

The Benefit of Getting the Right Expert

In a 7/19/17 Decision of WCJ Geoffrey Lawrence, he concluded that the testimony of our expert, Dr. Lisa Christopher-Stine of Johns Hopkins Medical Center, Baltimore, MD, was more credible than that of claimant's local rheumatologist as to medical causation issues. He thereby terminated claimant's benefits.

The history of the case is simple. Claimant sustained work injuries in 1979, described as an aggravation of a pre-existing arthritic condition. Later, her wage loss benefits were commuted. Meanwhile, the carrier, from 1979 forward, spent over \$700,000.00 in medicals associated with claimant's RA.

The file was referred to us for review in 2015. We immediately identified that this was not a run of the mill case and suggested that the carrier retain a national expert in rheumatology, as opposed to simply using a local vendor. The carrier brought in and we identified that Hopkins has the best rheumatology practice in the US. Through a contact at Hopkins, we identified our expert. She proffered a records review in 2015 and an IME in 2016, in which she noted there's a huge difference in RA and osteoarthritis. Further, that there was no way that claimant was still suffering from an aggravation of pre-existing RA due to her employment. Rather, any suffering was just a natural progression of RA. 1

Ultimately, the WCJ found our expert most credible. The takeaway is that sometimes, we need to move away from traditional IME options. As an aside, Dr Christopher-Stine charged just 3K for her testimony- less than SE PA IME vendors often get. If only the carrier had contacted us sooner. While we cannot get back 700K, we may be able to get back up to 50K.

Special thanks to Alexander Kwasny, who the WCJ yelled at about why we weren't paying medicals (he also denied a penalty petition) and to Ashley Waring who drafted our brief.

Lee Fiederer

1 Indeed, claimant has suffered. RA meds caused a weakening of her achilles, causing it to tear. Her hands are hopelessly gnarled. Her voice is intractably hoarse due to intubations. She has a hard time standing or walking and is routinely fatigued. She has had surgery bilaterally on her hands and feet.