
LAW OFFICE OF JONES & GARBER

An Insurance Company Law Division

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April 12, 2005

Via Fax to (406) 444-7798 and U.S. Mail

Honorable Mike McCarter
Workers' Compensation Court
P. O. Box 537
Helena, MT 59624

FILED

APR 12 2005

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

RE: Rausch, et al. v. Montana State Fund
Ruhd v. Liberty Northwest Insurance Corporation
WCC No. 9907-8274R1

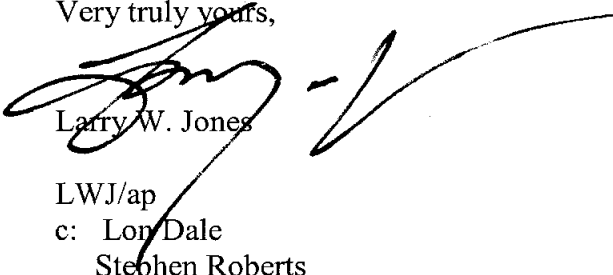
Dear Judge McCarter:

Attached is a draft letter that I thought it best to send to you and the FFR attorneys. It was drafted pursuant to your minute entry of April 1, 2005, regarding the hearing you conducted on the same date.

At ¶3, a, iii, you instruct Liberty to send a letter to a claimant's treating physician under the conditions set forth in the entry. I would like to avoid unnecessary disputes and confusion regarding that letter. Therefore I have drafted the attached letter that I propose to send to the treating physicians, assuming there are facts in the files that will trigger the need to send a letter.

I propose that the FFR attorneys first decide whether they agree with the draft as is or if they have proposed changes. I suggest we have a conference call to work out the contents of this letter if they have proposed changes.

Very truly yours,


Larry W. Jones

LWJ/ap

c: Lon Dale

Stephen Roberts

Monte Beck

Brad Luck (courtesy copy)

4. If the answer to question #1 is yes, will you need to examine Mr. Citizen to give the rating or can you give the rating based on the medical records in your file?
5. If you can give an impairment rating under the Guide based solely on the medical records in your file and as of the date of maximum medical improvement, what is that impairment rating?

If in your opinion you need to evaluate Mr. Citizen to give an impairment rating under the Guide, please so indicate in your response. We will then contact Mr. Citizen to ask if he wants to submit to this evaluation. Please identify what will be involved in the evaluation; we will then forward your description of the evaluation to Mr. Citizen.

Thank in advance for your prompt response to this letter. Please feel free to add any additional information that you think is relevant to our questions or feel free to ask us any questions that are necessary to understand and respond to this request.

Very truly yours,

Larry W. Jones

LWJ/ap

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April 12, 2005

RE: John Q. Citizen – DOI 7-1-96
WC687-123456

Dear Dr. _____:

I represent Liberty Northwest, a workers' compensation insurer in Montana. Our file on Mr. Citizen reflects the following information:

Mr. Citizen filed a claim for workers' compensation benefits with Liberty Northwest on _____.

Attached is a copy of that claim for compensation.

Liberty has paid Mr. Citizen certain wage loss and medical benefits based on his claim.

Liberty has classified Mr. Citizen's claim as a permanent total disability claim.

Our file reflects Mr. Citizen has not been evaluated for or received an impairment rating.

Pursuant to the order of Honorable Mike McCarter, judge in the Montana Workers' Compensation Court, in Ruhd v. Liberty Northwest, WCC No. 9907-8274R1, this letter is sent to you with a request to answer the following questions. Please include in your response any invoice for professional services in responding to this letter.

1. Can you identify on a more probable than not basis the date on which Mr. Citizen reached maximum medical improvement?
 2. Is it possible for you to give an impairment rating under the Fifth Edition of the American Medical Association Guide to the Evaluation of permanent impairments for his injury **as of the date he reached maximum medical improvement** (without regard to injuries, accidents and/or events since that date)?
 3. If the answer to question #1 is no, please explain.
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