

MEMORANDUM

TO: Ronnie
FROM: Jim
DATE: September 27, 1992
RE: Advisory Update

After hearing Dan Shouse's theory of Opinion 92-374, and reconsidering proposed Advisory No. 57, it seems to me that the best thing to do would simply be to eliminate the middle paragraph that discusses the designated doctor situation. I have prepared a new proposed Advisory No. 57, in that regard. While this advisory may not completely explain what to do on a designated doctor situation, it does tell them exactly what the Appeals Panel Decision said and at least gives them appropriate guidance that they must pay TIBs after an RME doctor certification.

ADVISORY NO. 57

**TOPIC: MAXIMUM MEDICAL IMPROVEMENT/TERMINATION OF
BENEFITS
 - UPDATE**

Immediately following distribution of Advisory No. 54, the TWCC Appeals Panel issued decision No. 92-374, which clearly holds that "Certification by a non-treating doctor of MMI, alone, does not constitute a basis for the carrier to stop TIBs." Accordingly, a carrier may not suspend TIBs solely on the basis of an MMI certification by an RME doctor. Suspension of TIBs is allowed upon certification of MMI by the treating doctor or an interlocutory order issued at a Benefit Review Conference wherein the Benefit Review Officer directs the carrier to suspend TIBs.

Please review the information, recommended procedures, and suggested form letter which accompanied Advisory No. 54. *The only change resulting from this new opinion is contained on Exhibit 1 -- Recommended Procedures, in Part 2.* It should be corrected to read:

2. Continue to pay Temporary Income Benefits.