

A KeyNote from ESM Solutions, Inc.

Continued from Page 1

profound patriotism. www.greatdanepromilitary.com/Battle%20Hymn/index.htm.

God bless America and season's best to you and your families!

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Workers' Comp Accident Investigation For *Causation*

Accident Investigation is the process of gathering all of the facts regarding the incident that has caused or allegedly caused an injury to occur. If an injury is not caused by a specific incident, but is rather an injury/illness that has occurred over time (cumulative) due to a repetitive task or exposure, then the investigation involves discovery of medical evidence to support causality.

The accident investigation process involves all individuals who would be instrumental in providing detailed facts and evidence regarding the injury. This includes, but is not limited to: employer, carrier or claims administrator, doctor, qualified medical evaluator (QME), investigator, attorney, witnesses and any outside third

party. Often times, it is a collaborative effort. The level at which the investigation is conducted is decided on "case by case" and it depends on the extent to which an investigation is needed.

If an extensive investigation is warranted, the insurance carrier or claims administrator may need to delay the claim in order to conduct a thorough investigation. If the claim is delayed, there is a "90-day window" for a determination on compensability to be made under Workers' Compensation. While the claim is on delay for investigation, the injured employee is entitled to medical benefits. The insurance carrier or claims administrator is responsible for paying up to \$10,000 in medical costs until the claim is denied. The injured employee is not entitled to receive wage loss benefits during the delay period, but may apply for State Disability (SDI) if qualified.

The accident investigation process should begin immediately or as soon as possible, since the purpose of conducting the investigation is to determine compensability of the claim. A decision to accept or deny the claim must be completed by the 90th day from the **employer's** notice of a claim. If a decision of compensability has not been made within 90 days, then on the 91st day, the claim is presumed "accepted".

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