



**Workers'
Compensation
Board**

November, 13 2019

IME Committee

Recommendations Report Discussion

IME Advisory Committee

Schedule

- IME Provider Access – *Thursday, March 14*
- Scheduling & Timing – *Tuesday, April 9*
- Injured Worker Experience – *Wednesday, May 8*
- Cost of IMEs and IME Entity Panel – *Thursday, June 13*
- Quality of Reports and Technical Issues – *Tuesday, July 9*
- Process and IME Member Questionnaire – *Wednesday, August 7*
- Fraud & Abuse / Review Questionnaire Responses / Initial Draft Report – *Tuesday, September 10*
- Discuss Revised Draft Report - *Thursday, October 10*
- Finalize Draft Report ← *Wednesday, November 13*
- Review and Approve Final Report – *Thursday, December 12*

Agenda

Agenda Topic	Time Allocation
Introduction	5 minutes
Mandatory continuing education Same Day Same Manner Claimant questionnaire Timing of request for information filing (IME-3) Flexible scheduling of IME times Cause for removal	60 minutes
Discuss draft IME report	100 minutes
Wrap-up and Overview of December meeting	15 minutes

Mandatory continuing education

Existing regulation: NYCRR 323.1(g)

Same Day Same Manner

Revision to WCL 137(1)(a)

(1)(a) A copy of each report of independent medical examination shall be submitted [by the practitioner] on the same day and in the same manner to [the board,] the insurance carrier, the claimant's attending physician or other attending practitioner, the claimant's representative and, upon request, the claimant. The claimant shall be mailed a copy of the report of independent medical examination on the same day that such report is submitted to the other parties. A copy of the report of independent medical examination shall be submitted to the board in the format and manner prescribed by the Chair

Claimant questionnaire

Revision to NYCRR 300.2(d)(4)(iii)

See Handout 1 – Claimant Questionnaire, page 8

See Handouts 2A & 2B – Questionnaire samples

Timing of request for information filing (IME-3)

Revision to WCL 137(1)(b)

(b) If a practitioner who has performed or will be performing an independent medical examination of a claimant receives a request for information regarding the claimant, including faxed or electronically transmitted requests, the practitioner shall submit a copy of the request for information to the board within ten days of receipt of the request[.] or at the time the report of independent examination is submitted, whichever is later.

Revision to allow RFI to be submitted with IME-4 filing

Flexible scheduling of IME times

Revision to NYCRR 300.2(d)(1)

See Handout 1 – Scheduling of IME times, page 5

Cause for removal

Revision to 13-d(2)

2. The chair shall remove from the list of providers . . . because such provider:

...

(h) has, after notice from the chair, board, or any duly authorized officer of the state, continued to practice the profession in a manner evidencing a willful or negligent failure to comply with substantial provisions of this chapter or rules promulgated by the chair under the provisions of this chapter.

Consensus on topic?

Next Steps

■ Report timelines

- Revised draft sent to Advisory Committee: **Nov 20, 2019**
- Advisory Committee final comments to WCB: **Dec 2, 2019**
- Review and Approve report – **Dec 12, 2019**