

ADVISORY NO. 252

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TOPIC: SPINAL SURGERY ALERT: DON'T WAIVE YOUR SECOND OPINION!

When a claimant fails to attend a second opinion exam, the Commission assumes the reason is the carrier's failure to properly notify the claimant of the exam. TWCC sends a letter notifying the carrier of the claimant's non-attendance. **This notice requires the carrier to prove that the claimant, treating doctor, and surgeon were properly notified of the exam. If you do not respond to the notice by the deadline, OR IF YOU FAIL TO ADDRESS EACH OF THE BELOW POINTS, you are deemed to have waived your second opinion exam.**

To properly respond to the TWCC notice, you must file the following information:

- Confirmation that the claimant, treating doctor, and surgeon were properly notified of the exam;
- Confirmation that the appointment has been rescheduled to occur within 21 days of the TWCC notice;
- Confirmation that the claimant, treating doctor, and surgeon have been properly notified of the *rescheduled* examination; AND
- An amended TWCC-63 with the date and time of the scheduled appointment.

The deadline for responding to most TWCC notices is 2 days from the date of receipt. Failure to properly notify the parties of the second opinion exam or failure to timely respond to ALL required information in the notice will result in an automatic waiver of the second opinion.

TWCC will not extend this deadline. They have been very inflexible and seem to be seeking a basis to declare that we have waived our rights to an exam. We urge that you be very cautious about these responses.

If you have any questions concerning the spinal surgery process, call Barbara Elzey at 512-435-2251.