

## **“MEDICAL ONLY” FORM NOW AVAILABLE**

**For the first time,  
a workers’ compensation  
claim involving no  
loss of wages may  
be recognized**

In recent years, the Commonwealth Court has issued decisions involving “medical only” claims. See e.g., Lemansky v. WCAB (Hagan Ice Cream Co.), 738 A.2d 498 (Pa. Cmwlth. 1999) and Waldameer Park, Inc. v. WCAB (Morrison), 819 A.2d 164 (Pa. Cmwlth. 2003).

Such claims arise when an employee is injured on the job and incurs medical expenses, but suffers no loss of earnings. Most employers and claims representatives did not file any type of Bureau form relative to such injuries, except the Employer’s Report of Occupational Injury or Disease.

This process has sometimes resulted in the imposition of penalties and unreasonable contest attorneys’ fees under Section 440(a) of the Act.

As a result of the recent Commonwealth Court decisions, particularly in Waldameer Park, Inc., the Bureau has revised the Notice of Compensation

Payable (Form LIBC-495) to include a medical-only checkbox, which can be used to file medical only claims. The revised Notice of Compensation Payable is now available and may be downloaded from the Bureau's website: [www.dli.state.pa.us](http://www.dli.state.pa.us).



A copy is also attached.

Now that the new form is in circulation, the prior version of the Notice of Compensation Payable

will not be acceptable. Further, whereas penalties and fees were previously a possibility, the failure to issue the form and utilize the medical only checkbox will now undoubtedly result in the imposition of penalties and unreasonable contest



attorney fees.



Therefore, you are strongly cautioned to utilize the new form in all cases where an injury has occurred, whether or not the employee suffers a loss of wages as a result.

ATTENTION READERS, the editors of Thomson, Rhodes & Cowie Pennsylvania Workers' Compensation Bulletin invite you to submit questions you may have dealing with workers' compensation issues. The editors will compile questions received and periodically provide answers to recurrent issues. Submission of a question is no guarantee that an answer will be provided, but we will make every effort to answer as many questions as possible. Of course, for specific legal advice the reader should seek counsel from a qualified workers' compensation attorney.

Send questions to: Harry W. Rosensteel, Thomson, Rhodes & Cowie, P.C., 1010 Two Chatham Center, Pittsburgh, PA 15219.

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Prior issues are available on our web site at <http://www.trc-law.com> or upon request. Please direct inquiries to Harry W. Rosensteel, Thomson, Rhodes & Cowie, P.C., 1010 Two Chatham Center, Pittsburgh, Pennsylvania 15219, (412) 232-3400.