What is RSD / Chronic pain?

Workers' compensation claims aren't always brought as the result of a traumatic industrial accident involving heavy machinery or a severely injured body part. Sometimes a work-related injury can be more subtle, less visible—but still produce the same life-affecting results.

One common chronic injury that often give rise to workers' compensation claims in Minnesota is reflex sympathetic dystrophy (<u>RSD</u>), also known as complex regional pain syndrome (CRPS). You might also know it as Sudeck's atrophy, or causalgia (which is actually a slight variation from true RSD).



Condition

The disorder involves an intense burning pain and/or stiffness and swelling in the limbs, frequently the hands. RSD is caused by nerve damage, though it can stem from injuries that did not directly affect a nerve. Swelling is one of the major, and easy to distinguish, symptoms of the condition.

Treatment of RSD can be difficult since the condition is not well-understood, but treatment will generally involve anti-inflammatories, anesthetic, and physical therapy. In some cases you may be recommended to have surgery.

Workers' Compensation Claims & RSD

The fact that the condition is poorly understood and difficult to pinpoint can render a workers' compensation claim more tricky than a claim for, say, a broken leg would be. Don't worry—you're not out of luck. Claims based on RSD / CRPS can succeed with the right evidence. For both of these, it's important to establish, based on an expert's opinion, exactly how your work-related injury triggered the RSD, how and why the expert was able to exclude other conditions that might produce similar effects, and how the RSD translates to a physical impairment.

In 2010, Minnesota adopted <u>new administrative rules</u> regarding the treatment of RSD claims. The rules provide a specific method for determining a worker's impairment rating due to RSD. If a worker establishes that they have RSD, then different impairment ratings are determined for the peripheral nervous system, the musculoskeletal system, the skin, and the vascular system. Then, the ratings are combined to produce a final rating based on whether the condition is mild, moderate, or severe; the final rating does not depend on the specific type of impairment suffered in the affected body part. This final rating also cannot be more than the rating would be if amputation of the affected body part had occurred, which may be seen as unwise by RSD patients suffering from severe pain who feel amputation would have been preferable.

In short, an RSD / CRPS claim is possible under Minnesota law, but you'll want to talk to your lawyer about how to establish not only that you have the condition but also the level of severity of the condition.

Chris Rosengren Rosengren Kohlmeyer, Law Office Mankato, Minnesota 507-625-5000 www.rokolaw.com

This article first appeared in the Minnesota Work Comp Blog <u>http://mninjuredworker.com/?p=1918</u>