**[YOU JUST HAD A WORK INJURY –3 QUESTIONS WE ARE OFTEN ASKED EARLY IN A CLAIM](https://www.ycllawfirm.com/2014/10/29/you-just-had-a-work-injury-3-questions-we-are-often-asked-early-in-a-claim/)**

1. Do I have to treat with the doctors my employer is sending me to for my work injury?

Many people are aware that the workers’ compensation laws allow an employer to limit treatment options for the first ninety days following a work injury. However, the right of the employer to limit treatment during for the first ninety days is not absolute. In fact, there are many times that an employee has the right to treat with a doctor of their own choosing. For example, you can treat with a doctor of your own choice:

• If, prior to the injury, your employer does not have a “panel list” of at least six health care providers available for you to treat with for your work injury.
• If your employer does not post the list of doctors.
• If your employer does not provide written notification of your rights and obligations regarding medical treatment for a work injury.
• If the written notification of your rights and obligations regarding medical treatment is not provided to you: 1) when you are initially hired or when there are changes made to the list of doctors; and 2) again as soon as reasonably possible after the injury.
• If your employer has not asked you to sign an acknowledgment that you have been provided with the written notification of your rights and obligations regarding medical treatment on both occasions.
Footnote: If a panel doctor refers you to a doctor who is not on the list of panel doctors (even your own doctor) you can treat with that doctor. Also, you can always see your own doctor for a work-related injury during the first ninety days if you are willing to pay for it yourself.

2. I have heard that I do not get paid for the first seven days that I miss for a work injury. Is that true?

There are several rules governing this situation. They are as follows:

• If you are off work seven days (one week) or less you get no compensation for your absence from work.
• If you are off fourteen days (two weeks) or less you get paid compensation beginning on day eight.
• If you are off work for more than fourteen days, you get paid all the way back to the first day that you missed.
• These days do not need to be consecutive. If you are missing work sporadically following an injury, and none of the periods of time that you are off work involve more than seven straight days but add up to more than seven total days, you begin to be eligible for workers compensation benefits as of the eighth day that you miss work.

3. My employer is telling me that I have to use my sick and personal days before I can collect workers compensation benefits. Is that true?

No, you are not required to use your sick and personal days prior to being eligible for workers compensation benefits. However, there are a few things to keep in mind when it comes to the use of sick days in the context of a work injury:

• If you are missing less than seven days for the work injury, there will be no workers compensation benefits paid. As such, you may choose to use sick or personal days for that time off. Remember, however, if you would later miss more work and become eligible for workers compensation payments for those first seven days, you are still entitled to receive workers compensation benefits in addition to the sick or personal days that you have already received.
• Workers compensation insurance carriers have twenty-one days to decide whether or not to accept or deny your claim. They often take that much time (or more) to make a decision. During the time that you are waiting for your workers compensation claim to be decided, you may once again choose to use sick or personal days so that you are not going without any pay during that period of time.
• If you have used sick or personal days and later your workers compensation claim is accepted, what happens with your sick or personal time then can vary, usually depending upon whether there is a collective bargaining agreement or established policy that addresses this issue where you work. If there is nothing that says otherwise, you can choose to keep both the pay that you received for the sick and personal days as well as the workers compensation benefits for those same days. If you are required to “buy back” the sick and personal days, there will usually be an established procedure for doing so. However, your employer does not have to let you buy back these days, unless the collective bargaining agreement or past practice establishes that you do have the right to buy the days once the workers compensation benefits are awarded.