



GEORGIA STATE BOARD OF WORKERS' COMPENSATION

www.sbwc.georgia.gov

BEST PRACTICES

COMMUNICATION WITHIN THE WORKERS' COMPENSATION SYSTEM

July, 2007

COMMUNICATION WITHIN THE WORKERS' COMPENSATION SYSTEM

Communication is one of the most important aspects of a well-managed, successful workers' compensation program. It is extremely important to establish good relationships with supervisors, employees, and medical providers both prior to and after a work injury occurs. Injured employees usually are not knowledgeable about the workers' compensation system and experience fear, doubt, and worry about the status of their job. Immediate contact with the injured employee will help alleviate these fears and will establish trust. The following information provides guidelines for effective communication among employers, physicians, other medical providers, attorneys, and the State Board. These guidelines are intended to build a partnership associated with a workers' compensation claim.

Employees

Communication with employees is perhaps the most vital link in a well-run workers' compensation program. Employees need to know that you care about them. They need to know and understand their rights and responsibilities under the law. If you do not provide this information in a timely manner, employees will often retain an attorney to represent them.

An effective employee communication program begins with educational presentations from the workers' compensation staff to all supervisory personnel. Supervisors should in turn begin the important task of informing and instructing their personnel. These presentations should explain in detail the law as it applies to workers' compensation, employer policies and procedures, State Board rules and regulations, and the responsibilities of supervisors and employees when an injury occurs.

Emphasis should be placed on explaining the purpose of the "Panel of Physicians" and "Employee's Bill of Rights." By law, employers must maintain a Panel of Physicians that employees must use to obtain medical attention for a work-related injury. This panel must be posted in a conspicuous place and must be explained to the employees. This law also allows, in addition to the long-standing traditional "Panel of Physicians," a "Conformed Panel of Physicians," and a "Managed Care Organization Panel." Care should be taken to select the panel that best suits your company. Ensure that employees understand that they have a right to choose a physician from the panel. Emphasize the importance of reporting all injuries immediately and that failure to do so could jeopardize their benefits. The presentation to supervisors should be given on a periodic basis so that they are up to date on current procedures.

Other avenues are also available to ensure that employees know about and understand workers' compensation procedures, including 1) creating an informational workers' compensation handbook for employees and supervisors (available from the State Board of Workers' Compensation); 2) creating a supervisor's guideline checklist to follow when a work injury occurs, and providing wallet cards to supervisors and employees for quick referral. You can access both documents on the Board's website (www.sbwc.georgia.gov).

Investigate all major claims and personally talk to the supervisor, all witnesses and the injured employee. If you take the time to ask questions, show your concern for the injured employee, and/or offer alternatives, you can generally prevent outside attorney involvement and unnecessary hearings. A hastily issued denial of a claim generally leads to an adversarial relationship with the employee and increases the cost of the claim. Once a decision is made to deny a claim, however, you should notify the employee immediately.

When an employee is injured, he/she should be contacted immediately by the workers' compensation department to explain his/her benefits and determine if any assistance is needed. Explain that you are there to answer any questions or concerns he/she may have about the workers' compensation process. Let the employee know that he/she can contact you at any time about the claim. If an injured employee is out of work, supervisors should be encouraged to call and/or visit the employee on a frequent basis. This again shows that the employer has care and concern for the employee.

Physicians

The quality of medical care provided should be the main consideration used in selecting the physicians for your panel. Before placing any physician on your panel, you should personally meet them and discuss your expectations. You should also obtain and review their curriculum vitae and make calls to check references. Physicians on your panel should be familiar with and have experience in treating occupational injuries. You should also make observations concerning the physician's office, equipment and their staff's treatment of patients. When meeting with your panel physicians, also discuss your procedures for referrals to other physicians. You must not only be satisfied with the panel physician, but with whom he refers patients. It is best to also have a panel of authorized referral physicians and request the treating physicians to refer from this list. Also, as you develop other cost saving programs such as MRI contracts, physical therapy and hospital care networks, make sure that the panel physicians are knowledgeable about these arrangements.

Many issues arise under workers' compensation, which hinge on the medical opinion of the physician. The panel physicians must be open and accessible to you. It is very important that you develop a good working relationship with your panel physicians, since they may be called upon many times to answer questions concerning an employee's return to full duty, long-term treatment, amount of physical therapy or other matters related to medical treatment.

As additional information for your panel and referral physicians, you should provide a manual, which explains in detail, your expectations and claim management programs. Also include telephone numbers in case of questions or when authorization prior to treatment is needed. Include forms, which can be used by the physician to keep you informed of the status of an employee's progress.

Finally, be proactive in asking questions of the physician. Let him know that you have a transitional-duty work program and that it is important that injured employees be returned to work as soon as medically possible.

Attorneys

One of the purposes of workers' compensation law is to provide medical and income benefits to employees injured on the job without the need for legal action. However, some employees retain an attorney after they have a work-related injury. Generally this occurs when an employee does not get the information and assistance he/she needs from the employer.

It is always best to work with the employee's attorney in a professional and cooperative manner. Often, an attorney can assist in resolving issues and help the progress of a claim. Also you will probably be working with these same attorneys on future claims.

When dealing with the employee's attorney, document all verbal agreements that are reached, no matter how seemingly minor. A simple letter confirming your telephone conversation and stating your understanding of the agreement will become very important if questions arise later.

The State Board of Workers' Compensation

Communication and working closely with the State Board of Workers' Compensation is extremely important. Knowing who handles a particular area at the Board will help you to more effectively resolve

issues that need assistance. Not only is the State Board the regulatory agency for workers' compensation issues, but it also can be a tremendous resource for information for all parties in the system. Guides and manuals such as the Georgia Workers' Compensation Practice Manual, The Georgia Workers' Compensation Medical Fee Schedule, which is the guideline for physician, surgeons, home health care, hospital and ambulatory surgery center reimbursement for services rendered under the Georgia Workers' Compensation Laws, Rules and Regulations, Guidelines for Medical Providers, as well as several pamphlets and brochures. Please visit the Board's website, www.sbwg.org, to access publications and manuals. They also conduct many seminars annually in an effort to educate, train and facilitate communications throughout the system.

The timely filing of State Board forms and the timely closing of claims are important issues to the Board, and efforts should be made to comply with its rules to avoid fines and penalties. Working with the Board in the process of mediation is also extremely important since it reduces unnecessary litigation.

In summary, open and honest communication with the various parties is essential in effectively managing claims in the workers' compensation system and in achieving a successful workers' compensation program.

July, 2007