



Budincich Chiropractic Clinic, Inc

# Spine-A-Line

February 2015 • For patients and friends of Budincich Chiropractic Clinic

## WHAT CONSTITUTES AN ON-THE-JOB INJURY?

by Michael N. Budincich, D.C.

### Inside this issue:

- **What Constitutes an On-The-Job Injury?**
- **Doctors With A Heart**
- **Oops! I Waited Too Long Again!**

### DOCTORS WITH A HEART PROMOTION



**See Page 3 for Coupon**

**A**s the doctors of our clinic give comfort and care to the rank and file of the human race as they pass through our offices, we run across many conditions that have been caused or aggravated by things they do at work. Work aggravated injuries are probably the most common afflictions that we see in our office on a daily basis. These may be conditions directly caused from doing a repetitive activity at work, or an old problem that is aggravated by the constant day-to-day tasks performed in the work place.

There are two basic types of injuries as defined in the Labor Code of the State of California. The first type of injury is called a "specific injury." This would be the type of injury such as picking up a heavy box and feeling an immediate strain or "pop" in the lower back. Another specific injury example might be slipping and falling on a slippery, greasy floor at work and spraining and ankle. Specific injuries are usually the only type of injuries that the average person thinks constitutes an official and legal on-the-job



injury. The fact of the matter is, that most on-the-job injuries actually occur over a long period of time due to repetitive aggravating activities to joints and muscles. These types of injuries are called "cumulative

trauma" injuries or CT injuries.

By far, the most common injuries we see in our office are those of the CT type, yet our patients are unaware these CT injuries are "compensable," or payable, under the California Worker's Compensation system by your employer's insurance company. Just because your injury occurred "little by little" over several years at work, doesn't mean it has any less respect among doctors, insurance companies, or the California Worker's Compensation system.



Frequently while taking a history on a new or existing patient, it becomes evident that the pain from which the patient is suffering was caused from something they do at work. When I mention this, they agree with me, but they are reluctant to treat under the Worker's Compensation system

*Continued on page 2*

## WHAT CONSTITUTES AN ON-THE-JOB INJURY?, *continued from front page*

because they say “I don’t want to be on Worker’s Comp.” What I found to mean by this expression is that they don’t want to miss any work as a result of filing an on-the-job injury, or they feel their employer may reprimand them. These people are gravely confused as to what the purpose of the Worker’s Compensation system is all about. When a Worker’s Compensation injury is filed at work, it simply constitutes the payment source of who will pay for treatment and benefits as a result of the injury. This does not mean that you have to physically be off work to be on Worker’s Compensation benefits. Worker’s Compensation benefits are paid by a separate insurance policy that your employer provides in case you are injured at work.

If you are currently using your own “group” insurance or HMO/PPO company such as Cigna, Kaiser, Aetna, New York Life, Blue Shield, Blue Cross or others, the claim forms that we file for you specifically ask if the injury occurred at work. If an injury was work related, and it is not described as such on your group or HMO insurance forms, that could constitute fraud in a legal sense by not describing who is specifically responsible for that injury or bill. Some cumulative trauma (CT) injuries are questionable as to how much of the injury was caused by work. The Worker’s Compensation legal system is specific in that only a small percentage of the actual aggravating pain need to be caused directly from work in order to file a claim of this type. It is not necessary that 100% of the pain that you developed at work be caused entirely from things that you do at work.

For example, let’s say you are a working mother with small children at home that you are lifting on a

regular basis. The lifting normally does not seem to bother you. At work you have a job that you sit constantly in a chair that is uncomfortable which aggravates your lower back but is not serious enough to consult a physician for “yet”, in your opinion. Let’s say that the back pain had been there for several months and that one day you went home to pick up your child with your back hurting from work and that resulted in a major back pain causing loss from work in terms of days to weeks. Technically, the scenario I outlined would be construed as being a cumulative trauma lower back injury which became aggravated by a specific injury at home. The injury I described would be “compensable,” or have benefits within the Worker’s Compensation system of California. Since the lower back pain which was yet untreated occurred before the specific injury, that would constitute a Worker’s Compensation injury legally.

Another example of a CT injury at work would be someone who sits at a computer work station all day with her head bent and twisted in an uncomfortable position. Add to this use of the phone, by holding the phone onto the ear with a head in a “kinked” position, and do this for several months or years. The result of this may be a severe subluxation of the neck, causing an aggravated nerve root problem, muscle spasms in the shoulders and neck, headaches and other symptoms. Even though there was no specific injury, the months or years of chronic use of the computer and the phone caused the pain that constitutes a legally compensable Worker’s Compensation injury. This would also be applicable for wrist, arm or hand pain related to repetitively using a computer all day long or a “mouse” at the work

station. These type of injuries go by the name of “wrist tendonitis, carpal tunnel syndrome, elbow epichondylitis, shoulder tendonitis, and myofascial pain syndrome.” All of these are repetitive overuse-type syndromes.

Let’s say that you have a job that you spend eight hours or more on your feet standing on hard concrete or tile. You may do this work in dress shoes that are required by your job. If your feet begin aching and hurting in the arches, insteps, or calves, this could also be considered a cumulative trauma type of injury. Your employer may need to improve the work place by adding padded carpeting, rubber matting, and providing a stool or periods of rest, so that the feet take less abuse. Symptoms such as foot and heel pain, arch pain, a stabbing pain in the heel upon arising in the morning, could be symptoms of “plantar fasciitis,” “heel spurs,” or early arthritis in the foot caused by excessive “pronation” and prolonged time on hard surfaces. There are literally hundreds of different variations and types of cumulative trauma injuries. Most of the patients that I see on a day to day basis have symptoms that are for the most part created from things that they do at work. Although not all pain that you have at work can be considered a cumulative trauma injury, it would take an expert like your doctor of chiropractic to determine if indeed it would constitute an official injury, entitled to reimbursement for health care services and lost work time.

### **What should I do if I think I have a work-related injury?**

The first thing you should do if you feel that you have been injured either specifically or cumulatively (CT) on the job, is notify your immediate supervisor of the problem.



Budincich Chiropractic Clinic, Inc.  
 Michael N. Budincich, D.C. & Associates  
 Michael N. Budincich, D.C.

John M. Casci, D.C.  
 Polin Togi, LAc

# DOCTORS WITH A HEART

Dear Patients and Friends,

Flowers and chocolates can express how much you care for someone, but showing someone how much you *deeply care about their good health* can speak volumes. We have a program that can help with improving the health of your family and friends.



Enclosed you will find a gift certificate for family members or friends, good for a Free Complete Chiropractic or Chinese Acupuncture Assessment Examination and any needed X-rays. This includes examination of the spine, posture, muscles, joints, nerves, or this may be used for a complete new patient acupuncture/Chinese medicine examination. This is a total of up to \$250.00 of services we will provide for each person you send us.

I am sure that you know of someone who would appreciate the opportunity to take this step toward better health. In fact, it could be the most important gift anyone has ever given them.

So, why not give a gift certificate to someone suffering to have the opportunity to find out that *they don't have to live with pain anymore*. I ask you one favor, please don't let this go to waste. **The certificate below expires on March 14, 2015.** The best gift you could give for Valentine's Day is the gift of good health. This certificate is void without your name on it as the referring patient.

Sincerely,

Michael N. Budincich, D.C.



Budincich Chiropractic Clinic, Inc.  
 Michael N. Budincich, D.C. & Associates

140 North Hill Avenue  
 Pasadena, CA 91106  
 (626) 792-3390  
 www.drbud.com

Michael N. Budincich, D.C.  
 John M. Casci, D.C.  
 Polin Togi, LAc

## CERTIFICATE FOR EXAMINATION AND X-RAYS

*This gift certificate is good for a Complete Chiropractic or Acupuncture Examination, including examination of the spine, posture, muscles, joints, nerves, and even spinal x-rays if they are needed.*

*This offer is for new patients only and expires on March 14, 2015.*

\_\_\_\_\_  
 Name

\_\_\_\_\_  
 Referred by

**This certificate is void unless referred by a current patient.**

## WHAT CONSTITUTES AN ON-THE-JOB INJURY?, *continued from page 2*

Get permission from the personnel or human resource office to see your family doctor of chiropractic. We are the chronic health care specialists for these types of injuries.

Legally, your employer may require you to see a doctor of their choice for the first 30 days from the time you report the injury. They are entitled to this right under the Labor Code and Worker's Compensation code. You are legally entitled to a "change in physician" as entitled by the labor code within the first 30 days of the injury if the doctor you are seeing is not helping, or if you prefer to see a specialist such as a doctor of chiropractic. If within the 30-day period you wish to be seen by a chiropractor, you should notify the employer in writing, after which they have five days to comply with your request for a "change of physician" to include a chiropractor. You may also wait after the 30-day period called the "30-day rule" and then request a change of physician in writing, or simply come to our offices beyond the 30 days of your initial treatment that the employer has provided, and continue treatment at our offices exercising your "change of physician" option.

### **Worker's Compensation benefits do not work like your regular group insurance benefits**

There is no deductible or co-payment for Worker's Compensation treatments. You also are entitled to pay when you are required to be off of work, mileage for round trips to the doctor, lost work time if you lose work because of the injury,

According to California State Law every business must carry Worker's Compensation Insurance or be willing to pay cash out-of-pocket for any injuries that their employees

report. Many large employers such as municipalities, large grocery corporations, international businesses, are often times "self-insured," and act as their own insurance company. In these cases, these companies usually have a Worker's Compensation Department or hire out this service to a separate company that handles claims outside of its business. In short, every business operating in California must legally carry insurance or pay benefits to injured workers. If you are injured on the job, you should not have to pay out-of-pocket for injuries that were caused by things that you did on the job that caused the problem.

With the ever-changing healthcare system and more and more burden being placed on a common worker, fewer and fewer benefits are available for not only chiropractic but for general medical care as well. Some years ago the fraud was removed from Worker's Compensation when legislation was passed in the State of California requiring doctor's to sign under penalty of perjury all the documents that they provide for the State and the employer regarding injuries. During this period of time, most of the unscrupulous clinics, doctors, and attorneys went out of business in this area. Almost every injury filed now in the Worker's Compensation system is a legally bonified injury and is compensable. Virtually 95% or more of all Worker's Compensation fraud was removed by these new laws, which is a very good thing for all of us.

As "physicians" as described by Worker's Compensation law, we have the same rights and privileges as medical doctors, podiatrists, dentists, and other specialists under the Worker's Compensation law in the State of California. Chiropractors are treated with the same respect as

other doctors and can treat all the same injuries that fall within the scope of their licenses. You do not have to see a medical doctor for a problem that can be treated chiropractically if it is your choice to see a chiropractor. You need to know this, and your employer should notify you this at the time you start your employment and every year thereafter. Employers by law are supposed to notify their employees that they can select a "employee selected physician" as their "personal physician" to be able to see them immediately after an injury that occurs on the job. Most employers will not notify their employees of this right under the law and simply direct the care of the employee without having the employee exercise their right to choose beforehand.

Should you have any further questions regarding whether you may have, or a friend or family member may have, a Worker's Compensation (on-the-job) injury, please feel free to discuss this with your doctor on the phone or in one of the treatment rooms on your next visit. We are here to serve you with all of your health care needs, and Worker's Compensation injuries is one small slice of service that we give to our expanding patient base. Thank you for being a patient here at the Budincich Chiropractic Clinic. ■

Call us at

**(626) 792-3390**

**with your questions on  
Worker's Compensation  
(on-the-job) injuries, or  
discuss them with your  
doctor on your next visit.**

# OOPS!, I waited too long again!

by Michael N. Budincich, D.C.

**A** week does not pass when at least three or four patients return after a long break with a severe flare up of their pre-existing problem. Many of you reading this article have already experienced one or more major flare-ups of the initial condition you had some years back and have needed to come to us for a series of adjustments. Even though we warn you of the perils of waiting too long, many suffer the consequences of a major flare-up.

Major flare-ups are severe pain episodes that come to light again from an underlying subluxation degeneration problem such as spondylosis, lumbar disc disease, degenerative neck arthritis, and old whiplash, or other old spinal injury. Once subluxation degeneration is detected on spinal x-ray, it has already gained a strong foothold into the body and has caused aberrant joint movement. The initial treatment served to stabilize a condition like this in the initial one to three dozen times a patient sees us. Once fully stabilized from the initial pain, lost motion, and instability, the patient is likely to do well for a long period of time. Even though we recommend once a month, bimonthly, or quarterly adjustments to maintain a condition, most of our patients, it is shown, fail to follow our long term recommendations for stability.

Many of our patients typically give the excuse that they were “saving money” by not following through with the supportive or palliative treatment plan on an occasional basis. Others mention that they are “too busy,” “forgot,” or “I didn’t feel the need for it anymore.” Remember that Doctor of Chiropractic, the D.C. degree, we comically say stands for “Doctors of Chronic,”

---

**People do not save money by waiting too long between chiropractic visits when they have an unstable condition. We have proven to patients time and time again that a minimal annual investment in chiropractic treatments pays big dividends over a long period of time.**

---

or “Detector and Corrector.” The Doctor of Chiropractic both detects and corrects, or stabilizes, spinal degenerative subluxation complexes as well as keeps these problems mobilized and supple so that major flare-ups are less likely to occur.

People do not save money by waiting too long between chiropractic visits when they have an unstable condition. We have proven to patients time and time again that a minimal annual investment in chiropractic treatments pays big dividends over a long period of time. Let’s say that you have a major flare-up every three years when you are not regularly chiropractically adjusted. At the end of that three years you may require a comprehensive re-examination, a new set of spinal x-rays, one or two physical therapies in addition to

your standard treatment, and several weeks to a month or more of additional treatment to bring you back to where you once were. Total up the price of these emergency services and it will far exceed the cost of three to five years of occasional care done for wellness and control of a problem. Believe us, there is no real saving by “waiting too long” between chiropractic adjustments. When you wait too long, the actual condition of your spine may deteriorate even more, which may make the problem harder to stabilize with each successive flare-up. In the case of a disc problem, a major flare-up could move you closer toward an inevitable back surgery which we are trying desperately to ward off.

In conclusion, it just does not pay to wait too long between chiropractic adjustments when it has been shown by x-ray, examination, and repetitive previous flare-ups, that your problem is permanent and will flare up again. So the question is, why do you wait so long? If you are reading this and you know what we are saying has happened to you, don’t hesitate a moment longer and pick up the phone and schedule for an adjustment. “An ounce of prevention is worth a pound of cure.”

A minimal investment in your health on a periodic basis will pay big dividends during the course of your life and cause you much less stress by missing work and additional out-of-pocket expenses is not budgeted for. ■



Michael N. Budincich, D.C.  
John Casci, D.C.  
Polin Togi, L.Ac.

**Budincich Chiropractic Clinic, Inc.**  
*Michael N. Budincich, D.C. & Associates*

140 North Hill Avenue  
Pasadena, CA 91106  
(626) 792-3390  
www.drbud.com

PRSRST STD  
U.S. Postage  
**PAID**  
Permit #740  
Pasadena, CA

**ADDRESS CORRECTION REQUESTED**



## DOCTORS WITH A HEART PROGRAM

**W**e are again sponsoring the Doctors with a Heart chiropractic outreach program in 2015.

This program begins February 14 and ends March 14, and is highlighted by our clinic giving coupons to active existing clinic patients to give to hurting friends and relatives who need our care and wish to be diagnosed with possible problems that we can help.

If you receive a mailing of these coupons, you have been selected to participate by your loyalty and your recent regular chiropractic or acupuncture care. Not all of our patients will receive coupons for giving away, but if you do get one to give out they will represent a \$200.00 saving to your referral.



Your referral will receive a complete history of their health, a symptom appraisal, a complete exam of all areas of complaint and a postural exam, along with needed X-Rays of the areas of complaint pertinent to their case, along with a complete oral and written report of findings. It could also cover your first acupuncture consult, if you have never tried Dr. Togi or his unique type of service. The coupon could be used for chiropractic care first exam OR an acupuncture first exam.

If you feel you need an additional coupon, please call our office at (626) 792-3390 and ask for Christie. ■