REOPENING OF CLOSED MEDICAL BENEFITS

MONTANA STATUTE AND RULES

39-71-704. Payment of medical, hospital, and related services -- fee schedules and hospital rates -- fee limitation

(f) (i) The benefits provided for in this section terminate 60 months from the date of injury or diagnosis of an occupational disease. A worker may request reopening of medical benefits that were terminated under this subsection (1)(f) as provided in 39-71-717.

Applies to DOI on or after July 1, 2011

MONTANA STATUTE AND RULES

39-71-717. Reopening of terminated medical benefits -- medical review.

(1) A petition to reopen medical benefits that terminate under 39-71-704(1)(f) must be reviewed as provided in this section.
(2) Medical benefits may be reopened only if the worker's medical condition is a direct result of the compensable injury or occupational disease and requires medical treatment in order to allow the worker to continue to work or return to work.

Applies to DOI on or after July 1, 2011

Reopening of Medical Benefits Closed by Operation of Law

- 24.29. 3101 INTRODUCTION - APPLICABILITY - VOLUNTARY PAYMENTS
- 24.29.3103 DEFINITIONS
- 24.29.3107 TIMELINES AND EXPLANATION OF STATUS CLASSIFICATIONS OF A PETITION
- 24.29.3111 PETITION FOR REOPENING
- 24.29.3114 SUBMISSION OF MEDICAL RECORDS AND ADDITIONAL INFORMATION - EFFECT OF FAILURE TO SUBMIT MEDICAL RECORDS ORADDITIONAL INFORMATION
- 24.29.3117 JOINT PETITION FOR REOPENING
- 24.29.3121 REVIEW BY MEDICAL DIRECTOR - CONSENT OF BOTHPARTIES
- 24.29.3124 REVIEW BY MEDICAL REVIEW PANEL - REPORT AND RECOMMENDATIONS
- 24.29.3127 PERIODIC REVIEW OF CERTAIN REOPENED MEDICAL BENEFITS

Training

Employment Relations Division Offered Petition to Reopen Trainings in February & March 2016

- Helena
- Missoula
- Great Falls
- Billings

153 persons attended the trainings

Re-opening of Workers' Compensation Closed Medical Benefits

In 2011 sweeping changes were adopted for Montana Workers' Compensation in Montana Code Annotated 39-71-704 including adoption of fee schedules, U&T guidelines, Medical Status Form and the 60 month termination of medical benefits.

39-71-704. Payment of medical, hospital, and related services -- fee schedules and hospital rates -- fee limitation

(f) (i) The benefits provided for in this section terminate 60 months from the date of injury or diagnosis of an occupational disease. A worker may request reopening of medical benefits that were terminated under this subsection (1)(f) as provided in 39-71-717.

In addition the statute 39-71-717 allows for the reopening of the terminated medical benefits and has charged the Department of Labor & Industry to develop the process to handle the reopening of the terminated medical benefits.

39-71-717. Reopening of terminated medical benefits -- medical review.

(1) A petition to reopen medical benefits that terminate under 39-71-704(1)(f) must be reviewed as provided in this section.

Related Links

- Administrative Rules
- Petition to Re-open Closed Medical Benefits
- Joint Agreement and Petition to Re-open Closed Medical Benefits
- Secure Medical Records exchange portal
- Medical Director Review Form
- Physician Panel Member Review form
- Q & A
- Training

http://erd.dli.mt.gov/work-comp-claims/medical-regulations/re-opening-of-work-comp-closed-medical-benefits

FINAL DETERMINATION

Must Be:

- Completed In 60 Days
- Include Medical Findings
- Determination Of Reopening
- Reopening End Date

REOPENED MEDICAL BENEFITS

Insurer Will Manage Medical

If Disagree

1. Mediation
2. Workers Compensation Court

Experience to Date

Seven (7) Petitions Received:

- 4 Petitions
  - 2 Benefits Reopened
  - 1 Dismissed, Outside 90 Days prior to closure
  - 1 Determination Pending
- 3 Joint Agreement Petitions
  - 1 Benefits Reopened
  - 2 Determinations Pending

QUESTIONS?