



Workers' Compensation Board

February 6, 2019

IME Advisory Committee

IME Introduction

Study Mandate

- Workers' Compensation Law (WCL) §137(12) mandated study
- Present study to advisory committee
- Advisory committee to present recommendations to the Governor, Assembly Speaker, Senate Majority Leader
- Advisory committee to review Board's report and analyze studies in NY and nationally

IME Advisory Committee

Brian Trick

Wegmans,
Self-Insured
Employer

Mindy Roller

Deputy Chief,
NYC Law
Department,
Workers'
Compensation
Division

Joe Canovas

NYS Labor
AFL/CIO

Lev Ginsburg

NYS Business
Council

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Pitruzzello

AmTrust

Robert
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NY State
Insurance Fund

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Goldberg

Medical Society
of the State of
New York
(MSSNY)

Dr. Winston
Kwa

Mount Sinai

Justin Teff

Kirk and Teff

Matt Mead

Stockton Barker
& Mead

Dr. Richard N.
Weinstein

Orthopedic
Surgeon

Clarissa
Rodriguez

Chair, NYS
Workers'
Compensation
Board

Facilitator & Subject Matter Experts

Members

- Facilitator
 - Michelle Cummings
- Subject Matter Experts
 - Mary Beth Woods – WCB Executive Director
 - Steve Smith – WCB Deputy Executive Director
 - David Wertheim – WCB General Counsel
 - Elain Sobol-Berger – Medical Director
 - Stephanie Zoufaly – Director Regulatory Affairs

IME Advisory Committee

Agenda

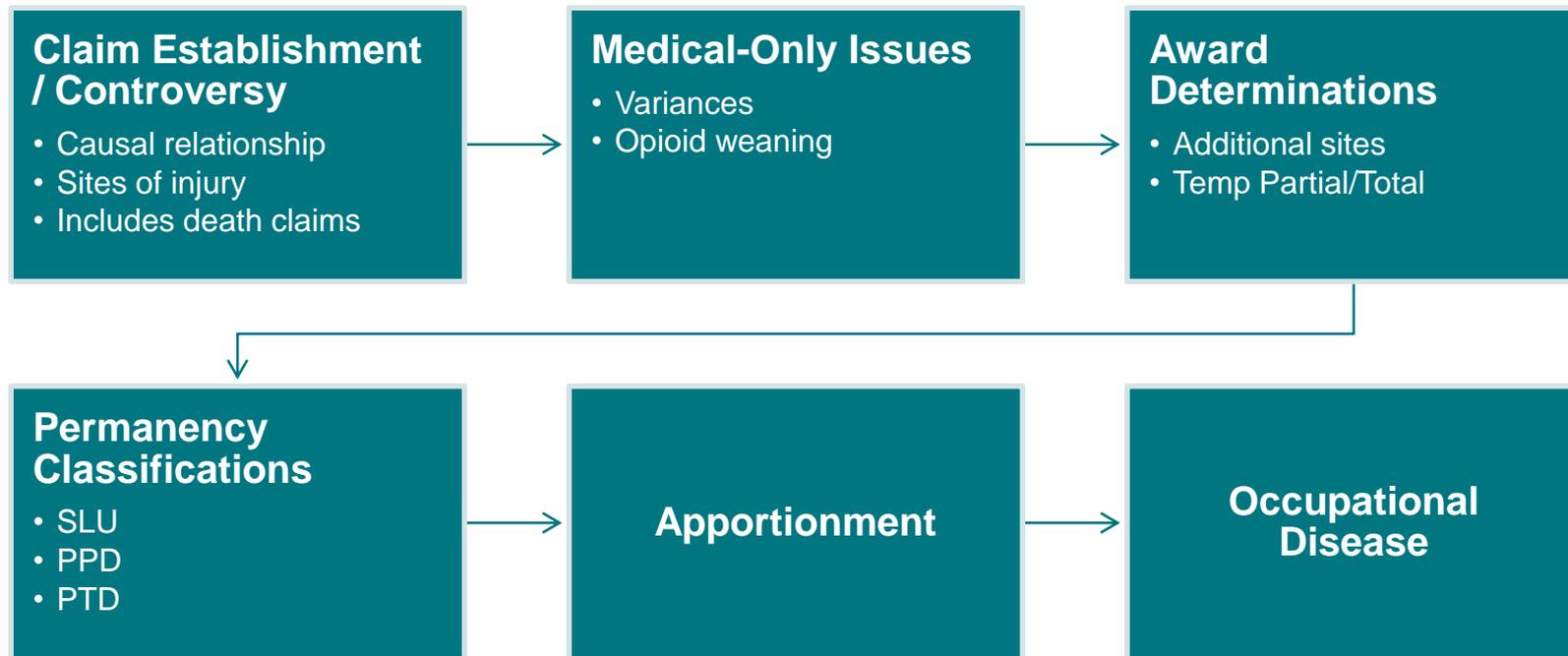
1. Background
2. Study
3. Ground Rules
4. Topics
5. Timeline

IMEs in New York State

What is an IME?

- Medical examination –or– records review
- To evaluate treatment & medication prescribed by the injured worker's provider
- Performed by authorized medical providers
- May be scheduled by Board authorized IME entities
- Utilized by parties associated with a claim
- Used by Board to help render decision on medical issues

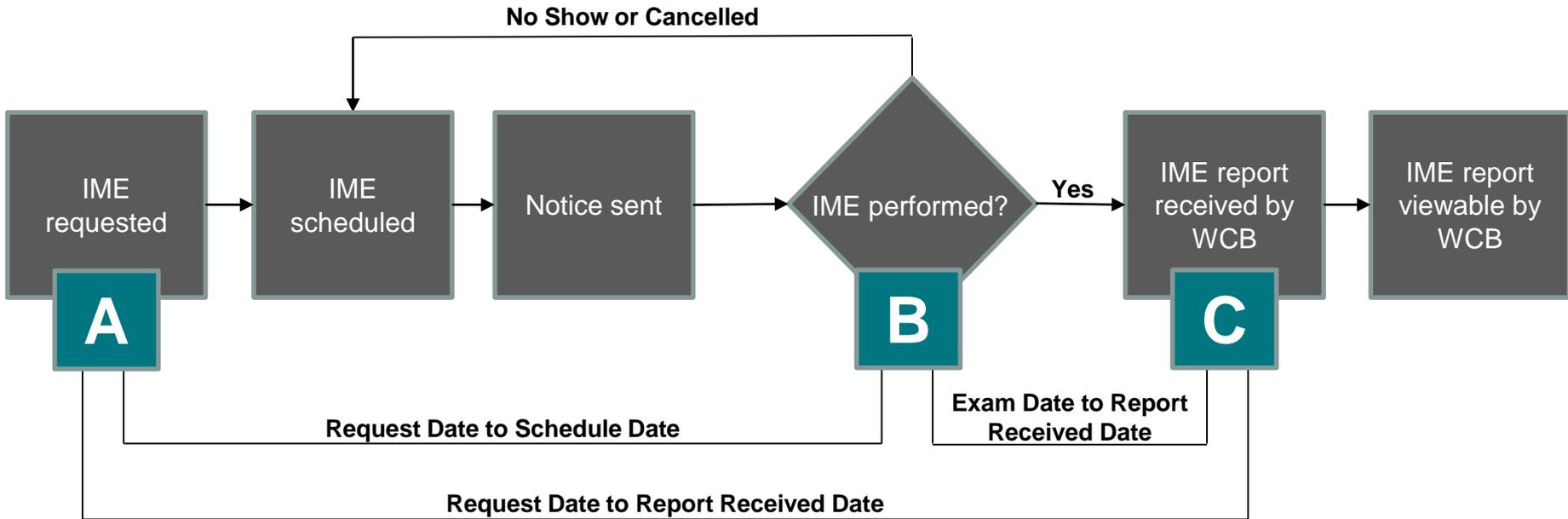
IME Claim Scenarios



IMEs by Claim Type

IME Reason	Case Status			
	Controverted Claim (including Death)	Medical Only	Temporary Disability	Permanent Disability
Causal relationship	✓	✓	✓	✓
Sites of injury (including Consequential injury)	✓	✓	✓	✓
Medical Variance		✓	✓	✓
Medical Authorization		✓	✓	✓
Opioid Weaning		✓	✓	✓
Apportionment		✓	✓	✓
Degree of Disability/Return to Work			✓	✓
Permanency				✓

IME Process

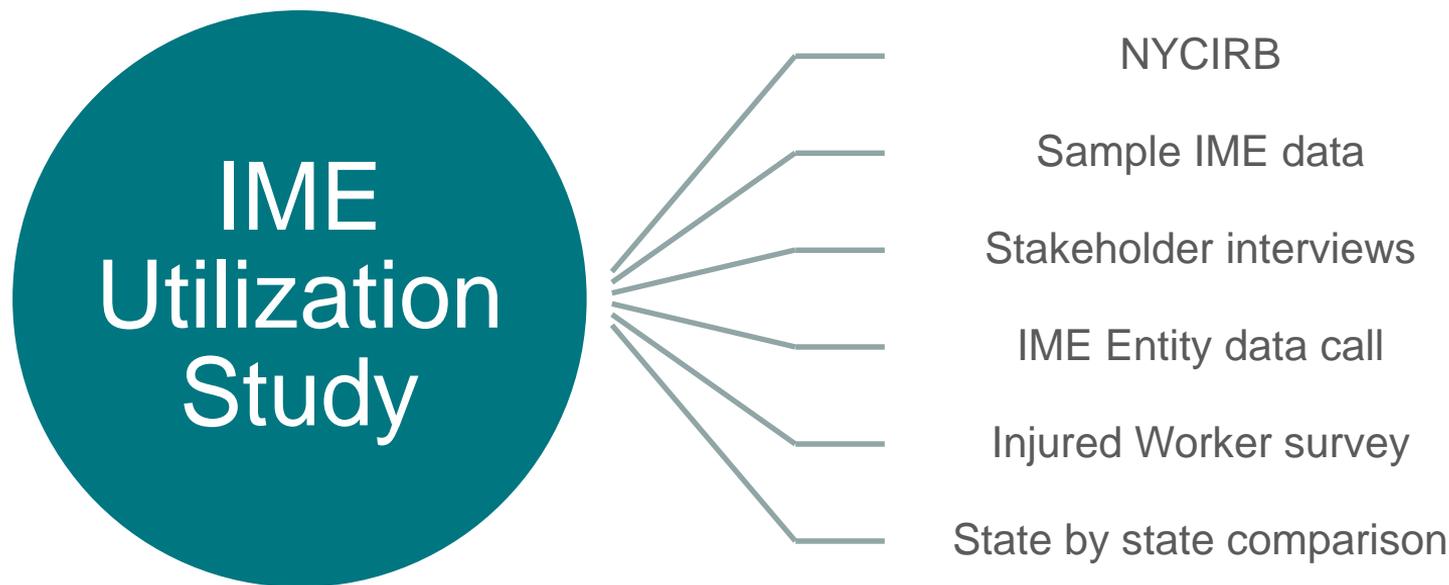


IME Utilization Study 2018



**Workers'
Compensation
Board**

IME Study – Data Sources & Methodology



IME Study Highlights

IMEs
2014 - 2016

- 160K IMEs performed each year
- On average, 1 in 3 claims had an IME over the lifetime of the claim
- 94% of IMEs were in-person
- 80% of IMEs performed by Orthopedic Surgeons

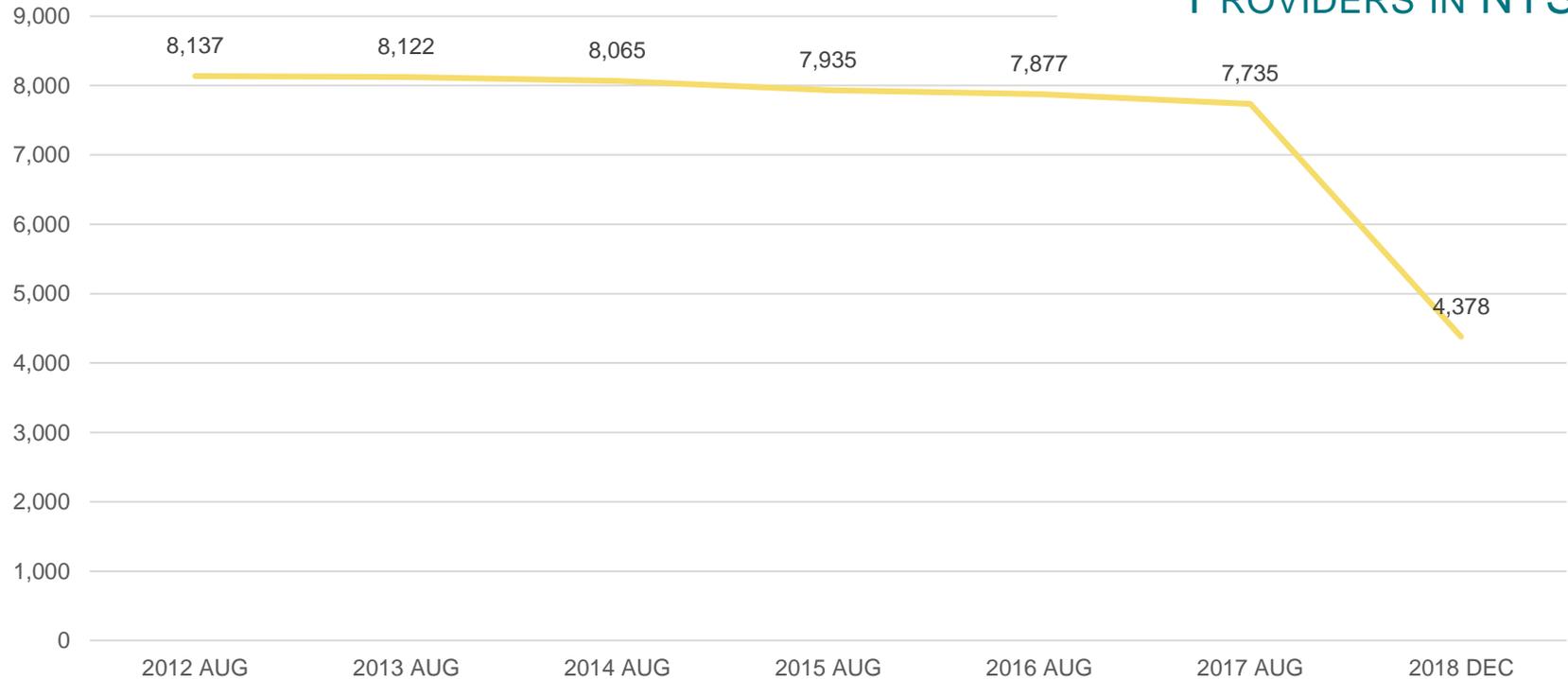
IME Study Highlights

IME Categories Reviewed

- **Provider Access** ←
- Scheduling & Timing
- Injured Worker Experience
- Cost of IMEs
- Quality of Reports, Need for Follow-Up, and Duplicate Filings

Provider Access

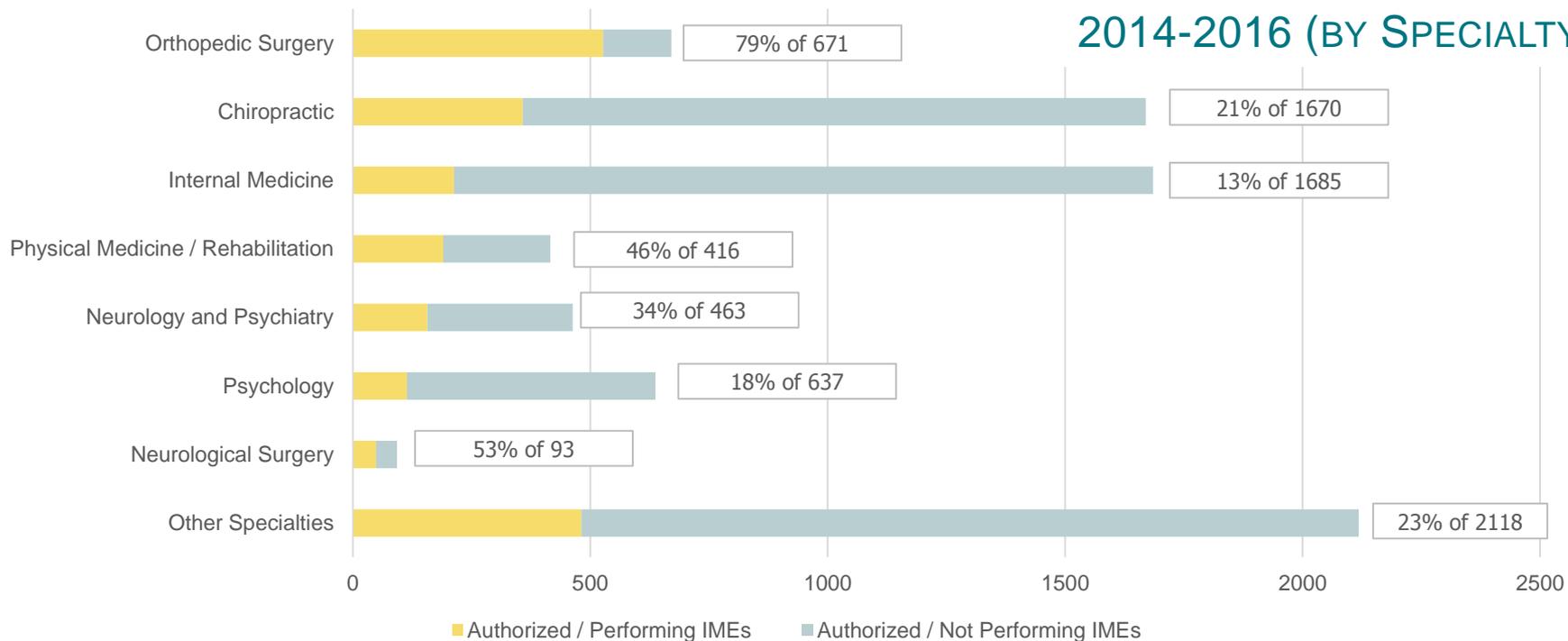
AUTHORIZED IME PROVIDERS IN NYS



Source: Board data

Provider Access

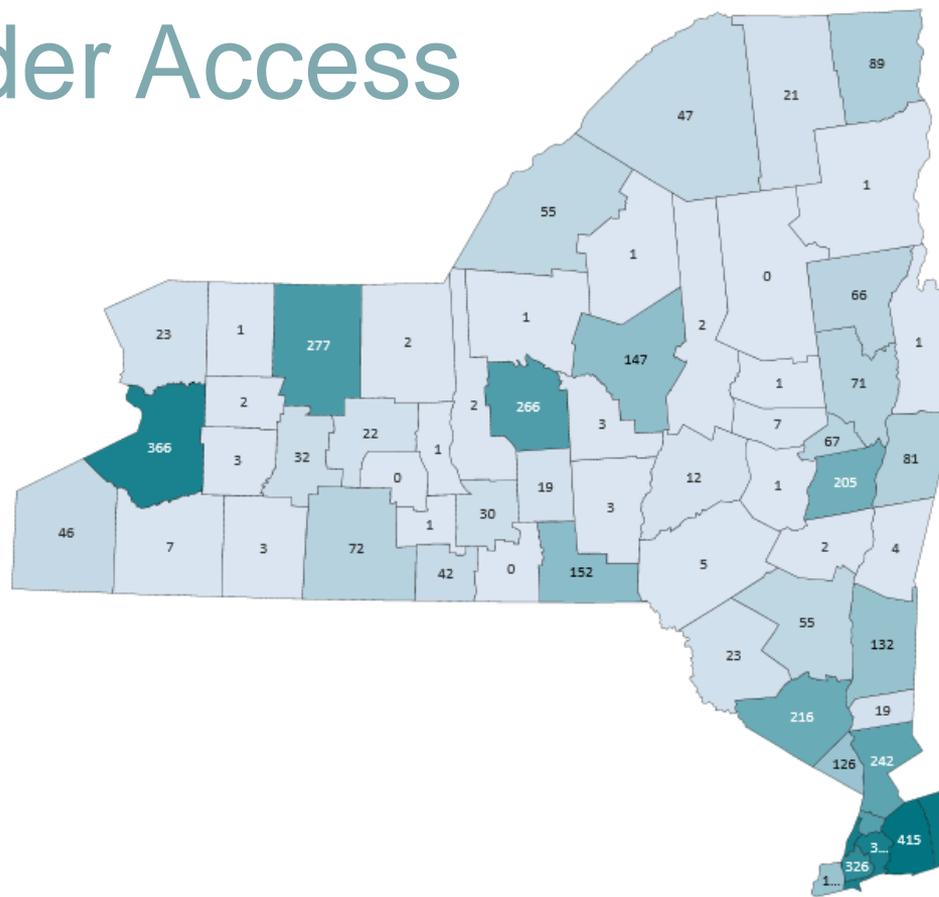
AUTHORIZED IME PROVIDERS WHO PERFORMED AN IME IN 2014-2016 (BY SPECIALTY)



Source: IME entity data and Board data

Provider Access

GEOGRAPHIC DISTRIBUTION OF IME PROVIDERS



Downstate Counties

Nassau	415
Suffolk	400
New York	378
Queens	373
Kings	326
Bronx	256
Westchester	242
Richmond	129
Rockland	126

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IME Providers

PROVIDERS PERFORMING IMES AND ACTIVELY TREATING

Provider Type	Count of IME Providers	% of Total IME by transaction count
IME Authorized Only	122	13.3%
Authorized for Both but Performing IMEs Only	84	0.2%
Performing IMEs and Actively Treating	1,883	86.5%
Total	2,089	100%

IME Providers

2014-2016
DISTRIBUTION OF TOTAL

IME Range	Total Providers (a)		Total IMEs Performed	
(Total completed)	#	%	#	%
1-5 IMEs	2,889	70.65%	5,130	1.30%
6-100 IMEs	860	21.03%	20,152	5.09%
101-500 IMEs	173	4.23%	39,688	10.03%
501-1000 IMEs	63	1.54%	44,087	11.14%
1001-5000 IMEs	94	2.30%	221,551	55.99%
5001-9000 IMEs	10	0.24%	65,105	16.45%

IME Study Highlights

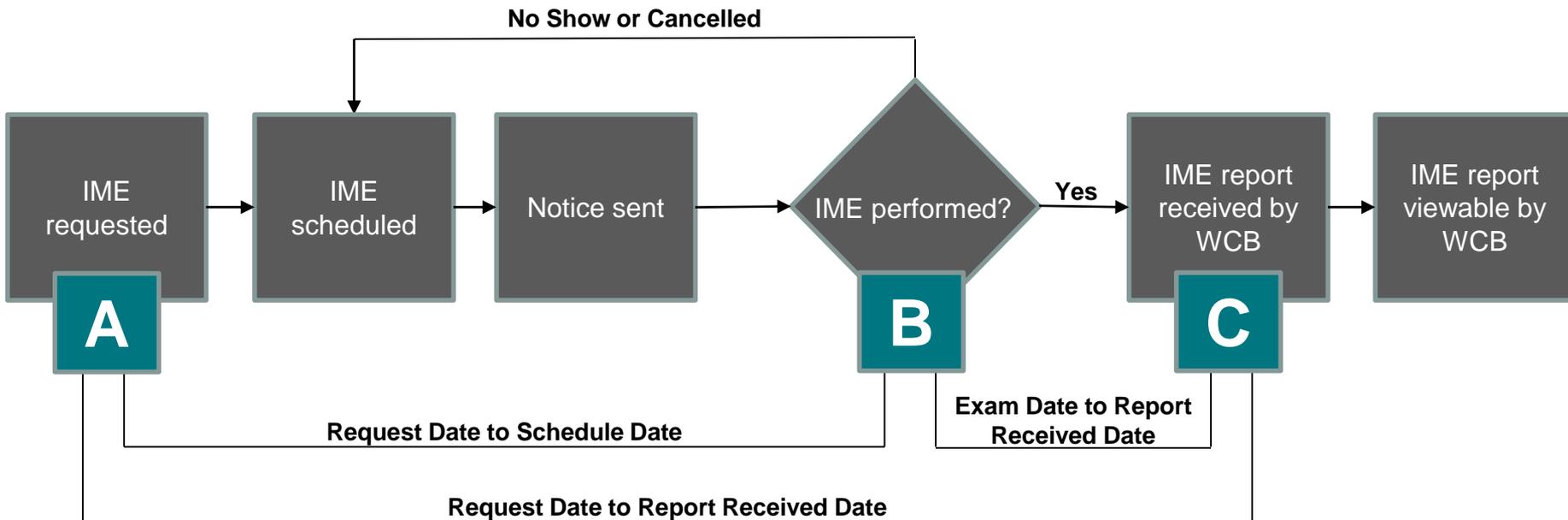
IME Categories Reviewed

- Provider Access
- **Scheduling & Timing** ←
- Injured Worker Experience
- Cost of IMEs
- Quality of Reports, Need for Follow-Up, and Duplicate Filings

Scheduling & Timing Issues

No-Shows: 9%

Cancellation: 14%



IME Study Highlights

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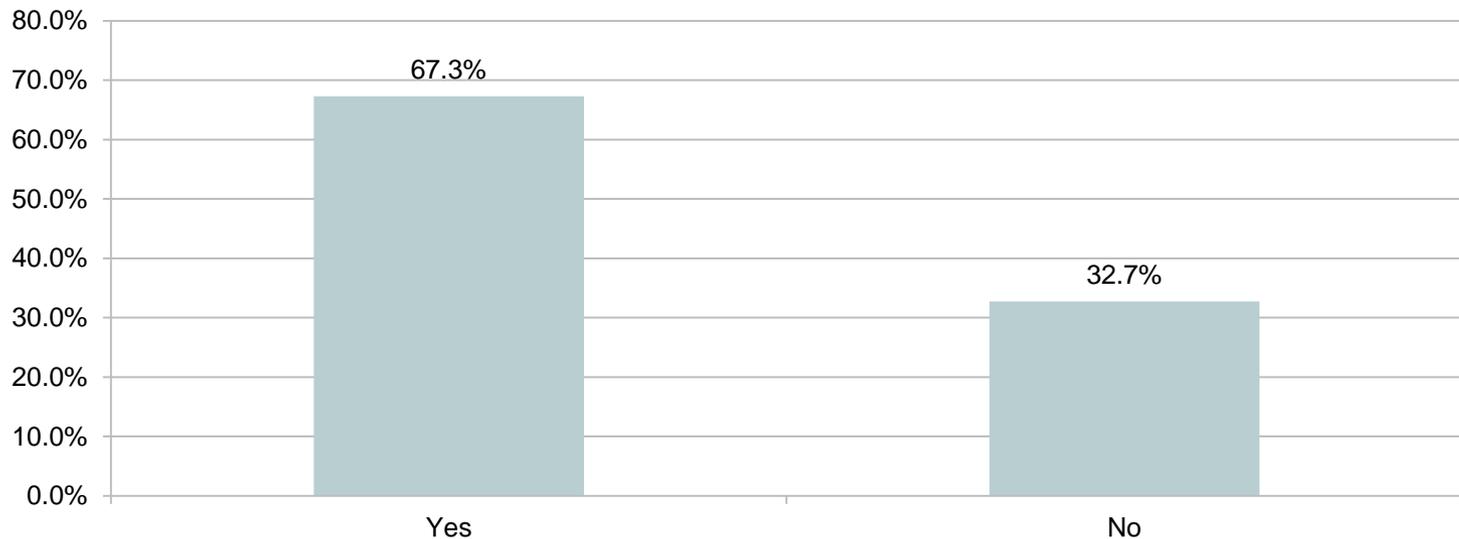
Injured Worker Survey

Methodology & Sample

- >14,000 injured workers with an August 2018 IME
- Random sample of 375
- Voluntary
- Translated 34 into 8 different languages
- Survey offered online or by mail
- 110 responded

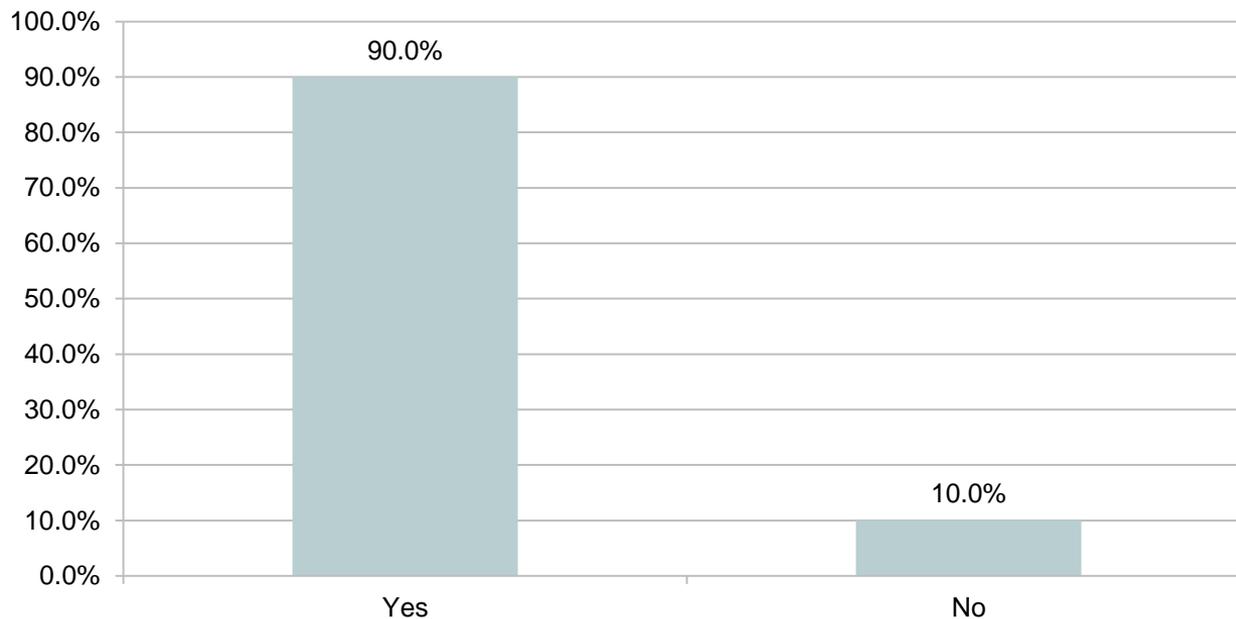
Injured Worker Experience

Was the medical office in a convenient and accessible location within a reasonable distance from your residence?



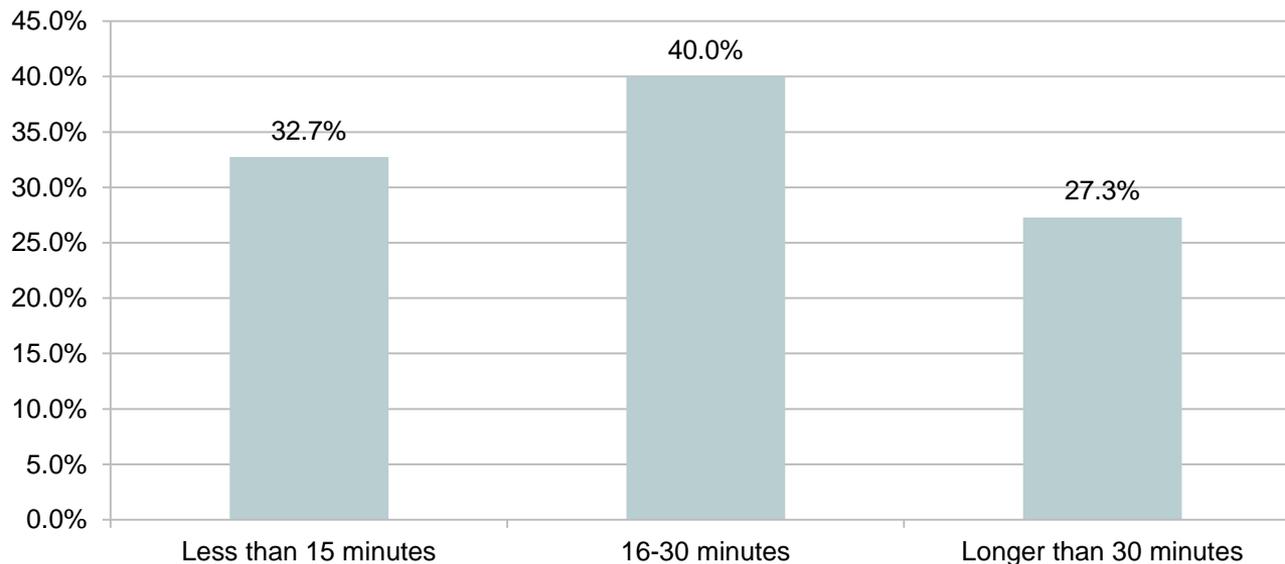
Injured Worker Experience

Was the medical office clean?



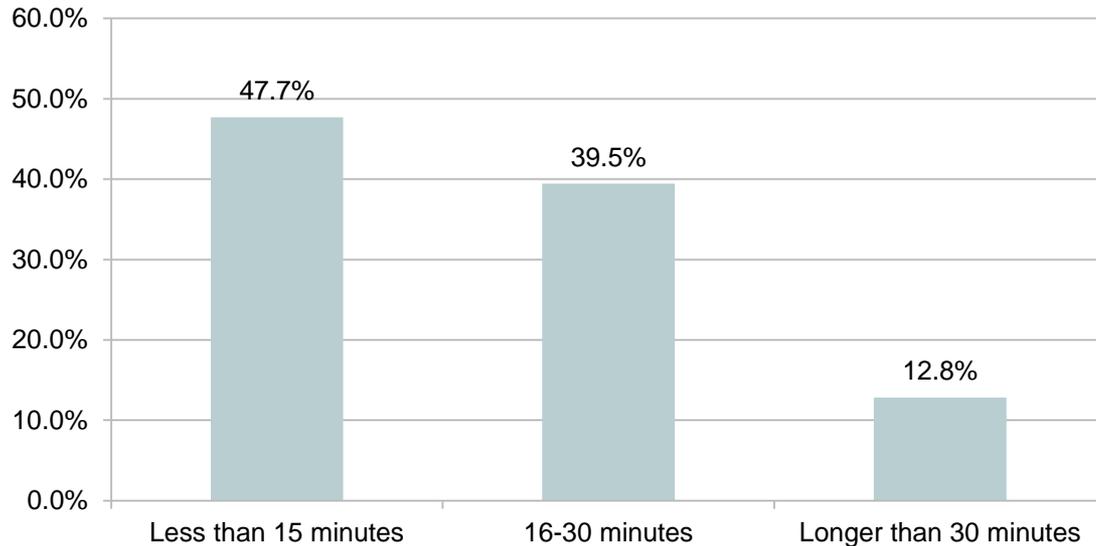
Injured Worker Experience

Approximately how long did you wait at the office before you were seen by the IME provider?



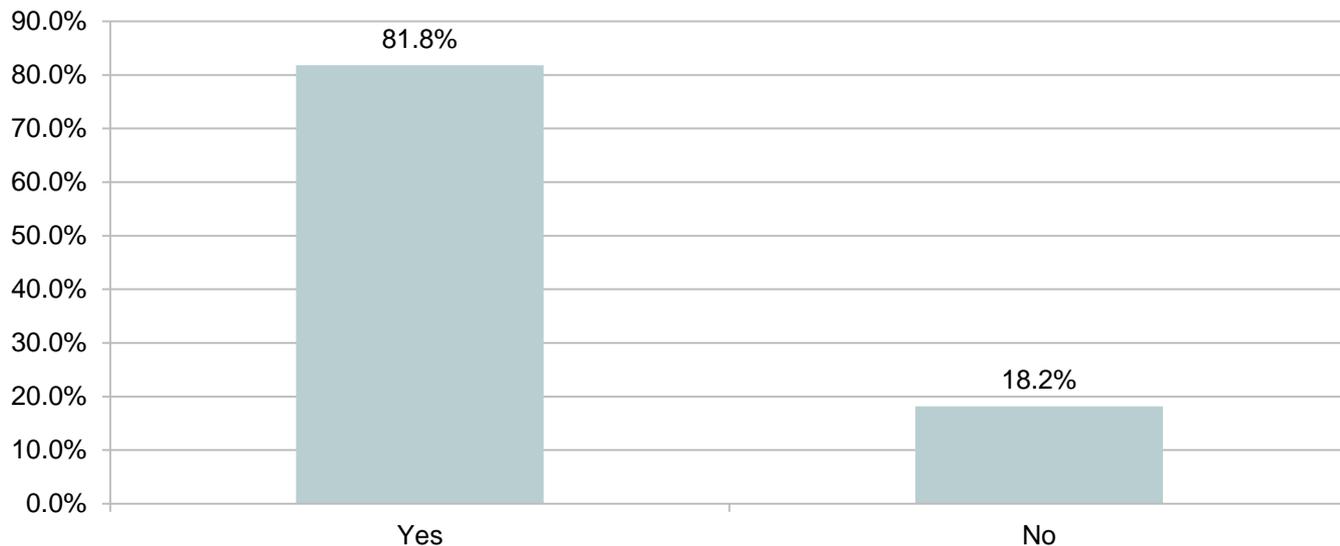
Injured Worker Experience

Approximately how long did the examination take?



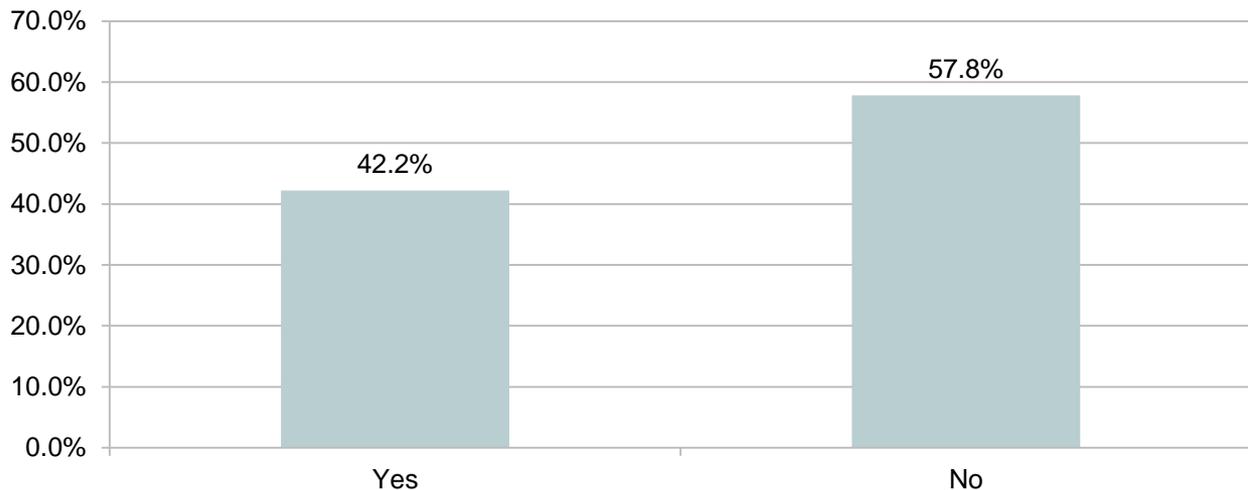
Injured Worker Experience

Did the office staff and IME provider act in a professional manner?



Injured Worker Experience

Do you believe that the IME-4 report submitted by the IME provider is a fair representation of your examination?



IME Study Highlights

IME Categories Reviewed

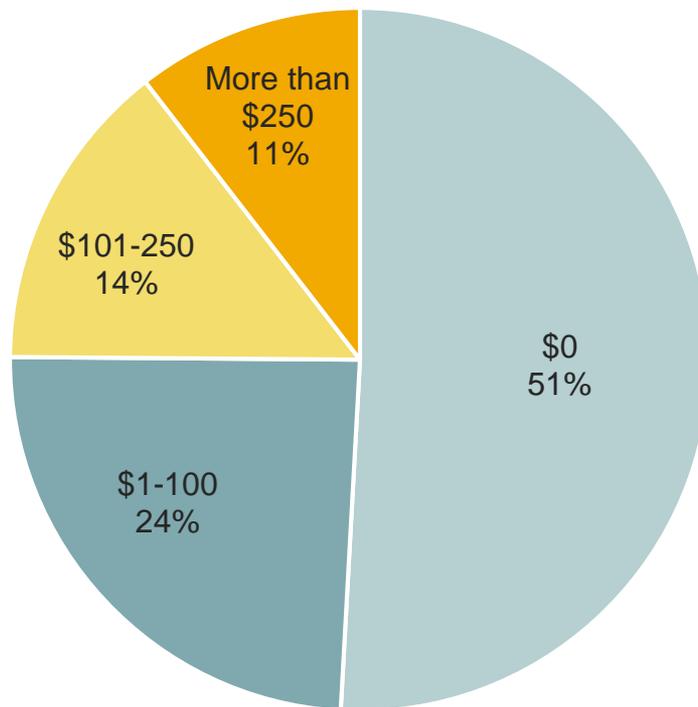
- Provider Access
- Scheduling & Timing
- Injured Worker Experience
- **Cost of IMEs** ←
- Quality of Reports, Need for Follow-Up, and Duplicate Filings

IME Costs

Specialty Type	Average IME Payment	Minimum Payment	Maximum Payment
Psychology	\$1,001	\$120	\$13,424
Neurological Surgery	\$973	\$125	\$13,125
Internal Medicine	\$822	\$125	\$10,045
Physical Medicine / Rehabilitation	\$810	\$125	\$6,058
Neurology and Psychiatry	\$751	\$110	\$6,400
Orthopedic Surgery	\$523	\$105	\$7,600
Chiropractic	\$396	\$110	\$2,100
Average	\$571		

IME No-Show Fees

IME NO-SHOW FEES
2014-2016

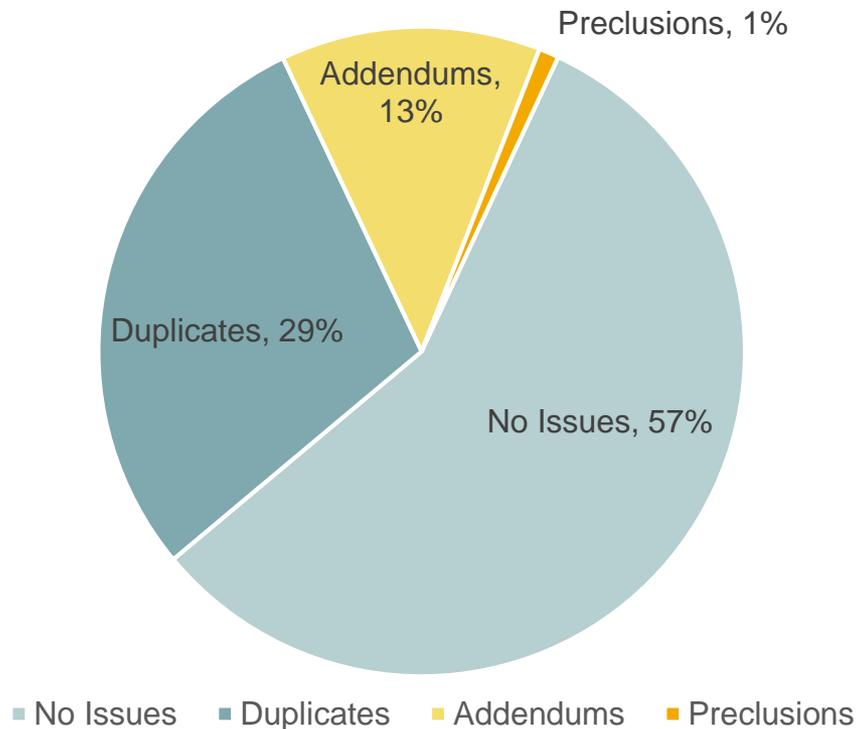


IME Study Highlights

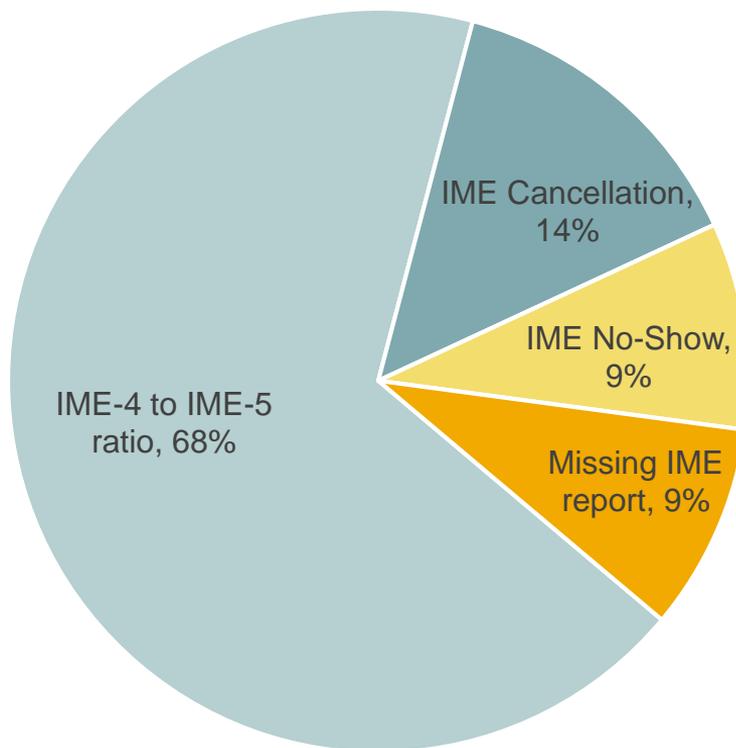
IME Categories Reviewed

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IME Report Outcomes

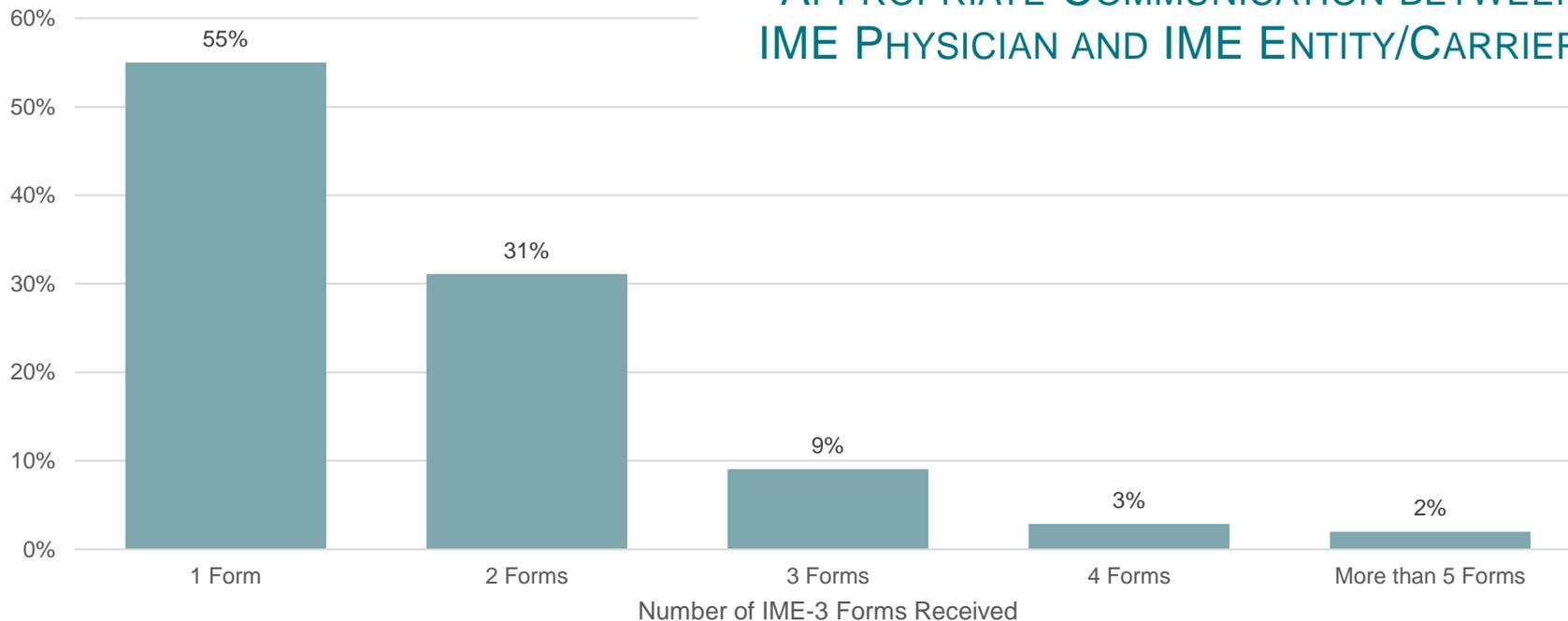


IMEs Not Received by the Board



Frequency of IME-3s (2014-2016)

APPROPRIATE COMMUNICATION BETWEEN IME PHYSICIAN AND IME ENTITY/CARRIER



State by State Comparison

Challenges

- No national IME data available to compare
- Reviewed other 49 states' statutes and websites
- Detailed comparison included in Appendix 5

Non-quantitative concerns

Other issues

- Fraud & Abuse
- Credibility of IME vs record review
- Regulations
- IME provider training

IME Study Wrap Up & Future Meetings

Topics

- Provider Access
- Scheduling & Timing
- Injured Worker Experience
- Cost of IMEs
- Quality of Reports, Need for Follow-Up, and Duplicate Filings
- Fraud & Abuse
- Process

Ground Rules

- Facilitated Meeting
- Open Meeting
- Only Committee Members participate
- Stay on Topic
- Parking lot issues
- Out of Scope Items
- Delegates, if unable to attend meeting

IME Advisory Committee Topics & Timing



**Workers'
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Advisory Committee Concerns/Comments

IME Categories Reviewed

- Provider Access
- Scheduling & Timing
- Injured Worker Experience
- Cost of IMEs
- Quality of Reports, Need for Follow-Up, and Duplicate Filings
- Fraud & Abuse
- Process

Topics for IME Providers

■ Availability

- Upstate vs. Downstate
- Not Board authorized

■ Quality of Exams & Providers

- Credibility of Reports
 - Carrier IME
 - Inured Worker Treating
 - Injured Worker IME
 - Records Review
- IME “Mills”
- IME Non-referral list
- Exam Preparation/File Review
- Training

■ Miscellaneous

- Overseas vs US-based records reviews

Topics for Scheduling

■ Scheduling

- Self-initiated (no deadline) vs. Directed or required (deadline imposed)
- Specialty Providers' Availability
- Notice (7 days)
- Cancellations/No-Shows

■ Reports

- 10 business days (20 days out-of-state)
- Same day/Same manner

Topics for Injured Worker Experience

- Location
- Professionalism
- Wait times
- Duration of IME
- Accuracy of the opinion (per injured worker)
- Recording of exams
- Education regarding IME process/outcomes

Topics for IME Costs

- No IME Fee Schedule
- Wide range of reimbursement by specialty group
- No policy on cancelations/no-show fees
- Same day/Same manner cost
- Reimbursement for precluded IME reports
- Out-of-State IME fees

Topics for Reports, Follow-up and Duplicate Filings

- **IME preclusions**
- **Accuracy of POIs**
- **Duplicate submissions**
- **IMEs performed but not filed with Board**
- **Addendums**
 - Frequency
 - Scope
 - Minor Clarifications
 - New Issues/Additional Clarification
 - Communication

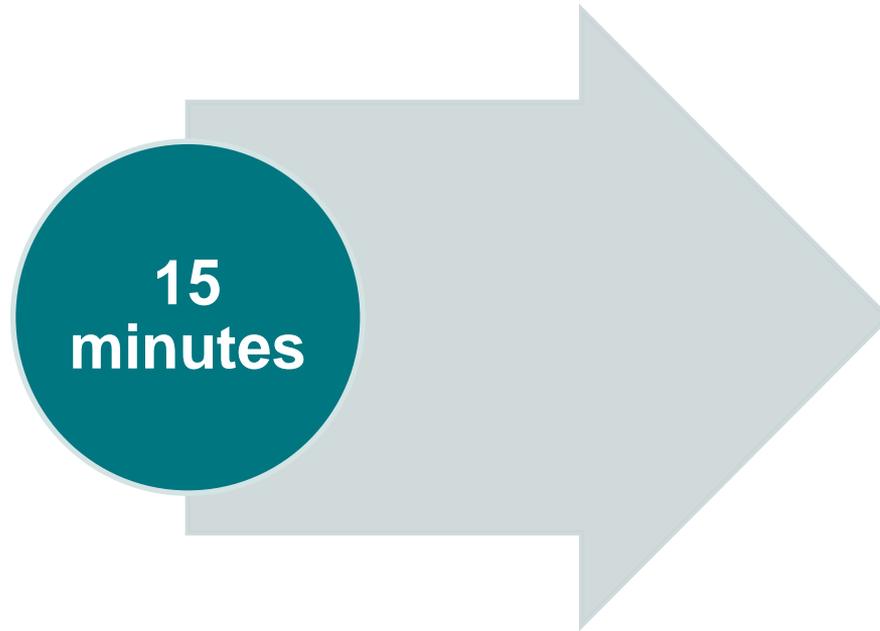
Topics for Fraud & Abuse

- **Role of the Fraud Inspector General**
- **Under/Over reporting condition(s) and capability**
- **Failure to Disclose**
- **Misconduct by IME provider**

Topics for Process

- **State physician vs IME panels vs PPO**
- **Records Review vs IME**
- **Regulation & Monitoring**
 - IME provider
 - IME entities
 - Accreditation
 - Reporting
- **Same day/Same manner**

Break



Roundtable Discussion

- Provider Access
- Scheduling and Timing
- Injured Worker Experience
- Cost of IMEs
- Quality of IME Reports, Follow-ups and Duplicate Filings
- Fraud & Abuse
- Process

Advisory Committee Schedule

Scheduling

- Report due 12/31/19
- Many topics to cover
- Monthly meetings needed to cover all concerns

Advisory Committee Meetings

Meeting Cadence

- Review Agenda
- Review agenda topics
- Review IME Utilization Study data
- Discuss agenda topics, in detail
- Reach consensus (where possible)
- Discuss agenda topics for next meeting
- Identify supplementary data requests for next meeting

Proposed Agenda Topics



Wrap Up and Next Meeting

Next Meeting

- Proposed date: March ??, 2019
- Topic: Provider Access
- Briefly review Provider data
- Discuss issues raised
- Confirm agenda topics and additional data requested for Scheduling & Timing meeting in April