

Manager/Supervisor Risk Management

#39 - 3/22/12

A twice weekly e-mail training for YCPARMIA members

TOPIC: WORKERS' COMPENSATION – MEDICAL BENEFITS

The last workers' compensation benefit that we will discuss is medical benefits. In any given month, about 90% of YCPARMIA's new workers' compensation files are categorized as "medical only." This means that the only benefits reserved on the file are for medical payments. (A work comp file coded "indemnity" would have reserves for medical payments, in addition to reserves for temporary and/or permanent disability). In the last five years, medical benefits represent about 55% of all benefits paid on behalf of our members.

The Labor Code sets out that an injured worker is entitled to all care reasonably required to cure or relieve the worker from the effects of their injury. There is an important distinction here: the worker is entitled to medical treatment that is reasonably required to "relieve" the effects of an industrial injury, even if that treatment will not "cure" them. Under the Labor Code, "care" includes what you would probably expect:

- Medical care;
- Surgical care;
- Chiropractic care (limited to 24 visits);
- Acupuncture treatments;
- Hospital care;
- Nursing services, including attendant care and home help;
- Medicines (typically the generic equivalent);
- Medical and surgical supplies;
- Crutches; and
- Appropriate apparatuses, including orthotic and prosthetic devices.

The injured worker is entitled to reimbursement for mileage (the prevailing IRS rate) and other travel expenses incurred for medical treatment appointments. The reasonable standard applies, and the reimbursement can be lost or limited if evidence is presented that similar care was available closer to the injured worker's home or work.

The next few topics will address various issues relating to medical benefits. As an overview, it is important to remember that it is the physician, subject to certain professional guidelines, that determines what care is reasonably needed. Neither the employer nor YCPARMIA has input in medical treatment. This is also true of the claims examiner with one qualification: the examiner is responsible for the authorization of treatment requested by the doctor, and will occasionally, for a variety of reasons, withhold or delay that authorization.

Next topic: Workers' Compensation – Controlling Medical Treatment