

Customer Workers Compensation Jurisdictional Resource - Indiana

Issue	Mandatory	What & How	Impact	State Forms
Timely Reporting of Claims	<p>Yes</p> <p>Required when an injury results in death of the employee or the employee's absence for at least one day. First report must be filed with Travelers within seven days of the incident or seven days of the employer's knowledge of the incident.</p>	<p>Telephonically: Commercial Accounts: 800.238.6225 National Accounts: 800.832.7839 Construction Accounts: 877.828.4132</p> <p>Online: www.travelers.com</p>	<p>The sooner the claim is reported, the more accurate the information provided during the investigation will be. This also insures faster communication between the Carrier, injured worker, and medical providers. Failure to file this report when required could subject the employer to a \$50 civil penalty by the Board.</p>	<p>Indiana Form 34401 Employers First Report of Injury (FROI)</p>
Drug Free Workplace	<p>No</p> <p>Drug testing is not mandatory but can support the defense. Positive urinalysis is insufficient to support defense; blood analysis required.</p>	<p>Intoxication is one of the statutory affirmative defenses enumerated in Section 22-3-2-8 of the Indiana Code (Note: these are rarely enforced).</p> <p>If employee pursues through formal hearing process, a Special Answer must be filed at least 45 days before the hearing date.</p>	<p>The employer must prove that the drug level in the blood establishes intoxication, the employee was knowingly intoxicated, and that the intoxication was the cause of injury.</p>	<p>N/A</p>

Directing Medical Treatment	<p>Yes</p> <p>Employer is required to provide medical treatment for all work related accidental injuries. Section 22-3-3-4 of the Indiana Code</p>	Employer has right and duty to direct care.	<p>If employer fails to direct care, employee can obtain medical treatment and the employer will be held liable for the cost of all reasonable treatment. Section 22-3-3-4(d) of the Indiana Code</p>	N/A
Managed Care Law	<p>No</p> <p>There is no requirement for managed care in Indiana. Employer/Insurer may use the services of a nurse case manager (injured employee may refuse to allow NCM in examination room).</p>	Certification requirements for nurse case manager are covered by nurse licensing regulations.	Permits greater control over medical care cost inflation and utilization of medical resources while maximizing outcomes.	N/A
Timely Reporting of Out of Work Status	<p>No</p> <p>Required only by employer's 1st report of injury. There is no separate mandatory reporting requirement.</p>	If employee is out of work, this information should be communicated to insurer as soon as possible.	Permits timely payment of benefits where appropriate.	Indiana Form 34401 Employers First Report of Injury (FROI)
Timely Reporting of Employee Returning to Work	<p>Yes</p> <p>Required upon employee's return to work if employee missed at least one day.</p>	Employer should notify insurer as soon as possible so that temporary-total benefits may be terminated at the appropriate time.	Timely reporting prevents overpayment of benefits and triggers employee's seven day period to request a Board appointed Independent Medical Exam.	Indiana Form 38911 - Report of Claim Status/Request for Independent Medical Exam

<p>Availability and Offer of Light Duty Work</p>	<p>Voluntary</p> <p>But employers are encouraged to facilitate return to work for injured employees.</p>	<p>If the employer has light duty, a written offer must be made as soon as possible (preferably sent via certified mail or traceable overnight carrier) in order to mitigate any temporary total disability claim.</p> <p>No state form required for offer of work within restrictions, however, the written offer should be attached to the State Form 38911 if disability benefits are terminated for refusal</p>	<p>Mitigates the employer's exposure for payment of indemnity benefits if the employee unreasonably refuses to accept work available that accommodates an injured worker's light duty restrictions.</p>	<p>N/A</p>
<p>Termination of Injured Workers</p>	<p>An employee may not be terminated because she or he has filed a worker's compensation claim. Reference Frampton v. Cent. Ind. Gas Co., 260 Ind. 249, 252, 297 NE2d 425, 428 (1973)</p>	<p>The State of Indiana is an "at-will" state. Employees receiving worker's compensation benefits are not otherwise immune or insulated from termination.</p>	<p>Worker's compensation benefits do not terminate upon termination of the employee's employment.</p>	<p>N/A</p>
<p>Wage Statements</p>	<p>Indiana Form 1043 Agreement to Compensation of Employee and Employer</p> <p>No</p> <p>No filing of wage statement required, but filing of Agreement to Compensation required for payment of Temporary Total</p>	<p>Travelers sends an Average Weekly Wage form to the employer on lost time claims.</p>	<p>Accurate wage history of the 52 weeks prior to the date of the accidental injury is necessary to calculate the proper payment of disability benefits.</p>	<p>Indiana Form 1043 Agreement to Compensation of Employee and Employer</p>

	Disability and/or Temporary Partial Disability claims.			
Posting of Notices	<p>Yes</p> <p>Notice must be posted in a conspicuous location in the workplace. The notice must contain the name, address, and telephone number of the employer's insurance carrier or the person responsible for administering WC claims.</p>	<p>Failure to post or to provide notice as required in this rule is a violation of the Act for which the Board may impose a civil penalty of \$50.</p>	<p>Avoids administrative penalties, and employees are more likely to report claims quickly. This enables the investigation to begin sooner, thereby increasing the chances for a better outcome.</p>	<p>Indiana Workers Compensation Notices - English and Spanish</p>
Settlements	<p>Compromise settlement of genuine disputes authorized by Section 22-3-2-15 of the Indiana Code.</p>	<p>Written agreements signed by all parties must be submitted for review, scrutiny and discretionary Board approval.</p> <p>Must be prepared and submitted by defense counsel although employee does not need to be represented by counsel</p>	<p>All WC issues can be fully and finally resolved, but other employment issues and claims cannot be resolved. The Board will neither approve nor accept "global releases" to conclude WC claims.</p>	<p>N/A</p>

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