

Senate Commerce Committee  
Testimony in Support of Senate Bill 361

Dear Chairman Erickson and member of the Senate Commerce Committee:

My name is Anita Miller. I live in Topeka, Kansas in Senate District 18.

I was employed by Seaman School District as a paraprofessional where I assisted children with special needs with classwork or any physical needs. I worked with children from Kindergarten to the 6<sup>th</sup> grade and some were wheelchair users.

On September 29, 2017, while I was lifting a child from a wheelchair, I had immediate onset of burning pain on the left side of my neck. As I continued to hold the child in my lap, the pain increased and ultimately, I had to undergo a C5-C7 discectomy infusion as a result of the work injury.

At the present time, I have daily, intractable, burning nerve pain in my neck radiating into my back, down my left shoulder, into my left arm and left forearm. I have muscle spasms on a daily basis and any activity like lifting my arm above my head, reaching out, moving my head, bending, kneeling, sitting and walking make the pain worse. I'm not able to use a computer for any period of time due to increased pain after very short time. I am required to lay down periodically during the day to relieve the pain in my neck. I also use ice and an H-Wave unit and take medication to control the pain.

As a result of my injury, a Workers Compensation Administrative Law Judge and the Appeals Board found that I was permanently and totally disabled and was awarded permanent total disability benefits which will pay \$155,000 over time.

As a paraprofessional in the school district, it does not pay extremely well in wages. This injury has also deprived me of the enjoyable aspects of working with the children in the educational setting. I am extremely disappointed that I am unable to continue in my occupation and disappointed in the loss of satisfaction of working with special needs children. Had I been able to continue working until retirement age, even though my wage was not large, I would have made two or three times as much money as what I was awarded for a permanent total disability in Kansas of \$155,000.

It also took three and a half years to complete the litigation in this case and it appears to me that the workers compensation system is designed to give employers and the insurance companies the edge in these cases. It does not seem fair that the insurance companies have the legal authority to decide which doctor provides medical care under the workers compensation system. Additionally, it seems completely unfair that the insurance company representative is able to discuss my case with the doctors without me being present. Obtaining medical care and treatment under the workers compensation system is horrendous and deprives workers of the care they need to recover from the injuries and to deal with the lasting consequences of the injuries.

Kansas employees deserve better and the system needs to be changed to place emphasis on workers in Kansas. It is embarrassing to be a proud Kansan and to know that Kansas has the lowest benefits in the nation if you are permanently, totally disabled. The passage of Senate Bill 361 would be a step in the right direction and much more needs to be done.

Page 2  
March 28, 2023

Thank you for your time.

Sincerely,  
Anita Miller

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