

Customer Workers Compensation Jurisdictional Resource - Pennsylvania

| Issue | Mandatory | What & How | Impact | State Forms |
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| Timely Reporting of Claims | <p>Yes</p> <p>Within 48 hours for every injury resulting in death. Within 7 days after the date disability begins with disability defined as an injury resulting in lost time continuing the entire day, shift or turn, or longer in which the injury was received. This requirement applies to both injuries and occupational disease.</p> <p>Flow of a Pennsylvania Workers' Compensation Claim</p> <p>Section 438 of the Pennsylvania Workers Compensation Act</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 result in imposition of a Penalty.</p> | <p>Pennsylvania Form LIBC 344 - Employer's Report of Occupational Injury or Disease</p> |
| Managed Care Law | <p>No</p> <p>Unless employer is self-insured. Employees have the right to choose their own physician.</p> | <p>Once employees are seen by the same physician twice, that physician becomes their treating provider.</p> | <p>Employees should be directed for initial care to a network physician.</p> | <p>N/A</p> |

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| <p>Drug Free Workplace</p> | <p>No</p> <p>Drug testing is not mandatory but can support the defense of a claim.</p> | <p>Illegal use of drugs can bar compensation. Burden is on ER to prove illegal drug use caused injury. Intoxication can bar compensation but ER must prove that injury (or death) would not have occurred "but for" EE's intoxication.</p> <p><u>Section 301(a) of the PA Workers Compensation Act.</u></p> | <p>ER must prove that "but for" intoxication/drug use injury or death would not have occurred.</p> | <p>N/A</p> |
| <p>Timely Reporting of Out of Work Status</p> | <p>Yes</p> <p>Required only to file a <u>Pennsylvania Form LIBC 344 - Employer's Report of Occupational Injury or Disease</u> referenced in "Timely Reporting of Claims". There is no separate mandatory reporting requirement.</p> | <p>If employee is out of work, this information should be communicated to insurer as soon as possible.</p> | <p>Permits timely issuance of Bureau Forms and avoids Penalties for failure to issue Bureau documents timely <u>Lemansky, 738 A.2d 498 (1999)</u> and allows timely payment of benefits where appropriate.</p> | <p><u>Pennsylvania Form LIBC 344 - Employer's Report of Occupational Injury or Disease</u></p> |
| <p>Timely Reporting of Employee Returning to Work</p> | <p>Yes</p> <p>ER/IN is obliged to notify Employee of ability (medical release of ability to) RTW. ER/IN may modify/suspend compensation by written notice to Bureau within 7 days of EE RTW. EE is obliged to notify ER/IN of actual return to work by filing a <u>Pennsylvania Form LIBC 757 - ER/IN Notice of Ability to RTW.</u></p> | <p>ER should notify Insurer as soon as possible of EE RTW so that disability benefits may be modified or suspended at the appropriate time. <u>Section 413 (c) & (d) 77 of the PA Workers Compensation Act</u> and must notify ER/IN of wages. <u>Section 204(c) of the PA Workers Compensation Act.</u></p> | <p>Compensation may be modified or suspended with <u>Pennsylvania Form LIBC 378 - Petition.</u> This is to be filed with <u>Pennsylvania Department of Labor & Industry</u> within 7 days of Employee RTW/Petition required if not filed within 7 days.</p> | <p>LIBC 750 EE Report of Wages and Physical Condition: <u>Side 1 & Side 2</u></p> <p><u>Pennsylvania Form LIBC 760 - EE Verification of Employment/Self Employment/Physical Change</u></p> <p><u>Pennsylvania Form LIBC 757 - ER/IN Notice of Ability to RTW</u></p> <p><u>Pennsylvania</u></p> |

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| | | | | Form LIBC 378 - Petition Pennsylvania Form LIBC 751 - ER/IN Notification of Suspension/Modification |
| Bona Fide Job Offers | <p>Yes</p> <p>ER/IN must file a Pennsylvania Form LIBC 757 - ER/IN Notice of Ability to RTW accompanied by medical information.</p> | <p>If ER has specific job EE is capable of performing, ER shall offer such job to EE during relevant period when attempting to demonstrate Earning Power. During first 104 weeks of TTD, specific job offer required that EE is capable of performing.</p> | <p>Pennsylvania Form LIBC 378 - Petition modify or suspend may be filed if EE refuses available work accompanied by Pennsylvania Form LIBC- 662 07-07 - Application for Supersedes.</p> | <p>Pennsylvania Form LIBC 757 - ER/IN Notice of Ability to RTW</p> <p>Pennsylvania Form LIBC- 662 07-07 - Application for Supersedes</p> |
| Wage Statements | <p>Yes</p> <p>Must be filed with every Pennsylvania Form LIBC 495 - Notice of Compensation Payable, Pennsylvania Form LIBC 501 - Notice of Temporary Compensation Agreement For Disability or Permanent Injury (LIBC 336) (no downloadable form available), and Pennsylvania Form LIBC 338 - Agreement For Compensation For Death: Side One and Side Two.</p> | <p>Travelers sends appropriate form to the employer on all lost time claims.</p> | <p>Failure to file the Pennsylvania Form LIBC 494A – Statement of Wages (for injuries occurring on or before June 23, 1996) or the Pennsylvania Form LIBC 494C - Statement of Wages (for injuries occurring on or after June 24, 1996) allows The Workers’ Compensation Judge in litigated cases to determine the Average Weekly Wage and Compensation Rate without input from Employer/Carrier. In non-litigated cases failure to file may result in a Penalty as the Pennsylvania Form LIBC 494A – Statement of Wages (for injuries occurring</p> | <p>Pennsylvania Form LIBC 494A – Statement of Wages (for injuries occurring on or before June 23, 1996)</p> <p>Pennsylvania Form LIBC 494C - Statement of Wages (for injuries occurring on or after June 24, 1996)</p> <p>Pennsylvania Form LIBC 495 - Notice of Compensation Payable</p> <p>Pennsylvania Form LIBC 501 - Notice of</p> |

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| | | | <p><u>on or before June 23, 1996) or the Pennsylvania Form LIBC 494C - Statement of Wages (for injuries occurring on or after June 24, 1996)</u> is to be filed with the documents listed in the "Mandatory" column.</p> | <p><u>Temporary Compensation</u></p> <p>Pennsylvania Form LIBC 338 - Agreement For Compensation For Death: <u>Side One</u> and <u>Side Two</u></p> |
| Posting of Notices | <p>Yes</p> <p>ER is required to post a <u>Pennsylvania Form LIBC 500 - Insurance Posting Form</u> containing name, address and telephone number of the insurer or other appropriate party to address regarding WC claims or from whom to request information. ER has discretion to a list of panel healthcare providers with whom EE's are to treat for first 90 days of disability (provided a written acknowledgement of rights and duties is signed by EE). <u>Section 306 (f.1)(1)(i) of the Pennsylvania Workers Compensation Act</u></p> | <p>Employer failure to post notice of Insurance Information and rights and duties regarding WC may be subject to administrative penalty for violation of L&I regulation. <u>Section 121.3b of the Pennsylvania Code</u></p> | <p>Posting of <u>Pennsylvania Form LIBC 500 - Insurance Posting Form</u> can facilitate reporting of injury and medical treatment with panel healthcare providers where ER has elected to post panel health care providers. Provides significant opportunity for cost savings.</p> | <p><u>Pennsylvania Form LIBC 500 - Insurance Posting Form</u></p> |

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