EFFECTIVE CAUSATION LETTERS: What Providers Should Include and Why

Office of Injured Employee Counsel
What We Will Cover

• Purpose of causation letters
• Details of causation letters
• Benefits of causation letters
• How health care providers benefit from effective causation letters
Purpose of Causation Letters
What is a Causation Letter?

- Written report which explains the producing cause of an injury in workers’ compensation cases
- Addresses how the work injury caused the claimed diagnosis

The injured employee has the burden of proving the work injury is the producing cause of a claimed diagnosis
When Does an Injured Employee Need a Causation Letter?

- Compensability disputes
- Extent-of-injury disputes
Writing the Causation Letter
Doctor’s Report

Should contain:

• Short summary of the doctor’s qualifications
• Injured employee’s medical history
• Exam findings
• Analysis that explains how findings lead to your conclusion
Explain What Diagnoses are Compensable

• Summarize what diagnoses are compensable
  • “It is my medical opinion the compensable injury of 1/1/2012 includes...”
  • Right knee meniscus tear, not internal derangement of the knee

• Be specific. Avoid general diagnosis.

• Spine injuries – identify level

• Identify diagnostic reports and other medical opinions which support the existence of a diagnosis
Demonstrate Your Understanding of Mechanism of Injury

• Explain how injury occurred
• Ask the injured employee follow-up questions to obtain details – do not assume any facts
• If injured employee and doctor’s explanation of Mechanism of Injury (MOI) is different, the doctor’s opinion could be given less weight at hearing based on improper understanding of the injury
• Include medical journal articles or other evidence based medicine to support the medical opinion when possible
Medical History

• Address the issue of a pre-existing condition or prior injuries and the injured employee’s medical history.

• If carrier claims a diagnosis is pre-existing or degenerative explain how the work injury caused new or additional harm.
Rebut Contrary Medical Opinions

• Discuss any contrary opinions (such as from a carrier peer review doctor or designated doctor)
• Explain why contrary opinion is incorrect
Reasonable Medical Probability

• Opinion must be within that **reasonable medical probability** the injured employee’s MOI caused the injuries in questions.

• Not sufficient to say MOI *could have caused* or *possibly have caused*

• **100% medical certainty** is not required

• What supports your conclusion that the injury/illness was/was not the result of this accident?

• The statement should explain how, *without the accident*, the injury in question wouldn’t have occurred.
Best Practices
Best Practices – Example (Actual) Good Causation Explanation

The claimant sustained a puncture wound to the left wrist area. This ultimately resulted in a deep-seated infection secondary to abscess formation. It is not unusual that this type of infection can take some time to develop. In all medical probability however, the puncture wound was the cause of this infection. It should be understood that [the claimant] was compromised secondary to diabetes. This made him more susceptible to developing the infection.”

-DWC Appeals Panel Decision No. 130235
Best Practices – Example
Insufficient Causation Explanation

“Lumbar disc herniations and symptoms arise solely and directly from his work-related incident. It is impossible to comment on the potential shear forces without having observed the incident itself.”

-DWC Appeals Panel Decision No. 111881

Does not specifically mention or explain:

• How mechanism of injury caused the injury
• At specific levels
Common Errors

Insufficient Causation Statement
- Conclusions rather than explanation
- Only listing diagnoses
- General statements that injury/illness not present until after accident/incident

The reader needs an explanation
- How did you reach your conclusion

Avoid the following terms/phrases
- Possible
- Might have
- Could have
Tips for Strong Causation Letters

• Do –
  • Keep an ongoing summary of treatment
  • Provide detailed answers
  • Keep in mind that workers’ compensation looks at everything – whole person

• Don’t -
  • Send computer generated records with note to “refer to records”
  • Write one-sentence opinions
  • Use vague statements
Results of Causation Letters
Real-life Results of Causation Letters

• Injured employee may obtain medical treatment and income benefits
• Lifetime medical benefits
• Work injuries compensated under Texas workers’ comp instead of cost-shifting to other insurance systems
Resources

Sample Treating Doctor Report
http://www.tdi.texas.gov/wc/hcprovider/causation.html

Summary of Best Practices
http://www.tdi.texas.gov/wc/hcprovider/causation.html

Other Resources for Treating Doctors
http://www.tdi.texas.gov/wc/hcprovider/causation.html

Texas Workers’ Compensation Act:
http://www.statutes.legis.state.tx.us/?link=CN
Select “Labor Code,” see Chapters 401-506

See, e.g., 28 TEX. ADMIN CODE§126.17(b)

Contact Information

Find more information about the Office of Injured Employee Counsel on our website

www.oiec.texas.gov