

November 20, 2008

Re: Emergent Medical Care

Dear Valued PMA Management Corp. Client:

As one of the nation's leading experts in workers' compensation, we are committed to providing you with updates regarding changes to the Workers' Compensation Law brought about by recent legislation and providing guidance concerning these changes, if necessary. Our goal is to manage workers' compensation costs to ensure injured workers receive quality medical care at the most cost-effective price and make it easier for you to administer your workers' compensation program.

As such, we wanted to inform you of changes to the New Jersey Workers' Compensation Law, effective October 1, 2008. The passage of Bill S-1916 added Sections 34:15-15.3 and 34:15-15.4 to the Law and addresses the issue of "emergent medical care." The following provides information on the changes:

Section 34:15-15.3 of the New Jersey Workers' Compensation Law

This new section states that a worker may file a motion for emergent medical treatment with or after the filing a claim petition if the following occurs:

- A physician states through medical documentation that the worker is in need of emergent medical care that is not being provided or authorized by the employer following a request by the worker to the employer or the employer's carrier, and
- The physician states that the delay of treatment will result in irreparable harm or damage and states the specific nature of the irreparable harm or damage.

Section 34:15-15.4 of the New Jersey Workers' Compensation Law

This new section states that every carrier and self-insured employer is required to designate a contact person who is responsible for responding to issues concerning medical and temporary disability benefits if no claim petition has been filed or if a claim petition has not been answered. This would include motions for emergent medical care. The full name, telephone number, address, email address and fax number of the contact person must be submitted to the New Jersey Division of Workers' Compensation. After an answer is filed with the Division, the attorney of record for the respondent shall act as the contact person in the case. Failure to comply with this section "shall result" in a fine of \$2500 for each day of noncompliance.

As your third party administrator, we have designated two individuals to serve as PMA Management Corp.'s contacts:

- Jim Jordan (Assistant Vice President, Claims) Jim_Jordan@PMAGroup.com
- Melissa Kuchtyak (Administrative Claims Assistant) Melissa_Kuchtyak@PMAGroup.com.

If You Receive a Motion for Emergent Medical Care

If you receive a motion for emergent medical care, we recommend that you...

- Immediately forward the motion to the above named individuals to ensure that the strict statutory time frames outlined below are met.
- Either fax the motion to (856)727-3186 or email same to the above contacts or your PMA Management Corp. service team member.
- Follow up with the Department of Labor, Division of Workers' Compensation to verify they have the above contacts listed on record to avoid any potential penalties for failing to comply with the statute.

Emergent Care Time Frames

There are strict time frames associated with responding to motions for emergent care, which are outlined below:

- An answer to a motion shall be filed not later than five **calendar** days after the date of service.
- Initial conference to take place within five **calendar** days of the filing of the answer.
- Medical evaluation if needed must be secured within 15 days of the date of service.
- If the motion is not resolved at the conference, the Judge shall schedule a hearing as soon as practical but no later than five calendar days from the date of the conference. If an examination is scheduled, than the hearing shall be scheduled as soon as practical but no later than five calendar days from the date of the examination date.

We have designated two medical providers who we believe can comply with the statutory time frames concerning the scheduling of a medical examination. If there are medical providers you prefer to utilize, we encourage you to have a procedure set up to respond promptly to any emergent care motion. Please contact your service team member at PMA Management Corp. to discuss and/or relay your procedure.

If you have any questions or would like to discuss this issue further, please contact me at (856)727-3039, Jim_Jordan@pmagroup.com or your immediate contact here at PMA Management Corp.

Sincerely,
Jim Jordan
Assistant Vice President, Claims