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What Nurses Need to Know about Workers' Compensation

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The American Association of Occupational Health Nurses, Inc. (AAOHN) is accredited as a provider of nursing continuing professional development by the American Nurses Credentialing Center's Commission on Accreditation.

On the agenda...

1. Pre-Employment Physicals

- Pre-Employment Physicals – DOT, FDLE, Fire/Rescue

2. Post-Hire Medical Questionnaires

3. Initial Evaluation of Injured Workers

- Pain Diagrams/Intake Forms
- SOAP Plus – History, Priors, Mechanism of Injury, Miscellaneous Information, etc.
- DWC-25 Forms

4. Specificity

- Referrals
- Work Restrictions
- Second Opinions
- Causation Opinions

On the agenda...

5. Litigation

- Telephone Conferences
- Depositions

6. Ethical Concerns – Employee Health Nurses

QUESTIONS???

PRE-EMPLOYMENT PHYSICALS

A few occupations allow for employers to **require** a pre-employment physical to determine if a job candidate is physically capable of performing the job duties.

Examples: truck drivers (DOT form), law enforcement/first responders (FDLE form), healthcare workers.

Why does this matter in workers compensation? Two reasons:

- [Martin Co. v. Carpenter](#) Defense: This Florida Supreme Court case says that a worker's compensation claim is not compensable if an injured worker made a false statement on their pre-employment physical and the employer relied on that false statement in hiring the worker
- [Florida Heart/Lung Bill](#): Florida first responders must have a clean pre-employment physical to be eligible for presumption that their diagnosed heart disease, hypertension, etc. is related to their employment
- *Check in your own state for similar cases and first responder protections.*

PRE-EMPLOYMENT PHYSICALS

Helpful Tips for Workers' Compensation Claims

- Review the form with the patient – Ask questions about prior injuries, diagnoses, hospitalizations
- Ask about treatment required for prior injuries, medical conditions
- Pay extra attention to areas of prior injury or medical conditions during physical examination
- Explain the importance of honesty in this process
- Obtain information about primary care providers and prior treatment providers, hospitals, etc.

POST-HIRE MEDICAL QUESTIONNAIRES

Employers are allowed to **require** new hires to complete post-hire medical questionnaires to determine any necessary workplace accommodation and assess risk of injury. The post-hire medical questionnaire is completed by a new hire and does not involve a physical examination.

What you should know:

- A new hire may discuss their post-hire medical questionnaire with employee health. Consider the pre-employment physical tips.
- Your employer may allow your input for drafting the medical questionnaire. Consider specific language of questions, allow lines for explanation, ask about treatment and treatment providers.

INITIAL EVALUATION OF INJURED WORKER

Intake Paperwork

- Ask the injured worker to complete intake paperwork that includes a medical and injury history form
- Include space for explanation of accident/mechanism of injury
- Ask the injured worker to complete pain diagram – circle areas of pain, rate pain, describe symptoms
- Have the injured worker sign and date the form

INITIAL EVALUATION OF INJURED WORKER

SOAP PLUS

- **Subjective** – Ask specific questions about when the symptoms started in relation to the accident, if the symptoms are similar/different to prior injury, if the symptoms involve other body parts, etc.
- **Objective** – Explain the significance of any objective findings on physical exam or diagnostics
- **Assessment** – We need a diagnosis (strain, sprain, contusion, etc.)
- **Plan** – Recommended treatment, order forms, work restrictions, DWC-25s (or state-required forms).

INITIAL EVALUATION OF INJURED WORKER

SOAP PLUS – SOAP alone is fine, but consider adding additional information

- Medical history, prior injuries, medications, etc.
- Mechanism of injury
- Patient concerns/frustration – work comp process, work restriction accommodations, family concerns, medication side effects, etc.
- Note any changes over the course of treatment
- Review pain diagrams and intake sheet with patient

SPECIFICITY REQUIREMENTS

To avoid delay in treatment due to unknowns, please consider the following specificity requirements:

1. **Referrals** – When you refer the patient to physical therapy, a specialist, diagnostic, etc., explain why and for which body parts/diagnoses.
2. **Orders** – The law requires a specific written referral. A verbal referral to the patient is not sufficient – keep in mind that patients take referrals seriously and will request whatever you have mentioned to them

SPECIFICITY REQUIREMENTS

To avoid delay in treatment due to unknowns, please consider the following specificity requirements:

3. **Second Opinions** – Second opinions are not allowed under Florida workers' compensation unless YOU recommend one. If the patient requests a second opinion, you need to determine if they need one or not. If they want but do not need one, you can tell them to request a one-time change in Florida.

All states have some version of second opinion/provider change laws.
Please check with your own state about these very specific portions of workers' compensation law.

SPECIFICITY REQUIREMENTS

To avoid delay in treatment due to unknowns, please consider the following specificity requirements:

4. **Work Restrictions** – Use the DWC-25/state specific form for reference, avoid confusing language, make sure all forms match, explain reason for work restrictions, discuss work restrictions with patient, provide copy of DWC-25/state specific form to patient, note if work restrictions are not being accommodated and provide specifics

SPECIFICITY REQUIREMENTS

To avoid delay in treatment due to unknowns, please consider the following specificity requirements:

5. **Causation Opinions** – If you think the patient's pain is related to something pre-existing, degenerative, chronic or unrelated to the accident, please make note of this and mark the DWC-25/state specific form.

Provide as much information and explanation as possible.

Discuss with the patient your causation opinion.

Litigation

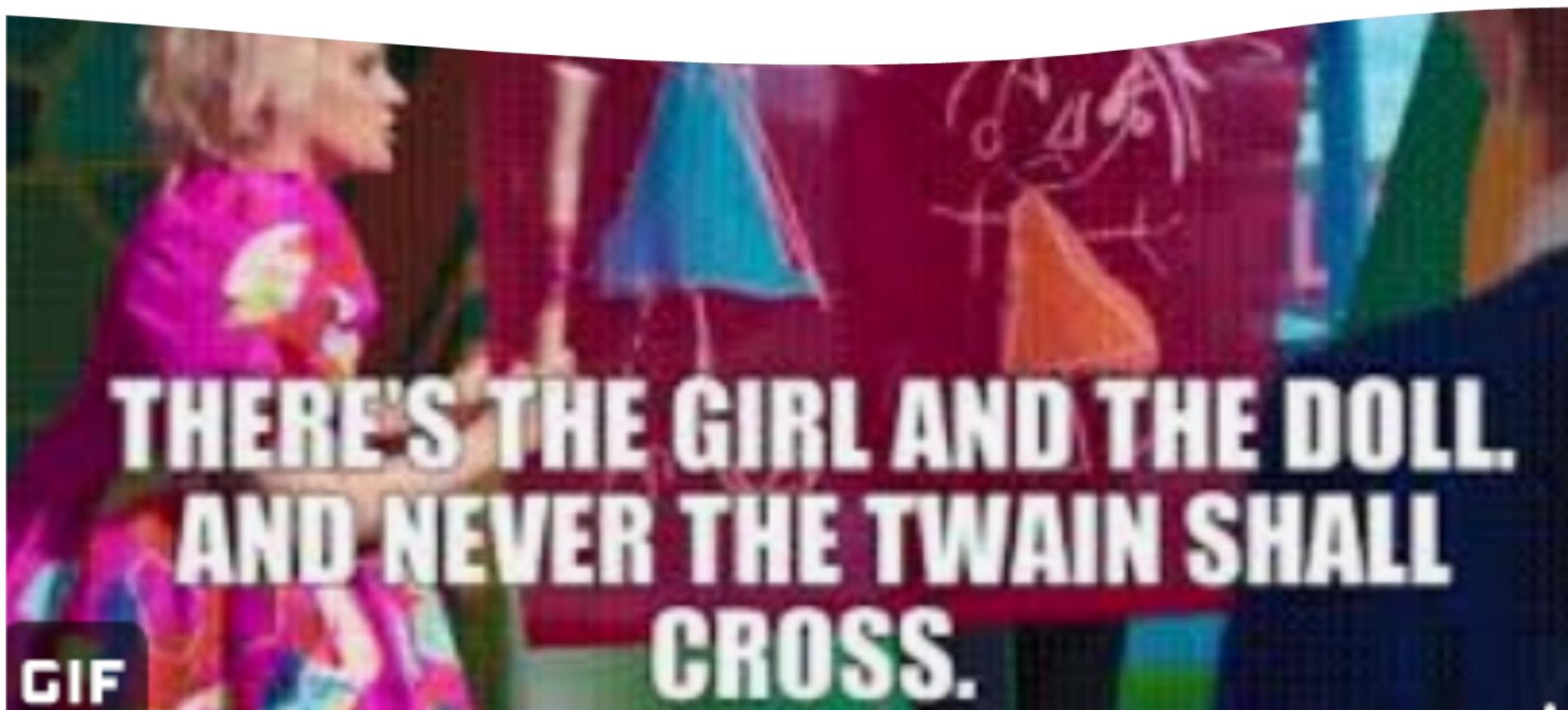
Telephone Conferences – Florida law allows authorized treatment providers to discuss the diagnoses, treatment plan, causation opinions, etc. with either side without the permission of the other side. May be asked to sign confirming letter. May be asked to review medical records from other providers. Not recorded or used as evidence.

Depositions – You may be asked by one side or the other to explain diagnoses, reasoning, causation, etc. The federal rules of civil procedure allow for compensation for depositions, so most states should have the same code.

ETHICAL

When you evaluate an injured worker from your own facility, you play two roles: **medical provider** and **employer representative**.

Remember to keep these two separate!!



QUESTIONS?

Please feel free to reach out for specific questions that you have for your state. I will be glad to point you in the right direction!