

# “Dog” File Checklist

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## **I. Determine Present Status**

1. Review file – beginning and end
2. Review medical billing – year-to-year cost
3. Outline medical referral chain
4. Surgeries?
5. Doctor – how long treated?

## **II. Obtain Surveillance**

1. Consider weekend/weeknight surveillance
2. Adequate budget
3. Criminal/court records
4. “Telephone” surveillance

## **III. Gather Updated Medical**

1. Obtain medical authorization from claimant
2. Recent medical visits?
3. Consider independent medical examination (IME)
4. Send IME report to present authorized doctor

## **IV. Fact Finding: IMEs, Medical Conferences, Etc.**

1. IME by internist, cardiologist, etc.
2. Medical conference at doctor's office
3. Canvass medical facilities near claimant's home
4. Other medical conditions or social problems

## **V. Investigate Other Sources of Information**

1. Contact employer
2. Obtain employer's file, if necessary
3. Past vocational rehabilitation counselors?
4. Doctor's office – talk to medical secretary
5. Social security file?

## **VI. Look at Your Options: Change in Condition, Mediation, Etc.**

1. Is vocational rehabilitation realistic? Ask for an updated or initial evaluation
2. Discovery – deposition of claimant, medical request for production of documents
3. Change in condition worth pursuing!
4. SITF fund claim – status/can a claim still be filed?
5. Request change in physicians – consider requesting a mediation

## **VII. Evaluation for Settlement**

1. Look at three-to-five-year exposure
2. Conference with claimant if unrepresented
3. Create an issue: window of opportunity to settle
4. Medicare Set Aside issues?
5. Creative settlement ideas (medical trust with a reversion to the employee)
6. Mediation settlement conferences: valuable tool
7. Consider private mediation, if possible

## **VIII. Settle?**

1. How much leverage do you have?
2. Realistic timetable and plan of attack!

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## **10 Reasons to Close a “Dog” File**

1. The claimant loves to chat with you personally – for extended periods of time.
  2. Your co-workers laugh when you mention the name of the file.
  3. The doctor's nurse curses you when you call.
  4. It takes a hand cart to move the file.
  5. Your defense attorney has retired.
  6. You've been promoted, but must keep the file.
  7. The employer's First Report of Injury has turned yellow.
  8. It's hard to find a 1977 Code revision.
  9. Vocational rehabilitation hangs up when you call.
  10. Your supervisor wants updates weekly.
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