



Choosing a Doctor for a Work-Related Injury — Rule 50

Note: The rights to choose and change doctors are governed by statute and rules. This is a simplified explanation of those rights. Please refer to §48-120 and Rules 50 and 56 for further information.

If you are the EMPLOYEE:

Tell your employer when you have an injury that arises out of and is in the course of your work.

After you report a work injury, your employer may tell you about your right to choose a doctor to treat you for that injury. (Doctor means a person licensed to practice medicine and surgery, osteopathic medicine, chiropractic, podiatry, or dentistry.)

If your employer does tell you about your right to choose a doctor, you may choose ONLY a doctor who has treated you or a member of your family before your injury. (Family member means your spouse, child, parent, stepchild or stepparent.) The doctor must have records of that treatment. If your employer asks, you or your family member must give your employer written permission to verify that treatment.

If you have such a doctor and want that doctor to treat you for your work injury, you need to ***tell your employer the name of the doctor.*** If you don't have such a doctor, do not tell your employer the name of the doctor, or refuse to give permission for your employer to verify treatment, ***your employer can choose the doctor to treat you for your work injury.*** It is best if you give your employer the name of your doctor in writing. Unless it is an emergency, you cannot get any treatment for the work injury until you have given your doctor's name to your employer. If it is an emergency, get the treatment you need, then tell your employer the name of your doctor.

After being told about your right to choose a doctor there can be no change in the doctor chosen unless you and your employer agree to the change or the court orders a change. This is true whether you or your employer chose the doctor in the first place. If you are referred to another doctor for special tests or services, this is not a change in doctor.

If your employer does not tell you about your right to choose a doctor, you may choose ANY doctor.

There are other times when you can choose your doctor. These times are: to do major surgery; if your injury involves dismemberment; or, if your claim is denied.

You may have to pay for services you receive if you do not follow the rules about choosing or changing doctors.

If you are the EMPLOYER:

You may wish to choose the doctor to treat an employee's work injury. If you want to make the choice, as soon as you can after you know about an injury, you must tell the employee of the right to choose a doctor. The employee must be told of the right to choose a doctor before the employee can be treated by a doctor chosen by you. You must allow the employee a reasonable amount of time to choose the doctor. The court has a form you can use to tell the employee about these rights (Form 50).

You may choose the doctor if, after telling the employee about the right to choose: no doctor has treated the employee or a member of the employee's family before the work injury; or the employee does not select a doctor who has records of such treatment; or you are refused the authorization needed to verify such prior treatment, if you should ask for it.

After telling the employee about the right to choose there can be no change in doctor unless you and the employee agree or the court orders a change. This is true whether you or your employee chose the doctor. If the employee is referred to another doctor for special tests or services, this is not a change in doctor.

Even if you tell the employee about the right to choose and then you get to choose the doctor, *the employee is free to choose a doctor at other times*. The employee can choose the doctor: to do major surgery; if the injury involves dismemberment; or if the claim is denied.

If you do not wish to choose the doctor for your employee, you do not need to tell the employee about the right to choose the doctor. *The employee can then choose ANY doctor to provide treatment for the work injury*.

Common questions asked by employees:

Can my employer make me see another doctor?

Your employer cannot make you get treatment from another doctor. But, your employer (or their insurance company) can ask you to see another doctor for an examination. This doctor will not start treating you; it will just be an examination. You can refuse to see this doctor only if you have a good reason. If you do not have a good reason, you may not get payments for the time you refuse to be seen. You may be asked to see more than one doctor for other examinations.

What if I want to change doctors?

If the doctor has been chosen AFTER your employer told you of your rights, you can't change doctors unless your employer agrees or the court orders a change. If you want to change, talk to your employer about the reasons. If your employer agrees, you may change.

What if my employer wants me to change doctors?

If the doctor has been chosen AFTER your employer told you of your rights, you can't be made to change your doctor unless you agree or unless the court orders you to change.

What if it is an emergency?

If it is an emergency, see any doctor as soon as you can. The rules don't apply until after the emergency is over. Then, if you need more treatment, the rules apply.

What if my employer or the insurer has a managed care plan?

You can still choose a doctor. It must be one who has treated you or a family member before your injury. *Your doctor must agree to the rules of the plan*. If you don't have a doctor, you may choose among the doctors signed up with the plan.

If I chose a doctor when my employer told me about my right to choose, can I change my choice?

You may not change your choice of doctor unless your employer agrees to the change or unless the court orders a change.

What if my employer won't agree to let me change doctors?

You can ask for Informal Dispute Resolution (IDR) from the court. You must first try to get your employer to agree. If this doesn't work, you or your employer can ask for help through the IDR process. A court staff member will try to help you and your employer agree. If that doesn't work, a motion or petition (lawsuit) can be filed with the court.

What if my employer doesn't tell me about my rights to choose a doctor?

You may choose ANY doctor to treat you.

This information sheet has been prepared by the Nebraska Workers' Compensation Court to answer some of the commonly asked questions concerning workers' compensation. Further inquiries should be directed to:

**Nebraska Workers' Compensation Court
P.O. Box 98908
Lincoln, NE 68509-8908**

800-599-5155 or 402-471-6468

<http://www.wcc.ne.gov/>

Revised November 1999