

# **Pennsylvania Rules Regarding Choice of Physician May be Changing for Injured Workers**

When you are injured while working in Pennsylvania, you want to know that your employer will take care of you. In this tough economy, every dollar counts. Being out of work while recovering and having to pay for medical bills can put a serious strain on your ability to pay your bills. While Pennsylvania has established a system of workers' compensation for injured workers, there are certain requirements that must be met before compensation for medical expenses and lost wages will be provided. This can lead to confusion for workers, who may not know what they need to do to begin to receive compensation under the system.

One of the most frequent questions that an injured worker may have concerns who will be treating his or her injuries. When a person is not feeling well or having health issues, the first call is usually to the family doctor. When someone is injured-on-the-job, the process may be quite different.

## **Employers Required to Name Providers**

Under Pennsylvania law, employers may provide a list of at least six potential treatment options for an injured worker. However, before an employee is required to select one of these providers, employers must disclose the treatment options that will be made available. Employers need to receive a signed statement from the employee that the employee knows and understands what will happen in the event of an injury. Without the signed statement from the employee, the employee is not obligated to visit the list of employer providers. Injured workers may visit their own physician after the injury and have these costs paid by the employer.

Only if the employer has notified the employee and received employee confirmation of these rights, the employee will have to pick from the list of potential treatment options provided by the employer. Three of the six options must be physicians, and no more than four can be coordinated care organizations (a CCO is a state-licensed organization that has satisfied criteria specific to the treatment of injured workers). Employers must tell employees if any of the doctors or CCOs on the list are owned or operated by the employer or employer's insurer. The list must include health providers that are conveniently located for the injured worker.

The employee is free to pick any option that he or she wishes from the list provided by the employer. Once an employee selects one of these options, he or she is required to continue to visit the providers from this list for at least 90 days after the date of first treatment. If the employee needs treatment that is not a specialty of anyone on the list, and it is thought to be a reasonable and necessary expense, the employee may go to a health provider that he or she selects.

If the injury is so severe that it requires invasive surgery, an employee may seek a second opinion from any health-care provider. If the second opinion differs, the employee has the option of deciding which type of treatment plan that he or she wishes to pursue. However, if the employee decides not to have surgery, instead opting for some type of rehabilitation or therapy, one of the providers specified on the employer's list will carry out the treatment plan for the first 90 days.

## **Changes Coming for Injured Workers?**

A new bill recently proposed within the state would require workers to receive additional treatment from the list of employer providers. Instead of an employee waiting 90 days before seeking other treatment options outside of those on the list, he or she would be forced to wait until 180 days have passed.

This could greatly impact an injured worker that is not responding to a treatment plan that has been recommended by a preselected health-care provider. Employees would be forced to wait nearly half a year before being able to find outside care for their injuries. This time out of work can be extremely challenging for a person who depends on this income to make ends meet.

If a worker was not responding to treatment, he or she could go to another physician from the employer provided list. Unfortunately, there is no guarantee that this provider would offer a different type of treatment. The injured worker would not be able to go to his or her choice of physician and receive compensation for these medical bills.

If you have been injured while on-the-job and have questions about what to do next, speak to an experienced workers' compensation attorney in your area. Waiting too long to discuss your options may prevent you from obtaining the compensation you need to help you recover.