

**From:** [Tom DuMay](#)  
**To:** [DLI ERD LMAC](#)  
**Subject:** Montana Workers' Compensation Act  
**Date:** Monday, July 21, 2014 3:05:01 PM

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Dear Governor Bullock,

I appreciate you taking the time to solicit feedback as it pertains to Montana's Workers' Compensation Act – specifically Mont. 299, 280 P. 3d 240 (2012) al., as I believe this is a very sensitive subject with a lot of employers who care very much about their employee workforce, and recovery after a work related injury.

As you are aware, the law is extremely restrictive in the information that an adjuster or insurance carrier can provide their clients. In fact, it is so restrictive we have no idea as to the medical status, work status, prognosis, treatment plan, etc. We are strictly at the mercy of the physicians, attorneys, and adjusters leaving us hoping they are serving in the best interests of the employee during this process. I believe you'll agree that there are many plaintiff attorneys out there who don't have the employee/employer relationship at the heart of their decision making. Further the law as written makes it difficult or even impossible for a company to accurately assess financial exposure and make the necessary employment decisions regarding their day-to-day business operations.

Being the largest drywall distributor in the nation, and being in 32 States, we are a company that is honest and forthright with their employees, and one that strives day in and day out to do the right thing when it comes to their employees. We are very open with them about the workers' compensation system and what it was designed to do – work for them. We work in concert with doctors, nurses, adjusters, and medical networks to ensure that our employees are getting the very best of care from the best physicians, and go out of our way to provide a meaningful return to work program. However, the law makes it very difficult for us to provide for our employees as we are accustomed due to the restraints on gaining the needed information to make the aforementioned decisions in conjunction with the doctors and adjusters overseeing their care. Also, we have a large deductible per claim that our local cost centers incur which makes us feel as though we should have a more intimate knowledge of the care being provided our employees so we can be a part of their recovery, not just waiting in the wings.

My hope in this communication is your office reconsiders the law as written, and proposes the necessary changes to allow access by the employer to: claim reviews, access to system notes, reserve review, settlement authority, legal correspondence, and especially medical treatment and work status information.

Thank you in advance for your careful consideration.

Respectfully,

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