



MEMORANDUM

February 3, 2016

To: Management-Labor Advisory Committee

From: Jennifer Flood, Ombudsman for Injured Workers, DCBS

Subject: HB 4052 -1 Amendment

I am unable to attend the February 5, 2016 MLAC meeting, but want to provide you with my perspective HB 4052, and the -1 amendments. Yesterday, I spoke with Dr. Saboe regarding my concerns.

My concern with HB 4052, and especially with the -1 amendment, is that I'm concerned that medical services and claims processing will be delayed and have a negative impact on the injured worker.

Yes – there are some employers that may direct care, some with intent, others in just trying to get their worker medical services. Employers need to be informed that they do not have the right to direct care and injured workers need to be informed that they have the right to choose their medical provider (MCO provisions may apply).

The Form 3283 was revised several years ago to emphasize that the worker has the right to choose their provider, and the employer cannot select the provider. Form 3283 is currently provided to the worker with the Form 801, Form 827, and with the first communication from the insurer. The “Notice of Compliance” poster the employer is required to post, includes a statement that the employer cannot choose the health care provider. I am unaware of when an employer is informed that they do not have the right to choose the provider – other than if they read the “Notice of Compliance” poster.

Some workers may feel they don't have a choice when their employer tells them “you can choose your provider... but this certain provider understands our work and the WC system”. Many workers are okay with this and others need to know they have the law on their side if or when they believe their employer is directing care.

It seems that if we ensure workers know they have a voice, and focus on educating employers – holding them to the current law that already prohibits directing care – we could possibly make a difference. I'm uncertain this would require a legislative action.