

**ADVISORY NO. 297**  
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**TOPIC:      POTENTIAL ADMINISTRATIVE VIOLATIONS**  
**Re:      TWCC-73**

In the last six months, the Commission has adopted and implemented the use of Work Status Reports (TWCC-73). The treating physician must complete the TWCC-73 at the time of the initial evaluation and upon any subsequent evaluation resulting in a change of work status. These must be electronically filed with the carrier. For the most part, this requires that the healthcare provider fax it to the handling adjuster.

Healthcare providers are complaining that carriers are refusing to provide fax numbers. The healthcare provider will locate a telephone number, contact the carrier/TPA, and the carrier/TPA will refuse to give out the fax number.

A separate complaint has been received that carriers will receive a TWCC-73 and will return it because no claim is on file. Under Rule 124.1, as amended, any communication that fairly informs the carrier of the name of the employee, the identity of the employer, and the approximate date of injury constitutes a “written notice of injury.” Therefore, a carrier must treat a faxed TWCC-73 as a “written notice of injury,” and begin an investigation. To do less than that will (i) put you at an immediate risk for the administrative violation for a late payment of the bill for the medical exam and Work Status Report; (ii) subject you to an administrative violation for income benefits that may become due and are not paid; and (iii) may result in a waiver of any defenses to the claim if the carrier is not otherwise notified in time to file a Notice of Refusal within 60-days of the date the carrier first received notice of the claim.

FLAHIVE, OGDEN & LATSON

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April 21, 2015