

# P.F.I.W. Newsletter



Your source for workers' compensation information

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Pennsylvania Federation of Injured Workers has the information you need to be successful while on worker's Compensation.

If you have questions we have the answers about surviving while recovering from a workplace injury.

Call us today:  
888-376-7942



## “An Injury to One is an Injury to All”

### Should taxi drivers be eligible for workers' comp?

March 22, 2010 by Fred Hosier

As more and more companies use independent contractors to do work formerly handled by employees, these questions come up more often: Employee or contractor? Eligible for workers' comp or not?

Example: Taxi cab drivers. Right now in Pennsylvania, they're considered independent contractors. A bill in the state legislature would change that.

Alex Friedman, secretary of the Philadelphia Taxi Association, a group that owns the medallions for about half of the cabs in the city, says they're contractors.

“We do not pay them salary. We do not control their working hours. We do not tell them to go in certain routes. They are not our employees. We are not their employers,” Friedman told the *Philadelphia Inquirer*. “Therefore we do not pay any workers' compensation.”

Ronald Blount, who heads the Taxi Workers Association of Philadelphia, sees it differently. “We believe we're misclassified,” he said. Blount said cab drivers can't turn off the dispatch radio during their shifts to take a nap. There are monitors that track their every move. He calls that the type of control an employer exercises over employees.

In some places, such as San Francisco, taxi drivers are considered employees and are eligible for workers' comp.

Here's another reason why it matters to the cabbies: Driving a taxi is one of the nation's most dangerous jobs. About 19 out of every 100,000 cab drivers died on the job in 2008.

Other cab drivers face life-altering injuries. Cabbie Ralph Rescigno was stabbed in the back one night by a robber. Both his lungs were punctured. In the hospital he suffered a stroke. Rescigno is now wheelchair-bound and can't

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He doesn't receive workers' comp benefits.

Which factors should determine whether a worker is considered an employee and be eligible for workers' comp? Are taxi driver's employees or contractors?

### P.F.I.W. Website Updated

We changed several things for our website. Several new webpages have been added:

- Injured/Disabled Veterans webpage
- Social Security Disability webpage
- Americans with Disabilities Act webpage
- Panel Physicians webpage
- Workplace Safety webpage

We have also updated many existing webpages:

- Added more resources to start a Chapter
- Added links to new websites
- Added news articles
- Added a new slideshow

Much more is on the way as we continue to develop the information we post on our website. Should you know of something that is not included contact us and let us know about it.

### Persons with a Disability

August 25, 2010 from: *Disability.gov*

*Labor Force Characteristics 2009* is the first news release focusing on the employment status of persons with a disability. The information in this release is from the Current Population Survey (CPS), a monthly sample survey of about 60,000 households that provides statistics on employment and unemployment in the United States. Some highlights from the 2009 data are - the unemployment rate for persons with a disability was 14.5 percent in 2009, well above the figure of 9.0 percent for those with no disability; and nearly one-third of workers with a disability were employed part time, compared with about one-fifth of those with no disability.

## Questions to Ask that will Help Find the Right Physician

Finding and evaluating a perspective physician that will give you medical treatment is one of the most important issues you will face while on worker's compensation. It will determine the quality of your medical treatment and the outcome of that treatment. It will also determine how well you will fair in establishing your claim. If a physician is not will to stand behind you and help to establish your claim it will be very difficult for you to make any progress in your recovery from the injury and to remain on workers compensation until you are completely recovered.

- Before you start medical treatment with a physician, interview him or her. Some people talk to other injured workers for a referral. Call any injured worker groups in your state and ask them for a referral. The PFIW has panel physicians that have been interviewed and have signed an agreement with the PFIW to support injured workers.
- Ask if he/she is loyal to injured workers. Never treat with a physician that is more loyal to employers or insurance companies. This is a clear conflict of interest during your medical treatment and may cause you to get bad medical treatment.
- Ask if the physician participates in ex-parte communications about patients with insurers. The type of communication can interfere with the physician's loyalty to the injured worker.
- It is important that you know exactly what is going on in your medical treatment. Ask the perspective physician if he/she will give you copies of all medical records needed by you to support your worker's compensation claim in court.
- During the medical treatment the worker's compensation insurer may refuse to pay any medical bill until your claim is established and bills may start to pile up. Ask the perspective attorney if he/she will help you by waiting for the claim to be established to receive payment. No money for medical treatment should ever come out of pocket.
- Ask the perspective physician if they will aggressively treat your injury or will they be more concerned about keeping the cost low for the insurer/ employer.
- Ask the perspective physician what the plan of action will be for the treatment of your injury. Make sure the treatment is what you want and need for the injury you have.
- Ask the perspective physician how far they will go to ensure that you get proper medical treatment. Will he/she go to bat for you if a treatment is denied by the workers compensation insurer or self-insured employer.
- Ask the perspective physician if his/her fiduciary duty to you as an injured worker and patient is paramount to everything else during your medical treatment. *This is important because if a physician turns on you then your worker's compensation claim could be in danger of being terminated.*
- Ask the perspective physician if he/she will evaluate job offers you are sent on by the insurer with your health & safety in mind. Sometimes physicians are contacted and convinced that injured workers can do work they are not able to perform. You want a physician that will stand behind you and make sure that you are able to perform the job your will interview for.
- Ask the perspective physician if he/she so any volunteer work to help injured workers or other injured people in their spare time. This will tell you just how much the physician really cares about patients.

## Find a Physician & Get a Rating/Review

There are not many reliable methods of finding and evaluating a perspective physician. Most people rely on a word of mouth referral from someone who has had success with a physician. P.F.I.W. offers the opportunity for injured workers to review the physicians we have on the Panel Physicians List on our website. These reviews could be helpful if you are considering using a physician listed. Listed below are a few ways to find and evaluate a physician:

- Website: [Castle Connolly Medical Ltd.](http://CastleConnollyMedicalLtd.com)
- Phone: 212-367-8400
- Fax: 212-367-0964
- Address: Castle Connolly Medical Ltd.  
42 West 24th Street  
2nd Floor  
New York, NY 10010

## PFIW Worker's Compensation Panel Attorneys



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 Philadelphia, PA 19103  
 Bus: (215) 545-2132

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## PFIW Panel Physicians



**Physician**  
 Address  
 Bus:



**Physician**  
 Address  
 Bus:

### P.F.I.W. Panel Physicians to be Added

Many injured workers are in the dark when it comes to finding a good physician that will stand behind them during the process of establishing a worker's compensation claim. Physicians seem to take it very lightly handing out medical information to any worker's compensation insurer, vocational rehab councilor or any other third party that claims to have a right to the information. Some physicians go as far as to deny treatment if a patient does not sign a release waiver. The injured worker is hung out to dry before treatment starts.

P.F.I.W. has decided to find and list those physicians that take

an oath to stand by an injured worker for all aspects of a worker's compensation claim. We will also offer an opportunity for injured workers that treat with our panel physicians to write a review that we will publish on our website and newsletters.

It is absolutely necessary to have a physician that will stand behind hi/her diagnosis when the insurers refuse to pay. Insurers will go to great lengths to turn a treating physician on an injured worker. You also need a physician that offers the best medical treatment for your injury or illness.

## Chapter Events

### Berks County Chapter

**MONTHLY MEETING SCHEDULE—2nd Tues. each month:**

**Next Meeting** at 7:00PM:  
September 14, 2009 at 1055 Spring Street, Wyomissing, PA 19613

**P.F.I.W. COMMUNITY TV SHOW—1st Monday of odd Months:**  
(Channel 13 on Comcast, Channel 19 on Service Electric Cablevision):

**Upcoming Show — September 06, 2010** at 8:00 PM:

**Repeat shows on:**  
Sun. 9:00 PM,  
Mon. 8:00 AM,  
The following Wed. 2:00 PM.

### Lehigh Valley Chapter

**MONTHLY MEETING SCHEDULE—4th Weds. each month:**

**Next Meeting** at 6:30 PM:  
September 22, 2010 at 529 E. Broad Street, Bethlehem, PA 18018  
Guest Speaker to be determined.

**BINGO—Thursday of every week** at 7:00 PM:  
Dewey Fire House, Hellertown, PA  
No Smoking  
Cash Prizes



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## PENNSYLVANIA FEDERATION OF INJURED WORKERS

### Application for Membership

Select the Chapter you want to join then mail the form to that Chapter

<b>Berks County Chapter</b> P.O. Box 13213 Reading, PA 19612	<b>Lehigh Valley Chapter</b> 701 W. Broad Street, Suite 103 Bethlehem, Pa 18018
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**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City & State:** \_\_\_\_\_

**Zip Code:** \_\_\_\_\_ **County:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

- I am:**
- An injured worker
  - A family member or friend of an injured worker
  - A supporter or advocate of the Pennsylvania Federation of Injured Workers

**“An Injury to One is an Injury to All”**

**Join today!**

Visit us on the web: [www.pfiw.org](http://www.pfiw.org)

## PA Federation of Injured Workers

701 West Broad Street  
Bethlehem, PA 18018

Phone: 610-758-9758  
Fax: 610-758-9758  
E-mail: [peted73@rcn.com](mailto:peted73@rcn.com)



The PFIW is always here for injured workers & workplace safety.

“An Injury to One is an Injury to All”

We're on the Web!  
[www.pfiw.org](http://www.pfiw.org)

## What Can I Do to Help Make a Difference?

Many times we are asked; "What can I do? I am only one person". The answer to that is very simple:

1. When a large number of people complain about something it tends to get attention. Contact your Legislators, both Senators and Representatives, to let them know about the problems you are experiencing and ask them to help reform the workers compensation act for injured workers and not employers and their insurers. Also contact the members of the Senate Labor & Industry Committee and the House of Representatives Labor Relations Committee.
2. The real power to make change comes from injured workers and injured worker advocates who have registered to vote and do so. Vote for politicians who care about injured worker rights.
3. You can attend the PA Workers Compensation Advisory Council meetings held at the Bureau of Workers Compensation. Once in a while they allow people who attend the meeting to speak to them. This council is supposed to write legislative recommendations to the Legislators on workers compensation reform. Call or e-mail the Bureau of Workers Compensation for meeting information. 717-783-5421 or [ra-li-bwc-helpline@state.pa.us](mailto:ra-li-bwc-helpline@state.pa.us)
4. Join the Pennsylvania Federation of Injured Workers. The more members we have the louder our voice will be in Harrisburg.

If all injured workers and injured worker advocates/supporters would register to vote and get one other person or more to do the same, injured workers would then be able to say; "the abuse of injured workers stops now." Votes could be cast for Legislators that would reform the workers compensation act so it would reflect the workers compensation mandate.

If you haven't done it yet get out and register to vote and make your voice heard on election day. Don't assume that others will vote to make the difference. Only you can make the difference, vote!

**Register  
&  
Vote**



**Register  
&  
Vote**