

AUDIO

Ad lib audio: Scenario of workers (post injury) attending to an injured employee.

Is this one of your employees? Could it be one of your employees? If so then you may be required to file a workers' compensation claim with The State Office of Risk Management (SORM). Not every incident that occurs at work requires that a claim be filed. But when one of these requirements is met, a claim must be received by SORM no later than the next working day.

Let's discuss the four criteria that require filing a claim:

- If a bill is generated for medical services or other treatment;
- If an employee misses any time from work due to a work-related injury or illness;
- If an employee notifies the employer of an occupational disease; and
- If an employee dies because of a work-related injury or illness.

If a bill is generated for medical services or other treatment due to a work-related injury

This is perhaps the scenario that is encountered most often. This requirement is not found in the Workers' Compensation Act but is written in SORM's formal rules. As an agent of Texas many state employers do not have the authority to spend public funds on an injured employee's medical treatment. For this reason, the employing agency is required to file a claim with SORM whenever a medical bill is generated even in cases where an employee is able to continue working their regular job.

If an employee misses any time from work

because of a work-related injury

Often this requirement does not include immediate medical treatment. Many times employees injure themselves at work but feel it's "not that bad" or they want to "wait and see what happens." If an employee is unable to work, whether at the direction of a healthcare professional or the employee's discretion, the employing agency is required to submit a workers' compensation claim to SORM.

If an employee notifies the employer of an occupational disease or illness

This scenario may or may not include medical treatment or the inability to work.

The Texas Workers' Compensation Act broadly defines "occupational disease" as any disease arising from employment that causes damage or harm to the body. This term specifically includes a repetitive trauma injury. The key component is the word "disease" which is generally non-traumatic in nature. Many times the employee will not be able to provide a specific date of an injury because the disease may be cumulative or caused over time. In these cases the date of injury should be the first date the employee knew or should have known the disease was work related.

Some examples of an occupational disease may include carpal tunnel syndrome, tendonitis, bursitis, or epicondylitis (tennis elbow). In some cases an employee may request to file a claim for the flu, chicken-pox, allergies, asthma, or even heart disease. Remember, it's up to SORM to address compensability. If the employee wishes to file a claim for a disease please help them with the process.

If an employee dies because of a work-related injury or illness

As obvious as this may seem, this is a scenario that is sometimes overlooked. Many employers take it for granted that word of an employee's death spreads fast. Although it may be common knowledge among the coworkers and maybe even among the entire agency there is a duty to report that can't be forgotten.

(Recap)

Always be mindful of the four criteria that require filing a claim and the time requirement to file. A claim must be filed with SORM no later than the next working day if any of the following criteria are met.

- If a bill is generated for medical services or other treatment;
- If an employee misses any time from work due to a work-related injury;
- If an employee notifies the employer of an occupational disease or illness; and
- If an employee dies because of a work-related injury or illness.

Not every incident that occurs at work requires filing a claim with SORM. If the injury doesn't meet one of the four criteria the paperwork can be held by the employer as an "incident only."

If you have any questions about these requirements or other claims-related issues please contact the SORM claims department at 877-445-0006.