

**H2A & MEDICAL
EMERGENCIES
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WHEN A WORKER SUFFERS FROM A PERSONAL MEDICAL CONDITION

- Carefully assess the level of injury to the worker and determine if hospital care is needed or if worker will continue to live in employer provided housing and make provisions for that worker
- Contact family members
- Determine if there are family members within the US where worker can reside and see if medical care can be transferred to that location, if worker is able
- Contact nearest Mexican Consulate and mediate connecting family with the consulate
- If care will go beyond the expiration date of the I-94, assist with change in status to B-2 visa, nonimmigrant tourist visa for medical treatment (most common)
- Work with healthcare team to determine when worker will be released to travel home and assist with travel arrangements

WHEN A WORKER SUFFERS FROM A WORK-RELATED INJURY, STAYING IN THE US

- Carefully assess the level of injury to the worker and determine if hospital care is needed or if worker will continue to live in employer provided housing and make provisions for that worker
- Contact family members
- Determine if there are family members within the US where worker can reside and work with workers comp carrier to see if medical care can be transferred to that location, if worker is able
- If care will go beyond the expiration date of the I-94, assist with change in status to B-2 visa, nonimmigrant tourist visa for medical treatment (most common). Be prepared to provide medical documents and scheduled plan of care
- Coordinate with workers comp carrier on transportation to and from appointments, Company representative or WC nurse to accompany worker to all appointments, ensure prescriptions are picked up and administered properly, continually assess workers condition and needs
- Work with healthcare team to determine when worker will be released to travel home and assist with travel arrangements
- If needed, Contact Mexican Consulate and coordinate contact with family members

WHEN A WORKER SUFFERS FROM A WORK-RELATED INJURY, RETURNING TO MEXICO

- Carefully assess the level of injury to the worker and determine if hospital care is needed or if worker will continue to live in employer provided housing and make provisions for that worker
- Contact family members
- Work with healthcare team to determine when worker will be released to travel home and assist with travel arrangements
- There are basically three choices for the worker: 1, Continue treatment in US under workers comp; 2, Seek continued care in Mexico that workers comp may be able to coordinate; 3, Take workers comp settlement and seek treatment on own
- If care will go beyond the expiration date of the I-94, assist the worker with change in status to B-2 visa, nonimmigrant tourist visa for medical treatment (most common). Be prepared to provide medical documents and scheduled plan of care
- Coordinate with workers comp carrier on transportation to and from US/Mexico for appointments, Company representative or WC nurse to accompany worker to all appointments, ensure prescriptions are picked up and administered properly, continually assess workers condition and needs
- If needed, Contact Mexican Consulate and coordinate contact with family members

MISUNDERSTANDING OF US HEALTHCARE SYSTEM AND WORKERS COMPENSATION POLICIES

- Workers continually compare free healthcare in Mexico (social security) to the costs of healthcare in the US. For personal medical issues, many workers rather return to Mexico where there is no cost incurred for treatment than pay for treatment in the US
- Workers believe that the employer controls the outcome of workers comp doctors' diagnoses and treatments
- Workers will sometimes elect not to comply with their workers comp treatment plan believing that they will increase their chance for monetary gains or achieve permanent legal status due to their injury
- Workers sometimes fail to understand the importance of maintaining legal status in the US while they are going through this process

BEST PRACTICES

- This is a scary time for the worker and it's a complicated process to understand. **Communicate** to the worker what the plan of treatment is, where will the worker live during treatment, how will the worker be fed, taken care of, pay for necessities, receive prescriptions, make it to doctors appointments
- Be active in the workers well-being. Is the worker failing to thrive? Maintaining weight? Getting depressed? Eating well? Interacting with others? Is the level of care adequate? Take all steps necessary to ensure worker is in the best of care
- Determine if family outside the US can be included in the progress of the worker's care
- Treat the worker as you would want yourself or your family member to be treated if they were working in a foreign country and became injured whether it be personal, or work related
- Work closely with your immigration attorney, association, or agent and workers comp carrier to assist through this process
- Develop a relationship with the consulate used for obtaining visas in the possibility they can help expedite the emergency visa process