

MEMORANDUM NO. 2022-07

Commission Examination Procedure - Effective August 22, 2022

TO: WCC Administrative Law Judges, District Administrators, Advisory Board Members, Legal Advisory Panel, Medical Advisory Panel, Medical Practitioners, Insurance Carriers, Attorneys, Unions, and Advisory Board Members

FROM: Stephen M. Morelli, Chairman

DATE: August 16, 2022

RE: **Commission Examination Procedure - Effective August 22, 2022**

Effective August 22, 2022, the following procedure regarding Commission Examinations will be implemented by the Workers' Compensation Commission.

The procedure requires that medical information be provided to the Commission in a timely and orderly fashion, resulting in fewer delays in providing appropriate benefits to injured workers and a more efficient use of the Commission's hearing time.

Please take the time to familiarize yourself with this procedure. Parties not following this procedure may be subject to sanctions by the Administrative Law Judge (ALJ).

Commission Examination Procedure

1. When an ALJ orders a commission examination, the ALJ will identify the party responsible for preparing the medical records and forwarding them to the district office. The ALJ will inform the parties as to the due date for the medical records. If the parties determine that more time is needed to gather the records, an extension may be requested.
2. The designated staff member in the district office will schedule a pro forma formal hearing for the date the medical records are due. The final medical packet is expected to be provided to the district office no later than 4:00 pm on that date, unless an extension is requested at least two (2) days prior. If the medical records are not received by the pro forma date, the Commission will schedule an emergency informal hearing, where the ALJ will determine if sanctions are appropriate.
3. Only ONE medical packet will be provided to a commission examiner. **The party responsible for preparing the packet MUST obtain written agreement from the opposing party as to the content of the medical packet before submitting the packet to the Commission.** Additional records will only be forwarded to the examiner at the discretion of the ALJ unless they are from a medical appointment that occurred after the packet was submitted. If the parties cannot agree on the contents of the medical packet, a hearing should be requested.
4. A complete medical packet shall include the following:

- a. Medical reports in chronological order (oldest on top)
 - b. An index sheet listing the records included in the packet. The index should list the records in **specific date order, not date range.**
 - c. Written agreement as to the contents of the packet from the opposing party
 - d. The name and address of the insurance company responsible for payment, as well as the adjuster's name, telephone number and extension.
 - e. Physical therapy notes should be kept separate from the rest of the packet. They will be forwarded to the Commission's examiner at the discretion of the ALJ or by request of the provider. **NOTE: PT records may be provided with a date range as opposed to specific dates**
5. The district office will not schedule the exam until a complete medical packet is received. If the packet is incomplete, or if duplicate packets are received, the parties will be contacted to correct the issue.
 6. **The medical records must be forwarded to the Commission both in paper form and via email. The ALJ will provide the parties the email address of the staff member to whom the records should be sent.**
 7. A copy of the Order scheduling the CME will be forwarded to the claimant or their counsel and the respondent or their counsel. It is the responsibility of counsel to ensure that their clients are aware of the CME procedures.
 8. **All communication with the examiner** will be handled by the District Office. Parties should not contact the physician directly, other than for emergent cancellations.

Please make special note of the following information:

- A. The claimant is responsible for hand carrying any x-rays, MRIs, CT scans, etc. to the appointment. Failure to do so may result in the doctor cancelling the exam and a cancellation fee being charged.
- B. If the claimant requires an interpreter, it is their responsibility to bring someone to the appointment who can translate for them.
- C. Commission's examiners are permitted to charge a fee of up to \$250 for late cancellations/no shows. Late cancellation is considered notice received less than 48 hours prior to the exam.
- D. Commission's examiners are permitted to request a fee increase above the \$900.00 flat fee should they feel that the complexity of the exam or the volume of records warrant such an increase. Such increases are granted solely at the discretion of the ordering ALJ. District staff will notify the party responsible for the bill of any such increases that are granted by the ALJ.