

Medical Providers: Please take note of this recent law change regarding workers' compensation claims

Communicating with parties during an appeal (SHB 1402), effective 07-27-2009

Before this law change, a medical provider could speak to any party—employer, worker, Department of Labor & Industries (L&I), or representative—at any time, even if an appeal had been filed with the Board of Industrial Insurance Appeals.

Now, there are some restrictions on who may speak to a provider without all parties present—some parties may not have “one-sided” conversations with you without written permission.

Important: Providers are not liable if they take part in a prohibited conversation. The law specifically holds all providers harmless. It is the responsibility of the parties and their representatives to comply with this law.

May I talk to the employer and worker about an ongoing claim?

Yes, so long as you are not discussing the issue under appeal. You can continue to discuss any other issues related to ongoing claim management, including treatment plans, entitlement to benefits, and return to work issues and assistance.

Given that I cannot have one-sided conversations under some circumstances, how can I communicate about the issues under appeal?

You can always discuss the issues under appeal when all parties are present, for example at a scheduled meeting or in a telephone conference. The parties will generally be responsible for arranging these meetings.

You can also communicate about the issues in writing, so long as you send your responses to all the parties at the same time. This includes answering questions that are sent to you in writing by the parties.

What are the communication restrictions once a claim is under appeal?			
This party (or their representative)	Can't have a one-sided conversation with a medical provider:	If the medical provider has:	Unless the party has written permission from the:
Employer	After receiving the notice of appeal	Treated the worker at the worker's request, or at the request of the attending physician	Worker or representative
Worker	After receiving the notice of appeal	Examined the worker at the request of the employer	Employer or representative

	After a conference has been held to schedule testimony and witnesses have been identified	Examined the worker at the request of the department	Department or representative
L&I	After a conference has been held to schedule testimony and witnesses have been identified	Treated the worker at the worker's request, or at the request of the attending physician	Worker or representative