

STATE OF RHODE ISLAND

PROVIDENCE, SC.

WORKERS' COMPENSATION COURT

NO. 2024-04

ADMINISTRATIVE ORDER

WHEREAS, Rule 2.26 (A)(2)(b) of the Workers' Compensation Court Rules of Practice regarding petitions for approval of lump sum settlements or structured-type payments, requires a statement, dated within thirty (30) days of the date of the filing of the petition, on the letterhead of and signed by the physician who is currently treating the employee for the injury for which the employee is receiving compensation, describing the employee's present medical condition and ability to return to the workforce as it relates to the work-related injury; or in the event that the employee is no longer treating, the medical report of the employee's last date of treatment, describing the employee's medical condition and ability to return to the workforce as it relates to the work-related injury accompanied by an affidavit signed by the employee or his/her attorney attesting that the employee is no longer treating; and

WHEREAS, the Court has had numerous filings of global settlements wherein upwards to thirty (30) petitions for commutation and/or denial and dismissals have been filed for a single injured employee; and

WHEREAS, in many of these petitions, the employee has not treated for over eighteen (18) months and in many instances medical records are no longer available.

WHEREFORE, in situations where the employee has not treated with a physician in over eighteen (18) months, and the employee is no longer treating for the work injury, and it is unlikely that the employee can obtain a copy of the last medical report despite due diligence, it is hereby ordered that upon the filing of an affidavit signed by the employee and/or her/his attorney attesting:

- (1) that the employee is no longer treating for the work injury;
- (2) that the employee has not treated for the work injury in over eighteen (18) months, and
- (3) that obtaining the last medical report would be extremely difficult despite due diligence,

a medical report will not be required for the filing of a petition for commutation.

Entered as an Order of this Court, this **12th** day of **November 2024**.

PER ORDER:

ENTER:

/s/
Robert M. Ferrieri
Chief Judge

/s/
Nicholas DiFilippo
Administrator