

# New or Omitted Medical Condition Claims for Preexisting Conditions

*Barnes v. Cache Valley Elec.*, 339 Or App 371 (April 2, 2025)

*Amelia Negrini*, 76 Van Natta 256 (June 11, 2025)

# New or Omitted Medical Conditions

- A condition related to the work injury that arose after the initial acceptance or was omitted from the initial acceptance.
- Worker can request acceptance of the condition under ORS 656.267(1).
- Worker must prove that claimed condition exists and that the work injury was a material contributing cause of the need for treatment or disability for the condition.

# Claims for Preexisting Conditions

- What standard applies when a new or omitted medical condition claim is made for a preexisting condition that was exacerbated or worsened by the work injury?
- Is the carrier able to accept the claimed condition as the preexisting portion of a combined condition rather than as a standalone condition?

*Barnes v.*  
*Cache Valley*  
*Elec.,*  
339 Or App  
371 (2025)

- Worker was injured at work when the plexiglass window hatch on a crane cab fell onto his head and knocked him unconscious.
- Carrier initially accepted a head contusion, concussion, and post-concussive syndrome.
- Worker requested acceptance of a cervical strain and cervical spondylosis as new or omitted medical conditions.
- Carrier initially accepted the cervical strain but denied the cervical spondylosis.

# *Barnes, continued*

- Carrier later modified the acceptance to include a cervical strain combined with preexisting osteoarthritis of the cervical spine:

“The medical evidence\* \* \* persuasively establishes that claimant’s cervical strain injury made his preexisting spondylosis condition symptomatic, and that those symptoms required treatment, at least for a period of time. Thus, the record supports a causal relationship between claimant’s cervical strain and his preexisting cervical spondylosis on a “combined condition” basis.”
- Later denied the combined condition because the cervical strain was no longer the major contributing cause of the disability or need for treatment for the combined condition.
- Worker requested a hearing on the denial.
- The ALJ and Board affirmed the denial.

# Court of Appeals Decision

- Because the accepted cervical strain made the preexisting spondylosis condition symptomatic:
  - The record established that the work injury was a material contributing cause of the disability or need for treatment for the preexisting spondylosis condition
  - The preexisting spondylosis was compensable as a new or omitted medical condition
- The combined condition denial was not supported by the medical evidence.

# Court of Appeals Decision, continued

- Preexisting condition that is exacerbated by a work injury can be compensable but only if the work injury is the major contributing cause of a pathological worsening of the preexisting condition.
- No medical evidence that the workplace injury caused a pathological worsening of the preexisting spondylosis condition.
- Evidence that work injury was the material cause of the need for treatment for the accepted cervical condition and that condition combined with and made the preexisting spondylosis symptomatic supported carrier's combined condition acceptance.
- Medical evidence supported the combined condition denial.

# *Amelia Negrini, 77 Van Natta 256 (2025)*

- Worker was injured and carrier accepted a right wrist strain.
- Worker requested acceptance of preexisting osteoarthritis as a new or omitted medical condition. Request specified that the worker was “not seeking this condition to be accepted as part of a combined condition but rather as a condition for which the work incident was at least a material contributing cause of the need for treatment and disability.”
- The carrier did not issue a denial of the claim but accepted the preexisting osteoarthritis condition as part of a combined condition – the accepted right wrist strain combined with the preexisting arthritis.



## *Amelia Negrini,* continued

- Worker argued that the carrier de facto denied the preexisting osteoarthritis condition and that the condition was compensable because the work injury was a material cause of the disability or need for treatment for the osteoarthritis.

# Board Decision

- Carrier complied with obligation to accept or deny claim within 60 days by accepting claimed preexisting osteoarthritis as part of a combined condition.
- Relying on the court's decision in *Barnes*, the Board explained that the medical evidence supported the carrier's acceptance because it established that the accepted wrist strain combined with the preexisting osteoarthritis to make it symptomatic.



Questions?