



State of Vermont
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Workers' Compensation
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MEMORANDUM

TO: Workers' Compensation Practitioners

(Adjusters, Attorneys, Health Care Providers, and V.R. Counselors)

FROM: Dirk Anderson, Director Workers' Compensation & Safety Division

DATE: Monday, April 4, 2022

RE: Time window for claimant response to Form 7, *Medical Authorization*

Issued to correct and replace memorandum issued March 29, 2022 of the same title.

21 VSA 655a provides for the release and use of relevant medical information to be overseen by the Department. Workers' Compensation and Occupational Disease Rule 3.2100 states that "upon request by the employer or insurance carrier... the injured worker shall execute *Medical Authorizations* (Form 7) as needed for the release of all relevant medical records..." As the rule does not prescribe a time limit within which such a request must be fulfilled, the Department shall determine the reasonableness of the response window based on the factual circumstances of the claim.

Appropriate time limits for an injured worker's review and response to a carrier's request are contemplated in the rules. After receipt of the notice of a scheduled IME (Rule 6.1200) an injured worker has three (3) days in which to give notice if he or she plans to attend (Rule 6.1300). After receipt of a Form 27, an injured worker is allowed seven (7) days within which to request an extension (Rule 12.1900). In both these instances, the compliance period begins after an injured worker is in receipt of notice and ends when the injured worker provides a response.

As of the date of this Memorandum, according to current U.S. Postal Service Standards found at <https://postalpro.usps.com/ppro-tools/service-standards-maps>, the current service time for first class mail originating and/or destinating in Vermont is an average of two (2) days. USPS mail service delays are a publicly acknowledged concern, particularly in rural areas such as Vermont. If a Form 7 is sent by first class mail to an injured worker who receives, reviews, executes, and returns the form by first class mail to the carrier the same day, the minimum time period for the Form 7 to return to the carrier may likely be in excess of four (4) days.

In consideration of the above, the Department shall assess the reasonableness of a time window in which an injured worker's Form 7 response must be received by the carrier. That time window shall not be less than seven (7) days.