

WORKERS' COMPENSATION CLAIMS: FREQUENTLY ASKED QUESTIONS

Montana State Fund (MSF) is proud to partner with the Workers' Compensation Management Bureau (WCMB) and individual state agencies in caring for employees injured on the job. As employer representatives, WCMB and each agency play a vital role in MSF's management of workers' compensation claims and in returning employees to the job. Below are questions MSF commonly receives regarding the workers' compensation claim lifecycle.

Q: What is MSF's role in the claim process?

A: As the insurer, MSF pays all claim-related expenses and is responsible for all claim decisions and actions. Our certified claims examiners are workers' compensation specialists and are the only individuals allowed by law to make claim-specific determinations. Montana law prevents third parties (including employers) from making or influencing claim decisions, or from participating in or influencing claim settlements. This crucial distinction protects the employer from legal liability associated with perceived claim influence.

Q: What can the employer do to support the workers' compensation claim process?

A: While the insurer has sole responsibility for compensability determination, management, and settlement of claims, the employer is a key partner in providing information and enabling injured employees to return to the jobsite. To fulfill these roles, the employer can:

- Promptly submit a First Report of Injury (FROI) for an injured employee's claim.
- Provide timely and thorough responses to claims examiner inquiries.
- Partner with MSF safety personnel to enhance workplace safety.
- Collaborate with MSF and the employee in accommodating the employee's return to work.

Q: What claim information can an employer receive?

A: An employer can access certain claim-specific information to clarify the claim's progress, inform workload decisions, and facilitate return to work efforts. Specifically, the employer can access:

- Claim status (i.e., has the claim been accepted, denied, settled).
- Basic claim reserve information reflecting total medical and indemnity exposure.
- Injured employee work status and capabilities.
- Potential injured employee return-to-work opportunities.

Q: What claim information is an employer not able to access?

A: Because Montana law strongly protects individual privacy rights, MSF cannot disclose:

- Confidential medical information and protected health information such as pre-existing conditions or treatments.
- Detailed reserve information (such as medical reserve information that could indicate injured employee treatment details).
- Other legally protected claim-related information.

Montana State Fund values its relationship with WCMB and our individual agency partners. We aim to provide excellent service while respecting injured employee rights and protections under the Montana workers' compensation system. Please do not hesitate to reach out to your agency's dedicated claim examiner with any claim-specific questions!