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April 25, 2005

Larry W. Jones
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700 S.W. Higgins Ave., Suite 108
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FAXED TO: (406)829-3436

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

Dear Larry:

We have reviewed your proposed Confidentiality Agreement, and request that, in paragraph 2, after "certified rehabilitation counselors", you add the language "claims examiners who are assisting claimants' attorneys in the review of the files". With this addition, the amended Confidentiality Agreement is acceptable to the claimants' attorneys.

Thank you for drafting a proposed letter to physicians regarding impairment ratings. We agree that a form letter would be appropriate, but suggest certain changes to the form letter you have proposed. It would appear unnecessary to attach the claim for workers' compensation if the physician is already the treating physician for the claimant. It also seems irrelevant to the doctors medical evaluation, and therefore unnecessary to inform the physician, that "Liberty has paid Mr. Citizen certain wage loss and medical benefits based on his claim."

It also seems unnecessary for the form letter to state that there has been an order by the Judge requesting answers to questions. Rather, the form letter need only ask whether or not the claimant has reached maximum medical improvement and, if so, to render an impairment rating under the Fifth Edition of the American Medical Association Guide to the Evaluation of Permanent Impairments, deleting the statement "without regard to injuries, accidents, and/or events since that date", since there could be accidents and injuries that are the direct result of the original work injury.

We suggest that question number 3 read simply "if you are unable to give an impairment rating at this time, please state when you expect the claimant to reach maximum medical improvement."

Questions 4 and 5 of the form letter appear inconsistent with the method for conducting medical impairment ratings. Most impairment ratings require physical examination including range of motion

testing by the physician. Evaluations based solely on the medical records, without a physical examination, should be reserved for those exceptional cases where the claimant cannot, or will not, agree to a personal examination by the physician.

Very truly yours,

A handwritten signature in cursive script that reads "Steve Roberts".

Stephen D. Roberts

SDR:jll

c: Monte Beck
Lon Dale

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TRANSACTION REPORT

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