

Occupational Health Group is a service offered to the business community of North Alabama by Huntsville Hospital and Decatur General Hospital Systems

What is an Employer’s Obligation to Pay Medical Expenses for an Injured Worker?

by Joe Campbell and Thomas R. Robinson of the law firm of Lanier Ford Shaver & Payne P.C.

Since the Worker’s Compensation Act was enacted in Alabama in 1914, most employers are required by law to offer their employees coverage under the statute.

Under this law, if a worker sustains injuries that are caused not only by an accident that arose out of and in the course of the worker’s employment, the employer is obligated to pay to the worker temporary and/or permanent disability benefits that result from the injury, but also all related expenses of medical and surgical treatment including costs of physical rehabilitation, medicines, and medical equipment and supplies from the time of the injury until the employee’s death. This obligation may also be triggered by non-accidental injuries such as heart attacks and strokes and cumulative stress injuries such as carpal tunnel syndrome if the worker can prove that the medical condition was caused by risks encountered peculiar to the job and in excess of the normal risks encountered by everyone in their normal activities of life. Medical obligations may also follow from certain “occupational diseases” such as asthma, bronchitis, loss of hearing, or Black Lung Disease, if they are shown to be caused by exposure to harmful risk factors present in the workplace. Many of these medical causation issues often turn on the opinions of medical experts.

Much like reimbursements to medical providers from Medicare and health insurance companies, the employer or its workers’ compensation insurance carrier is not required to pay whatever the provider charges for medical treatment, but, instead, the employer is only obligated to pay according to a maximum schedule of fees that are established by a state committee created by law in 1992. The rates are renewed and updated on an annual basis. Employers are also obligated to reimburse mileage costs to and from medical providers and rehabilitation facilities at the same rate that the state pays its employees for official state travel.

The employer has the right under Alabama law to designate which physician shall treat an injured worker and the worker is then required to treat with the authorized treating physician and to submit to such an examination at all reasonable times if requested to do so by the employer. In the event a worker unreasonably refuses to submit to such an examination or unreasonably refuses to accept the medical services of the authorized treating physician, the worker’s compensation can be suspended for the period of such refusal.

If a worker becomes dissatisfied with the treating physician picked by the employer, he or she has a one-time right to ask for a “panel of four” alternate physicians to be offered by the employer, and the worker can choose one of those four to replace the first physician.

Disputes often arise over medical reimbursements such as whether a certain expense is “reasonably necessary” or whether it results from an on-the-job injury or some other cause. For example, a worker may seek treatment for depression following a work-related trauma, and the employer may dispute whether the depression was caused by the injury or was due to some pre-existing or unrelated cause. An issue may arise over a recommended surgical procedure or a prescribed medical device and whether or not the recommended surgery or device will likely improve the claimant’s conditions or whether it is related to the on-the-job injury or to some medical diagnosis that is not related to the workplace injury. If the employer and employee are unable to resolve a dispute of this kind, these disputes are often ultimately decided by trial judges under Alabama law. However, since 1992, these medical disputes can also be submitted to full-time mediators employed by the state who are known as “ombudsmen.” If requested by a worker or employer, or even a health care provider, an ombudsman can perform a “benefit review” to try to resolve the dispute. To perform this review, the ombudsman may consult with independent medical experts to assist him or her with their decision. After the review, if the dispute remains unresolved, a party may then petition a court for relief.

New Addition to the OHG Website

OHG now offers a [Calendar of Events](#) in addition to our existing menu options on our website. The calendar allows visitors to the site the chance to view basic information regarding upcoming events throughout the year, as well as the annual holiday schedule for Occupational Health Group, this is in conjunction with our present, more detailed, [Upcoming Events](#) page. The Calendar of Events shows basic information such as, when meetings sponsored by certain groups are scheduled throughout the entire year, as well as giving visitors a link to the sponsor’s website, if appropriate. The Upcoming Events page will show more detailed information such as, who is speaking, cost, venue, etc., but only shows events one-month ahead.



DECATUR

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HUNTSVILLE

1963 Memorial Parkway
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Fax: (256) 265-7007

MADISON

9238 Madison Boulevard
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Madison, AL 35758
Phone: (256) 774-7300
Fax: (256) 922-2532

WELLNESS

6767 Old Madison Pike
Building 4, Ste. 400
Huntsville, AL 35806
Phone: (256) 922-6699
Fax: (256) 922-6660

Flu News

Influenza is one of the leading causes of absenteeism from work. Unlike the common cold, the flu can leave a person unable to function for several days - a problem that plagues many companies across north Alabama. On average, unscheduled absences cost U.S. employers \$602 for every employee annually, and according to trends, these expenses are only expected to increase in the coming years.

If you expect less than 25 participants, you may send your employees to any of our OHG Clinics. The cost at the clinic is \$30.00 per person. We will be administering vaccinations on-site and at our clinics during October and November. To find out how to develop a program that's customized to meet your specific needs, contact OHG Wellness Services at 256-922-6699.

Looking for a solution? Through OHG's On-Site Wellness Services Department, businesses have a unique opportunity to sponsor a flu clinic tailored specifically to the needs of their employees and organization. OHG's On-Site flu vaccination Program can reduce absenteeism, increase productivity, improve workplace morale, and cut medical costs, for the employer and employee. The Centers for Disease Control (CDC) is reporting that U.S. businesses could save \$12 billion annually through proactive flu shot campaigns and other wellness services.



The cost per employee for on-site vaccination is:

Over 500 participants	\$25.00
301- 500 participants	\$26.00
101-300 participants	\$27.00
51 -100 participants	\$28.00
25 - 50 participants	\$30.00

Physician Spotlight: Joseph L. Rea, M.D., M.P.H



Dr. Joseph Rea is a native of Indianapolis, Indiana. He earned his Doctor of Medicine degree at Indiana University Medical School. After an Internship at Tulane University in New Orleans, he undertook specialty training in occupational medicine, toxicology, and public health at the University of Arizona College of Medicine in

he earned his MPH as well as obtaining board-certification in Occupational Medicine. Dr. Rea is also board certified as an Independent Medical Examiner, a Medical Review Officer, and an Aviation Medical Examiner.

Tuscon, Arizona. Upon completion of his residency training, he was named Assistant Professor at the University of Arizona where he taught occupational medicine to medical students and residents. At the same time, he directed an occupational and environmental health service at the university, which included employee health, toxic exposures, travel medicine, and wellness clinics. During his tenure,

Dr. Rea began his employment with Eastman Kodak in Longview, Texas as a staff physician with Texas Eastman Company, a manufacturer of bulk specialty chemicals and plastics. Dr. Rea joined Occupational Health Group in Huntsville, Alabama in 1998.

Dr. Rea's professional experience and interests center around occupational medicine clinical care, chemical exposure issues and medical surveillance, toxicology, and the development and administration of employer programs in areas such as drug screening, wellness programs, employee and mental health, and respiratory and hearing protection.

OHG Directory

Administration.....	(256) 922-6675
Marketing and Business Development.....	(256) 922-6677
Billing Department.....	(256) 922-6673
OHG - Huntsville.....	(256) 265-7000
OHG - Madison.....	(256) 774-7300
OHG - Decatur.....	(256) 353-4325
Wellness Services.....	(256) 922-6699

www.OHGonline.org

Holiday Closings

All OHG clinics will be closed in observance of the following holidays:

Labor Day	September 4th
Thanksgiving	November 23rd and 24th
Christmas Day	December 25th
New Year's	January 1st



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