

## NEW WORKERS' COMPENSATION REGULATIONS

*By Paul D. Clouser, Esquire*

Effective August 4, 2007, the Workers' Compensation Bureau adopted new regulations relating to the filing and use of several key forms, including the Notice of Compensation Payable ("NCP"), Temporary Notice of Compensation Payable ("TNCP"), Statement of Wages ("SOW") and Agreement for Compensation ("AFC"). The regulations also introduce a new "Workers' Compensation Information" form, that must be signed by injured workers both at the time of hire and at the time of injury. This form, available on our website at [KKAGLAW.com](http://KKAGLAW.com), is in addition to the Notification of Rights and Responsibilities form, which is given to injured workers at the time of injury, along with the list of posted panel physicians.

The key changes imposed by the regulations with respect to the NCP (LIBC-495), TNCP (LIBC-501), SOW (LIBC-494C) and AFC (LIBC-336) forms are as follows:

- A SOW form must now be filed simultaneously with NCP, TNCP or AFC forms;
- Adjusters and WC administrators who routinely use "estimated" NCP forms and later amend those forms when detailed wage information becomes available must use caution. Under the regulations, if the Amended NCP would act to **decrease** the AWW or TTD benefit rates, a signed Supplemental Agreement must be used in lieu of an "Amended NCP." An "Amended NCP" may be used only if the AWW or TTD rate is being increased.

Note: A TNCP form may be amended at any time within the 90-day window prior to “conversation,” regardless of whether the AWW or benefit rate increases or decreases.

- AFC forms may only be used within the 21-day window, from the date the employer had notice or knowledge of the disability. To be valid, the Agreement must be fully executed before it is signed by the employee and compensation must be paid at the time the Agreement is filed with the bureau.

Note: Unfortunately, the regulations seriously diminish or eliminate the usefulness of this form.

- A Notification of Suspension or Modification (LIBC-751) form may not be used to stop temporary payments made under a TNCP. Rather, a NSTCP (LIBC-502) and NCD (LIBC-496) provide the only mechanism for valid stoppage of TNCP payments. Presumably, if claimant has returned to modified duty work at a loss of earnings and the employer is comfortable with accepting the injury, an NCP must be filed, before the Notification of Modification or Suspension form may be used.
- The Workers’ Compensation Bureau is finally required by regulation to notify filers as to why a particular form is being rejected. The filing date is preserved for 14 days from the date the Bureau sends the “filer notification” (i.e., an increase from the prior 10-day preservation rule).

The Bureau will be holding free informational seminars, to help workers' compensation professionals adapt to the new regulations. Information regarding this training can be found at [www.dli.state.pa.us](http://www.dli.state.pa.us), or by contacting the Bureau at (717) 783-5421. Once again, the new "Workers' Compensation Information" form is available on our website at [KKAGLAW.com](http://KKAGLAW.com), under the heading "Labor and Employment Law" articles. Please feel free to contact Paul Clouser with specific questions or concerns.

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## Workers' Compensation Information

(1) The workers' compensation law provides wage loss and medical benefits to employees who cannot work, or who need medical care, because of a work-related injury.

(2) Benefits are required to be paid by your employer when self-insured, or through insurance provided by your employer. Your employer is required to post the name of the company responsible for paying workers' compensation benefits at its primary place of business and at its sites of employment in a prominent and easily accessible place, including, without limitation, areas used for the treatment of injured employees or for the administration of first aid.

(3) You should report immediately any injury or work-related illness to your employer.

(4) Your benefits could be delayed or denied if you do not notify your employer immediately.

(5) If your claim is denied by your employer, you have the right to request a hearing before a workers' compensation judge.

(6) The Bureau of Workers' Compensation cannot provide legal advice. However, you may contact the Bureau of Workers' Compensation for additional general information at: Bureau of Workers' Compensation, 1171 South Cameron Street, Room 103, Harrisburg, Pennsylvania 17104-2501; telephone number within Pennsylvania (800) 482-2383; telephone number outside of this Commonwealth (717) 772-4447; TTY (800) 362-4228 (for hearing and speech impaired only); [www.state.pa.us](http://www.state.pa.us), PA Keyword: workers comp.

Employee's Acknowledgment:

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Signature

\_\_\_\_\_  
Dated: at time of hire

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Dated: at time of injury