

632 - Workers Compensation Administration File Plan

This file plan was developed to be a guide for Workers Compensation Administration employees. This guidance document was created to ensure consistent records classification and to provide agencies with other relevant record information. The final disposition authority resides in the Functional Records Retention and Disposition Schedule (FRRDS), 1.21.2 NMAC.

This file plan only list records series of program's specific to the Workers Compensation Administration. For records series of a general administrative nature, refer to the General Administrative Records File Plan. For records of a financial nature, refer to the General Financial Records File Plan. For records of a personnel or medical nature, refer to the General Personnel/Medical Records File Plan.

632-001 WORKER'S COMPENSATION COMPLAINT FILE:

Division/unit: Clerk of the court

Maintenance system: Numerical by case number, then chronological by calendar year

Record series content: Records concerning worker's compensation claim disputes filed with the WCA against employers for benefits (i.e., medical, work time loss). File may include claim for worker's compensation application, notice to employer of claim for compensation, authority to release medical reports and information, treating physician's verification of job related disability and time lost, mediation, pleadings, depositions, orders, recommendations, resolutions, correspondence, WCA judgment, etc.

Classification:

(A) **No action taken:** 1.21.2.107 NMAC, Denied, Rejected or Withdrawn Records

(B) **Filed legal documents:** 1.21.2.632 NMAC, Hearings and Appeals

File closure:

(A) **No action taken:** Date of final disposition

(B) **Filed legal documents:** Close of calendar year in which final judgment is rendered

Confidentiality: Portions of this record may be confidential pursuant, but not limited to Section 5 USC, Section 552a (i.e., social security number) and Section 59A-46-27NMSA 1978, confidentiality of medical information and limitation of liability and Section 52-5-21 NMSA 1978, administration records confidentiality; authorized use.

[New - 03/31/2021; A - 05/19/2021]

632-002 RECORDINGS OF FORMAL CLAIM HEARINGS:

Division/unit: Clerk of the court

Maintenance system: Numerical by case number

Record series content: Audio recordings of worker's compensation claim proceedings.

Classification: 1.21.2.632 NMAC, Hearings and Appeals

File closure: Close of calendar year in which the case is filed

[New - 03/31/2021]

632-003 to 632-010

632-011 ACCIDENT REPORT FILE (E1):

Division/unit: Economic research

Maintenance system: Chronological by date of injury, then numerical by SSN, then alphabetical by surname

Record series content: Records concerning reports required to be filed with the WCA by employers reporting work related accidents, occupational illnesses or injuries. File may include accident report, notice of benefit payment, supplemental report of accident or disease, correspondence, etc.

Classification: 1.21.2.265 NMAC, WCA Accident Reporting

File closure: Date of accident

Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 52-1-49 NMSA 1978, medical and related benefits; selection of health care provider; artificial members and Section 52-5-21 NMSA 1978, administration records confidentiality; authorized use.

[New - 03/31/2021; A - 05/19/2021]

632-012 ACCIDENT SUSPENSE FILES:

Division/unit: Economic research

Maintenance system: Chronological by date, then numerical by sequential number

Record series content: Records concerning individuals' work-related illnesses or injuries (i.e., illness due to chemicals, or physical injury) and accident information (i.e., occupation, injury characteristics, etc.). File may include individual's information (i.e., name, DOB, SSN, etc.), first report of accident (FROI, notice of benefit report (SROI), etc.

Classification: 1.21.2.265 NMAC, WCA Accident Reporting

File closure: Date of accident

Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 552a (i.e., social security number) and Section 52-1-49 NMSA 1978, medical and related benefits; selection of health care provider; artificial members and Section 52-5-21 NMSA 1978, administration records confidentiality; authorized use.

[New - 03/31/2021; A - 05/19/2021]

632-013 to 632-020

632-021 ANNUAL WORKER'S COMPENSATION EXPENDITURE REPORT (E5):

Division/unit: Statistics and research

Maintenance system: Chronological by date, numerical by insurer carrier identification number

Record series content: Report generated by insurers for actuarial projections of loss cost (i.e., amount of money paid in worker's compensation benefits). Report may show expenditure amount, medical-only amount, indemnity amount, etc. Annual report generated by the WCA to evaluate insurance industry data pertaining to worker's compensation and occupational disease disablement claims and payments as well as other information necessary to evaluate the effectiveness of the WCA system

Classification: 1.21.2.118 NMAC, Reports - Statistical

File closure: Report due date

Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 52-1-49 NMSA 1978, medical and related benefits; selection of health care provider; artificial members and Section 52-5-21 NMSA 1978, administration records confidentiality; authorized use.

[New - 03/31/2021; A - 05/19/2021]

632-021 to 632-030

632-031 COMPLIANCE CASE FILE:

Division/unit: Employer compliance

Maintenance system: Chronological by calendar year, then alphabetical by employer name

Record series content: Records concerning possible employer violation of worker's compensation act. File may include action form (e.g., compliance officer notes), first compliance letter (WCEB CL-I), second compliance letter (WCEB CL-II), certified returned receipt letter (WCEB), certified returned receipt, correspondence, etc.

Classification: 1.21.2.415 NMAC, General - Audits and Compliance

File closure: Close of calendar year in which file closed

Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 52-5-21 NMSA 1978, administration records confidentiality; authorized use.

[New - 03/31/2021]

632-032 INDIVIDUAL SELF-INSURED COMPANY FILE:

Division/unit: Self-insurance

Maintenance system: Alphabetical by self-insurer name

Record series content: Records maintained by the WCA determining the qualifications and certification of employers as individual self-insurers. File may include application for individual self-insurance, certificate of self-insurance, copy of security (i.e., surety bond, letter of creditor), financial statement copy, past audits, guaranty and resolution, excess insurance information, claims or loss runs, correspondence, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Date all pending claims have been paid or settled

[New - 03/31/2021]

632-033 GROUP SELF-INSURED COMPANY FILE:

Division/unit: Self-insurance

Maintenance system: Alphabetical by self-insurer name

Record series content: Records maintained by the WCA on certificates of approval issued to group-self-insured companies in compliance with the requirements of the Group-Self Insured Act. File may include application for group self-insurance, surety bond copy, letter of credit copy, financial statement copy, past audits, excess insurance information, certificate of self-insurance, claims or loss runs, premium tax information, member list, actuarial report, rate request, dividend request, correspondence, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Date all pending claims have been paid or settled.

[New - 03/31/2021]

632-034 POOL SELF INSURED FILE:

Division/unit: Self-insurance

Maintenance system: Alphabetical by self-insurer name

Record series content: Records maintained by the WCA determining the qualifications and certification of pool self-insurance companies (e.g., public schools, counties or cities). File may include application for pool self-insurance, financial statement copy, past audits, excess insurance information, certificate of self-insurance, claims or loss runs, premium tax information, member list, actuarial report, rate request, dividend request, correspondence, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Date all pending claims have been paid or settled.

[New - 03/31/2021]

632-035 GUARANTEE FUND FILE:

Division/unit: Self-insurance

Maintenance system: Alphabetical by employer name

Record series content: Records maintained on contributions made to the self-insurers' guarantee fund by certified self-insurers' in fulfillment of the provisions of the Self-Insurers' Guarantee Fund Act. Record may include balance sheets, income statements, transaction registers, bank statements, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Close of tax year in which tax report was filed

Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 52-5-21 NMSA 1978, Administration records confidentiality, authorized use.

[New - 03/31/2021]

632-036 ANNUAL NOTEBOOK:

Division/unit: Self-insurance

Maintenance system: Chronological by quarter reported in

Record series content: Input document for the *guarantee fund database*. The annual notebook provides financial information on the status of the fund and operating expenses expended from the fund. Notebook may include balance sheets, income statements, reconciliation, bank statements, tax documents (i.e., 1099 form) etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Close of tax year in which tax report was filed

Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 52-5-21 NMSA 1978, Administration records confidentiality, authorized use and Section 52-5-21 NMSA 1978, administration records confidentiality; authorized use.

[New - 03/31/2021]

632-037 GUARANTEE FUND DATABASE:

Division/unit: Self-insurance

Maintenance system: Numerical by primary key

Record series content: Database maintains financial accounting information on contributions made to the guarantee fund. Data may include information used to generate balance sheets, income statement, transaction registers, account balances due, past contributions, interest earned etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Close of tax year in which tax report was filed

Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 52-5-21 NMSA 1978, Administration records confidentiality, authorized use.

[New - 03/31/2021]

632-038 to 632-050

632-051 EXEMPTION (WC CB A-I):

Division/unit: Employer compliance

Maintenance system: Alphabetical by business name

Record series content: Records maintained on employers requesting and exemption from certain provisions of the Workers Compensation Act. Form may include name of business, business description, reason for rejection of self-insurance, unemployment insurance number, federal employer identification number, business owner signature, business owner title, notary public seal and information, etc.

Classification: 1.21.2.262 NMAC, Employer Account Files

File closure: Date amended, superseded or revoked

Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 52-5-21 NMSA 1978, Administration records confidentiality, authorized use.

[New - 03/31/2021]

632-052 ELECTION TO ACCEPT (WC CB A-II):

Division/unit: Employer compliance

Maintenance system: Alphabetical by business name

Record series content: Records maintained on employers opting for self-coverage worker's compensation insurance. Form may include name of business, business description, acceptance of coverage of self-insurance, unemployment insurance number, federal employer identification number, business owner signature, business owner title, notary public seal and information, etc.

Classification: 1.21.2.262 NMAC, Employer Account Files

File closure: Date amended, superseded or revoked

Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 52-5-21 NMSA 1978, Administration records confidentiality, authorized use.

[New - 03/31/2021]

632-053 REVOCATION (WC CB A-III):

Division/unit: Employer compliance

Maintenance system: Alphabetical by business name

Record series content: Records maintained on employers revoking self-coverage worker's compensation insurance. Form may include business owner's signature, name of business, business description, election to except or refuse self-coverage of worker's compensation insurance, unemployment insurance number, federal employer identification number, business owner signature, business owner title, notary public seal and information, etc.

Classification: 1.21.2.262 NMAC, Employer Account Files

File closure: Date amended, superseded or revoked

Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 52-5-21 NMSA 1978, Administration records confidentiality, authorized use.

[New - 03/31/2021]

632-054 LIMITED LIABILITY AFFIRMATIVE ELECTION FORM (WC CB A-IV):

Division/unit: Employer compliance

Maintenance system: Alphabetical by business name

Record series content: Records maintained on employers belonging to limited liability companies who refuse self-coverage workers compensation insurance. Form may include business owners name, business description, employer unemployment insurance number, federal employer identification number, business owner signature, business owner title, notary public seal and information, etc.

Classification: 1.21.2.262 NMAC, Employer Account Files

File closure: Date amended, superseded or revoked

Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 52-5-21 NMSA 1978, Administration records confidentiality, authorized use.

[New - 03/31/2021]

632-055 to 632-060

632-061 SAFETY INSPECTION AFFIDAVIT FORM:

Division/unit: Safety

Maintenance system: Alphabetical by business name

Record series content: Forms maintained on business conducting their own work site safety inspections. Form may include business name, federal employment identification number, business address, notary name, notary seal, individual conducting section, etc.

Classification: 1.21.2.474 NMAC, General - Inspection

File closure: Date entered into safety table

Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 52-5-21 NMSA 1978, Administration records confidentiality, authorized use.

[New - 03/31/2021]

632-062 to 632-070

632-071 ENFORCEMENT FILE:

Division/unit: Enforcement

Maintenance system: Chronological by year, then numerical by case number

Record series content: Record used to maintain documentation on investigations into possible violations of the worker's compensation act and rules. Record may contain person of complainant information (i.e., medical records, department of labor wages, criminal background checks, motor vehicle background,

etc.), legal inquiry, notice of pending investigation, worker's compensation benefit reports, close file report, correspondence, etc.

Classification:

- (A) **Merit:** 1.21.2.634 NMAC, Investigations – Legal Matter Management
- (B) **No merit:** 1.21.2.107 NMAC, Denied Rejected or Withdrawn Records

File closure:

- (A) **Merit:** Date case closed
- (B) **No Merit:** Date no violations found

Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 52-5-21 NMSA 1978, Administration records confidentiality, authorized use.

[New - 03/31/2021; A - 05/19/2021]

632-072 to 632-080

632-081 CASE MANAGEMENT FILE:

Division/unit: Medical cost containment

Maintenance system: Alphabetical by employee's surname

Record series content: Record maintained on individuals needing assistance to reach maximum medical improvement assistance. File may include case individual's information (i.e., name, address, SSN, DOB, injury date, medical, psychological reports) authorization sheet, case summary, initial evaluation, monthly reports, correspondence, closure report, etc.

Classification: 1.21.2.814 NMAC, Assistance - Medical

File closure: Date case closed

Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 552a (i.e., social security number) and Section 52-5-21 NMSA 1978, Administration records confidentiality, authorized use.

[New - 03/31/2021; A - 05/19/2021]

632-082 to 632-090

632-091 WORKERS COMP DATABASE:

Division/unit: Management information systems

Maintenance system: Numerical by primary key

Record series content: Database used to maintain employee claim information and employer insurance information relating to worker's compensation insurance. Data may include claims, legal proceedings, accident report information (i.e., type of injury, etc.) workers compensation insurance compliance, insurance coverage date, business name, business information (i.e., name, address, FIN#) business state of operation, business contact information, subsidiary information, patients information (i.e., name, DOB, SSN, occupation, date of accident, admission type), physicians name, medical procedures, diagnoses, employer insurance coverage (i.e., revocation, exemption, election to accept, limited liability election), safety consultant, occupational safety statistics, business contact, business history inspections, business consultations, etc.

Classification:

- (A) **Electronic data interchange data:** 1.21.2.265 NMAC, WCA Accident Reporting
- (B) **Master employer data:** 1.21.2.262 NMAC, Employer Account Files
- (C) **Impatient data:** 1.21.2.265 NMAC, WCA Accident Reporting
- (D) **Carrier data:** 1.21.2.264 NMAC, Underwriting

File closure: Date of accident

Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 552a (i.e., social security number) and Section 52-5-21 NMSA 1978, Administration records confidentiality, authorized use.

[New - 03/31/2021; A - 05/19/2021]