

ADVISORY NO. 372
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TOPIC: PLAIN LANGUAGE CHECKLIST

FOL has reduced the Plain Language Notice form requirements in this Advisory for the purpose of creating a single reference document. The following is a list of Plain Language Notices that should be used in connection with a workers' compensation claim. The below checklist relieves the carriers from filing multiple PLNs for transactions. The following interpretations have been discussed with TWCC and are in accord with TWCC expectations for use of the PLN forms.

WHEN DENYING OR SUSPENDING PAYMENT OF ANY BENEFITS

1. **Deny Everything – Intend to pay no medical and no indemnity** - File PLN-1; do not file PLN-9. File PLN-1 even if you have begun benefits.
2. **Deny Part of Claim But Not All, (Typically used in a extent of injury or relatedness dispute)** - File PLN-11
3. **Income Benefits Suspended (Suspension for reasons other than MMI, compensability, extent of injury or relatedness dispute)** – Mail to claimant PLN-9. Use in the following circumstances:
 - Employee Return to Work at Full Wages
 - Release to Return to Work
 - No TIBs – wage continuation. Use only when you have documentation of actual wages paid by employer equal to or in excess of the average weekly wage and have never initiated benefits. Mail PLN-6 to employee only. If paying TIBs, then suspending because of full salary, mail PLN-9 and explain that you are suspending because of full salary. In that event no PLN-6 is necessary.
 - Bona Fide Job Offer
 - Employee Death (NOT RELATED TO INJURY)
 - Employee Incarceration
 - Benefits paid out (impairment fully paid, SIBs quarter fully paid and not paying subsequent quarter)
 - Commission Order (Interlocutory Order paid out)
 - Subrogation/Third Party Settlement
 - Jurisdiction Change
 - Re-marriage
 - Change in Beneficiary Eligibility Status

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- Commission Order for Suspension of TIBs based on a RME
 - Non-compliance, i.e. Commission Order, RME or DD
4. **TIBs suspended because of MMI with 0% impairment**– Mail PLN-3 to employee.
- Only exception no benefits and employee getting full salary part time light duty starting plus reduced earnings reinstating plus reduced earnings

WHEN PAYMENTS ARE INITIATED OR CHANGED

1. **MMI/Initial Payment of IIBs** – Mail PLN-3 to employee. Use in the following circumstances:
 - No TIBs paid, initiating payment of IIBs;
 - Suspending TIBs because of MMI, initiating IIBs;
 - Reinstatement of IIBs.
2. **Initial Payment – LIBs** – use only if previously paid no other income benefits. If LIBs payment is the first payment, use this form. Mail PLN-4 to employee.
3. **Initial Payment – DBs** - Mail PLN-5 to each beneficiary.
4. **When changing type of benefits, TIBs, IIBs, SIBs, LIBs, DBs** – mail PLN-7 to employee.
5. **Change in amount** -- when changing the net income benefit payment to the employee (increase or decrease), mail PLN-8 to the employee. Use this form when:
 - Change/recalculation of Average Weekly Wage
 - Change in post-injury earnings
 - Refusal of a Bona Fide job offer at less than pre-injury wages
 - Return to Work at less than pre-injury wages
 - Statutory reduction of benefits from 75% to 70% after 26 weeks of benefit payments
 - Recovery of advanced benefits initiated
 - Recovery of advanced benefits completed
 - Payment of accelerated benefits
 - Payment of attorney fees initiated
 - Payment of attorney fees completed
 - Redistribution of Death Benefits (beneficiary(ies) eligibility change)
 - Court Ordered Child Support Lien
 - Recovery of overpayment initiated
 - Recovery of overpayment completed
 - Contribution (only if not 100% contribution)
 - School employee adjustment

- Seasonal employee adjustment
6. **Reinstatement of Benefit** - When reinstated previously suspended benefits, mail PLN-10 to employee. Use in the following circumstances.
- New lost time;
 - Commission Order;
 - Third party settlement exhausted;
 - Withdrawing a previous dispute.

RULES FOR SIBs

1. **SIBs Denial** - For first quarter you will not have to file a PLN if you are disputing SIBs. (You will have mailed a PLN-9 to communicate IIBs paid out.) File TWCC-45 with the TWCC and mail the denial (on the fourth page of the TWCC-52) to the claimant just as you do currently with a PLN-9. For subsequent quarter in which prior quarter is paid, mail a PLN-9 to employee to communicate SIBs paid out in prior quarter. For a subsequent quarter following a quarter in which no benefits were paid, no PLN is required.
2. **SIBs Payment (First Quarter)** - You are paying IIBs and continuing payments by changing the type and amount of benefits to SIBs, send to the employee PLN-7 (change in type). No other PLN is required. If you have previously terminated IIBs, and paying first quarter of SIBs after a gap (due to late request/determination), send to employee PLN-10.
3. **SIBs Payment (Subsequent Quarters)** - If you are continuing to pay SIBs at same rate as the prior quarter, you do not need to file or mail a PLN. If the monthly benefit has changed from the prior quarter (because of changes in the claimant's earnings), send to the employee PLN-8. If denying subsequent quarter, see Rule 1. If no payments for prior quarter, mail to employee PLN-10.
4. **Initiating Attorneys' Fees paid out of SIBs** - If the attorneys' fees are payable out of the claimant's SIBs benefits, you need to explain those changes using the PLN-8, as you would with any other attorneys' fee order for TIBs, IIBs etc.
5. **Initiating Attorneys' Fees in Addition to SIBs** - Send no PLN to the attorney. She or he is not a claimant and does not get a PLN explaining the fee payment. Claimant's benefits do not change, so treat this like the payment of SIBs described above.