

ADVISORY NO. 36

TOPIC: SETTING OF BENEFIT REVIEW CONFERENCES AND SETTING OF PREHEARING CONFERENCES ON MEO RELEASES

We continue to receive complaints about delays in setting after request is made. Then, after an inordinate delay, the Commission gives us a very short time frame for settings, so we are penalized both ways. Such delays have the potential for increasing indemnity costs to the file, depending on the compensation rate of approximately \$300 + per week per case.

The problem is that the commission wants the disability determination officers to do more than anyone can physically do. Once the officers receive a request for setting, they are under a 3-day maximum hold from the date of receipt to make a decision to set the case. However, they are supposed to call the claimant, his attorney, the carrier, the physician and, if necessary, the employer to have a chat about the issue before it is set and stiff meet the 3-day guideline.

What is happening is that your requests for settings are stacking up and compensation is often needlessly paid. When it finally gets to the disability determination officer, the request is well outside setting time lines, and, therefore, the case is often expedited, which gives us all insufficient time to receive a file. Actual notice of 5 to 7 days to us and to you is not unusual and you have to stop everything and give that file attention. No one can deliver a quality product under these circumstances.

SOLUTION AND PROCEDURE CHANGES:

1. When you determine that a case requires a benefit review conference, complete TWCC Form 45 and mail the request to us and NOT the TWCC office involved.
2. After you mail us the BRC request form (or PHC request form if it is an MEO release), we will enter the request in our computer and immediately transmit the request setting to the TWCC office. There will be no charge for this service if we are filing your completed request.
3. Our computer will then automatically trace any failure to set your request on a two-week interval and will identify offices and personnel in chronological and alphabetical order where problems exist. We will then take this list periodically to each TWCC office and discuss this with the office manager.
4. NEXT, after you send the request for setting to us for filing, you should then send the file for copying and mail the file to us within 10 days after you send us the

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