

August 16, 2010

Doug and Carol Pavel
12257 Crackerjack Road
Whitewood, SD 57793

Re: August 11, 2010 letter

Dear Mr. and Mrs. Pavel:

Thank you for your letter. I agree that whoever asks should receive accurate workers compensation information. However, that information should come directly from us. I can appreciate that a web site may not be the best resource all the time. Our contact information, however, is included on the first report of injury form, and an injured employee is required by law to receive a copy when it is completed.

I am concerned that placing this responsibility in the hands of medical case managers would be a mistake. They are not trained to do that, and it is not their role under our rules. They are only involved in between five and ten percent of claims, and their job is to ensure medical treatment in those cases is done as efficiently as possible. It is regrettable that the case manager in this situation took it upon herself to step outside her role; it is my experience they typically do not do this.

I appreciate that you want South Dakotans to have the best legal information possible. In my view, however, we better achieve that goal by encouraging the participants in the system to refer inquiries to our office. Regardless, I welcome your participation at the council meeting

Sincerely,

James E. Marsh
Director

cc: Workers' Compensation Advisory Council Members