

Customer Workers Compensation Jurisdictional Resource – Rhode Island

Issue	Mandatory	What & How	Impact	State Forms
Timely Reporting of Claims	<p>Yes</p> <p>If at least three days of lost time exists, or there has been medical treatment, employer must file within 10 days after receiving notice of the disability. If the injury is immediately fatal, or if it proves fatal later, report shall be made within 48 hours. Rule 28-32-1 of the Rhode Island Code</p> <p>The same applies to occupational disease for reporting purposes; however, notice of an occupational disease shall be given within 90 days after disablement. Rule 28-34-9 of the Rhode Island Code</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.</p> <p>This also insures faster communication between the Carrier, injured worker, and medical providers.</p> <p>Employer's failure to file this report when required may be assessed a \$250.00 penalty for each refusal or neglect to make a report. Rule 28-32-2 of the Rhode Island Code</p>	<p>Rhode Island Form DWC-01 - Employer's First Report of Alleged Occupational Injury or Disease</p>
Drug Free Workplace	<p>No</p> <p>Drug testing is not mandatory.</p>	<p>N/A</p>	<p>A drug testing program may deter individuals from using drugs/alcohol in the workplace creating a safer environment for</p>	<p>N/A</p>

			all employees.	
Managed Care Law	No There is no requirement for managed care in Rhode Island.	An employer or insurer may petition the director of labor & training and director of business regulation for authority to provide health care, diagnosis, and treatment through any health plan, health maintenance organization or managed care provider incensed in the state. The directors shall have the discretion to approve or disapprove the petition and approval of both directors is required to authorize the managed care program. Rule 28-33-8.1 of the Rhode Island Code	N/A	N/A
Timely Reporting of Out of Work Status	Yes Notification of Claim of Compensable Injury	Health care providers are required to submit this notice to the insurer within 3 days of an initial visit following injury (whether or not there is lost time). Rule 28-33-8(2)(b) of the Rhode Island Code	Permits timely payment of benefits where appropriate.	Rhode Island Form DWC-29 - Notification of Claim of Compensable Injury
Timely Reporting of Employee Returning to Work	Yes Physician's Notice of Release to Work	Health care providers are required to submit this notice of release to work to the insurer within 3 days of the employee's release, discharge, return to work, and/or recovery from an injury. Rule 28-33-8(2)(b) of the Rhode Island Code	Timely reporting prevents overpayment of benefits and allows insurer to obtain a Suspension Agreement from employee.	Rhode Island Form DWC-27/28 - Physician's Notice of Release to Work

<p>Suitable Alternative Employment</p>	<p>Voluntary</p> <p>Refusal of the SAE offer allows employer to petition the Court to discontinue or reduce benefits. An offer of SAE is the equivalent of acceptance of liability.</p>	<p>Defined in Rule 28-33-8.1 of the Rhode Island Code as "meaningful employment, or an actual job offer of employment which bears a reasonable relationship to the employee's qualifications, background, education and training..." The offer must meet strict statutory requirements in order to be acceptable to the Court.</p> <p>Strict statutory requirements in writing sent to employee by certified mail and sent to Director of Dept. of Labor & Training. Upon acceptance, a Rhode Island Form DWC-24 - Mutual Agreement must be executed and sent to Director of Labor.</p>	<p>Mitigates the employer's exposure for payment of indemnity benefits.</p>	<p>Rhode Island Form DWC-24 - Mutual Agreement</p>
<p>Wage Statements</p>	<p>No</p> <p>Set time frame but should be completed as soon as the employee has been out-of-work for four consecutive days due to work-related injury.</p>	<p>Completed by Employers/Insurers. Original form from employer to claim administrator. Claim administrator must attach to appropriate documentation when filing with Department of Labor & Training.</p> <p>Website: http://www.dlt.state.ri.us/</p>	<p>Failure to have a Wage Statement results in an estimated AWW when benefits are awarded and correction can only be made by Mutual Agreement. Overpayments and underpayments can be prevented by timely filing a Wage Statement</p>	<p>Rhode Island Form DWC-03F - Full-Time Wage Statement</p> <p>Rhode Island Form DWC-03P - Part-Time Wage Statement</p> <p>Rhode Island Form DWC-03S - Seasonal Wage Statement</p>

<p>May Not Discharge Employee based on WC Claim (Right to Reinstatement)</p>	<p>An employee has the right to reinstatement of their former position upon written demand, if the position exists and is available even if the position has been filled by a replacement worker. If the former position is not available, the employee is entitled to any other existing job which is vacant and suitable. Rule 29-33-47 of the Rhode Island Code</p>	<p>The right to reinstatement terminates at the expiration of 10 days from the date the employee is notified by employer or the insurer by mail that the employee's treating physician has released the worker for employment.</p>	<p>The right to reinstatement protects workers who have sustained a compensable injury while working for an employer with more than 9 employees. The right to reinstatement may terminate under certain circumstances, one being that one year has passed since the date of injury.</p>	<p>N/A</p>
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