

## WORKERS' COMPENSATION GUIDELINES FOR EMPLOYEES

### Workability Program Philosophy:

We believe that our employees are our greatest assets and as an organization we are committed to returning injured workers to full gainful employment as soon as is medically feasible following a work-related injury.

The following information is designed to help guide you through the Workers' Compensation process and help you understand your benefits and your responsibilities:

\* **Medical and Disability Benefits for Injured Workers**

- The insurance carrier, Liberty Mutual, has 21 days to decide if your claim will be accepted or denied. However, communication and correspondence about your claim from the insurance carrier will come from Liberty Mutual's third party subsidiary; Helmsman Management Services. If your claim is denied, a Letter of denial will be sent to you from Helmsman Management Services. If you have any questions about either the acceptance or denial, please contact the Workability Care manager (contacts found on page 8).

-Once your claim is approved and accepted, Workers' Compensation (or "Workers' Comp") insurance will begin to pay your medical bills associated with the work related injury.

- If your provider has taken you out of work for more than three **calendar** days, Workers' Comp starts paying 60% of your lost wages starting on the fourth full day out of work. Day 1 is the first full day out AFTER the injury.

Earned time will be used for the first three days of work-related absence, but ONLY if you were scheduled to work on those days.

See Appendix A for listed examples.



- If you are out for more than **14 calendar** days, Workers' Comp will pay you for the first three days of your absence.

- Supervisors should use the UWC e-time code for lost days of work after the first three calendar days taken as unpaid earned time.

\* **Liberty Mutual/Helmsman Management Services( a subsidiary of Liberty Mutual):**

You may be contacted by the insurance carrier, Liberty Mutual Insurance Company for a recorded telephone interview. An adjuster may call and identify themselves as a Helmsman Management Service agent. Helmsman Management Services adjusters are part of Liberty Mutual. **It is important to answer all correspondence from Liberty Mutual, in a timely manner to avoid disruption of your benefits.** Letters or correspondence will have Helmsman Management Services on their letterhead. Liberty Mutual ensures that you are treated in accordance with the Workers' Compensation laws of New Hampshire.

\* **Workers Compensation Coordination:**

Dartmouth Hitchcock provides care coordination for all injured D-H employees through the Workability Care Manager Program. Our Care Managers are dedicated to helping you through every step of the process to to ensure successful recovery and return to work.

Call the Workability Care Manager after every medical appointment related to your injury at: For DHMC-Lebanon call: 603-653-3849 or 603-650-7925. For CGP, call: 603 296-5547.

\* **Getting Care:**

In the State of New Hampshire, you may receive care with any health care provider of your choice. As a convenience for our employees, Dartmouth Hitchcock offers services of Occupational Medicine providers who specialize in occupational injuries. Our providers can assess, guide and help coordinate your care and treatment through-out the workers compensation process.

At DHMC: Occupational Medicine : Hours M-F 8am-4:30pm @ 603-650-3849. If the injury occurs after hours and requires urgent or immediate attention employees can utilize the services of the Emergency Department or the General



Internal Medicine Urgent Care Clinic at 3L, open M-F from 5-8pm at 603-653-9500. Otherwise, the employee should call Occupational Medicine the following day.

For the CGP: You may be seen in the Occupational Medicine clinic in Nashua; hours are M-F 8:00am – 5pm or call 7-4166 to schedule an appointment. If Occupational Medicine is closed and you feel your injury necessitates an evaluation in the Urgent Appointments (Manchester and Nashua) or Primary care in Concord, please call Occupational Medicine on the next business day to follow-up and review your plan of care.

If you choose not to be seen in Occupational Medicine, please seek care through your primary care provider. You may still be asked to follow up with Occupational Medicine if there are any questions about your safe return to work.

**Of importance; Liberty Mutual will only cover the services of providers within the D-H Managed Care Organization (MCO)(IN-NETWORK) for workers' compensation injuries. Please contact your provider to inquire if they are part of the DHMC network.**

#### **Returning to work and Alternate Duty:**

As an organization, we are committed to returning injured workers to full gainful employment status as soon as it is medically feasible after a work-related injury. Additionally, D-H Workability Care Managers will make every effort to provide Temporary Alternate Duty for employees who are able to return to work with some work capacity. Alternate duty opportunities are a requirement by New Hampshire law. Employees who are receiving Workers' Compensation and who can perform Alternate Duty can refuse an offer of this temporary assignment, but in doing so, may place their Workers' Compensation benefits at risk.

When the home department is unable to accommodate alternate duty, the Workability Care Manager will try to arrange alternate duty work within another department. In this situation, the home department is still responsible for the salary of the employee on alternate duty.

- \* **Communication with your Supervisor and Workability Care Manager:**  
You must share a copy of your NH Workers Compensation Medical Form with your supervisor after every medical appointment.

\* A provider's note indicating 'no work capability' is required for Workers' Compensation-related partial day or full day work absence; otherwise absence will be noted as "unplanned". For more information, please see HR Policy Library.

\* **Your Responsibility in the Communication Process:**

- (1) When you visit a provider for your work-related injury, the care provider must give you a State of NH Workers Comp Medical Form for you to give to your supervisor. This form identifies a return to work date, or a recheck appointment date. **Only your provider can take you out of work or return you to work.**

A health care provider may allow you to return to work with certain restrictions. The NH Workers' Comp Medical Form will list any restrictions your provider feels will help you to safely return to work. This form will also provide follow up appointment information. This form **must** be given to your supervisor. Your supervisor should then contact the Workability Care Manager: For DHMC: 650-7925 or 653-3849), or in the CGP: 603 296-5547 to discuss any accommodations in your home department.

- (2) DH's insurance carrier, Liberty Mutual, will compensate you for lost work time **if a health care provider has taken you out of work.**

\* **Workers' Compensation Payments**

Lost wage calculation: Workers' compensation pays for lost wages at the rate of 60% of the average gross (before taxes or deductions) wages. The insurance carrier is given gross (including overtime) earnings for 26 weeks prior to your date of injury. The wage is calculated by averaging 26 weeks of pay and multiplying by 60%.

You will receive a "memo of payment" from the insurance carrier informing you of the final average weekly wage calculation. It is important to note that these wages are not taxed, you will not receive a W2 nor will you have to include them on your annual income tax filing.

Employees, whose average weekly wage compensation is greater than the maximum allowable weekly compensation set by the New Hampshire Workers'



Compensation law defined by section 281-A:28, will be capped for their compensation pay.

If you have questions about this process, please contact the Workability Care Manager.

\* **Start of wage replacement:**

Workers' compensation starts on the **fourth day of disability** (subject to a three calendar day 'wait' period). The waiting period is waived if your provider keeps you out of work for 14 days or longer or if an employee returns to temporary alternative employment within five days. The insurance carrier must issue payment or deny the case within 21 days.

**(1.) Second job:** If you have a second job that is also affected by the injury , you may get paid additional lost wages. Please notify the Liberty Mutual Adjuster and the Workability Care Manager if you do have a second job.

**(2.) Partial duty:** Your doctor may return you to work at less than your full regular hours. Liberty Mutual, the Workers' Compensation insurance company, will pay you for the hours that you are unable to work. **\*\*\*\*You will have to provide the insurance carrier with a copy of your pay summary every pay period so your wages can be calculated.** (Generally by faxing a copy to the adjuster). Please call the Workability Care Manager for details.

\* **Prescriptions:**

You can receive prescriptions related to the work injury at *no upfront charge* to you by using the DHMC pharmacy. Be sure your health care provider writes "W/C" on the prescription.

You may also use any other pharmacy, but you will be responsible for the prescription payment at the time of pick-up and can claim reimbursement from the insurance carrier. To receive reimbursement, submit the receipt and a copy of the prescription to the assigned adjuster with your claim number or contact the Workability Care Manager. Over-the-counter items, even if prescribed by

your health care provider for your injury, are not reimbured by workers' compensation.

\* **Mileage:**

All mileage to and from your appointments is reimbursable by the insurance carrier based on current national rates. Liberty Mutual will send a mileage log in the mail. Please keep a log of your trips to provider and treatment appointments while you are being treated for the work-related injury. The log should include name of care provider, date of appointment, and the round trip distance from your home to the care provider. You may submit the completed log to Liberty Mutual directly.

\* **Medical Bills:**

If your claim is accepted and approved, all of applicable medical bills will be covered by Workers' Compensation. When you call to make an appointment, please be sure to state that your visit is as result of a work injury and should be billed under Dartmouth-Hitchcock Workers Compensation.

When you check into your appointments, it is important to again state that the appointment is for a Workers' Comp Injury. If you receive any bills for treatment of your injury that have been paid by your regular health insurance company, contact the Workability Care Manager by email or telephone. We can address these with our D-H billing agency; Conifer, and the Worker's Compensation carrier.

**FAQ:**

\* **I am back to work and I have Workers' Compensation-related medical appointments to attend. Now what?**

Medical expenses incurred in a work related injury are paid by the insurance carrier. However, in the State of New Hampshire the time lost to attend a medical appointment – including physical therapy appointments – is not compensated by the insurance carrier. The time away to attend an appointment is treated in the same manner as time away for a non-work-related injury\*\*.

*\*\*There exists a Workers Compensation Appeals Board decision which states that; 'indemnity benefits are for a disability that prevents a claimant from working and that at the time the claimant was undergoing medical treatment she was not disabled'.*

There is no statute to support compensation for medical appointments, even from an employer's perspective.

<http://www.courts.state.nh.us/supreme/opinions/2001/gagno217.htm>

**\* Is my job protected while I am out on Workers' Compensation?**

The Family and Medical Leave Act (FMLA) requires that employees who have worked at Dartmouth-Hitchcock for at least 12 months and have worked at least 1250 hours in the previous year are guaranteed their job for 12 weeks when they are disabled for any reason. When an employee loses work time due to a WC injury, they will be notified of their FMLA rights. FMLA runs concurrently with Workers Compensation benefits. Please contact Benefits – Shared Services at 603- 653-1400 for more information and to initiate your FMLA application.

The employer may be required to reinstate the full-time employee if they are released by the treating provider within 18 months of the date of injury. NH Workers' Compensation rule Section 281-A:25-a states , "the injured employee will be reinstated by the employer to the employee's former position of employment upon request for such reinstatement, if the position exists and is available and the employee is not disabled from performing the duties of such position, with reasonable accommodations for the employee's limitations. For the purposes of this section an employee's former position is "available" even if that position has been filled by a replacement while the injured employee was absent. If the former position has been eliminated, the employee shall be reinstated in any other existing position which is vacant and suitable with reasonable accommodations for the employee's limitations. A certificate by the employee's attending physician that the physician approves the employee's return to the employee's regular employment with reasonable accommodations for the employee's limitations, shall be prima facie evidence that the employee is able to perform such duties. Reinstatement under this section shall be subject to the provisions for seniority rights and other employment restrictions contained in a valid collective bargaining agreement between the employer and a representative of the employer's employees.

II. Notwithstanding paragraph I of this section:

- (a) The right to reinstatement to the employee's former position under this section terminates when any one of the following events occurs:
- (1) A medical determination by the attending physician or finding by the commissioner that the employee cannot return to the former position of employment.
  - (2) The employee accepts employment with another employer.
  - (3) Eighteen months from the date of injury.

***Please contact the Workability Care Manager for more information.***

\* **What happens to my D-H benefits while I am out of work? How do my medical premiums get paid?**

If you have health insurance through D-H, those benefits will continue while you are out due to a Workers' Compensation absence. Your premiums and other deductions will be suspended during your time out and resume when you return to work.

\* **My claim was denied. What can I do?**

If Liberty Mutual denies your claim for Workers' Compensation benefits and you disagree with the decision, you may contact NH Department of Labor to request a hearing. By law, this request must be in writing and should include your name and the date of your injury. You have 4 years from the date of your last payment of compensation or 18 months from date of denial to request a review of the denial. For more information, contact the Department of Labor @ 603-271-3176.

**Important numbers:**

- Olga Sobko RN BSN, Workability Care Coordinator: 603-650-7925 or DHMC Occupational Medicine at 603-653-3849
- \* Denise Biron RN, MS, COHN-S, CHC Workability Care Coordinator 603-296-5547 or Nashua Occupational Medicine 603-577-4166
- \* Liberty Mutual: 800.300.4472 (Insurance carrier for Dartmouth-Hitchcock)  
National Market Claims PO Box 3634 Bala Cynwyd, PA 19004-0634

NH Department of Labor: 1-603-271-3176; (Labor and WC related questions)

Website- <http://www.labor.state.nh.us/>

NH General Court Rules :

[http://www.gencourt.state.nh.us/rules/state\\_agencies/lab500.htm](http://www.gencourt.state.nh.us/rules/state_agencies/lab500.htm)

## Appendix A.

### Example 1.

An employee works 8am-5pm Monday through Friday; was hurt on Tuesday afternoon= they could use ET for the hours missed on Tuesday, Wed, Thursday and Friday. WC would start paying on Saturday.

### Example 2.

A person who works 36 hours a week is scheduled for Monday, Tuesday and Saturday of a week, gets hurt on Tuesday afternoon= can use ET for hours missed on Tuesday, but no other ET used because 1) they weren't scheduled to work on Wed-Friday and WC starts paying on Saturday.

### Example 3.

An employee hurts their back badly and is put out of work for a week with no lifting capacity. Their unit requires a 35 lb lift./carry minimum for the employee. It's unlikely that this employee is going to be returning to work in 14 CALENDAR days or fewer, so they don't need to use ET as WC will start paying from the first full day out.

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