

# California Impairment Ratings Using the AMA 5th Guides

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"The art of medicine lies in keeping the patient amused, whilst nature cures the disease..."

Voltaire

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- Talmage & Melhorn - Editors of A Physician's Guide to Return to Work by AMA Press 2005 – royalties received.

## California Impairment

- <http://www.dir.ca.gov/dwc/forms.html>
- <http://www.dir.ca.gov/dwc/dwcpropregs/pdrsregs.htm>
- <http://www.coassn.org/>

## California Forms

- Application for Adjudication of Claim
- Declaration of Readiness to Proceed
- Declaration of Readiness to Proceed - Expedited Hearing ( Trial)
- Petition for Reconsideration
- Notice of Dismissal of Attorney
- Petition for Commutation of Future Payments
- Appeal from Determination and Order of the Rehabilitation Unit
- Application for Benefits for Serious and Willful Misconduct of Employer
- Application for Discrimination Benefits Pursuant to Labor Code Section 132 ( A)
- Petition to Reopen
- Request for Reconsideration of Summary Rating to the Administrative Director
- Notice and Request for Allowance of Lien
- Information Guidelines for Submission of Settlement Documents
- Pre-Trial Conference Statement
- Minutes of Hearing/Order/Order and Decision on Request for Continuance/Order Taking off Calendar/Notice of Hearing
- Vocational Rehabilitation

## California Forms

- RU 90 Treating Physician Report of Disability
- RU 91 Description of Job Duties
- RU 94 Notice of Offer of Modified or Alternate Work
- RU 102 Rehabilitation Plan
- RU 103 Request for Dispute Resolution
- RB 105 Request for Conclusion
- RU 105 Notice of Termination
- RB 107 Declination for Date Of Injury's pre 1/1/90
- RU 107 Declination for Date Of Injury's 1/1/90 - 12/31/93
- RU 107A Declination for Date Of Injury's post 1/1/94
- RU 120 Evaluation Summary
- RU 121 Program Report
- RU 122 Settlement of Prospective Vocational Rehabilitation Services

## California Forms

- DEU 100 Employee's Permanent Disability Questionnaire
- DEU 101 Request for Summary Rating Determination ( of AME's or QME's Report)
- DEU 102 Request for Summary Rating Determination ( of Primary Treating Physician's Report)
- DEU 103 Request for Reconsideration of Summary Rating by the Administrative Director
- DEU 105 Apportionment
- DEU 110 Notice of options following permanent disability rating
- DEU 200 Employee's Request for Informal Permanent Disability Rating
- DEU 201 Request for Informal Rating ( by Insurance Carrier or Self-Insurer)
- Request for Consultative Rating

## California Forms

- DLSR Form 5021, Doctor's First Report of Occupational Injury or Illness - Insurers, self-insured employers, doctors, clinics, hospitals and other persons may reproduce this form following specifications contained in Section 14007 of Title 8, California Code of Regulations.
- DWC Form 280 Petition for Change of Primary Treating Physician ( .pdf, 60k) form

## California Forms

- Judicial Ethics Complaint Form and Information
- Managed Care
- DWC 1194 HCO Enrollment Form
- HCO Application Instructions ( under revision)
- HCO Application ( under revision)

## California Forms

- The Injured Worker Pamphlet
- Workers' Compensation Claim Form ( DWC 1) and Notice of Potential Eligibility
- Notice to Employees Poster
- DLSR Form 5020, Employer's Report of Occupational Injury or Illness - Employers obtain this form from their workers' compensation claims administrator. Insurers and self-insured employers reproduce the form following all of the conditions contained in Section 14005 of Title 8, California Code of Regulations.

## California Forms

- PR-2 Primary Treating Physician's Progress Report
- PR-3 Primary Treating Physician's Permanent and Stationary Report (1997 Schedule)
- PR-4 Primary Treating Physician's Permanent and Stationary Report (2005 AMA Guides)

## California Impairment

- QME = Qualified Medical Evaluator
- AME = Agreed Medical Evaluator
- The Qualified or Agreed Medical Evaluator Findings Summary Form 111
- DEU100 (Disability Evaluation Unit)
- DEU101 (Disability Evaluation Unit)

## QME or AME

### Functions

- Examines an Individual
- Reviews Records
- Generates an AME Report

## QME or AME

### Possible Issues for QME or AME

- Claim Acceptance/Denial
- Treatment vs. Permanent & Stationary
- Residual Disability
- Work Restrictions
- Causation/Apportionment
- Future Medical Care

## QME or AME

### Types of Reports

- Entry Into The System
- Treatment/Define Clinical Pathways
- Leaving The System
- Disability Evaluation

## QME or AME

### Report must contain:

- Addresses the substantive evidence Of each position
- Must reach reasonable conclusions
- Answers to questions to allows the attorneys to settle the case or issue

## Labor Code Section 4660

-- "the nature of the physical injury or disfigurement" shall incorporate the descriptions and measurements of physical impairments and the corresponding percentages of impairments published in the *AMA Guides to the Evaluation of Permanent Impairment* (5<sup>th</sup> Edition)

## Disability

"the administrative director shall formulate the adjusted rating schedule based on empirical data and findings from the Evaluation of California's Permanent Disability Rating Schedule, Interim Report (Dec. 2003), prepared by the Rand Institute of Civil Justice Rating Schedule, and upon data from additional empirical studies."

## Preparing AME Reports

1. Narrative history
2. Work history (optional)
3. Current clinical status
4. Diagnostic study results
5. Maximal medical improvement discussion
6. Diagnosis, impairments

## Preparing Reports

7. Causation, apportionment, aggravation (if requested)
8. Impairment rating criteria, prognosis, residual function and limitations
9. Job or ADL restrictions (if requested)
10. Calculate the impairment rating
11. Discuss how the impairment rating was calculated (refer to figures, graphs etc.)

## AME Fee Schedule

- ML101
  - Follow up Medical-Legal Evaluation
  - \$62.50 / 15 minutes or portion thereof
- ML102
  - Basic Comprehensive Medical-Legal Evaluation
  - \$625

## AME Fee Schedule

- ML103
  - Complex Comprehensive Medical-Legal Evaluation
  - \$937.50
- ML104
  - Comprehensive Medical-Legal Evaluation Involving Extraordinary circumstances
  - 62.50 / 15 minutes or portion thereof

## Billing Modifiers

- -94
  - AME modifier
  - Add 25% to QME fee
- -93
  - Interpreter
  - Add 10% to QME fee
- If both -93 and -94
  - Add 35% to QME fee

### ML101 Follow-up Medical-Legal Evaluation

- Face-to-face encounter
- Bill in 15 minute increments or portion thereof
- Document time for:
  - Face-to-face with injured worker
  - Review of records
  - Preparation of report

### ML102: Basic Comprehensive Medical-Legal

- Most common evaluation
- Face-to-face time:  
20 minutes

### ML103: Complex Comprehensive Medical

- Must document performance of 3 or more complexity factors
- Most common combination:
  - Address causation
  - Address apportionment
  - Over two hour records review
- Other possible complexity factor options

### ML104: Comprehensive Medical-Legal

- Also includes:
  - Medical-Legal Testimony
  - Supplemental Medical-Legal Evaluation
- Bill in 15 minute increments or portion thereof
- Document time for:
  - Records review
  - Report preparation

### Comparison

- 99213
  - 15 minutes face-to-face time
  - Additional documentation time
- 99214
  - 25 minutes face-to-face time
  - Additional documentation time
- ML102 or ML103
  - 20 minutes face-to-face time
  - Records review time
  - Additional documentation time

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