

Pinnacol Assurance Complaints—24 Aug. 2009

My Pinnacol WC case is complicated. Technically we settled, but Pinnacol never came through with the things that had been prescribed by my WC doctor, and even filed, before the judge signed off. I'd also thought I was going to get the follow up care that my doctor told Pinnacol to see that I got when I needed it, an important component of any settlement.

Prior to my hiring a lawyer, whom I got from the Tom Martino referral list, they screwed me over again and again. I kept complaining to Neva Deal, my case worker. She made excuse after excuse, saying she didn't get the bills or scripts, even though they were faxed, emailed to her, and reported to her on the phone, by me *and* by my doctor. I complained to her supervisors. People were nice, but nothing changed—same old, same old. Out of desperation, I hired a lawyer, a mistake. He did sloppy work.

My lawyer wrote them a few letters after the settlement--which was much smaller than it should have been (Pinnacol kept miscalculating my wages, and leaving out things)--but he never made them follow up. He then proceeded to abandon me because it was "too much time and trouble!" Every one of the lawyers I then consulted urged me to make my lawyer finish his work. He even threatened to sue me for harassment and slander for talking to other lawyers and Martino about my case.

So I found out what to do on my own. I filed to have my lawyer removed from the case and filed for a hearing. I asked for full enforcement of my settlement, along with penalties. Finally--two and a half years later, with loss of MMI because of Pinnacol's shenanigans, as my doctor has testified--Pinnacol has woken up and seen to it that they reimbursed me for unpaid acupuncture, orthotics, and paid for the health club membership that my doctor had prescribed long ago. Pinnacol seems worried that I will get penalty money. All the bad publicity and the legislative investigation do not help them, I'm sure. They kept trying to scare me off from going to hearing. That hasn't worked, so they now are offering me some money to make me go away. Nothing large, that's for sure, Nothing near what they actually owe me--or what they owe me for pain and suffering. They are seeing that I get the medical care that my doctor has prescribed to get me back to MMI.

I am still not happy.

My wages were miscalculated, making me get about \$20,000 less than I should have gotten. I told Pinnacol the first time that they were half of what they should have been. Neva Deal went back and raised them, although she still stretched them out over a 12 month period (I was only on a 10 month teaching contract for a Catholic High School and showed them pay stubs that divided my pay over 9 and 1/2 mos.).

Pinnacol didn't budge, and my lawyer, once I hired him, didn't force them. The worst thing--and Pinnacol should be worried about this--is that it took Pinnacol six months to fill my first health club membership. The last one has taken two and a half years. Because of all the wrangling that I was doing with Pinnacol on my own, all the stress, the lack of ability to exercise without hurting my back and the weight gain caused by this stress, I suddenly developed Type II Diabetes. My yearly blood tests had always been not just ok or good but *excellent*. I had long fast-walked everyday, and was still doing that, and had always been very careful about my diet, eating only healthy whole grains, and mostly vegetables, with few refined carbs and little sugar or meat or fat.

I know we cannot say that the diabetes would not have come on if I had been going to the gym regularly, and had less stress, but the chance would have been much smaller. One of the best preventatives, other than diet and exercise, is resistance training, one of the things my doctor had prescribed. Worse yet, I developed some kidney damage in just the few months that my blood sugar was way out of control. I was nearly comatose when it was discovered. I got it under control quickly. In fact, my M.D. said she'd never seen anyone come under such good control so quickly. That's because I am diligent about everything I do. I hit things on every front.

Still, the threat of kidney failure looms over me. Pinnacol's negligence--a pattern revealed by all their actions over many years now—and the testimonies of everyone else who has had them handle their WC case--certainly bears on this disaster.

Oh yes, I was not informed that I was to be reimbursed for mileage for treatments. I had to discover that out on my own from my many consultations with the CO Workers Comp. Division. When I submitted, Neva Deal, managed to omit many entries (all to the gym and back) and low ball others. Again I complained and complained but to no effect. I got maybe \$1000 less than I should have. And, I should get mileage for trips back and forth to treatments now.

*As my doctor has said, and this is the root of the problem, Pinnacol has wanted to control my treatments, rather than my doctor controlling them.* I can only imagine what would have happened if I'd stayed in their WC system rather than seeking my doctor as my physician, since the school administration didn't steer me to them. I was told it was ok to go to my own doctor, so I did. They kept trying to trick me back into their system, but I'd gotten legal advice and knew I didn't have to—and shouldn't. In that case, it's widely said that you really get the shaft.

## Monetary Outlays and Demands

Money I've spent trying to keep myself at MMI over those 2 ½ yrs.:

Acupuncture 1x month \$6500

Chiropractic 1x per every 6 weeks \$5000

Massage therapy 20 visits \$1200

Shiatsu massager \$120

Ultra Ab lounger \$120

Remainder of travel to and from gym (none was pd.) and rest of mileage when I had to travel from school, not home. Probably around \$1000

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\$13,940 total out of pocket

New travel back and forth for treatments—maybe \$2000

Miscalculated wages. 1rst time they wrote down half my real wages (\$538). After fighting with Pinnacol they upped it but figured it on a 12 mo. basis even though they were shown pay stubs spreading it over 9 1/2 months. So they still underpaid me by maybe \$20,000

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\$35,940 total cash paid out and still owed

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Ongoing pain and suffering. Last Jan. and Feb were really awful. I couldn't do a thing but hurt, try to do my old PT exercises, sit/lie on my heating pad, get some acupuncture, chiropractic, and massage (paid for out of pocket, so much less than I really needed to dig me out of the hole), and use the AB Lounger and Shiatsu massager. Nothing seemed to work I even tried putting rubber balls and tennis balls under the pressure points and rolling around on them.

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Possible kidney failure in future, no matter how careful I am

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future treatments for back pain

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I'd say I deserve all the penalties that the law stipulates. Only if Pinnacol gets penalized to the full extent that the law allows will it be more careful to treat people right.

Pinnacol says it cares about the injured workers, but I haven't talked to one injured worker or medical provider who agrees with Pinnacol's self assessment. I've talked with plenty.