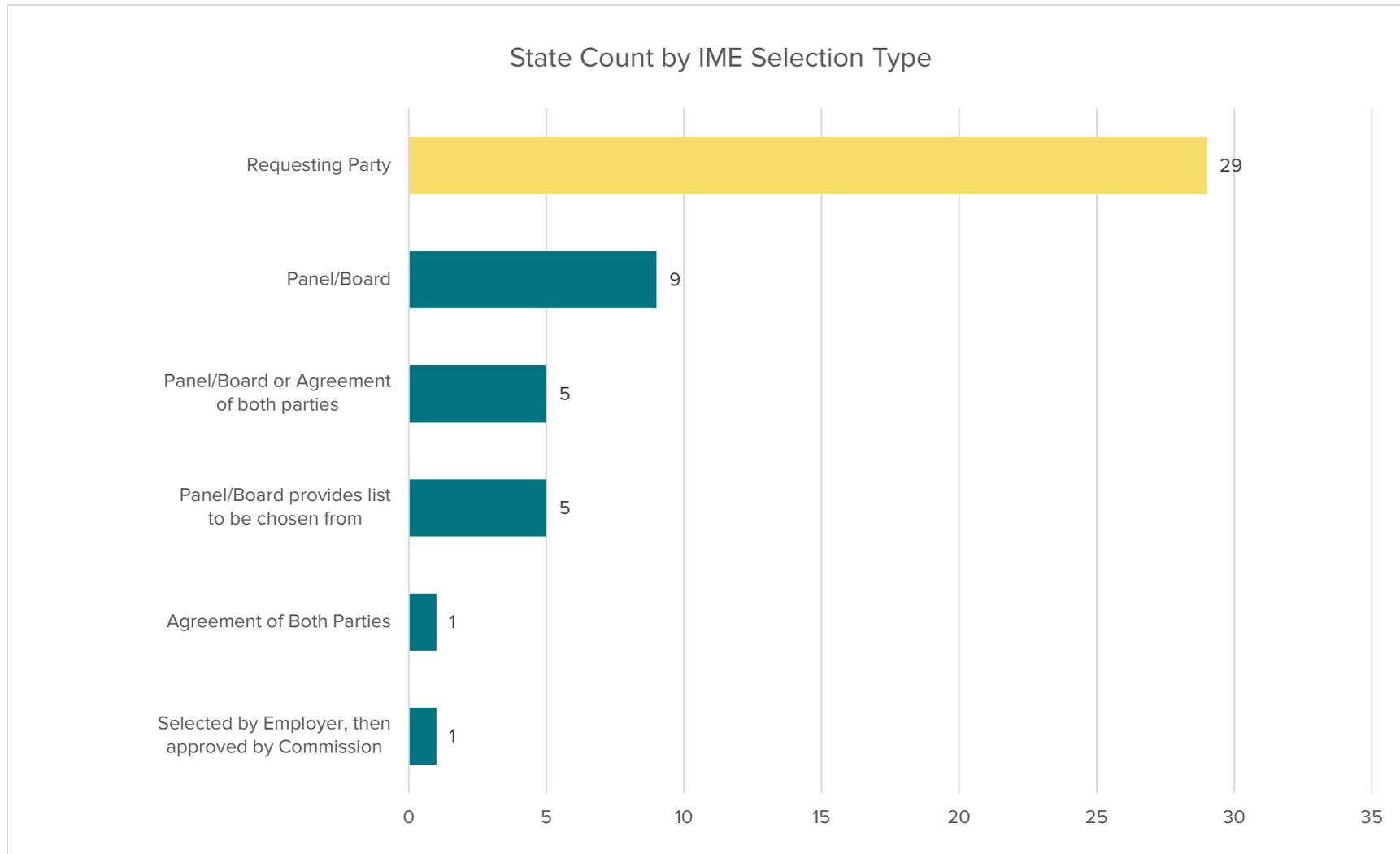


Handout: Selection of Provider – State by State Comparison



New York state falls in the Requesting Party group. Of the 29 identified as “Requesting Party” there are 18 states who identify situations in which a panel or the respective state’s Board may select the provider.

State	Selection of Provider (Board Research)	Selection Type
Alabama	Selected by employer. Employee may also have own physician present at examination. Court may also appoint a neutral IME. *Additionally, if before an ombudsman and there is a dispute, the ombudsman may select an IME from a list of at least 3 names provided by Board in medical specialty raised in the dispute. IME compensated at rate set by Board.	Requesting Party
Alaska	IME selected by employer. SIME appointed by Board from established list when dispute between treating physician and IME. Parties may stipulate that a physician not on board's list perform an evaluation. If parties do not stipulate to a physician not on board's list, then Board will select a physician to serve as SIME. If Board determines list doesn't include impartial physician appropriate for EE then Board will notify EE & ER that a physician not named will be selected. No later than 10 days after such notice the ER & EE may each submit the names/addresses/CVs of no more than 3 physicians. If both EE & ER recommend same physician that one will be selected. If not, Board will select and it need not be form recommendations by ER & EE.	Panel/Board
Arizona	Selected by employer. Employee may also have own physician present at examination.	Requesting Party
Arkansas	Selected by employee, employer or insurance carrier. May be directed by Commission.	Requesting Party
California	Randomly generated list of QMEs in the specified specialty by Zip Code - panel of 3 to choose from.	Panel/Board provides list to be chosen from
Colorado	Party can obtain IME from physician not on medical review panel or obtain IME with physician selected by director through a revolving selection process from medical review panel.	Panel/Board provides list to be chosen from
Connecticut	Selected by employer from approved list prepared by Commission. Employee may also have own physician at exam.	Panel/Board provides list to be chosen from
Delaware	Selected by employer. Employee may also have own physician present at examination.	Requesting Party
Florida	Selected by carrier or employee. Employer and employee entitled to one IME per accident. If parties agree may be a health care provider treating employee. CIME when medical dispute arises and parties mutually agree to refer employee to a physician for IME. CIME doesn't affect entitlement to one IME.	Requesting Party
Georgia	Selected by employer. Employee may also have own physician at exam.	Requesting Party
Hawaii	Selected by employer and ordered by Director. Employee may also have a physician, surgeon, or chaperone present. *Director may also appoint a duly qualified impartial physician to examine employee paid for out of funds appropriated by legislature.	Panel/Board provides list to be chosen from
Idaho	Selected by employer or ordered by Commission. Employee may also have a physician or surgeon present.	Requesting Party

State	Selection of Provider (Board Research)	Selection Type
Illinois	Selected by employer. Employee may also have a duly qualified medical practitioner or surgeon present. *Commission may also order impartial physician from member or members of a panel of physicians to examine employee when mental or physical condition is an issue. No cost to parties.	Requesting Party
Indiana	Board sets and schedules IME. Examiner selected by mutual agreement of the parties or appointed by the Board.	Panel/Board or Agreement of both parties
Iowa	Selected by employer or employee may request IME and select physician by application to Commissioner.	Requesting Party
Kansas	Selected by employer. When there's a dispute, director may direct, or either party may request, examination by up to three neutral health care providers. If at least two medical opinions disagree as to percentage of functional impairment, then parties may agree on provider to review. If can't agree ALJ will select. Employee may have own health care provider present.	Panel/Board or Agreement of both parties
Kentucky	Selected by Commissioner.	Panel/Board
Louisiana	Selected by employer. May also be selected by Assistant Secretary upon application of any party when there is a dispute as to employee's condition or ability to work.	Requesting Party
Maine	If parties cannot agree on an examiner or if employee is unrepresented, then the Board will assign one from the list (no more than 50) qualified examiners. Limited to one Board appointed IME per medical issue unless significant medical change can be shown.	Panel/Board or Agreement of both parties
Maryland	Commission orders exam and selects physician or party schedules exam and selects physician.	Requesting Party
Massachusetts	When dispute over medical issues is subject of an appeal the parties shall agree upon an impartial medical examiner from the roster.	Agreement of Both Parties
Michigan	Requested and selected by carrier or employee. Any provider other than treating provider.	Requesting Party
Minnesota	Selected by employer or in case of dispute neutral physician designated by compensation Judge or Workers' Compensation Court of Appeals	Requesting Party
Mississippi	Selected and ordered by Commission or ALJ.	Panel/Board
Missouri	When deemed necessary, commission, division or ALJ will appoint a duly qualified impartial physician	Panel/Board
Montana	Selected by carrier or Department or ordered by WCLJ. If a dispute, employee or carrier can request WCLJ require employee submit to IME. Employee may have physician present.	Requesting Party
Nebraska	If parties can't agree to IME (doesn't need to be on list) then Compensation Court assigns one from list of qualified examiners.	Panel/Board or Agreement of both parties
Nevada	Employee may request one IME per calendar year when there is a dispute. Selected from panel of physicians and chiropractors. May also be ordered by sharing officer or appeals officer and physician in that case does not need to be on panel unless referring for rating of PD.	Requesting Party

State	Selection of Provider (Board Research)	Selection Type
New Hampshire	Selected by Employer or ordered by Commissioner. Employee may have own health care provider present at exam. Employee may also have witness present. No more than two IMEs per year unless Commissioner deems more than two necessary.	Requesting Party
New Jersey	Selected by Uninsured Employers Fund (UEF). *Only see info regarding IME with UEF likely because Employer selects treating doctor in NJ.	Requesting Party
New Mexico	If the parties cannot agree upon the use of a specific independent medical examiner the WCLJ will designate a provider on an approved list of persons authorized.	Panel/Board or Agreement of both parties
New York	Selected by Employer.	Requesting Party
North Carolina	Selected by the Employer or the Industrial Commission. Employee may have own physician present.	Requesting Party
North Dakota	Selected by Agency.	Panel/Board
Ohio	Selected by employer and considered by commission. Any requests after first examination must be made to the Commission.	Selected by Employer, then approved by Commission
Oklahoma	Appointed by Commission or ALJ.	Panel/Board
Oregon	Selected from list of qualified physicians established by Director by carrier or Director of Department of Consumer and Business Services. No more than 3 IMEs unless authorized by Director. Employee may have unpaid observer at IME.	Requesting Party
Pennsylvania	Selected by Employer or Commonwealth. No more than two per twelve-month period. Employee may have own physician present.	Requesting Party
Rhode Island	Selected by Employer or appointed by Judge.	Requesting Party
South Carolina	Selected by Employer or Commission.	Requesting Party
South Dakota	Selected by Employer.	Requesting Party
Tennessee	If parties cannot mutually agree on the selection of an IME, ER submits request to Agency who provides a list of three independent medical examiners chosen at random from registry. The employer may strike one name from the list, with the rejection made and communicated to the other party by facsimile or e-mail no later than the third business day after the date on which notification of the list is provided. The employee shall select a physician to perform the independent medical examination from the remaining physicians on the list.	Panel/Board provides list to be chosen from
Texas	Assigned by Division.	Panel/Board
Utah	Selected by the Division of Workers' Compensation (DWC) to resolve questions about an injured employee's medical condition or resolve a dispute about a work-related injury or illness.	Panel/Board

State	Selection of Provider (Board Research)	Selection Type
Vermont	Selected by Commissioner from pool of IMEs or if pool insufficient Commissioner may select additional health care providers or request additional names.	Panel/Board
Virginia	Selected by the Carrier.	Requesting Party
Washington	Selected by Department or self-insurer. Employee can bring an adult friend or family member to the IME to provide comfort or reassurance. This person cannot be employee's attorney, paralegal, any other legal rep, or any other personnel employed by the employee's attorney or legal rep of the employee's attending doctor.	Requesting Party
West Virginia	Selected by Carrier or Agency.	Requesting Party
Wisconsin	Employee may have physician, chiropractor, psychologist, dentist, physician assistant, advanced nurse prescriber, or podiatrist at examination. When there is a dispute, the Department or the Division may appoint a provider to render an opinion.	Requesting Party
Wyoming	Requested by Division or Employer. *Also in contested proceeding hearing examiner may appoint a duly qualified impartial health care provider to examine employee and give testimony.	Requesting Party