



## State Board Creates New Option for Handling an Employee's Noncompliance

The State Board of Workers' Compensation has expanded the use of filing a Petition for Medical Treatment (PMT) as it relates to an employee's failure to attend a medical appointment. Pursuant to Rule 205(c), employers and insurers are now able to use a new form, PMT(b), to petition the Board for a telephone conference with an administrative law judge (ALJ) during which the employee must "show cause" why an order should not be issued directing the employee to attend an appointment with an authorized treating physician. The employee must have been provided at least five business days' advanced notice of the appointment. From a practice standpoint, the PMT(b) form should be utilized when an employee is not attending medical appointments to attempt to obtain a Board order directing the employee to attend the appointment or face a potential suspension of income benefits.

The PMT(b) process allows employees and their counsel to submit a response agreeing to attend the at-issue appointment in order to negate the need for the telephone conference. However, should the employee not attend the appointment after submitting a response agreeing to do so or following a Board order directing attendance, employers and insurers can then file an additional PMT(b) requesting a suspension of income benefits. Upon filing a PMT(b) petitioning for a suspension of income benefits, a conference call with an ALJ will be scheduled and the employee must show cause why an order should not be issued suspending income benefits.

Prior to the addition of Rule 205(c) and the PMT(b), employers and insurers were required to prepare and file a motion or request a hearing seeking a Board order to instruct the employee to comply with authorized medical care and request a suspension of income benefits based on noncompliance. The PMT(b) may now streamline that process and allow a quicker avenue for employers and insurers to more efficiently address an employee's noncompliance with doctor's appointments. Please keep in mind this process should not be used when an employee misses a scheduled independent medical examination. A motion is still needed in that situation.

Should you have questions regarding the purpose and use of the PMT(b) or advice on the best way to secure an employee's attendance at a doctor's appointment, please contact a Swift, Currie, McGhee & Hiers attorney at 404.874.8800 or via our website, [swiftcurrie.com](http://swiftcurrie.com).

*The foregoing is not intended to be a comprehensive analysis of the full effect of these changes. Nothing in this notice should be construed as legal advice. This document is intended only to notify our clients and other interested parties about important recent developments. Every effort has been made to ascertain the accuracy of the information contained within this notice.*

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