

Getting Smart About Workers Compensation Claims

Why Choosing the Provider of an Injured Worker's Medical Care Is Important

After a worker is injured (and following any emergency treatment) either the worker or the employer can choose who will provide continuing care for the next 60 days.

In every case of a worker's injury a choice of medical provider will be made, with or without the employer even realizing that has been done. Our state law mandates that this choice will be made either one way or the other. We understand that most employers have probably not given this issue much thought. Unless one of your workers has had a serious injury with a long term recovery time you have probably not been introduced to the importance of this "right."

So what should you do? We strongly advise that you let the worker choose the initial medical provider for treatment of the injury and that you do this in writing so it is clear how that choice has been made. There are a couple of reasons why this is our advice to employers.

- There is credible evidence that a worker will respond better to treatment if the worker is comfortable with the treatment provided, and letting the worker choose usually contributes to that comfort, and hopefully, to a quicker recovery and to getting the worker back on the job as soon as possible.
- If, in the opinion of the Builders Trust claims manager, treatment isn't going well and the worker isn't getting better, the employer (via the BT claims manager) can re-direct care to the medical provider of our choice.

This right to switch is a one-time opportunity (i.e. for the life of the claim), and it cuts both ways. If the employer made the first choice, then the injured worker can switch to the provider of their choice, and this can be done whether or not we agree with the choice. In the most difficult and long term injuries this can impact costs and outcomes dramatically. Builders Trust has years of experience with medical providers who specialize in work related injuries and we believe we can direct care to the best medical outcome and most cost effective outcome especially in the most complicated and severe cases.

Because of that we want you to preserve our option to make the SECOND CHOICE of medical care provider by allowing the injured worker to make the FIRST CHOICE.

We can provide a simple form to facilitate this choice-of-provider process and explain how it works in more detail. For more information contact the Builders Trust claims department and speak to Ethan LeCam, VP of Claims.

Help us protect your business with proper claims handling. We strive to pay what we owe and defend against paying what we don't owe!



Field Safety Services

In light of a recent increase in related incidents, Builders Trust of New Mexico would like to remind all Participants of the serious risks associated with one of OSHA's 'Fatal Four' Hazards: Caught-In/Between. Working near or around these hazards requires heightened awareness and strict adherence to safety protocols to prevent injury.

Caught-between hazards occur when a worker is crushed, squeezed, or pinned between two or more objects. These hazards are common in construction and industrial environments and can result in severe injuries, amputations, or death. This discussion will cover common causes, prevention strategies, and safe work practices.

Topic: "Focus Four Caught In/Between"

Examples of Caught-Between Hazards

1.Machinery:

- Being caught in moving parts of unguarded machinery.
- Workers being pinned between heavy equipment and walls or other objects.

2.Excavations and Trenches:

- Soil or trench collapses burying workers.
- Workers pinned between trench walls and equipment.

3.Material Handling:

- Shifting or collapsing piles of materials, such as lumber, pipes, or steel.
- Being caught between loads being lifted and stationary objects.

4.Vehicles and Heavy Equipment:

- Being crushed between a vehicle and a stationary structure.
- Workers struck and pinned by reversing vehicles or rotating machinery.

Key Prevention Strategies

1.Stay Alert and Aware:

- Always be aware of your surroundings, especially near moving machinery, vehicles, or heavy loads.

2.Maintain Equipment Safeguards:

- Ensure machinery has guards installed on moving parts.
- Never bypass or remove safety guards.

3.Excavation Safety:

- Use protective systems like trench boxes or shoring in trenches deeper than 5 feet
- Keep heavy equipment and materials at least 2 feet away from trench edges.
- Inspect trenches daily and after weather events.

4.Safe Material Storage and Handling:

- Stack materials securely to prevent shifting or collapsing.
- Use chocks or restraints to stabilize materials during storage or transport.

5.Proper Equipment Operation:

- Only trained personnel should operate heavy machinery.
- Use spotters to guide vehicles and equipment in tight spaces.

6.Maintain Safe Distances:

- Stay clear of pinch points, rotating equipment, and suspended loads.
- Never position yourself between a moving object and a stationary structure.

7.Lockout/Tagout (LOTO):

- Follow LOTO procedures when maintaining or repairing machinery to ensure equipment is de-energized.

8.Communication:

- Use clear communication protocols, such as hand signals or radios, to coordinate work near equipment.

Good to Know: From the BT Participant Manual

Subcontractors

Subcontractors working on the job sites of Builders Trust Participants are required to furnish a "Certificate of Insurance" for *workers' compensation insurance coverage*. You must keep current Certificates of Insurance on file for all subcontractors. These certificates should be kept at least until the Builders Trust auditor has completed the annual audit of your payroll records.

An uninsured subcontractor is any contractor who does not provide you with a valid and current "Certificate of Insurance showing that the subcontractor has workers' compensation insurance coverage.

Workers' compensation premium is charged on uninsured subcontractors as follows:

- 100% of all bills which do not show a breakdown of labor and materials
- 100% of *labor only* on bills showing a breakdown of labor and materials
- 100% of all contract labor

Builders Trust strongly recommends that you do not use uninsured subcontractors. Uninsured subcontractors represent extensive liabilities from which your workers' compensation insurance may not protect you. These liabilities far outweigh any savings you may receive by using an uninsured subcontractor.

Current New Mexico law requires that all contractors in the construction industry who are required to be licensed by the Construction Industries Division, and have one or more employees carry workers' compensation insurance.



Ten Basic Rules of Safety

The following ten basic rules of safety should become second nature to everyone on the job site:

- 1 Use your tools, equipment, and personal protective equipment (PPE) the way they were designed.
- 2 Properly use appropriate PPE where required.
- 3 Inspect your equipment daily.
- 4 Only perform tasks for which you have been trained.
- 5 Understand your company safety rules and policies.
- 6 Take responsibility for yourself and your co-workers.
- 7 Correct or report all unsafe conditions to your supervisor immediately.
- 8 Accept that all accidents are preventable.
- 9 Get involved with your company safety program.
- 10 When in doubt, stop and ask!



Happy Retirement!

After 32 years of service to
Builders Trust Participants, we
wish Tracey a Happy Retirement
on July 1st

Board of Trustees

Gabe Martinez

Chairman, Santa Fe, NM
GM Emulsion/GM Septic Services

Lee Rawson

Trustee, Las Cruces, NM
Rawson Inc. Builders Supply

Mark Carpenter

Trustee, Clovis, NM
Mark Carpenter Plumbing, Inc.

McChristie Curry

Board Advisor, Alamogordo, NM
White Sands Construction Inc.

Jason Lorenz

Vice-Chair, Las Cruces, NM
Veloz Homes

Kevin McGinley

Trustee, Mesilla, NM
McGinley Construction, Inc.

David Gallegos

Trustee, Hobbs, NM
Ramirez & Sons Inc.

Rob Liessmann

Board Advisor, Farmington, NM
Liessmann Construction Co. Inc.

Craig Kemper

Trustee, Albuquerque, NM
Alvarado Roofing, Inc.

Rick Davis

Trustee, Albuquerque NM
R.E. Davis Construction Co. Inc.

Chellye Porter

Trustee, Albuquerque, NM
Summit Construction Inc.

PLEASE ENJOY THIS COMPLIMENTARY ISSUE OF BT BLUEPRINTS!