

## **OSHA NEWS**

### **The First Line of Defense**

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As a Safety Professional, I cling tightly to the belief that the prevention and elimination of hazards is of utmost importance when it comes to managing the safety of a workforce. Preventing and avoiding accidents is the primary focus of any business owner, any decision maker and any front line supervisor when trying to reduce and eliminate the costs associated with worker injuries.

That being said, I am not blind to the necessity of controls after an injury occurs. After all, as Ben Franklin, Mark Spitz and John Wooden all said at one point, “By failing to prepare, you are preparing to fail.”

In Pennsylvania, the first administrative control to have in place after an accident occurs is a medical panel. If you do not have this basic control in place and in place properly, you are opening a door that leads to a loss of your rights as an employer and the potential for a costly claim. Savvy employees will know that without a panel list posted, they can go wherever they want for treatment. Good claimant’s attorneys know that this is a requirement – even the bad ones know it. They know if you don’t have a panel in place that they can go to their family doctor, a chiropractor or a doctor that will have no problem putting them off work. Once that happens you, as an employer, are treading on a slippery slope.

The goal of any successful medical panel should be to direct your employees to medical providers that will work with you to provide your employees with restrictions when necessary yet are “return to work” oriented. So pick your panel carefully. I recommend using a doctor who specializes in occupational medicine as your “point” doctor. Develop a relationship with this provider. A good provider will do everything in their power to provide safe restrictions that allow the injured worker to return to work. This sets the groundwork and the mindset for the rest of the claim. Get them cleared to work, get them to work, get the claim closed out!

Another important requirement to fulfill with your panel is that you must have the name, address, phone number and area of medical specialty for a minimum of six different providers. You could also have eight, 20 or 120, but you must have at least six. The panel should provide doctors who have specialties that fit the hazards of your workplace (Example: an ophthalmologist should be on the panel if your employees frequently get foreign bodies in their eyes). One of the common pitfalls that reduce the effectiveness of or nullifies your panel is not having the correct specialist or type of doctor on your list. If you neglect to do this, you essentially have waived your rights to direct the employees care for the first 90 days and control your costs for the entire claim.

In addition to a valid panel, employers must have signed copies of Workers' Compensation Acknowledgements and Workers' Compensation Information to assure you will retain your rights in terms of the Workers' Compensation Act. These are two documents that the employee must be given and must sign at time of hire and at time of injury. Workers' Compensation Acknowledgements lists the employee's rights and duties under the Workers' Compensation Act. This includes what to do during the first 90 days of treatment and after the first 90 days of treatment. Workers' Compensation Information gives the employee an outline of the purpose of the Workers' Compensation Act and a few options where employees can go for more information. These documents should be kept in the personnel file.

Workers' Compensation is a tough system even when you have the right tools. It can be impossible if you don't. The safety professional in me says that we should work together to avoid ever having to reach this point, but the realist in me knows that claims may happen and employers are doing themselves a disservice by not being prepared for them.