>Defense Counsel</b>	Scott Ashby	<b>Plaintiff Counsel</b>	

**Authority Requested: \$ (Fill in):**

**Injury Description and Body Parts Involved:**

TM was struck by a box

Case settled via stipulated award on 9/18/2010 at 22% PD with open future medical award to the cervical spine and psych. A petition to reopen was filed on 6/21/2012 – to which our AME re-evals in Neuro by Dr. \_\_\_\_\_ and Psych by Dr. \_\_\_\_\_ found a small increase in disability. New stipulations with open medical for 28% on 9/24/2015.

**Issues in Dispute:**

- \* High medical spend annually
- \* High medication usage

**Reserves:**

	<b>Indemnity/Loss</b>	<b>Medical</b>	<b>Expense</b>	<b>Total</b>
<b>Paid To Date</b>	32,261.93	226,486.80	17,817.14	315,357.37
<b>Future Reserve</b>	3,277.50	1,032,789.23	77,182.86	1,074,458.09

**Current Status:**

1. PD/PPD/PTD Rating(s): 22%
  - a. Amount paid: \$24,035
  
2. Current Medications + Cost per monthly fill
  - \* Eletriptam 40MG – Cost: \$1511.90
  - \* Effexor XR 150 MG – Cost: \$125.02
  - \* Chlorpromaz Tab 50MG – Cost: \$215.33
  - \* Diazepam 10MG – Cost per Fill: \$7.30

- \* Zonisamide Capsule – Cost: \$134.81
- \* Propranolol 80MG – Cost: \$44.12
- \* Sumavel DosePro Injection – Cost: \$1,071.60
- \* Relpax 40MG – Cost: \$680.15
- \* Chlopromazine 10MG– Cost: \$40.28
- \* Latuda 2MG – Cost: \$1,218.51

\* Valium – pays out of pocket

LAST YEAR MEDICATION SPENDS:

3/15/2017- 03/15/2018 = **\$35,245.03**

\*2016-17 = \$22,945.69

\*2015-16 = \$23,718.77

\*2014-15 = \$14,560.67

\*2013-14 = \$12,304.25

3. Overall health of TM and/or Co-Morbidities:

- \* Multiple suicidal attempts
- \* Severe migraine headaches
- \* Severe anxiety/depression

**Future Medical:**

*Future medical award open for the neck, headaches, psych.*

Five year (2013-2018) cost average on medications = **\$21,754.88 YEAR**

Total medical spend (03/15/15-03/15/18) = **\$94525.05/3 = \$31,508.35 YR.** Lifetime medical exposure = **\$31,508.35 X L.E (36.1) = \$1,137,451.**

**PRESENT VALUE REDUCTION = \$694,566.** I think that if we are able to resolve for 50% of our present value life of file exposure this would be a huge success.

**MSA:** *Not needed at this time*

**Current Settlement Offer:**

**TM Counsel's Latest Demand:** \$ 500,000 lump sum payment.

**Defense Counsel Settlement Recommendations:**

The medications being prescribed all are being UR certified. Based on our IME evaluation/review with Dr. there is only one overlapping medication that we can look to try and get the PTP to take her off of.. The challenge is that the meds are being approved by UR so there is little we can do to cut them off. We currently are already getting a discount on the medications by using the Optum formulary. Based on research done – it is not anticipated that any of these medications, that aren't already generic, will be going generic in the next 10 years. Moreover, the costs of these medications continue to go up in price each year.

It's imperative that we try and push this case to settlement before applicant applies for SSDI or becomes Medicare matched. The MSA cost will be so high it will make settlement near impossible.

The goal is to utilize a structured annuity or \_\_\_\_\_ to assist with pushing settlement with AA and the applicant.