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Worker's Compensation & Marijuana: Early Adopter Success

In 2016, Medical Marijuana became available to Patient's suffering from severe, debilitating conditions such as Cancer(s), Epilepsy, HIV, MS, and ALS. Since it's acceptance in New York, further legislation has been passed adding several more conditions including but not limited too Chronic Pain, Neuropathic Pain, as well as specialty uses such as "Opiate Replacement".



These additions opened Medical Marijuana to Worker's Compensation Patients allowing patient's who suffer from Chronic Pain due to work-related accidents access to a non-addictive medication which could be used to taper existing opioid medications, or supplement existing treatment plans to prevent further opioid usage; or abuse.

Patient's opting to receive Medical Marijuana on Worker's Compensation encountered an issue however as no-insurance coverage exists for it; thus leaving Patient's with hundreds of dollars of medication related bills on a monthly basis; something which most patients are unable to afford with Worker's Compensation stipends- forcing many to opt-out of the program early, and move back to Opioids- until June 6th, of 2017 that is.

On June 6th, 2017: NY Worker's Compensation Board addressed a case(G1403803) in which a claimant argued Medical Marijuana prescribed to him granted him access to a pain solution that was *non-addictive and/or harmful* and "allowed him to not be on opiates". The board upon further analysis determined that due to the nature of New York's Program, and per **Title V-A of the Public Health Law**- Medical Marijuana is acceptably prescribed to patient's suffering from Chronic & Neuropathic Pain- This combined with **WCL § 13(a)** which states "*[t]he employer shall be liable for the payment of the expenses of medical, dental, surgical, optometric or other attendance or treatment, nurse and hospital service, [and] medicine ... for such period as the nature of the injury or the process of recovery may require.*" Allowed the Worker's Compensation Board Panel to direct carriers to pay for Medical Marijuana related expenses so long as they meet appropriate NY Medical Marijuana Guidelines per earlier mentioned **Title V-A Of The Public Health Law**, as well as a complicating condition(s) as described in **NYCRR 1004.2[A][9]** "*Cachexia or wasting syndrome, severe or chronic pain, severe nausea, seizures, or severe or persistent muscle spasms*"

Claimants to receive payment beyond the above have **Worker's Compensation Treatment Variance** clearly noting they experience pain that "*degrades health and functional capability; where the patient has contraindications, intolerable side effects, or has experience failure of one*

or more previously tried therapeutic options; and where there is documented medical evidence of such pain having lasted three-months or more beyond onset”

Dr. Ranga Krishna of TotalNeuroCare, P.C. per these newly added guidelines and description of G1403803, 2018; sought variance, and upon testimony received approval for FULL coverage of Medical Marijuana- leading to a Patient receiving over \$7,000 in yearly expense coverage due to related Marijuana expenses which met all of the above mentioned criteria and clearly demonstrated an effect on Patient’s opiate intake- allowing the patient to safely



taper off existing opiate medications. The Patient, D.A described the decision as “monumental, and a life saver due to the financial burden the prescription of Medical Marijuana previously placed often leading him to only be able to pick-up the medication bi-monthly.”

As to our knowledge, Dr. Ranga Krishna is one of the earliest adopters of G1403803- and one of the first providers proving necessity for Medical Marijuana in patients suffering from Chronic and Neuropathic Pain stemming from Work related accidents- and believe this recent decision to be critical to the future of Marijuana coverage in New York State.