

## EMPLOYERS PANEL PROVIDER REQUIREMENTS

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Under the Pennsylvania Workers' Compensation Act (Act) if you opt to establish a list of designated panel providers, your injured employee will be required to receive treatment by a medical provider from the list for 90 days.

However, if your panel doesn't meet the required criteria<sup>1</sup> or you don't provide your employee with proper notice of their rights and duties, then your employee is free to choose a provider who is not on your panel.

Enclosed is information that will help you better understand more about the administration of Pennsylvania's Workers' Compensation panel provider lists.

### **\*PROBLEM** **WRONG PANEL COMPOSITION**

- ✓ Your panel must have at least six health care providers, no more than four of whom may be a coordinated care organization and at least three of the providers must be physicians.
- ✓ Your panel should include geographically accessible provider types that are often used to treat the types of injuries your employees might experience.

### **\*PROBLEM** **PANEL LIST WASN'T POSTED PROPERLY**

- ✓ Your list must be up-to-date and include the following information about the provider:
  - Name
  - Specialty/Provider Type
  - Address
  - Phone
  - Whether the provider is employed, owned, or controlled by you or your workers' compensation insurance company.
- ✓ Your list must be conspicuously posted at the workplace. Posting a panel where employees don't have access won't establish that the panel was properly posted. Some employers use areas where their employees frequently gather including, but not limited to:
  - Break rooms
  - Time clocks
  - Locker rooms
  - Employee communication boards
  - Elevators
  - First aid stations

<sup>1</sup> 134 Pa. Code §§ 127.751-127.755

**\*PROBLEM**  
**EMPLOYEE'S RIGHTS AND  
DUTIES NOT COMMUNICATED  
CORRECTLY**

- ✓ Employees need to know how to use a panel provider list properly. The regulations require that employers provide employees with notice that treatment with a panel provider is required. The notice must be given:
  - At the time of hire, **AND**
  - Immediately after the injury or as soon as possible
- ✓ Make sure your employees know that once the 90 days is over, they can choose to keep using panel providers or they can receive treatment from a non-panel provider.
- ✓ Additional details about what must be included in the employee's notice of rights and duties can be found at 34 Pa. Code, § 127.755.

**\*PROBLEM**  
**IMPROPER USE OF THE PANEL**

- ✓ Even if you properly post your panel and provide your employee with the required notices, you are still required to ensure that you are not directing the treatment of the employee by telling them which of the providers on the list they must see.
  - Employees get to pick whomever they want from the list
  - Employees can change between different providers on the list as many times as they want
- ✓ Employers are responsible for knowing when their employee doesn't have to use the panel during the first 90 days:
  - Emergencies
  - If the type of specialist an employee needs is not on the panel
  - If the panel provider recommends an invasive procedure, employees can get a second opinion from a non-panel provider
  - If a panel provider refers the employee to a non-panel provider for treatment

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Employers can contact their workers' compensation claims administrator to request additional information about use of a provider panel under the Pennsylvania Workers' Compensation Act.

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