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PA WORKERS' COMPENSATION CASE LAW UPDATES **Spring 2019**

Medical Fee Review:

The Medical Fee Review Hearing Officer has jurisdiction to decide whether an entity is a healthcare “provider” as contemplated under the Workers’ Compensation Act, in addition to deciding the issues of timeliness and amount for payment of a medical bill. The Court specifically noted that the holding does not allow the Hearing Officer to determine the reasonableness of the medical care or service; the claimant’s injury as work-related; or the employer’s liability for a work injury. Armour Pharmacy v. Bureau of Workers’ Compensation Fee Review Hearing Office (Wegman’s Food Markets, Inc.), 1725 C.D. 2017 (Pa. Cmwlth. 2019). (March 2019).

Domestic Service Exception:

The Claimant was ineligible for workers’ compensation benefits because her duties as a caretaker for a woman suffering from mild dementia place her within the Domestic Service Exception to the Workers’ Compensation Act. The Domestic Service Exception provides that individuals injured while working as a “Domestic Servant” are not entitled to workers’ compensation benefits. Van Leer v. WCAB (Hudson), 1127 C.D. 2018 (Pa. Cmwlth. 2019) (February 2019).

Supersedeas Fund Reimbursement:

Because the Employer unilaterally withheld payment of medical expenses in violation of the Act and only paid the medical expenses by the WCJ granting a Penalty Petition, the Employer is not entitled to reimbursement from the Supersedeas Fund for payment of the medical expenses. Erie Insurance Company and Powell Mechanical, Inc. v. WCAB (Cmwlth. Pa, Dept. L&I, Bureau of WC), No. 20 C.D. 2018 (Pa. Cmwlth. 2019) (February 2019)

Notice of Temporary Compensation Payable, Notice Stopping Compensation, and Notice of Denial:

The Claimant sustained an alleged work injury on March 27, 2015, but was paid his full wages by the Employer for March 27, 2015. The Claimant was not scheduled to work on March 28-29, as it was the weekend. The Court held that the 90 day period for the NTCP began to run on March 30, 2015, as that was the first day of the Claimant’s loss of wages. Accordingly, the Employer timely issued its Notice Stopping

Compensation and Notice of Denial on June 29, 2015, within the 90 day period. Valley Stairs and Rails v. WCAB (Parsons), 1100 C.D. 2017 (Pa. Cmwlth. 2019) (January 2019).