

ETHICAL CONSIDERATIONS

“To Whom Am I Responsible in the Workers’ Compensation System?”

Objectives:

Review the procedures for release of medical records in workers’ compensation cases.

Describe medical/ethical issues pertaining to workers’ compensation cases.

Discuss the role of case management in workers’ compensation.

**TO WHOM AM I RESPONSIBLE
IN THE WORKERS' COMPENSATION SYSTEM?**

		REFERENCES
<p>1. To whom do you owe primary responsibility at all times?</p> <ul style="list-style-type: none"> <input type="checkbox"/> The State of Colorado Workers' Compensation System. <input type="checkbox"/> The employer who designated you as the workers' compensation provider. <input type="checkbox"/> The insurance company whose network you belong to. <input type="checkbox"/> The patient. 		<p>ACOEM Code of Ethics</p>
<p>2. What is your current policy for medical record release in the following two situations?</p> <p>a. An insurer requires a copy of your medical records to justify your billing level. Your office</p> <ul style="list-style-type: none"> <input type="checkbox"/> Copies and sends the complete narrative report. <input type="checkbox"/> Sends the physician's complete narrative report if the patient signed a medical record release form for billing purposes. <input type="checkbox"/> Notifies the patient in writing that the physician's complete narrative report will be sent to the insurer. 		<p>Interprofessional Code of Ethics</p>

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<p>b. You are treating a patient for a work-related low back injury. In the course of taking the initial history you note that the patient has been treated for depression multiple times in the last ten years and has a 20-year history of schizophrenia. The patient is currently taking medication for the schizophrenia. The employer requests a copy of physician's initial narrative report, which contains this psychiatric history, in order to determine whether they wish to challenge the work-relatedness of his condition. Your office</p> <ul style="list-style-type: none"> <input type="checkbox"/> Copies and sends the complete narrative report with the physician's initial report. <input type="checkbox"/> Sends the physician's complete narrative report if the patient signed a medical record release form for billing purposes. <input type="checkbox"/> Notifies the patient in writing that the physician's complete narrative report will be sent to the employer. <input type="checkbox"/> Sends the complete narrative report to the employer if the patient has signed a specific release to the employer allowing release of psychological information. 	<p>ACOEM Code of Ethics</p> <p>Chiropractic Standard of Ethics</p> <p>Interprofessional Code of Ethics 3.3 and 2.1</p> <p>Statute §8-43-404(4)</p>
<p>3. In a workers' compensation claim, an employer is entitled to which of the following records when no medical record release form has been signed by the patient? Check all that apply.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Complete medical records including history of past medical illnesses that are unrelated to injury. <input type="checkbox"/> Current information regarding diagnosis, detailed treatment plans and names of consultants. <input type="checkbox"/> Information in the medical record directly related to the workers' compensation claim. <input type="checkbox"/> Work restrictions and time off work information. 	<p>ACOEM Code of Ethics</p> <p>Statutes §8-47-203(1) §8-43-404(4)</p>
<p><i>In general if your office is abiding by current medical record release laws the same procedures can be followed in workers' compensation.</i></p>	

REFERENCES

<p>4. Practical problems with confidential communications.</p> <p>You are the patient’s primary care physician or chiropractor and also the designated workers’ compensation physician for a school district where the patient is employed as the secretary. The secretary suffers a back injury at work. Should prior, <u>non-work related</u> low back treatment records be automatically provided to the workers’ compensation carrier?</p> <p>YES NO</p>	<p>ACOEM Code of Ethics</p> <p>Statute §8-47-203(1) §8-43-404(4)</p>
<p>An independent nurse case manager hired by your patient’s workers’ compensation insurer contacts you by phone. The patient is represented by an attorney. You are asked to discuss the patient’s current work status including restrictions, compliance with the current treatment plan, and any abnormal pain behaviors you have observed while examining the patient. You should (check all that apply)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Discuss all of the above topics with the nurse case manager because the workers’ compensation statute waives any protection. <input type="checkbox"/> Limit the discussion to work restrictions and place a note in the patient’s chart. <input type="checkbox"/> Talk to the patient before having any discussion with the case manager. <input type="checkbox"/> Do not discuss any topics with the nurse case manager because you have no release from the patient. <input type="checkbox"/> Do not discuss the case because the patient is represented by an attorney. 	<p>Statutes §8-42-101(3.6)(p)(I)(A) and §8-42-101(3.6)(p)(II)</p> <p>American Chiropractic Association of Code of Ethics</p> <p>Colorado Chiropractic Practice Act §12-33-126, C.R.S.</p> <p>Colorado Board of Chiropractic Examiner Rules and Regulations</p> <p>Statute §25-1-802(1)</p> <p>Interprofessional Code of Ethics</p>
<p>You perform an independent medical exam on a workers’ compensation patient. You should send the report:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Only to the party that hired you. <input type="checkbox"/> To the patient, their attorney, and the workers’ compensation insurer or employer. 	<p>Statute §8-43-404(2)</p>