

Workers' Compensation Forum

Question: I have been receiving workers' compensation benefits for an injury to my back and neck. Up until now, the workers' compensation insurance company has been paying me temporary benefits while I was off work. Last week, my check was late and I couldn't make it to my doctor's appointment. I called to reschedule, but the next day I received a letter from the workers' compensation insurance company saying that my benefits had been suspended because I had "refused" to see the doctor. Can they do this?

Answer: No, nothing in Iowa law allows an employer or insurance company to suspend benefits if an employee fails to attend medical treatment. The Iowa Workers' Compensation Commissioner has taken the position that benefits cannot be suspended if you fail to go to medical treatment.

Iowa law does allow for the suspension of benefits in certain limited situations. Under the Iowa Code, if the employer or insurance carrier sets you up for an examination that is not for treatment, benefits can be suspended if you "refuse" to attend the appointment. The statute is clear that this is only for a refusal to attend the appointment. If you have a good reason for not attending the appointment, such as the inability to get to the appointment, the workers' compensation insurance carrier should not be able to suspend your benefits.

If you refuse to attend the appointment, the suspension of benefits only last for the period in which you refuse to visit the doctor. Thus, if you only refuse to visit with the doctor for a period of one week, benefits can only be suspended for that week.

Like much of workers' compensation, this can be a confusing and frustrating experience. You may wish to contact an attorney experienced with workers' compensation to assist you in addressing these problems. The attorneys at Neifert, Byrne & Ozga, P.C., have over 55 years of legal experience, and can assist you with your workers' compensation claims. Contact us at:

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