



# **GEORGIA STATE BOARD OF WORKERS' COMPENSATION**

[www.sbwc.georgia.gov](http://www.sbwc.georgia.gov)

## **BEST PRACTICES ROLE OF THE EMPLOYER**

**July, 2007**

## ROLE OF THE EMPLOYER

### Prompt Reporting of Claims

#### **Best Practices**

- A. Centralize case management responsibility so everyone knows who, where, when and why notification is necessary.
- B. Make sure a workers' compensation representative is available to help when the injured employee calls.
- C. Provide a 24-hour toll free number to allow convenience of reporting claims and obtaining information.
- D. Have supervisors and managers trained to report injuries immediately.
- E. Complete form WC-1 within 24 hours of the accident.

#### **Benefits:**

1. The key to claim and medical management is early notification.
2. Allows for timely delivery of benefits
3. Allows for timely investigation of claim.
4. Allows for early involvement in claim, and better claim medical management.
5. Reduces attorney involvement

### Prompt Investigation of the Claim

#### **Best Practices**

- A. Make personal or telephone contact with the injured employee and/or their family within 24 hours, whenever possible.
- B. Explain workers' compensation benefits to the employee at the first opportunity.
- C. Make contact with the medical provider and witnesses to the accident (within the first 48 hours after the accident) as soon as possible after the accident.
- D. Regular follow-up contact with the employee is essential; usually bi-weekly, if it is a lost-time claim.
- E. Timely completion of the investigation and determination of compensability must be done with 21 days of the injury.
- F. Determine if any offsets, such as subrogation, might apply.

#### **Benefits:**

1. Allows for rapport with the injured employee.
2. Allows for identification of compensation issues.
3. Allows for the establishment of the accident facts while details are still fresh on the minds of any witnesses or those involved in the accident.
4. Allows for timely delivery of benefits.

### Train Supervisors and Managers

#### **Best Practices**

- A. Provide supervisors and managers with training manuals and training presentations.
- B. Work directly and personally with supervisors on difficult claims.
- C. Make sure management and supervisors understand and support return-to-work policies.
- D. Make sure supervisors are familiar with the panel of physicians located in their area.
- E. Review the Supervisor's Manual available on the Board's website, [www.sbwg.georgia.gov](http://www.sbwg.georgia.gov).

#### **Benefits:**

1. Claims are reported in a timely manner.
2. Employee's legal rights are not violated
3. Claims handling is smoother when procedures are known and followed.

## **Educate Employees About Their Rights, Responsibilities and Prompt Reporting of Claims**

### **Best Practices**

- A. Provide employee handbooks about the workers' compensation program. The Employee Handbook is available on the Board's website, [www.sbcw.georgia.gov](http://www.sbcw.georgia.gov).
- B. Provide employee training videos.
- C. Ensure that supervisors and managers review the employee's rights and responsibilities with their employees periodically.

### **Benefits:**

1. Claims handling is more efficient and effective if employees understand and follow procedures.
2. Employee satisfaction and understanding is increased.

## **Have Productive "Return-To-Work" and "Stay-At-Work" Programs**

### **Best Practices**

- A. Obtain senior management commitment to a return-to-work policy.
- B. Have essential functions of all job classifications identified.
- C. Make every effort to make reasonable accommodations for injured workers.
- D. Involve employees and unions in establishment of return-to-work programs.
- E. Ensure that the doctors on your panel of physicians understand your return-to-work policy and have knowledge of job duties.
- F. Consider job redirection for the injured employee.
- G. An Early Return-To-Work Program guide is available on the Board's website, [www.sbcw.georgia.gov](http://www.sbcw.georgia.gov).

### **Benefits:**

1. Attorney involvement is reduced.
2. Overall cost of the claim is reduced.
3. Employee's return to full duty is generally sooner.
4. Employee's work attitude is better.
5. Company morale is improved because employees realize their needs will be met.

## **Make Medical and Disability Management of the Claim a Top Priority**

### **Best Practices**

- A. The quality of medical care provided should be the main consideration used in selecting treating physicians. A company can select a traditional panel of physicians, a conformed panel of physicians, or a managed care organization. Care should be taken to select whichever program would best suit your company.
- B. Establish an ongoing relationship with the providers selected to care for injured employees. Make sure they understand your expectations of quality care. Make sure they understand your policy of returning employees to transitional work when it is safe to do so.
- C. Meet with or call the injured worker to ensure appropriate medical care is being received and coordinate return to work if applicable.
- D. Communicate regularly with the treating physician concerning treatment, disability, medications, utilization, etc. Actively pursue and solicit a release to return to work from the treating physician, rather than waiting for the physician to release the employee, when the employee has reached maximum medical improvement.
- E. Review all medical bills for fee schedule adherence, treatment of unrelated problems, over utilization of medical treatment, abuse of prescription drugs, and reasonable charges for services rendered.
- F. Utilize a peer review process for unreasonable charges.
- G. Obtain an independent medical examination if there is some question about the injury or treatment.

- H. Send employee to a work strengthening program to enhance return to work if applicable.
- I. Pursue alternative methods of claim resolution if it is determined that the employee has permanent restrictions and cannot return to work.

**Benefits:**

- 1. Helps ensure that quality and timely care for the injured worker is the main emphasis.
- 2. Helps ensure that cost effective, quality health care providers are used.
- 3. Helps ensure that treatment is related to the injury.
- 4. Helps facilitate the recovery of the injured employee in a timely manner.
- 5. Helps develop a better relationship between employee and physician.

**Develop Cost Management Program**

**Best Practices**

- A. All medical and hospital bills should be reviewed for fee schedule adherence, reasonableness and appropriateness to the injury and should be paid timely.
- B. Establish direct network contracts with physical therapy providers, hospitals, MRI and CT companies and occupational clinics.
- C. Develop a pharmacy management network (not mandatory).

**Benefits:**

- 1. Helps ensure a successful, cost effective workers' compensation program.
- 2. Provides a closer more personal relationship with health care providers.

**Develop Litigation Strategy**

**Best Practices**

- A. Review all claim files prior to litigation to determine if any other resolution is appropriate; determine a case value, determine odds of prevailing.
- B. Consider mediation for early dispute resolution.
- C. Meet with defense counsel to review evidence and plan for the hearing.
- D. Place special emphasis on claims involving claims of stress, occupational disease, blood-borne pathogen exposure, Americans with Disabilities Act (ADA).
- E. Review all legal bills for appropriateness and accuracy.

**Develop Settlement and Claim Resolution Strategy**

**Best Practices**

- A. Identify those cases which need to be settled in a timely manner.
- B. Properly document the settlement value.
- C. Develop negotiating strategy by determining "initial offer," "target settlement," and "walk-away" value.
- D. Make use of mediation with the Alternative Dispute Resolution (ADR) Division of the Board whenever possible.
- E. Have a face-to-face settlement conference.

**Benefits:**

- 1. Overall cost savings.
- 2. Timely resolution of claim.

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