

ARTICLE 1.

Workers' Compensation Act.

Section

§97-2. Definitions.

When used in this Article, unless the context otherwise requires -

Injury. - "Injury and personal injury" shall mean only injury by accident arising out of and in the course of the employment, and shall not include a disease in any form, except where it results naturally and unavoidably from the accident. With respect to back injuries, however, where injury to the back arises out of and in the course of the employment and is the direct result of a specific traumatic incident of the work assigned, "injury by accident" shall be construed to include any disabling physical injury to the back arising out of and causally related to such incident. Injury shall include breakage or damage to eyeglasses, hearing aids, dentures, or other prosthetic devices which function as part of the body; provided, however, that eyeglasses and hearing aids will not be replaced, repaired, or otherwise compensated for unless injury to them is incidental to a compensable injury.

Coverage Determination Guidelines For Compensable Injuries

As defined under the NC Workers' Compensation Act an injury is covered under WC if it was caused by an accident or incident which arose out of and in the course of your employment. The WC Act does not provided compensation for all injuries, but for injuries by accident. Unless there is an accident, an injury received while performing the regular duties in the usual and customary manner is not compensable.

Examples of Compensable Injuries

- Patrol car accident (whether preventable or not).
- Trooper sprains his ankle running after fleeing suspect.
- Secretary strains her back while carrying a box of files
- Secretary is injured in a wreck while traveling to a training class
- Auto Mechanic strains back while removing a spare tire
- Telecommunicator experiences electrical shock from console

Examples of Non-Compensable Injuries

- Trooper is walking and feels a pain in his leg.
- Trooper suffers an diabetic seizure while working.
- Trooper is picking up brass at the firing range and “blacks out”
- Employee is eating lunch and chips/cracks tooth or damages dental work
- Employee complains of dizziness and nausea from paint fumes
- Secretary twists her ankle while walking from / to the restroom.

On the Job Injury / Illness

Supervisor Responsibilities:

- Determine if the member needs medical Treatment
- If medical treatment is necessary send the member to the nearest Urgent Care facility
- It is recommended that the supervisor go to the Urgent Care facility with the injured employee
- Provide the employee with the **Physician's Return to Work Authorization** form
- Provide the injured employee with the **DPS-WC-EE** (Employee Statement) This form replaces the **CCPS-2**
- Complete the **DPS-WC-IR** --- This form replaces the **Form 19** & the **CCPS-188**
- Forward the Physician's Return to Work Authorization form, DPS-WC-IR, DPS-WC-EE, DPS-WC-LVREQ to the Benefits Office via e-mail (preferred) at PS-Benefits@ncdps.gov or by FAX @ (919) 715-4059 within 24 hours.

Investigate the Report of Injury !!

- Go to the location where the employee claims the injury occurred
- Take photographs of the scene, vehicle, equipment, etc.
- Take photographs of the injured body part and a comparison photo of it's counterpart (eg. hand, knee, etc.)
- Take photos of the assailant's injuries if applicable
- Interview the employee and any other witnesses... including attending physicians, EMS workers, & bystanders.
- Take the roll of "investigator" and investigate the incident assuming that you will have to testify as to *Who, What, When, Where, Why, & How ?*

Employee Responsibilities:



- Notify the supervisor on duty **immediately** after having suffered an injury / illness while on duty
- If medically necessary, report to the nearest Urgent Care facility for treatment
- Request the treating physician to complete the **Physician's Return to Work Authorization** form or obtain a note from the treating physician regarding follow-up treatment
- Complete the **DPS-WC-EE** form in detail and return to the supervisor on duty along with the **Physician's Return to Work Authorization** form or other documentation regarding follow-up treatment
- Follow physician's instructions regarding treatment and return to work recommendations
- Do **NOT** seek other medical treatment without prior authorization.

Forms Overview

DPS-WC-EE

- replaces the **CCPS-2**
- must be handwritten by the employee. (Supervisor shall verify legibility)
- page two must be completed if first aid is rendered on site at the time of injury (Eg. employee is injured during In-service training and is treated by the SHP Medical Staff.)

DPS-WC-LVREQ

- must be submitted to Benefits when employee is out of work one (1) or more days due to an on-duty injury
- not necessary to complete unless employee misses any time from work- at time of injury or anytime after.

Corvel Corporation

This is the Department's Third Party Administrator (TPA)

Handles all billing and referrals for Workers Compensation

Maintains list of treatment facilities, which is posted on the Corvel website www.corvel.com by physician name and county.

Assists with scheduling appointments for injured employees

Ensures that injured employees receive the appropriate forms / notices regarding their Worker's Compensation benefits

Remember !

- Do **NOT** make statements to the employee regarding the compensability of a claim---You **do not** make that decision *nor* should you provide any “false hope” to the employee
- Submit all forms within 24 hours even if all information is not yet available—If all the information is not available call the Benefits Office and explain the situation. (info is needed to start a claim number)