

ADJUSTER NEWSLETTER
January 3, 2007

**To: Workers' Compensation Insurance Adjusters
Third Party Administrators
Self Insured Employers**

**From: Joyce A. Sewell, Director
Industrial Accidents Division**

Date: January 3, 2007

**Re: Medical Releases
Adjuster Information**

In an effort to inform and continue to educate our workers' compensation insurance adjusters, the Commission is going to begin to do a monthly newsletter regarding issues that have come to the attention of the Commission. This is an effort to continue to make the Utah Workers' Compensation Program one of the best programs in the nation in terms of getting the correct benefits to eligible injured workers without the need for expensive litigation.

In order to send the monthly newsletter to all of the adjusters who adjust Utah workers' compensation claims we will need to have all of the insurance carriers, third party administrators, and our self administering self-insureds send us the name, address, phone number and e-mail address of **every** adjuster who adjusts Utah workers' compensation claims. Please send that information to JoAnn Lowther at the Utah Labor Commission, Industrial Accidents Division, P. O. Box 146610, Salt Lake City, UT 84114-6610 or e-mail JoAnn at jlowther@utah.gov.

We are also anticipating putting together training materials that can be sent out on a video or via the Internet so address information will be essential for that purpose.

The Commission has been receiving both complaints and initial denial of claims due to the release of medical information. As per the rule, the insurance carrier is entitled to the medical information, without the claimant's release, that the claimant is making a claim for benefits for. Anything that is beyond the information directly related to the specific injury that the claimant is making a claim for, the adjuster needs to obtain a signed release from the claimant. The signed release only entitles the insurance carrier to

request information back 10 years and excludes psychiatric and reproductive organ information, unless a claim has been made for benefits for those conditions. The adjuster also needs to inform the claimant as to why additional medical information, prior to the industrial injury, is being requested (this is usually done on Industrial Accident Form 441). **An adjuster may not request that the claimant sign a blanket release for any and all medical information for the past 15 years.** Even in a litigated case the claimant has the right to expect privacy of certain medical records that bear no relationship to the industrial injury case.

The Commission now has two separate forms for the release of medical information. When an adjuster is first investigating a case in which there is a legitimate reason to believe that there is a preexisting condition or that perhaps the injury is not a result of a work place incident, then you may send out Forms 308 and 309 in which the claimant lists medical providers seen for the past 10 years, with the exception of providers for psychological or reproductive organ care (you may also separately request this information if there is a legitimate reason). If the case is in litigation then you or your attorney may send Forms 308(A) and 309(A) in which medical providers seen for the past 15 years are to be listed, with the exception of providers for psychiatric or reproductive organ care, unless you have a specific reason for this medical information and you receive a specific release of that medical information.

If you have questions regarding the information in this newsletter please feel free to call either Linda Duvall (801) 530-6835 or Pete Groesbeck at (801) 530-6047.

HAPPY NEW YEAR!!

A LABOR COMMISSION WORKPLACE SAFETY CALANDAR FOR 2007 IS ENCLOSED.