

## HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES

Chapter 4	General Personnel Policies	Effective:	November 2000
Section 4.8	Benefits	Revised:	March 2008
<b>Policy 4.8.6</b>	<b>Workers' Compensation Insurance (WCI)</b>	Responsibility:	Vice President for Research

### **WORKERS' COMPENSATION INSURANCE (WCI)**

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#### **Policy**

The Health Science Center is funded through a self-insured Workers' Compensation insurance program administered by The University of Texas System in accordance with Chapter 503 of the *Texas Labor Code*. All costs associated with the program, including benefits to employees and administrative expenses, are paid from these funds.

Workers' Compensation Insurance (WCI) is a type of insurance specifically designed to provide medical benefits and, in some cases, financial income payments to employees on the payroll of the Health Science Center who suffer injuries or occupational illness in the course and scope of employment. WCI is not health insurance, nor does it provide compensation for damage to or loss of personal property.

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#### **Applicability**

This policy applies to all employees of the Health Science Center. It excludes students who are not employed at the Health Science Center, clinical adjuncts, and non-employees such as volunteers, visitors, etc., as defined in [Section 4.3.8](#), "Non-Employee Service", of the *Handbook of Operating Procedures* (HOP).

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#### **Employee Procedures In Case of Injury**

1. Notify your supervisor immediately, no matter how minor the injury may seem. If necessary, report unsafe working conditions to your supervisor or the Environmental Health and Safety Office.
2. If necessary, obtain medical attention. You have freedom of choice as to which doctor, hospital or pharmacy you may use. Inform the medical provider that your injury is work related. Your department will provide you with a [Notification of an On-The-Job Injury](#) form to give to your medical provider.
3. If you miss work due to an on the job injury, you must keep your supervisor informed of your work status by providing a Division of Workers' Compensation Work Status Report (DWC 73) after each doctor visit. The doctor's office must provide the report to the injured employee.

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4. You must also complete the form [Workers' Compensation Leave of Absence](#) to select the type of leave you wish to use. The form is provided by your department.
  5. When your doctor releases you to return to work, you must report to work at the beginning of your next regularly scheduled shift. The DWC 73 report from your doctor indicating a return to work date or any work-related limitations must be given to your supervisor before you may return.
  6. For more information, contact the Workers' Compensation Coordinator in Environmental Health and Safety at 567-2955.

**Employee  
Procedures In  
Case of Disease  
Exposure**

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1. Notify your supervisor immediately, no matter how minor the incident may seem. If you are exposed to any human or animal body fluids or other potentially infectious materials, you should seek treatment immediately.
  2. You have freedom of choice as to which medical provider to use for medical care. Medical providers include off campus physicians or clinics. For your convenience, the Diagnostic Pavilion is available for the initial visit. Because timely treatment is essential, the medical provider should be called ahead of time to be advised of your condition.
  3. If time permits, your department should provide you with a [Notification of an On-The-Job Injury](#) form to give to your medical provider. Inform the medical provider that your injury or exposure is work related. Follow your physician's instructions or treatment plan.
  4. Provide your supervisor with a DWC 73 from your medical provider after receiving medical attention.
  5. Workers' compensation insurance may cover part of the cost of the treatment of the injury or exposure. For law enforcement officers, the cost of baseline testing will be covered only if done within ten (10) days of an exposure to a reportable disease. For other state employees, the cost of baseline testing will be covered only if done within ten (10) days of an exposure to HIV.

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This provision applies to baseline testing and not to follow-up testing or prophylactic treatment. Contact the Workers' Compensation Coordinator at 567-2955 for more information.

6. You should not be billed for medical expenses. If you receive any bills, contact the Workers' Compensation Coordinator.
7. Report to your supervisor or the Environmental Health and Safety Office at 567-2955 any unsafe condition that caused the infectious disease exposure.

### **Department Procedures In Case of Injury**

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1. If the injury is an emergency, arrange for appropriate medical treatment. The employee has the right to select his or her own treating physician. If employee is incoherent, the supervisor or administrative staff may select an emergency facility. Send a responsible employee to accompany the injured employee.
  2. If the injury is not an emergency, complete the form, [Notification of an On-The-Job Injury](#), for the employee to give to his/her medical provider.
  3. All work-related injuries or illnesses must be reported. Complete the form, [Employer's First Report of Injury or Illness](#). Send it to Environmental Health and Safety within 24 hours from the time of the injury. This form is required whether or not there is lost time from work.
  4. If the injury/illness involves more than one day of lost time from work, fax a copy of the [Employer's First Report of Injury or Illness](#) form to 567-2965, then send the original through campus mail. In addition, the form [Workers' Compensation Leave of Absence](#) must be completed by the employee and the department representative. This form is necessary for each period of time the employee has lost time (more than a day/shift due to the injury). Finally, the employee must be given notice that he or she will be placed under the *Family Medical Leave Act* (FMLA) from the first day of absence if the employee and injury are eligible under the law. Call the Office of Human Resources for more information about FMLA and procedures to follow.

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5. If the employee is on paid or unpaid leave of absence due to the injury/illness for more than thirty (30) working days, the employee and department must complete the Health Science Center's [Exit/Clearance Form](#). In addition, if the employee is taken off the payroll due to the injury/illness, the transaction must be entered into PeopleSoft.
  6. When the employee is medically released by the treating physician and he/she physically returns to work, the form [Supplemental Report of Injury](#) must be sent to Environmental Health and Safety within 24 hours of the return to work date. The transaction showing the return to payroll must be entered into PeopleSoft. Lost time injuries also require [Supplemental Report of Injury](#) when there are additional days of disability, a return to work after additional days of disability, a change in the employee's time or pay, or a termination/resignation or death. Fax a copy of this form to Environmental Health and Safety, at 567-2965, and mail the original to Environmental Health and Safety.
  7. Forward all doctor's bills and/or notes to Environmental Health and Safety immediately upon receipt.
  8. The unsafe condition which caused the injury should be corrected. If assistance is necessary to accomplish the correction, call the Environmental Health and Safety Office at 567-2955.
  9. If you have any questions, contact the Workers' Compensation Coordinator in Environmental Health and Safety at 567-2955.

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### **Department Procedures In Case of Disease Exposure**

1. The employee should notify his or her supervisor immediately. If an employee sustains an infectious disease exposure to any human or animal body fluids, or other potentially infectious materials, the employee should be advised to seek treatment immediately.
2. The employee has freedom of choice as to which medical provider to use for medical care. Medical providers include off campus physicians or clinics. For the employee's convenience,

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the Diagnostic Pavilion is available for the initial visit. Because timely treatment is essential, the provider should be called ahead of time to be advised of the employee's emergent condition.

3. Advise the employee to notify the medical provider that the exposure is work related. If time permits, complete the form, [Notification of an On-The-Job Injury](#), for the employee to give to the medical provider.
4. All infectious disease exposure incidents must be reported. Complete the form, [Employer's First Report of Injury or Illness](#). This form is required whether or not there is lost time. Fax a copy and send the original to the Workers' Compensation Coordinator within 24 hours from the time of the injury at 567-2965.
5. The employee should provide his or her supervisor with a work status report as soon as possible.
6. It is important that the employee follow the medical provider's instructions or treatment plan. Workers' Compensation Insurance may cover part of the cost of the treatment of the injury or exposure. For law enforcement officers, the cost of baseline testing will be covered only if done within ten (10) days of an exposure to a reportable disease. For other state employees, the cost of baseline testing will be covered only if done within ten (10) days of an exposure to HIV. This provision applies to baseline testing and not to follow-up testing or prophylactic treatment.
7. The unsafe condition which caused the injury should be corrected. If assistance is necessary, call Environmental Health and Safety at 567-2955.

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### **Medical Benefits**

Medical benefits for compensable injuries are payable from the date of injury. An injured employee is specifically entitled to reasonable and necessary health care that treats or relieves the effects naturally resulting from the compensable injury; promotes recovery; and/or, enhances the ability of the employee to retain employment.

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1. The injured employee has freedom of choice regarding a medical provider from a list of doctors approved by the Division of Workers' Compensation Commission (DWC).
2. If medical treatment is required for a work-related injury, the employee should immediately choose one treating doctor to coordinate the care. Bills for the work-related injury should be sent directly to The University of Texas System WCI Office. Bills for services unrelated to a reported on-the-job injury should be sent to the employee's regular health insurer or should be paid for by the employee.
3. If medical treatment is required, it may be necessary to assure the provider the injured worker is covered by workers' compensation insurance. Please use the following statement in these instances:  
  
"I confirm The University of Texas System is self-insured for workers' compensation. Employees of The University of Texas System who are injured in the course and scope of employment are entitled to reasonable and necessary medical treatment which will be covered and paid for in compliance with Texas Workers' Compensation Commission (TWCC) regulations. Please direct further inquiries regarding this claim to The University of Texas System WCI Office."
4. It is not appropriate to "guarantee" payment for services.
5. If the treating doctor has questions about the types of services he or she may contact the Medical Review Division of DWC by calling (512) 440-3513.
6. Except in an emergency, if the employee receives medical care for a work-related injury that is not by or at the direction of the treating doctor, payment of any charges associated with that care may become the responsibility of the employee.
7. If it becomes necessary for the employee to change treating doctors for treatment of a work-related injury, the employee must complete a DWC-53 form and get written approval from TWCC before making the change. A DWC customer service representative can assist with this process.

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The University of Texas System WCI Office may, at some point while the employee's claim is pending, exercise its right to have the employee evaluated by a physician chosen by The University of Texas claims adjuster. Such an evaluation will be done to determine if the employee is disabled due to the work-related injury and/or sustained any permanent disability due to the injury. If asked to see a physician chosen by The University of Texas System WCI Office, the employee will be given notice of the appointment at least ten (10) days in advance.

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**Temporary  
Income Benefits**

Temporary income benefits are payable at a percentage of the employee's average weekly pre-injury wage not to exceed the maximum prescribed by law.

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**Additional  
Information for  
Employees**

1. Failure to report an injury within thirty (30) days of the occurrence of the injury (or the manifestation of the occupational disease) may result in the denial of a claim.
2. If an employee is injured while performing work on behalf of the Health Science Center or if the employee acquires an occupational disease as a direct result of employment, the employee may obtain appropriate medical treatment from a physician of his or her choice.
3. If the employee is claiming a work-related exposure to HIV infection, the employee must provide the employer with a written statement of the date and circumstances of the exposure; and document that within ten (10) days after the date of the exposure, the employee had a test result indicating absence of HIV infection as required under Texas Vernon's Civil Statute, Health and Safety Code 85.116c for the purpose of qualifying for workers' compensation or any other similar benefit or compensation.
4. If the employee becomes disabled due to the injury, temporary income benefits accrue from the eighth day of disability and are paid weekly.
5. For purposes of receiving temporary income benefits, an employee may elect to:

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- a. remain on the payroll by using available sick, vacation, or personal leave throughout the period of disability;
  - b. use a designated portion of available leave and then be placed on without pay status until able to return to work or until final determination has been reached regarding the claim; or,
  - c. be placed on leave without pay status immediately and begin receiving temporary income benefits after an initial seven day waiting period.
6. If the employee loses time from work due to a work-related injury, then the employee must provide the supervisor a TWCC 73 work status report from the treating doctor indicating that the employee is unable to work.
  7. The employee is expected to continue communicating with the supervisor throughout any period of disability unless physically unable to do so. Experience has shown that supervisor contact every two weeks assists an employee by remaining connected with their team.
  8. If the employee chooses to be absent from work without the treating doctor's order, the lost time, for purposes of calculating income benefits, will be disputed.
  9. The employee is expected to return to work as soon as physically able and have obtained a release from the treating physician. If the employee is released to return to work by the doctor with restrictions, the employee is expected to work with the supervisor to comply with any restrictions the doctor has indicated on a work status report.
  10. The department may have other specific rules to be followed while missing time from work. Communication with the supervisor is necessary to insure compliance with any other departmental policies.

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### **Additional Information for Departments**

1. As soon as a supervisor becomes aware of an occupational injury or illness, they are required to complete this process even without a written report by the injured employee.
2. If the injury is an emergency, arrange for appropriate medical treatment. The employee has the right to select his or her own treating physician. If employee is incoherent, the supervisor or administrative staff may select an emergency facility. Send a responsible employee to accompany the injured employee.
3. If the injury is not an emergency, complete the form, [Notification of An On-the-Job Injury](#) for the employee to give to his/her medical provider.
4. All work-related injuries/illnesses must be reported. Complete the form, [Employer's First Report of Injury or Illness](#). Send it to Environmental Health and Safety within 24 hours from the time of the injury. This form is required whether or not the employee loses time from work.
5. If the injury/illness involves more than one day/shift lost time from work, fax a copy of the [Employer's First Report of Injury or Illness](#) form to Environmental Health & Safety at (210) 567-2965. Then send the original through campus mail keeping a copy for the department file. In addition, the form [Workers' Compensation Leave of Absence](#) must be completed. This form is necessary for each period of time the employee has lost time (more than a day due to the injury).
6. Finally, the employee must be given notice that he or she will be placed under the Family Medical Leave Act (FMLA) from the first day of absence, if the employee and injury are eligible under the law. Call the Office of Human Resources for more information about FMLA and procedures to follow.
7. If the employee is on paid or unpaid leave of absence due to the injury/illness for more than thirty (30) working days, the employee and department must complete the [Exit/Clearance Form](#). In addition, if the employee is taken off the payroll due to the injury/illness, the department must place the employee on leave of absence (LOA) in the PeopleSoft system.

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8. The employee should also be instructed to contact the Benefits Section of Human Resources to check on the status of his or her group insurance benefits and the possibility of filing for long term disability benefits.
9. When the employee is medically released by the treating physician and he/she physically returns to work, the form [Supplemental Report of Injury](#) must be sent to Environmental Health & Safety within 24 hours of the return to work date. Additional days of disability, a change in employee's time or pay, termination, resignation, or death, will require a [Supplemental Report of Injury](#) to be completed as well. Fax a copy of this form to the Workers' Compensation Coordinator at 567-2965, keeping a copy for the department file.
10. If the employee is medically released to return to work with restrictions or limitations, the department must take appropriate steps to modify work schedules, equipment, and/or duties to safely allow their return to work.
11. Forward all doctor's bills and/or notes to Environmental Health and Safety immediately upon receipt.
12. The unsafe condition that caused the injury should be corrected. If assistance is necessary to accomplish the correction, call the Environmental Health and Safety at 567-2955.
13. Maintain a detailed record of the job-related injury, even if the employee did not lose time from work as a result of the injury. This record must be maintained for at least five (5) years after the date of injury.
14. Employers who fail to file the report timely without good cause may be assessed fines. Fines range from \$500 to \$10,000 per violation.

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### **Exclusions**

An injury is not covered if it:

1. occurred while the employee was not performing services in the course and scope of employment;

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2. occurred while the employee was performing illegal activities;
  3. occurred while the employee was intoxicated;
  4. was caused by the employee's willful intention and attempt to injure himself or another person;
  5. was caused by the employee's horseplay;
  6. arose out of an act of a third person intended to injure the employee because of personal reasons;
  7. arose out of voluntary participation in an off-duty recreational, social, or athletic activity not constituting part of the employee's work-related duties; or,
  8. arose out of an act of God unless the employment exposes the employee to a greater risk than ordinarily applies to the general public.

### **Fraudulent Actions**

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Filing a workers' compensation claim for an injury that did not occur while performing work on behalf of the Health Science Center is a serious offense. It is an administrative violation punishable by a penalty up to \$5,000 to knowingly or intentionally do one of the following in an attempt to obtain workers' compensation benefits:

1. make a false or misleading statement;
2. misrepresent or conceal a material fact;
3. fabricate, alter, conceal, or destroy a document; or,
4. conspire to commit one of the above acts.

In addition to being an administrative violation, intentional commission of any of the above acts in an attempt to obtain workers' compensation benefits may also result in criminal charges (Class A Misdemeanor to Second Degree Felony).