



ADVISORY NO. 489

TOPIC: INTERNAL VIOLATION REFERRALS WITHIN DWC OF DESIGNATED DOCTOR VIOLATIONS

Effective September 1, 2012, new designated doctor rules were adopted. One of the significant changes is that the party who files the DWC-32 must submit a copy of the DWC-32 to the opposing party. See Rule 127.1(b)(10). The submission of the copy to the opposing party should be done in conjunction with the filing of the DWC-32. If the filing is done by the claimant, a copy should be submitted to the carrier. If the filing is done by the carrier, a copy should be submitted to the injured employee and to the injured employee's representative, if any.

Beginning this week, Hearing Officers have been instructed to ask the party who filed the DWC-32 whether a copy of the DWC-32 was submitted to the opposing party. If a copy of the DWC-32 was not submitted to the opposing party, then the Hearing Officer is to report this to the Complaint Resolution Department of DWC. It is that department that investigates initial complaints.

Carriers should immediately implement procedures to address this new issue when it arises in the dispute resolution arena. We recommend that in connection with Contested Case Hearings where a designated doctor has been appointed, carriers have the person who files the DWC-32 prepare a statement or Affidavit that acknowledges that a copy of the DWC-32 was submitted to the opposing party. We will be happy to assist in drafting such an Affidavit. Moreover, in cases where our office drafted the DWC-32, we will provide an attestation to the DWC. As always, we are available to assist you in complying with any matter involving a designated doctor request.

If you should have any questions, please contact James Sheffield or Bobby Stokes.