

WORKERS' COMPENSATION BOARD PROPOSES "ROCKET DOCKET" REGULATIONS

To address concerns brought by many regarding the delays in processing workers' compensation claims, including physicians, the Workers' Compensation Board has proposed regulations to facilitate the expedited resolution of controverted claims, nicknamed the "Rocket Docket." While the proposals should generally speed the resolution of disputed claims, and thereby hasten the time within which physicians will be reimbursed for treating injured workers, there are several provisions for which physicians need to be aware so as to assure that they will receive payment for providing needed care. The proposal also contains many new requirements for other parties who routinely interface with the workers' compensation system, including businesses, carriers, and attorneys who represent claimants. Below are some of the proposed provisions that will impact upon physicians:

General Timeframes

Among many other provisions, the regulations would require that a pre-hearing conference be held within 30 days of the filing of the notice of controversy and a medical report referencing an injury; that an initial expedited hearing, at which all lay testimony will be taken, will be held within 30 days after the pre-hearing conference; and that if a second expedited hearing is necessary for medical testimony, it will be held no more than 60 days after a pre-hearing conference.

Medical Testimony Timeframes

The regulations would require that carriers file Independent Medical Exam (IME) reports, on or before the initial expedited hearing date, if the carrier is controverting the causal relationship between the injury and employment. Also, the proposed regulations require the taking of all medical testimony to be held within 30 days after the initial expedited hearing or no more than 55 days after the pre-hearing conference. Moreover, the regulation provides that if a treating physician does not appear for cross-examination as scheduled, then his or her testimony shall be taken by deposition within 30 days of the scheduled testimony. The deposition may be taken by telephone. If the physician does not appear for the deposition, the Workers' Compensation Board may take enforcement action against the physician.

With regard to IMEs, if the medical witness of the insurance company fails to show up for cross-examination, then the carrier loses the right to have the IME report introduced, unless the carrier can show that the witness did not appear because of good cause.

Paperwork Requirements

Importantly, the regulation would require the physician to complete a C-4 form in order to be reimbursed for care provided, instead of submitting a medical narrative or a CMS-1500 form.