



## Employer Reporting Pilot Project

# Questions and Answers for Employers

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### What does 'Employer Reporting' mean?

Currently in Washington State, a workers' compensation claim for a work-related injury or occupational disease can only be filed through the injured worker's health-care provider. Employer Reporting is a two-year pilot program that will give workers at participating companies the option of filing a claim through either the employer or the health-care provider of the worker's choice.

### What is the employer's role with employer reporting?

Your assistance to the worker is key to the success of this project. When completing the accident report form, you will need to be sure that your worker understands the process of filing a claim through you. You also need to inform the worker of his or her right to seek treatment from the health-care provider of their choice, and that the provider needs to complete the health-care provider section of the report.

### What are the benefits for an employer if the worker files a claim through the employer?

By knowing about an incident and claim early, you can identify safety hazards more quickly and take corrective action. You also will be able to consider whether you have light or modified duty work to offer the worker during his or her recovery, or keep the worker on salary while they recover. These steps maintain the relationship between you and your employee. Reduced disability and safer workplaces will result in lower workers' compensation rates.

### Is an incident report the same as filing a report of accident?

No. An incident report is an internal document for a company that often is required as part of an accident prevention and risk management program, or is required by state or federal regulation. If a work-related condition requires medical treatment, the worker will need to file a report of accident with L&I, either through their employer or health-care provider.

### Will there be additional work for the employer?

Some. The employer will need to provide the worker with written materials explaining employer reporting, and written confirmation that the worker chose to initiate a claim through the employer. Employers also must provide L&I with logs of on-the-job accidents and exposures, assist L&I in periodic surveys of their workers regarding employer reporting, and provide L&I with information that may be needed for a report to the Legislature.

### What is the timeframe for an employer to submit the report of accident?

An employer has two days from the date the employer completes their section to submit it to L&I. Of course, you should complete your section as soon as you are informed of a condition that will require a claim, and you should strongly encourage the worker to complete the worker section before you send the employer section to L&I. The employer may either mail or fax the report. Our fax numbers are **1-360-902-4500** or **1-800-910-5769**.

### **If a worker files a claim through the employer, how will the health-care provider know?**

The report of accident forms are pre-numbered and begin with “EF”. The worker will need to tell the health-care provider that a claim was filed with the employer and give them the health-care provider section of the report of accident. If the health-care provider also files a claim, L&I has a process in place to identify when more than one claim is filed for an injury or exposure. However, it will be helpful if you notify L&I if and when this occurs.

### **What if the worker doesn’t complete their section of the form?**

The report of accident is designed for the employer and worker to complete together and for the employer to submit to L&I. However, it is the worker’s responsibility to make sure that L&I receives the completed worker section. L&I can not initiate a claim based on the employer section alone. We must have the worker section. You should take every reasonable step to make sure the worker understands this and to have the worker complete their section before you submit the form.

### **Is the worker required to file a claim through the employer?**

No. The employer can encourage the worker, as part of the pilot project, to file a claim through them. However, it is the worker’s choice if they want to file a claim through the employer or health-care provider. Qualified health-care providers include medical, osteopathic, chiropractic, naturopathic, and podiatric physicians; dentists; optometrists; and ophthalmologists. Advanced registered nurse practitioners and physician assistants may also provide treatment. Regardless of whether the worker chooses to file the claim through the employer or health-care provider, the worker, or someone on his/her behalf, is required to inform the employer of the accident that caused the need for medical treatment.

### **If a worker files a claim through the employer, can the employer direct the medical care and send the worker to a health-care provider of the employer’s choice?**

No. By law the worker has the right to choose any qualified health-care provider to treat his/her work-related condition. The employer can not require a worker to seek treatment from a specific health-care provider or direct the medical treatment in a claim. L&I will continue to manage all aspects of a claim. If you suggest a health-care provider to your worker or offer to take an injured worker to a particular provider, you must inform the worker of their right to seek treatment from a provider of their choice.

### **What should I do if a worker comes to me, the employer, to file a claim and I question the validity of the incident? Do I still have to file the claim for the worker?**

Yes. If a worker requests to file a claim through you, you must submit that claim. If you have additional information to provide to L&I regarding the claim, you should note that on your portion and attach a separate letter outlining your concerns when you submit the accident report. Be sure to file the claim with your comments questioning the claim validity.

### **If a worker files a claim through me – the employer– when will I receive the health-care provider’s information?**

Once L&I receives the health-care provider section of the report of accident, we will provide you with a copy, similar to what we do today. You can also check the status of the claim through L&I’s Claim and Account Center at [www.ClaimInfo.LNI.wa.gov](http://www.ClaimInfo.LNI.wa.gov).

### **Who can I call if I have questions or comments about the Employer Reporting Pilot Project?**

You can contact Sara Spiering, Project Manager at 360-902-5658 or Shirley Morris, Project Lead, at 360-902-6201.

More information can be found on our web site: [www.LNI.wa.gov](http://www.LNI.wa.gov).