

If you have been injured on the job, your recovery may depend on extensive medical treatment and however much time it takes to heal. It can also require a great deal of patience, as you may experience several setbacks along the way. When making a prognosis, doctors do their best to estimate what you can expect in terms of recovery. Some workers may make a full recovery, while others may never be the same.

In some cases, the worker's condition may deteriorate after they have already received their benefits. These situations can be especially challenging, but you may be entitled to additional benefits. If your medical condition has gotten worse, you should contact a [workers' compensation lawyer](#) to discuss your options.

What is a Change in Condition?

In the context of workers' compensation, "change in condition" is a technical phrase with special meaning. It is used to refer to a specific situation where someone who has already received payment for a permanent impairment experiences a deterioration in their medical condition related to their original work-related injury. The worker may therefore have additional, unexpected medical expenses, as well as additional physical limitations that prevent them from working.

Workers who experience a change in condition may be entitled to additional workers' compensation benefits, but the process can be quite difficult for non-lawyers. If you have experienced a change in your medical condition, an experienced workers' compensation lawyer can help you navigate the process.

Understanding When Change in Condition Becomes Relevant

The purpose of workers' compensation is to provide injured workers with [medical](#) and income replacement benefits until they are able to return to work. The hope is, of course, that the worker will be able to make a full recovery. Unfortunately, some workers may never be able to perform their former job duties. Some may not be able to return to work at all.

While you are receiving workers' compensation, you will be under the care of a physician who is responsible for assessing your recovery and reporting back to your employer's insurance carrier. At some point, they may determine that you have reached your "Maximum Medical Improvement" (MMI) – the point at which you will not get any better. If you are not able to make a full recovery, you will be assigned a [Partial Permanent Disability](#) (PPD) rating. Your PPD will reflect the extent to which you are disabled and unable to perform at the level you did prior to your injury.

In these situations, the insurance company will typically try to settle the employee's workers' compensation claim rather than continue to pay benefits. Insurance carriers will typically try to settle claims in one of two ways:

1. By way of a settlement agreement using [N.C. Industrial Commission Form 26A](#); or
2. By way of a clincher agreement.

These two types of settlements look to achieve roughly the same goal – to memorialize the employee's medical condition and the parties' agreement as to what benefits will be paid. That said, there is a critical difference between the two: a Form 26A allows the employee to re-open their claim within two years of the date they received their last check. A clincher agreement, on the other hand, does not allow the employee to re-open their claim.

As a result, if your medical condition deteriorates, you can seek additional workers' compensation benefits under a Form 26 settlement but not if you signed a clincher agreement. For this reason, you should contact a workers' compensation lawyer immediately if you have been approached about a lump sum settlement for your workers' compensation claim. There are times when a clincher agreement makes sense, but a lawyer can help you understand the potential advantages and disadvantages before you sign away any important rights.

Re-Opening Your Workers' Compensation Claim Due to a Change in Condition

You should request a hearing with the Industrial Commission if you have experienced a change in condition and need additional benefits. Again, this is an option only if you have signed a Form 26A agreement and you are within the applicable two-year period.

As part of the process leading up to the hearing, you will need to document your change and how it impacts your ability to work. This will likely require you to return to the doctor previously assigned to your case for an evaluation. If they confirm that your condition has in fact worsened, they may assign a new PPD rating and prepare the documentation that shows how your medical condition further limits your ability to work. This documentation can then

be submitted to the Industrial Commission, which will determine whether you are entitled to additional benefits, and if so, what additional benefits would be appropriate.

If the doctor does not agree that your condition has worsened, you should seek a second opinion and submit that documentation at your hearing.

It should also be noted that you can re-open your claim only if your current medical condition is directly related to the original injury that was covered by workers' compensation. While this may seem obvious, it is not always clear in every case. There may be legitimate questions as to whether it should be pursued as a separate claim or whether it may be wholly unrelated. An experienced workers' compensation attorney will know what proof you need to prove your change in condition so that you can get the additional benefits you deserve.

Get the Help You Need – Contact a Workers' Compensation Attorney at Martin & Jones Today

For over 30 years, the workers' compensation attorneys at Martin & Jones have been helping injured workers across the state of North Carolina get the benefits they need to pay their bills and take care of their families. Whether your medical condition is deteriorating or you are approaching MMI, we can walk you through your options and help you secure your future. To discuss your case and how we can help, call us today at 800-662-1234 or contact us online to schedule a free consultation.