

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

WORKERS' COMPENSATION AGENCY

GENERAL RULES

Filed with the Secretary of State on August 12, 2014

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the workers' compensation agency by section 205 of 1969 PA 317, MCL 418.205; section 48 of 1969 PA 306, MCL 24.248; and Executive Reorganization Order Nos. 1996-2, 1999-3, 2002-1, and 2003-1, MCL 445.2001, 418.3, 445.2004, and 445.2011)

R 408.45 of the Michigan Administrative Code is being amended as follows:

PART 4. MISCELLANEOUS

R 408.45 Medical examination and rehabilitation.

Rule 15. (1) A carrier and the self-insurers' security fund shall report to the bureau, on form 110, report on rehabilitation, 3 months after the date of injury and after each subsequent 4 months, what evaluation and what provision has been made for rehabilitation on all cases for which a final form 701, notice of compensation payments, has not been filed. All reports shall be accompanied by a current medical report. In case of a specific loss where the injured employee has returned to work without rehabilitation before expiration of the specific loss period, a notation of the return to work shall be made on form 110, report on rehabilitation, and thereafter further reports shall not be necessary. Where rehabilitation has been undertaken in the form of favored work or on-the-job training by the employer, the rehabilitation shall be so identified in all reports.

(2) When an employee consents or is ordered by the bureau to submit to a medical examination or rehabilitation or undergoes any medical treatment related to the disability, the carrier shall pay the traveling expenses incidental to such examination, medical treatment, or rehabilitation. The employee shall notify the carrier, in writing, of the mileage involved and other expenses. When an employee is examined at the request of the carrier under the provisions of section 385 of the act, MCL 418.385, the expenses incidental to such examination shall be paid in advance. The traveling expenses shall be those authorized in the state standardized travel regulations, except that when special transportation is medically required, payments shall be made at actual cost. The allowance for other expenses, if any, shall be those allowed by this state. The provisions of this rule do not apply to the first examination requested by the employer or insurer if all of the following conditions exist:

(a) An application for hearing is filed upon which no payment of compensation or medical expense has been made for 1 year before the date of filing.

(b) The employee's home at the time of filing the application for hearing is outside of this state.

(c) The citation to appear for examination is at a time reasonably close to the date of hearing so as to obviate the necessity of an additional trip on the part of the employee to attend the hearing.

(3) Under section 319 of the act, MCL 418.319, the director may, on his or her own motion or upon receipt of an application from the employee or employer, refer the employee for an evaluation of the need for a rehabilitation program and the kind of rehabilitation program necessary to return the employee to work. If a hearing is requested, then all of the following provisions apply:

(a) When a request for rehabilitation service is made by the employee or employer, then the director or his authorized representative may schedule a hearing.

(b) If the director, on his or her own motion, orders a rehabilitation program, then he or she shall notify both parties and, if requested by either party within 15 days, shall schedule a hearing.

(c) A hearing shall be scheduled within a reasonable time, subject to the availability of the director or his or her representative and the parties involved. A request for a hearing shall, at a minimum, contain all of the following:

(i) A brief statement of the question concerning rehabilitation.

(ii) If requested by the employer, a citation of the specific instances of the employee's failure to cooperate in the rehabilitation program.

(iii) If requested by the employee, the type of program requested and the reason for it.

(d) Unless a request for review by the Michigan compensation appellate commission is filed by a party within 15 days after the order of the director is mailed, the order shall stand as the order of the bureau.