

Good QME Reports

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Physician/QME

Reg.3209.3

- QME is a certified physician licensed by exam to perform Qualified Medical Evaluations.
- Physician is an M.D., D.O., Psychologist, Acupuncturist, Dentist , Podiatrist, Chiropractor, Optometrist.
- Reg 3209.4.&.6 inclusion of Optometrist and Chiropractor in this section does not imply any right or entitle him or her to represent, advertise, or hold himself out as a physician.

Medical-Legal Evaluations

Reg. 9793/9795

- As of April 1, 2021, complexity factors have been removed from the Medical-Legal criteria. The Medical-Legal Fee Schedule is based on a flat rate of \$2,050 for the evaluation – ML 201.
- In addition, you can bill \$3.00 per page for record review over 200 pages. The first 200 pages are included in the flat rate.
- ML200: Missed appointment. \$503.75
- ML202: \$1316.25 - within 12 mo.
- ML203: Supplemental Reports - \$650 includes 50 pages of medical records

Medical-Legal Evaluations

- ML 204 Medical-Legal Testimony - \$455 per hour – a minimum of 2 hours
- ML 205 – Review of Sub Rosa Videos - \$325 per hour – billed in 15 minute increments.

Modifiers

REG. 9795

- 92 for PTP no increase
- 93 interpreter RV increase by a multiple of 1.1 or 10 %.
- 94 AME RV by 1.25 or increase by 25% - evaluation only.

Duties of the QME

- A good and detailed QME report reflects well on the serious issues that you must address.
- Your accurate assessment on the impairment and subsequent disability rating affects the financial well being of the IW.
- You are not to favor one side or other but to reflect on the issues as you see it affecting this IW's ADL activities.
- You must assess impairment as per the history and medical findings that are permanent in nature. If conflicting information come from the insured vs the IW, provide your opinions according to both presentations and let the WCAB judge decide the correct one.

History of Injury

- The physician must obtain a detailed history of the injury and what occurred thereafter from the point of view of care and treatment as well as work related history.
- The IW must provide history of prior injuries and or illnesses at work or otherwise.

Record Review

- QME must review records submitted by insured and relevant to the case and identify the date and essential contents of the same.
- QME will document the number of hours involved in such review for billing purposes (1/4 hour increments).

Duties

- QME main duty in the process is to resolve disputes regarding:
 - Diagnosis.
 - AOE/COE issues, "Causation".
 - Issues regarding Impairment / Disability.
 - Issues regarding apportionment as per LC 4663 and 4664 as modified on 4/19/04 by SB 899.
 - Issues regarding future medical care, as per ACOEM guidelines.

Time Deadlines

- You must give an appointment no later than 60 days from the date requested.
- You must send your QME report no later than 30 days from the date of the appointment. Extensions of fifteen days are granted by the DWC as per your written request including the reason for your request.

Time Deadlines

- Extension of 15 days may be obtained from the DWC for a good cause:
- Medical emergencies of the evaluator or family.
- Natural disasters interrupting evaluators business.

QME Suspension

- The Administrative Director may suspend the privilege of a QME if:
 - QME has violated any material statutory or administrative duties.
 - Failed to follow medical procedure or qualifications.
 - Time frame violations.
 - Failed minimum standards of report writing.
 - Made material misrepresentations.
 - Lost his license, convicted, moral issues etc...

Time is a factor

- When an unrepresented worker asks for a panel QME, the DWC will issue him a randomly selected list of three QME's in his area and in the specialty requested.
- After the IW receives the list of three, he must choose and make an appointment with his choice within ten days of receipt.
- If the IW does not make that choice then the insured will have to select the QME for the IW, also has ten days to do so.

Time is a factor

- If the IW is represented by an Attorney and the parties cannot agree on an AME, either one may ask for the panel of three QME's from the DWC.
- Then either party will strike one QME and the remaining one will evaluate the IW.

Office Location Requirements

- You must see the IW in the office and at the address the IW selected from the panel.
- You may not bait with an available location and then switch to one convenient to you.
- Your office must be presentable as a medical institution. Clean, hygienic and comfortable as well as private.

Requirements of the QME

- Treat the IW in a courteous manner, respectful of their age, injury and impairment.
- A IW may terminate a QME exam should the doctor be discriminatory or demeaning to the IW.
- See the IW as soon as possible. IW should not wait in excess of an hour to see the QME. And the total stay for a musculoskeletal exam should not exceed three hours totally.

Requirements of the QME

- When you see the IW identify yourself and advise the IW of your area of expertise and your duties to resolve various disputes as per their industrial claim.
- Do not recruit the IW to become IW. This will make your report inadmissible.

Requirements of the QME

- Spend a reasonable amount of time in getting or reviewing the history with the IW and doing the examination.
- Report face to face time accurately, how many minutes and or hours, and indicate that in your report as part of the introduction or the final tally of time spent.
- Musculoskeletal exam has a minimum time requirement of 20 minutes of face to face time.

Physical Exam

- The physical exam shall be done by the QME.
- A diagnosis that incorporates the physical findings and diagnostics shall be given.
- Discussion of all issues of causation and apportionment must be provided as per Lc 4663&4664.
- Determination of permanent and stationary status and disability as well as impairment must be provided,
- Future medical is provided if necessary as per ACOEM.

Who helped you in the report

- NO ghost writing.
- Indicate in your report who helped you in the report and exam. This should include who took the history and who took the x-rays, personnel who helped in the exam components. It is not necessary to indicate who transcribed the report.

Responsibilities of QME

Lc 4628

- The physician signs the report.
- Takes complete history.
- Reviews and summarizes prior medical records, or review excerpts.
- Composes and drafts conclusions.
- Report must disclose the location, who participated in the exam, time spent, declaration under the penalty of perjury.

Lc 4660

Percentage of Disability

- For compensable claims arising before January 1, 2005, when there has been no report by a treating physician or Medical-Legal report indicating the existence of permanent disability, use AMA Guides 5th edition for determining impairment if the IW became MMI after 1/1/2005.
- For claims with Medical-Legal reports or ratable permanent stationary reports prior to 1/1/2005 use the 1997 schedule.

Lc 4660

- For all claims not made P&S before 1/1/2005 use the AMA Guides 5th edition for rating purposes.
- State Raters will determine the final impairment rating.

Lc 4663

- Apportionment of permanent disability shall be based on causation.
- QME must address causation & apportionment.
- Percentage of disability caused by the direct result of the injury arising out of and in the course of employment. Percent of other factors before and subsequent.
- An employee who claims an industrial injury shall upon request, disclose all previous permanent disabilities or physical impairments.

Lc 4664

- The employer shall only be liable for the percentage of permanent disability directly caused by the injury arising out of and in the course of employment.
- Prior disability exists at the time of subsequent injury.
- Permanent disability shall not exceed 100% for any one region of the body, for a lifetime.
- Regions are: hearing, vision, mental, spine, UE, LE, head and face, cardiovascular and respiratory.
- Permanent disability rating from one injury may not exceed 100% impairment.

ACOEM Guidelines

Reg. 9792.6

- American College of Occupational and Environmental Medicine.
- Is the criteria for care and treatment of IW's.
- Claims examiner has five days from date of certified mail to respond to requested treatment. Maximum 14 days with timely requested extension. 72 hours in case of imminent or serious health threat.