

MAY 22, 2014

CURRENT STATUTORY RESPONSIBILITIES FUNDED BY THE WORKERS' COMPENSATION ADMINISTRATION ASSESSMENT

ADMINISTRATOR'S OFFICE

Administer the Workers' Compensation Act and adopt rules to implement – 39-71-203
Charge and collect fees for copies of records – 39-71-205
Print blank forms as needed or required – 39-71-208
Publish and distribute reports as needed or required – 39-71-209
Issue certified copies of public records and charge fees – 39-71-223
Determine records exempt from disclosure – 39-71-224
Issue penalties to medical providers that fail to inform injured workers of referrals to facilities owned by provider – 39-71-315
Require person convicted of theft to pay a penalty on a false claim – 39-71-316
Negotiate extraterritorial agreements with other states – 39-71-402
Develop and maintain electronic applications and databases – 39-71-203 and 39-71-225

LEGAL/HEARINGS

Conduct hearings on department orders – 39-71-204
Provide legal advice or assistance to the programs – 39-71-206

RESEARCH AND ANALYSIS BUREAU IN WORKFORCE SERVICES DIVISION

Publish hourly mean wage for home health aides on an annual basis for payment of domiciliary care – 39-71-1107
Collect and publish Bureau of Labor Statistics for Montana injuries and illnesses – 50-70-113

SAFETY & HEALTH BUREAU

Administer the Montana Occupational Safety and Health Act - 50-71-113
Conduct two coal mine inspections in each mine per year – 50-73-406
Assist employers with safety consultation services – 39-71-1503
Issue a safety recommendation to private/public employers not complying with mandatory safety program – 39-71-1504
Adopt rules for public/private employers' compliance with the MT Safety Culture Act – 39-71-1505
Issue waivers for employers who have evidence of effective safety plans – 39-71-1505

WORKERS' COMPENSATION CLAIMS ASSISTANCE BUREAU

Process notices of third-party agent changes and assess penalties when authorized – 39-71-107
Assess penalties as authorized for failure to use proper fee schedule or failures to pay undisputed medical bills within 60 days – 39-71-107
Adopt rules to implement section – 39-71-107
Develop and maintain workers' compensation database – 39-71-225
Collect electronic and manual data into the workers' compensation database – 39-71-225
Develop and maintain the existing prior claim (EPC) application – 39-71-225
Prepare and publish the annual report – 39-71-225
Process requests for data or information from the database – 39-71-225
Enforce compliance with FROI reporting by insurers and employers – 39-71-307
Review and approve stipulations of third party subrogation settlements – 39-71-414
Record claims (FROIs) received by the department and forward to appropriate insurer – 39-71-601
Upon request, order an IME by a physician or panel of physicians – 39-71-605
Record letters copied to the department from insurers notifying claimants of denied claims – 39-71-606
Prepare and distribute benefit summary pamphlets insurers are required to send to injured workers – 39-71-606
Adopt and administer rules providing for suspension of payments by insurers pending medical info – 39-71-607
Record letters received from insurers & approve extensions of payments made under a reservation of rights – 39-71-608
Record denials of benefits on claims received from insurers – 39-71-609

WORKERS' COMPENSATION CLAIMS ASSISTANCE BUREAU - Continued

Upon request, order an insurer to continue to pay benefits prior to mediation or hearing – 39-71-610
Adopt rules to regulate the amount of fees charged by attorneys and approve or deny fee agreements – 39-71-613
Adopt and publish the permanent total disability cost of living increases each fiscal year – 39-71-702
Adopt rules for payment to injured workers for travel expenses incurred to receive medical treatment – 39-71-704
Adopt rules to pay for travel assistance for family members of catastrophically injured workers – 39-71-704
Adopt rules upon advice of professional licensing boards to exclude payment of medical treatment – 39-71-704
Establish and adopt by rule fee schedules for payment of medical treatment to injured workers – 39-71-704
Establish by rule evidence based utilization and treatment guidelines for treatment of injured workers – 39-71-704
Perform annual review and update of U & T guidelines – 39-71-704
Hire a medical director & establish by rule an independent medical review process for denied services pursuant to U & T guidelines – 39-71-704
Adopt rule for handling disputes over fee schedule payments – 39-71-704
Medical director and two other physicians review requests for reopening of closed medical benefits and issue decision and report – 39-71-717
Establish a schedule of fees for payment of prescription medicine – 39-71-727
Review and approve or deny all settlements or lump sum payments – 39-71-741
Adopt the present value rate each fiscal year for settlements – 39-71-741
Approve/deny requests for reimbursement to insurers after 104 weeks of paid benefits – 39-71-907
Issue concurrence of fund in settlements that impact SIF – 39-71-920
Make payments for retraining expenses from the IARA for dates of injury prior to 7-1-97 – 39-71-1006 (1995)
Adopt rules for retraining expenses paid by insurers for dates of injury on or after 7-1-97 – 39-71-1006 (1997)
Upon request, require the insurer to provide vocational rehab services to disabled workers – 39-71-1014
Exchange voc rehab information with the insurer and voc rehab provider – 39-71-1031
Document written notice of insurer's termination of benefits for non-cooperation with rehab – 39-71-1032
Create and disseminate a medical status form for completion by treating physicians – 39-71-1036
Distribute to injured workers a Stay At Work/Return To Work (SAW/RTW) assistance notice – 39-71-1041
Coordinate requests for assistance with insurer at risk on claim – 39-71-1042
Provide SAW/RTW assistance if the insurer doesn't or insurer can't be determined – 39-71-1042
Establish by rule a SAW/RTW assistance fund and make payments for department provided assistance – 39-71-1049
Adopt rules to implement SAW/RTW and Vocational Rehabilitation – 39-71-1051
Document notices of termination of compensation for noncompliance with medical treatment – 39-71-1106
Adjust claims & make payments when self-insurer fails to make payments or becomes bankrupt - 39-71-2108
Adjust claims & make payments when Plan 2 fails to pay or becomes insolvent until MGIA pays claims – 39-71-2215
Conducts mediations on all benefit disputes and other disputes subject to mediation – 39-71 Part 24

WORKERS' COMPENSATION REGULATION BUREAU

Calculate the administration assessment, bill the insurers, collect the payments, and adopt rulemaking – 39-71-201
Certify coverage requirements for employers – 39-71-301
Inspect employers' payroll records as needed to administer coverage requirements – 39-71-304
Collect and perform compliance for reporting by insurers of quarterly expenditure reports – 39-71-306
Require impaired insurer to furnish claim summary and actuary information – 39-71-325
Request extraterritorial certificates for MT employers working in other states – 39-71-402
Approve or deny requests for extraterritorial certificates for out of state employers working in MT – 39-71-402
Enter into an agreement with a tribal government to recognize its work comp program – 39-71-441
Administer the Subsequent Injury Fund – 39-71 Part 9
Approve/deny applications for certification as vocationally handicapped under the Subsequent Injury Fund–39-71-905
Adopt rules for certification – 39-71-904
Calculate the SIF assessment, bill the insurers, collect the payments, and adopt rulemaking – 39-71-915
Determine if assessments need to be calculated, billed/collected for the Industrial accident rehab account– 39-71-1004
Determine if assessment for the SAW/RTW is needed, calculate, bill, collect payments – 39-71-1050

WORKERS' COMPENSATION REGULATION BUREAU - Continued

Adopt criteria and certify Managed Care Organizations – 39-71-1103, 39-71-1105
Administer with concurrence of Self-Insurers Guaranty Fund (when applicable) self-insurance elections – 39-71 Part 21
Review initial applications for self-insurance under Plan 1 and approve/deny self-insurance – 39-71-2103
Review renewal applications and approve/deny continued self-insurance – 39-71-2104
Revoke approval for self-insurance if evidence of insufficient proof of solvency – 39-71-2105
Require security deposits as condition to self-insure or continue self-insurance – 39-71-2106
Cash security deposits if self-insured employer fails to pay – 39-71-2108
Adopt rules for approval of transfers of liabilities between former and applicants for self-insurance – 39-71-2115
Prescribe election form for captive reciprocal insurers electing Plan 2 work comp coverage – 39-71-2201
All Plan 2 policies subject to approval, change, or revision by the department – 39-71-2203
Insurer (through NCCI) submits to Department within 30 days all policies issued to employers – 39-71-2204
Insurer (through NCCI) submits to Department all cancellations issued to employers – 39-71-2205
Requires Plan 2 insurers to post security deposits to ensure payment of liabilities – 39-71-2215
Cash security deposits if Plan 2 insurer fails to pay or becomes insolvent – 39-71-2215
State Fund submits to Department within 30 days all policies issued to employers – 39-71-2337
State Fund submits to Department all cancellations issued to employers – 39-71-2339
Adopt rules to administer criteria for certifying funds raised by community service organizations – 39-71-4004
Administer the MT Professional Employer Organizations (PEO) and Groups Licensing Act – 39-8 Part 1
License PEOs – 39-8- Part 2
Invoke Disciplinary Provisions of PEO violations – 39-8 Part 3
Protect Confidentiality of PEOs – 39-8 Part 4

WORKERS' COMPENSATION COURT

Exclusive jurisdiction to resolve disputes concerning the reemployment preference – 39-71-317
Operation of Workers' Compensation Court – 39-71 Part 29