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MWCC RULE CHANGES

1. Rule 1.9 Selection of Medical

A. Fee Schedule - When selecting a medical provider, the employer/carrier or Claimant must select a competent physician who is in compliance with the Commission's Medical Fee Schedule.

B. Treating Medical Providers - Within 20 days of each date of service, all treating and examining physicians SHALL:

I. file CMS 1500 with the Commission and with the employer or carrier, and

II. attach all office or progress notes to the CMS 1500 which shall specify

a. the date of maximum medical improvement,

b. any permanent partial impairment rating, and

c. any permanent work restrictions resulting from the work-connected injury.

III. A physician's failure to timely file complete reports MAY result in the claim for medical and surgical treatment being unenforceable against the employer unless excused by the Commission or ALJ.

C. EME - The employer may have the injured employee examined by a physician *or medical provider* of its choice to evaluate temporary or permanent disability or medical treatment being rendered.

D. Noncompliance - Benefits may be suspended if the Claimant "unreasonably refuses or fails" to attend medical treatment only if ordered by the ALJ.

2. Rule 1.14 Mileage

Mileage is owed to a Claimant who is being interviewed by the Commission or an ALJ for a compromise settlement or lump sum payment.

3. Rule 2.2 Procedure to Controvert

A. An employer may controvert its liability to pay a claim by filing a Notice of Controversion, Form B-52. Employer/carrier shall file a copy with the Commission and simultaneously mail or personally deliver a copy of the B-52 to the employee at the employee's most current address which can be determined by diligent inquiry or, if the Claimant is represented, to his/her attorney.

B. Form B-18, Notice to Employee of Suspension of Payments, shall suffice as notice of controversion if the employer/carrier has paid indemnity benefits.

4. Rule 2.6 Notice of Hearing

Parties shall contact each other 14 days prior to a final hearing to discuss settlement. Counsel for the employer/carrier shall report the results of this discussion to the ALJ's legal assistant via e-mail.

5. Rule 2.7 Hearings; Discovery

At each evidentiary hearing before an ALJ, the employer SHALL have the claims professional handling the claim present at the hearing or available to the Commission by telephone during the entirety of the hearing.

6. Rule 2.12 Attorneys

A. The allowable 25% attorney's fee in any proposed settlement containing the designation of funds for an MSA shall be calculated based only upon the amount of the settlement not proposed as funding the MSA arrangement.

B. If medical benefits are awarded and indemnity benefits have been paid out or Claimant no longer has access to indemnity benefits, the Commission may consider a Claimant's attorney request for payment of attorney's fees on a *quantum meruit* basis.

7. Rule 2.15 Settlements and Mediation

A. Prior to appearing before the Commission with an unrepresented Claimant, counsel for employer or insurer SHALL file the proposed settlement paperwork and supporting documentation with the Commission. After the Commission reviews the proposed settlement, the attorney will be notified via e-mail that the Claimant should be brought before the Commission for the settlement interview.

B. The Commission encourages voluntary alternative dispute resolution and mediation by the parties on the terms they may choose. The Commission does NOT endorse or recommend any particular mediation procedures or list of mediators. Names of mediators may be obtained from the

Mississippi Bar's website. All settlement agreements reached through mediation must be submitted for consideration and review by the Commission pursuant to Miss. Code. Ann. 71-3-29.

8. Rule 2.17 Report of Payment and Settlement Receipt

Claimant, or Claimant's counsel SHALL be provided a copy of the Form B-31 *in any manner which acknowledges delivery of the B-31*. Claimant's signature is not required on the Form B-31, but the presence of Claimant's signature will constitute acknowledged delivery of the B-31 to Claimant. The filing of the B-31 with the Commission will start the running of the one year SOL.

9. Rule 2.21 Address and Phone of Parties

Every party to a case (controverted or non-controverted) MUST keep the Commission informed of that party's current address, e-mail address and telephone number. Attorneys representing a party in any claim shall also keep the Commission informed of their current address, telephone number, facsimile number and e-mail address.

10. Rule 2.22 Prehearing Motions; Motion Days

Upon the filing of a motion, the respondent SHALL file a written response within fifteen (15) days after the date of service of the motion.