

ADVISORY NO. 399
###

TOPIC: RME AND DDR RULE CHANGES

DWC has adopted the following changes to existing rules and new rules with respect to examinations by RME doctors and Designated Doctors. The rules will first become effective after January 1, 2007.

CHAPTER 126 General Provisions Applicable to All Benefits

Amended Rule 126.5 - Entitlement and Procedure for Requesting Required Medical

Examinations: Rule 126.5 primarily addresses the frequency and reason for a required medical exam at the request of the insurance carrier by aligning the specific reason(s)/ timeframes with the appropriate statutory provision. Effective for a RME requested on or after 1/1/07

Substantive Changes:

- Additional RMEs within 180 days is removed.
- Person requesting RME has to ensure the requested doctor does not have a disqualifying association (network affiliation).
- Employee is granted additional time (5 extra days) to agree/disagree to the RME.

Amended Rule 126.6 – Required Medical Examination: Rule 126.6 addresses the reporting requirements of a RME doctor who performs an examination. The rule also addresses rescheduling of examinations when there is a scheduling conflict or missed appointments. Effective for a RME requested on or after 1/1/07

Substantive Changes:

- Rescheduling of RME exam must be done within 7 days of the original exam date unless an extension for rescheduling an exam is agreed to between an injured employee and a RME doctor. Exam date must be no later than 30 days from original exam date.
- Delivery by “verifiable means” is defined.
- RME doctor report of MMI/IR is sent to all parties, including DWC.
- RME doctor reports regarding return-to work, extent of injury, and disability related to the work related injury will be sent to all parties, except DWC. DWC will gather this information through data calls.
- RME doctor is required to reschedule missed exams within 30 days of the date the injured employee contacts the doctor to reschedule.

FLAHIVE, OGDEN & LATSON

New Rule 126.7 – Designated Doctor Examinations: Requests and General Procedures:

New Rule 126.7 provides procedural direction regarding the reasons and process for requesting a designated doctor exam that were previously contained in Rules 130.5 and 130.6 due to Chapter 126 dealing with benefit issues in general, and Rule 130 dealing specifically with Impairment Income Benefits (IIBs) and Supplemental Income Benefits (SIBs). Specific changes include new procedural direction for rescheduling examinations where there is a scheduling conflict or missed appointments. Effective for a DD requested on or after 1/1/07.

Items to note:

- Updated list of reasons for Designated Doctor (DD) exams.
- Timeframe for rescheduling exam (based on contact prior to exam) is extended to 21 days from original exam date.
- Designated doctor report of MMI/IR is sent to all parties, including DWC.
- Designated doctor reports regarding return-to-work, extent of injury, and disability related to the work related injury will be sent to all parties, except DWC. DWC will gather this information through data calls.
- Time frame to obtain additional testing is extended from 7 days to 10 days.
- Designated doctor is required to reschedule missed exams within 21 days of the date the injured employee contacts the doctor to reschedule.
- Issuance of prospective date of MMI if not at MMI has been removed.
- Reexaminations required due to letters of clarification must be scheduled to occur within 21 days from the request by the Division.

CHAPTER 130 Impairment Income Benefits

Amended Rule 130.2 - Certification of Maximum Medical Improvement and Evaluation of Permanent Impairment by the Treating Doctor: Rule 130.2 addresses the requirement for the treating doctor to provide notice to the employee of the doctor's certification of MMI/IR and the employee's ability to dispute the certification by requesting a BRC.

Substantive Change:

- The notice is required to be sent as an attachment to the DWC-69.

Amended Rule 130.6 – Designated Doctor Examination for Maximum Medical Improvement and/or Impairment Ratings: Rule 130.6 addresses the responsibilities of the Designated Doctor in regard to examinations conducted by the Designated Doctor regarding MMI/IR issues. Effective for a DD requested on or after 1/1/07

Substantive Change:

- Issuance of prospective date of MMI if not at MMI has been removed.