

*The QME Process Revealed: How to Successfully Request a Represented QME Panel

Division of Workers' Compensation Webinar

September 19, 2013

Rupali Das, Karen Pak and Kathy Patterson

Today's Speakers

- * Rupali Das, DWC Executive Medical Director
- * Karen Pak, DWC Industrial Relations Counsel
- * Kathy Patterson, DWC Medical Unit Manager

* Outline of Presentation

- * What has changed
- * Common errors
- * Sample statistics on panel requests
- * What is required
- * Examples of complete requests
- * Helpful tips

* Changes resulting from SB 863

- * New forms
- * Streamline the Represented QME process - Agreed Medical Evaluator (AME) offer no longer a requirement
- * Scope of what QMEs can address
 - * Current treatment disputes will no longer be resolved by QMEs - Independent Medical Review (IMR) process will apply (Labor Code § 4610.5)

* New Forms

Mandatory forms for all dates of injury (DOI)

- * QME 106 - represented panel requests
- * QME 31.5 - replacement panel requests
- * QME 31.7 - additional specialty panel requests

QME forms at DWC website:

<http://www.dir.ca.gov/dwc/forms.html#QMEForms>

* Represented panel form

* Excerpt of "Request for QME Panel Under Labor Code 4062.2 Represented," (QME Form 106)

* Top of form example:

Specialty Requested *(Required)*: Opposing Party's Specialty Preference *(If known)*:

Requesting party *(Required)* (Check one box only)

Applicant's Attorney Defense Attorney /Claims Administrator

Reason QME panel is being requested *(Required)* (Check one box only)

§ 4060 (compensability exam) § 4061 (permanent disability dispute) § 4062 (non medical treatment dispute under 4062)

Employee Information *(Required)*

* Middle of form example:

Answer each question below *(Required)*

Has the employee ever had an AME/QME exam before?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If the employee seen an AME/ QME for this injury, provide the information below:
If yes, has that claim been settled or resolved?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Is this a dispute about a current need for medical treatment?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Name of AME/QME seen: <input type="text"/>
Is this a dispute over an additional body part ?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Date of Exam: <input type="text"/>

Name of the Primary Treating Physician: Date of Report being objected to:

Describe the nature of the dispute that requires resolution:

REQUESTING A COMPENSABILITY EVALUATION TO RESOLVE AOE/COE ISSUE|

Not the expected results

6107 Panels Reviewed

 VALID

1,108



SOMETHING'S
WRONG
HERE

REJECTED

4,999

* Common reasons for rejected requests: form-related

- * Correct form not used
- * Claim number not listed
- * Unsigned form
- * Checkbox selections do not match dispute

* Common reasons for rejected requests: not form-related

- * Improper grounds for requesting a panel:
 - * Treatment disputes - now go through IMR
 - * Disputes on non MPN physician
- * Premature submission
- * Vague or incomplete written objections

* Basis for requesting QME panels: Labor Code §§ 4060, 4061, 4062

* Labor Code § 4060: Disputes on AOE/COE or compensability

or

* Labor Code § 4061: Disputes over permanent disability and future medical care

or

* Labor Code § 4062: Disputes over medical issues not covered by Labor Code §§ 4060 or 4061 and not subject to Labor Code § 4610

* What actions are required for a Represented QME panel request?

1. Write a dispute letter to opposing party
2. Complete the correct version of request form
3. Mail the timely panel request with written objection

* Identification of dispute

- * Labor Code § 4060: Must include copy of written dispute letter that identifies a compensability exam is required (8 CCR 30(b))
- * Labor Code §§ 4061, 4062: Must include copy of written dispute letter (8 CCR 30(b)); specify the dispute, naming the section is not adequate
- * *(Tip: update your standard objection letter templates to include new information)*

* Labor Code §§ 4061, 4062 Dispute letters must include

- * Medical dispute requiring comprehensive medical legal evaluation

- * Name of Primary Treating Physician (PTP)

- * Date of PTP report objected to

 - * Cal. Code of Reg., title 8, § 30 (b)

* Example of dispute letter

September 19, 2013

Bob Gould, Esq.
Law office of Gould and Silver
1567 Treasure Ave.
Tinseltown, CA 92806

RE: Mario Breganza v. Ice Company

DOI: 4/1/2013

Claim#: WC204735

Dear Mr. Gould:

Please consider this our objection to the findings of Dr. Max Hendrick's report dated July 29, 2013 with respect to the compensable consequence of the knee injury. Although using an AME is a matter of choice, I propose Dr. Larry Simpson as a choice to consider.

Sincerely,

Steve Hope

Steve Hope, Esq.
Law Office of Hope, Hope & Hope
Hollywood, CA 90078



*Timeliness of request

When can the Represented QME Panel Request be submitted to the Medical Unit?

- * Parties must wait 10 days after written objection to a medical dispute pursuant to one of the sections (Labor Code § 4060-61-62)
- * An additional 5 days for mailing is required (Messele v. Pitco Foods, Inc. (76 CCC 956))

* Review your documents: Is your request complete?

1. Panel form has all required fields completed
 - * Dispute check box matches the medical dispute in the written objection
 - * *proof of service - final version*
2. Written dispute letter has all the required information (Rule 30 (b))
3. Request is mailed on or after the 16th day from date of objection notice

* Examples of complete requests: Labor Code § 4060

Represented Panel Request was submitted for an injury that occurred on April 13, 2013 and included:

- * Written dispute letter that identifies a compensability exam is needed
- * Request filed 16 days after date of written letter

* Examples of complete requests: Labor Code § 4061

Represented Panel Request submitted for a January 5, 2013 injury including:

- * Letter objecting to the PTP's determination on permanent disability and details the name of PTP and date of report
- * Request filed 18 days after date of written letter

* Examples of complete requests: Labor Code § 4062

Represented Panel Request submitted for an October 31, 2011 injury including:

- * Written dispute letter which states objection to work restrictions as stated in PTP Dr. James Rogers report of May 5, 2013
- * Request filed 17 days after date of written letter.

* Examples of complete requests: Labor Code § 4062

Represented Panel Request submitted for a March 30, 2013 injury including:

- * Written objection to claims administrator's denial of left leg injury as consequence of accepted low back injury based on PTP Dr. Delilah Swanson report of July 12, 2013
- * Request filed 19 days after date of written letter.

* Tips to shorten wait time

- * Use new form 31.5 for replacement panel requests
- * Use new form 31.7 for additional panel requests
- * Attach rejection letter as cover page when resubmitting corrected QME panel request - include copy of original form to streamline
- * Additional resources: QME forms in DWC website at: <http://www.dir.ca.gov/dwc/forms.html#QMEForms>



*Take Away Message

*Three easy steps for a successful represented panel requests:

1. Submit completed panel form
2. Attach related written objection letter with required information
3. Submit timely requests