

ADVISORY NO. 80

TOPIC: Rule 102.9 - Significant New Penalty

The Commission has adopted Rule 102.9, effective April 1, 1993, which is a new enforcement mechanism for the Commission in obtaining information from parties involved in the workers' compensation system. Generally speaking, the rule provides that a party failing to provide information as requested by the Commission will receive a written order requesting the missing information. Failure to provide the information pursuant to that order can result in the maximum penalty under the law of \$10,000 plus additional sanctions.

Accordingly, *any request for information from the Commission must be handled on an expedited basis in order to avoid the issuance of an order and potential \$10,000 penalty.* This new rule will apply to insurance carriers, employers, healthcare providers, and claimants. We have previously provided a copy of the rule as an attachment to Advisory No. 77.

We have begun to make extensive use of fax messages for timed notices and extensive logging for follow-up. We cannot depend on merely mailing information to you due to the vagaries of mail and your internal distribution and we are continuing to build a follow-up by responding promptly. Our staff needs continue to escalate to assure compliance and if we have to work the same file over and over, it becomes a problem for both of us. Thanks for your help.

FLAHIVE, OGDEN & LATSON