



As Maryland's leader and expert in workers' compensation insurance, IWIF professionals are available by phone, e-mail and in person to help answer your questions. We also encourage you to contact your agent partner and to visit our website, www.iwif.com, for more frequently asked questions and answers.

What is an idiopathic condition and how can it affect a workers' compensation claim?

An idiopathic condition is a condition or trait that is unique or personal to the injured worker, is not related to the employment, and exposes the injured worker to risk from injury. Although almost any condition can be idiopathic, the most common examples are diabetes, heart disease, seizures, epilepsy, hypoglycemia (low blood sugar), and syncope (fainting), to name a few. If an employer/insurer can prove that the claimant's injury was caused by an idiopathic condition, it may be possible to defeat the claim. Succeeding on the theory of idiopathic condition, however, can be difficult and requires a detailed claims investigation and review of all medical records, both present and past.

In order to understand how an idiopathic condition may be a defense to a workers' compensation claim, it is necessary to review the basic rules of compensability required in Maryland. In Maryland, the claimant must prove that an accidental injury arises out of and in the course of the employment. The phrases "arises out of" and "in the course of" are not synonymous—both must be proven in order to have a compensable claim. The "arising out of employment" requirement is satisfied when it is shown that the injury results from the nature or obligation of the employment. The "in the course of" requirement is satisfied when it is shown that the accident occurred at a time and place where the claimant would be expected to be. When it can be proven that the injury occurred due to an idiopathic condition, it does not arise out of employment, because, instead, it arises from some pre-existing condition. Without meeting both requirements, the claim is not compensable.

There are, of course, exceptions. According to Maryland law, injuries that result from an idiopathic condition are not compensable unless the employment aggravates the risk of injury. Therefore, even if the medical records suggest that the injury resulted from, for example, a seizure disorder, the claim may still be compensable if the employment aggravated the risk of being injured. For example, an injured worker may have a seizure disorder which on occasion has caused him or her to faint and fall. The seizure disorder and resulting falls may be well documented in the claimant's prior medical records. If the claimant is a painter and falls from a ladder as a result

of a seizure, his claim may nevertheless be deemed compensable because being on the ladder aggravated his risk of becoming injured. Therefore, the question that must always be asked, in defending a claim based on an idiopathic condition, is whether the employment placed the claimant in a position of danger or involved any special risk or hazard.

In a recent IWIF case, the issue was whether the claimant, who was injured when he fell down a flight of stairs, sustained a compensable injury. The claimant, whose office was on the second floor of a renovated home, worked as a computer aided design (CAD) drafter. IWIF argued that the fall and subsequent injuries were as a result of an idiopathic condition (hypoglycemia), whereas the claimant argued that the flight of stairs was a hazard of employment. The case was ultimately decided by the Maryland Court of Special Appeals, which found in favor of the employer and IWIF. The Court reasoned that the claimant's job as a CAD drafter involved no special risk and having to use the stairs was not an incident or hazard of the employment. It concluded that the fall was caused by the hypoglycemia, an idiopathic condition.

Important: While federal law does not permit you to ask employees about their medical history, if you happen to have knowledge that one of your injured workers has an idiopathic condition, it is imperative that you notify your assigned claims adjuster as soon as possible. The adjuster can then perform the appropriate claims investigation and obtain all of the necessary medical documentation in an effort to properly defend the claim. ■



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