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Sunday, March 09, 2008

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## Lyme disease patient part of landmark case

By **CHRIS TRAINOR/Index-Journal staff writer**

Sunday, March 9, 2008 11:49 PM EDT

For nearly six years now, Greenwood's Phil Wood has suffered from Lyme disease.

The trick has been in trying to get certain people ? namely, his former employer's insurance company ? to believe it.

Wood was formerly a timber buyer for Canal Wood. Not surprisingly, the job often carried him into forests and other wooded areas. As is the case with anyone in that industry, coming into contact with ticks was a common occurrence.

"You can ask anyone who does it, it's not uncommon to pull three, four, five ticks a day off yourself," Wood said last week.

Lyme disease is named for the town of Lyme, Conn., where it was first described in 1975 as an affliction of those who have been bitten by an infected black-legged tick.

The majority of U.S. cases have been reported in the northeastern states, though there have been cases in every region of the country.

However, the disease is not commonly diagnosed by doctors in South Carolina. The South Carolina Department of Health and Environmental Control has reportedly recognized only about 140 cases in the state, but Lyme advocacy groups place the number much, much higher.

Wood, who was first diagnosed with Lyme in 2003 by Charlotte specialist Joseph Jemsek after being referred by Greenwood's Dr. David Riley, has suffered numerous physical ailments in conjunction with Lyme, including swelling and numbness of the hands, migraine headaches, dizziness, fatigue, myalgia, arthralgia, chest pain, tinnitus, nausea and fevers.

"It has completely affected my life," said Wood, who added there have been times he has felt so ill that he didn't even know if he would wake up the next morning. "I was a very active member of the community. And to go from that, to nothing, has been unreal. It's tough to explain, because this disease is inside of me."

Aside from the physical battles Wood has endured, he and his attorney, Greenwood's Bill Thomason, have also been participating in protracted legal battles to help Wood gain the workers' compensation and health care benefits he needs to fight the disease he contracted on his former job.

The battle essentially began in February 2005, when Canal Wood sent Wood to a doctor in Charleston for an opinion. Wood had filed for workers' compensation benefits in December 2004.

That doctor, Ludwig Lettau, reportedly suggested -- after what Thomason referred to as a " cursory examination"-- that Wood had a sleeping disorder.

"He said there was no such thing as Lyme disease in humans in the state of South Carolina," Wood said.

Wood was then denied further health care benefits for treatment, though he continued to work for Canal Wood, requiring the help of an assistant.

Thomason said many members of Infectious Disease Society, which aids numerous insurance companies, still do not recognize Lyme in humans in this state.

Wood later visited one of the nation's foremost Lyme specialists, Connecticut's Dr. Steven Phillips. Phillips, as Jemsek had done earlier, diagnosed Wood with the disease.



Phil Wood, right, discusses his workers' compensation case with Greenwood attorney Bill Thomason. Wood has suffered from Lyme disease for nearly six years. (Staff photo by Chris Trainor)

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As it was not being covered under workers' compensation benefits, Wood's visit with Phillips was paid for out-of-pocket, with Wood's church pitching in to help defray costs.

In September 2005, Wood appeared before workers' compensation commissioner Michelle Childs. After considering evidence and deposition from several sources, Childs ruled in favor of Wood.

Canal and its insurance provider, Liberty Mutual, appealed the ruling, contending Wood wasn't "suffering from Lyme disease or any other occupational disease by injury arising out of and in the course of his employment."

However, Wood and Thomason kept fighting, and Childs' ruling was upheld by an appellate panel in September 2006.

Again, Canal and Liberty Mutual appealed, and this time the case came before the Court of Common Pleas in the Eighth Judicial Circuit. Oral arguments were heard in the case May 21, 2007.

An Eighth Circuit judgment in Wood's favor was entered June 19, 2007.

However, no workers' compensation benefits were reportedly paid out to Wood until earlier this year. On Jan. 4 a settlement was reached that would garner Wood compensation pay dating back to his official 2007 termination from Canal to the present, plus continuing compensation.

The settlement also reportedly includes medical coverage that falls within the scope of Lyme disease symptoms.

For Wood, the ruling has come none to soon.

"Until recently, I was without (specialized) treatment for eight months," Wood said.

Wood's case could now be a precedent case in South Carolina in terms of workers' compensation and Lyme disease.

Wood, who was recently featured on a regional television news broadcast, said he has received an outpouring of support and communication from others suffering from Lyme.

Wood said others struggling to receive benefits or get help for the disease should take a close look at his case.

"Use this case. Take notes and get educated," Wood said. "It could help you bypass a whole lot of stuff I've had to go through. If it will help one person, we've helped somebody. I've met with many Lyme's groups. If we can let people be aware, and help one person, that person could help someone else. That's big for me. It's all I've been living for four or five years."

Thomason echoed those thoughts.

"This is for a positive purpose, to try and help other people," Thomason said. "If this case can do that, I'm pleased to have been a part of it."

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## Reader Comments

The following are comments from the readers. In no way do they represent the view of The Index Journal.

**Theresa** wrote on Mar 10, 2008 4:10 PM:

" Way to go Woods!!!! So glad you had the guts to fight Liberty Mutual and the completely erroneous views of the IDSA. Glad too, to see you had a great attorney.

Thanks for your fight. You've paved the road for others in your situation to do the same.

Best wishes on your health and recovery from a very difficult disease. "

**KNL** wrote on Mar 10, 2008 5:43 PM:

" Insurance companies are evil. My mother has been out of work because of a nerve disease and it took her over 2 months to get a check. She couldn't pay her bills and thanks to them her credit is bad. "

**Ticked Off** wrote on Mar 10, 2008 10:34 PM:

" IMO, Dr. Jemsek would give a diagnosis of Lyme Disease to nearly anyone who walks through his door, and could pay the medical bills. I'm not saying this gentleman does not have Lyme, but this doctor diagnoses many patients who do not have Lyme for every one who actually does have it. Would you want to go to an Oncologist that deliberately overdiagnosed Cancer, and then proceeded to administer much more than the legal limit of meds? I think not. Lyme exists, and I feel sorry for anyone who has this terrible disease, but there is also another type of parasite that will feed off the sick. If you think you may have Lyme, get many opinions and tests. Don't trust one controversial doctor with an ego the size of his old office. "

**Lily** wrote on Mar 11, 2008 2:19 PM:

" God bless you Mr. Wood! Everytime a person with lyme makes even the slightest headway, it helps us all. Unfortunately it's only when enough of us get sick and start demanding action that this disease will get the recognition, research, and treatment options that it deserves.

Thank you Mr. Wood and accept my wishes for a full recovery. "

**kelly** wrote on Mar 11, 2008 2:51 PM:

" My daughter was just dropped by our insurance company. It's a crime. We are grateful you have gone boldly and had victory.

Now, we hope for a full remission or recovery for you. "

**lyme NC** wrote on Mar 16, 2008 1:23 PM:

" To the person "Ticked Off"...It took me 4 years and about 25 doctors to finally figure out I did have lyme. If it had not been for Dr. Jemsek, I do not think I

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would be here today. I am just sorry he left NC. He is a very wonderful, caring person. All I can say is....spend a day with lyme and you will understand how desperate lyme patients are for help.  
Brenda "

**Nauseated by Ticked Off** wrote on Mar 20, 2008 2:30 PM:

" Ticked Off needs to be a lot more compassionate to those who have Lyme and have yet to be diagnosed. Dr. Jemsek is on of the best Lyme diagnosticians this country has. Who do you think you are? The only ego I see here is your own! BTW, who diagnosed you and are you still sick with Lyme and getting treated? How does you comment affect those who have Lyme and are seeking diagnosis? You really are no help to anyone! "

**Lyme SC** wrote on Mar 20, 2008 2:45 PM:

" Ticked off is obviously has a desire to attack Dr. Jemsek, who is one of the country's finest diagnosticians of Lyme disease. Dr. Jemsek does a thorough work-up for differential diagnoses and has by no means over-diagnosed Lyme. BTW, cancer is impossible to over-diagnose considering cancer testing is at a reliable standard. No solid physician such as Dr. Jemsek, deliberately over diagnoses anything. What are the LEGAL limits of meds for Lyme, since you appear to be such an expert?? Unlike you, Dr. Jemsek is a compassionate doctor who really makes a difference in the lives of his patients. BTW, who diagnosed you? Are you still getting treated for Lyme? How do you think your comments would actually help anyone who has Lyme and needs a diagnosis? The only ego I see here is your own, sir! "

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