

SUMMARY OF 2011 AMENDMENTS TO THE RULES OF THE STATE BOARD OF WORKERS' COMPENSATION

The 2011 Rules, effective July 1, 2011, contain organizational, editorial, and substantive changes. This summary of the 2011 amendments to the Rules is intended as a convenient reference and does not represent an exhaustive description of all rules changes. For detailed information regarding changes to a particular rule, please refer to the published version of the rule.

Rule 15. Stipulated Settlements. Rule was amended to clarify procedures regarding when and under what circumstances Board Forms WC-1, WC-14 and attorney fee contracts should be filed with the Board during the stipulated settlement approval process.

Rule 62. Electronic Data Interchange (EDI). Amendments to this rule clarify that the filing of Board Forms WC-1, WC-2, WC-2a, WC-3 and WC-4 in paper for claims created after July 1, 2009, may be rejected by the Board and may subject the filing party to a penalty. Rule was also amended to provide that when suspending benefits via EDI, required attachments shall be mailed to or electronically filed with the Board prior to or simultaneously with the filing of the EDI suspension.

Rule 102(C). Postponements, Leaves of Absence, and Legal Conflicts. Rule was amended to provide that hearing postponements must be requested or communicated to the administrative law judge by 2:00 p.m. on the business day immediately preceding the scheduled hearing day.

Rule 102.1. Policy for media coverage of proceedings. This is a new rule that states the Board's policy for print and electronic media coverage of workers' compensation proceedings. The Board rule tracks the Superior Court Uniform Rule on media coverage of court proceedings.

Rule 108(d) and (e). Attorney's Fees. Rule was amended to provide that any attorney who has made an appearance in a workers' compensation case by filing either a Form WC-14 or a Form WC-102B and who wishes to withdraw as counsel must file a Form 108b with the Board and serve a copy on all counsel and unrepresented parties, including the former client. Rule was further amended to provide that if an attorney is requesting reimbursement for expenses, such expenses should be included on the Form 108b.

Rule 121(b) and (c). Insurance in More Than one Company; Self-insurance; Insurance by Counties and Municipalities. Rule was amended to be consistent with legislative change that increased the minimum security required to be posted by self-insurers from \$100,000.00 to \$250,000.00. Rule was also amended to state that counties, municipalities and other political subdivisions who qualify to be self-insured must carry excess insurance coverage.

Rule 200.1. Provision of Rehabilitation Services. Rule was amended to provide for a new rehab objection form to be used to file objections to Forms WC-R1, WC-RICATEE, WC-R2A or WC-R3 rather than using the motion Form WC-102D.

Rule 203(c)(2). Payment of Medical Expenses; Procedure When Amount of Expenses are Disputed. Rule was amended to delete peer review committee that is no longer performing Board peer review.

Rule 205(b)(4). Necessity of Treatment; Disputes Regarding Authorized Treatment. Rule was amended to clarify that medical treatment that is deemed pre-approved due to failure to timely respond to a Form 205 must be related to the compensable injury in accordance with the workers' compensation law of the state.

Rule 206(a). Reimbursement of Group Carrier or Other Healthcare Provider. Rule was amended to clarify in accordance with the corresponding statutory provision that only a party to a claim, a group insurance company or other health care provider who covers the costs of medical treatment or provides medical services to the employee may file to be a party at interest on a Form WC-206.