

Company Doctor Uses X-Rays Instead of MRI and Misses Herniated Disc

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Often, when a worker injures his back on the job, the human resources manager will take down a claim and refer the worker to an industrial clinic for evaluation and treatment. All too often, the industrial clinic or other posted panel doctor will take X-rays, perform some basic neurological tests, then release the worker back to full duty work after a day or two of rest.

I often get these cases four to six weeks later when the injured worker finds himself unable to work because of severe back pain and limited mobility. In some instances the injured worker faces pressure and even harassment from his employer due to his decreased productivity, and when I get the case, the employer/insurer may try to argue that any serious injury to the employee may have happened at home instead of at work.

Recently I represented a very nice young man in a back injury case that clearly demonstrates why X-rays are insufficient to evaluate back pain.

My client is a 31 year old man whose job involved installing and reinstalling fence posts. Starting at 8 AM, my client, using a sledge hammer, loosened fence posts by breaking up their cement foundations, cleaned the post base, then reinstalled the post with fresh cement. Beside using the sledge hammer, my client had to carry heavy buckets of cement and pour them in to holes in the ground.

By 2 PM that day, my client felt a "pop" in his back when he tried to lift the sledge hammer and he felt radiating pain in both legs. He reported the injury to his supervisor, who referred him to an industrial clinic. The clinic doctor took X-rays which described "mild disc space narrowing at L4-5" but no other impairment.

The clinic doctor did put my client on "no work" status, where he remained for two months. However, during that two months, the employer/insurer did not start his weekly wage benefits (although they did authorize on-going medical care at the industrial clinic).

After two months of suffering intense pain and no weekly wage benefits, my client called me and hired my firm. I immediately contacted the adjuster and demanded that the employer/insurer commence weekly wage benefits – my client got a check for past due benefits plus a penalty payment arising from the employer's late payment of those benefits.

Next, I contacted the adjuster to demand better medical care. The adjuster and I agreed on a more neutral doctor and we agreed that an MRI was necessary to properly evaluate my client's ongoing back pain.

As I expected, the MRI showed significant damage to my client's lower back. Specifically, the MRI revealed:

- a central disc herniation at L3-4 and L4-5 with narrowing of signal canal and mass effect on thecal sac;
- bilateral neural foraminal narrowing at L4-5 and on the left at L5-S1
- disc dessication at L3-4 and L4-5

My client was subsequently scheduled for surgery and is now recuperating. Click on the link to view the actual X-ray report and the MRI report:

[Xray vs. MRI](#)

What does this case reveal?

1. First, the employer/insurer was not looking out for my client's best interest. They were satisfied with the somewhat irrelevant X-ray result and would have been happy if my client has just gone away. MRIs and CT scans are a lot more expensive than X-rays but that is what should have been ordered in this case.
2. Second, even though the employer/insurer authorized industrial clinic treatment and pain medication, they did not start weekly wage benefits. Why? I have no idea. My client was on a "no work" status from one of their doctors but they just did not pay weekly wage benefits. Perhaps the adjuster messed up or perhaps they were hoping my client would never notice.
3. Third, you have to be your own advocate and/or hire an advocate like me to represent your interests. My client has no formal medical training but he knew instinctively that something was seriously wrong with his back despite what the X-ray said. X-rays are not designed to show soft tissue (nerve and/or disc material) damage. Further, the longer a spinal nerve is compressed the more likely that the patient will suffer permanent damage. Hopefully, my client will not experience any permanent damage, but I know that he suffered two weeks of unnecessary pain because the employer/insurer was looking for the least expensive option.