



Biggam, Fox & Skinner

Attorneys Representing Injured People

Workers' Compensation Pre-Authorization FREQUENTLY ASKED QUESTIONS

What is pre-authorization?

In 2011, the Vermont legislature passed a law to help workers' compensation claimants and medical providers. The law created a formal pre-authorization process and also shortened the time a patient (and a medical office) has to wait for approval from the workers' compensation insurance carrier, provided the pre-authorization request is done properly.

How long does pre-authorization take?

With this law, the insurance company has just 14 days to make the decision or schedule an independent medical examination.

What do medical providers need to do?

The pre-authorization request must be in writing and must include relevant medical evidence. This means it must include the medical visit notes or the doctor's referral for the treatment procedure or diagnostic test. The provider must state in writing that the proposed treatment or testing is reasonable, necessary, and related to the work injury. They must give some basis for their opinion about why this proposed treatment is a good idea.

What happens if pre-authorization requests don't follow the process?

If the request is not in writing and/or does not include notes from the treatment provider explaining why the procedure or test is needed and is related to the work injury, the Vermont Department of Labor will not recognize it as a pre-authorization request and will not take action.

What happens if the insurance company doesn't respond?

If the pre-authorization request is in writing and has the doctor's note requesting and relating the need to the work injury, and the workers' compensation insurer does not respond within 14 days of receiving the request, Biggam, Fox & Skinner can help your patient appeal the insurers' inaction. In this case, we would file a Form 6 Notice of Hearing with the Vermont Department of Labor asking them to order the workers' compensation carrier to authorize the treatment. They will order it if the requested treatment is reasonable, necessary, and your pre-authorization request was done properly and according to the law.