

September 16, 1977

No. 35



NOTICE TO INSURANCE CARRIERS, SELF-INSURED EMPLOYERS UNDER
THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT,
AS EXTENDED

SUBJECT: Revised Definition of "Physician" under LHWCA,
and Revised Form LS-1, Request for Examination
and/or Treatment

On September 9, 1977, a revised §702.404 of Title 20, Code of Federal Regulations, Part 702, was published as a Department of Labor regulation in the Federal Register. The revised paragraph states that the term "physician" as used under the Longshoremen's and Harbor Workers' Compensation Act (and its extensions) "includes doctors of medicine (MD), surgeons, podiatrists, dentists, clinical psychologists, optometrists and osteopathic practitioners within the scope of their practice as defined by State law. The term also includes chiropractors, but payment for their services will be limited to charges for physical examinations, related laboratory tests and x-rays made or required by a chiropractor to diagnose a subluxation of the spinal column, and treatment consisting of manual manipulation of the spine to correct a subluxation shown by x-ray. Physicians defined in this part may interpret their own x-rays. All physicians in these categories are authorized by the Director (OWCP) to render medical care under the Act. Naturopaths, faith healers and other practitioners of the healing arts which are not listed herein are not included within the term 'physician' as used in this part."

Form LS-1

Pursuant to the revised regulation, which enlarges the scope of choice available to an injured employee covered by the Act(s), Form LS-1, Request for Examination and/or Treatment, has been revised. A copy of the revised form is attached to this notice.

This form, which was originally introduced shortly after the enactment of Public Law 92-576, effective November 26, 1972, amending the Longshoremen's Act, was transmitted to all

insurance carriers authorized under the Act(s) by Notice No. 6, dated January 23, 1973. It has come to the attention of this Office that the form is not being utilized to the extent desired under this program, and this notice is issued to serve the dual purpose of announcing the changed regulation regarding "physicians" and of reminding insurance carriers and employers of the requirement that the form is to be utilized in all cases of referrals of injured employees to physicians for medical care. Use of the form is essential to provide evidence that an employee was in fact permitted to choose his or her treating physician as envisioned under the amended Act.

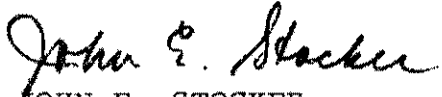
This is a two part form. Part A-Authorization, provides a convenient means for the employer of the injured employee to provide medical care as required under the Act by an authorized physician of the employee's choice. Part A is to be completed in triplicate by the employer and given to the employee to deliver to the authorized physician of choice. The physician is to complete Part B-Attending Physician's Report, and send one each to the deputy commissioner whose address is shown in item 12, and the insurance carrier or self-insured employer, retaining one copy. Instructions to the employer and the physician are printed on the front and back of the form. (Periodic medical reports, or as requested by the Office of Workers' Compensation Programs District Office, are to be submitted by the physician to OWCP on Form LS-204, revised February 1976, or in narrative form.)

Instructions for distribution

All insurance carriers authorized under the Act or its extensions who provide coverage to employers are responsible for providing an adequate supply of the form to all risks insured under one of the acts administered under the Longshore Program. Authorized self-insured employers must also maintain an adequate supply of forms to serve their needs.

Insurance carriers and self-insured employers are authorized to print their own supplies of this form, provided they conform to the sample in all respects. The form may also be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 40402, or from the three commercial printing companies authorized to print LHWCA forms.

A small supply of the form for temporary use may be obtained from the District Offices of the Office of Workers' Compensation Programs.



JOHN E. STOCKER
Associate Director for
Longshore and Harbor
Workers' Compensation

Attachment