



Washington State Department of
Labor & Industries

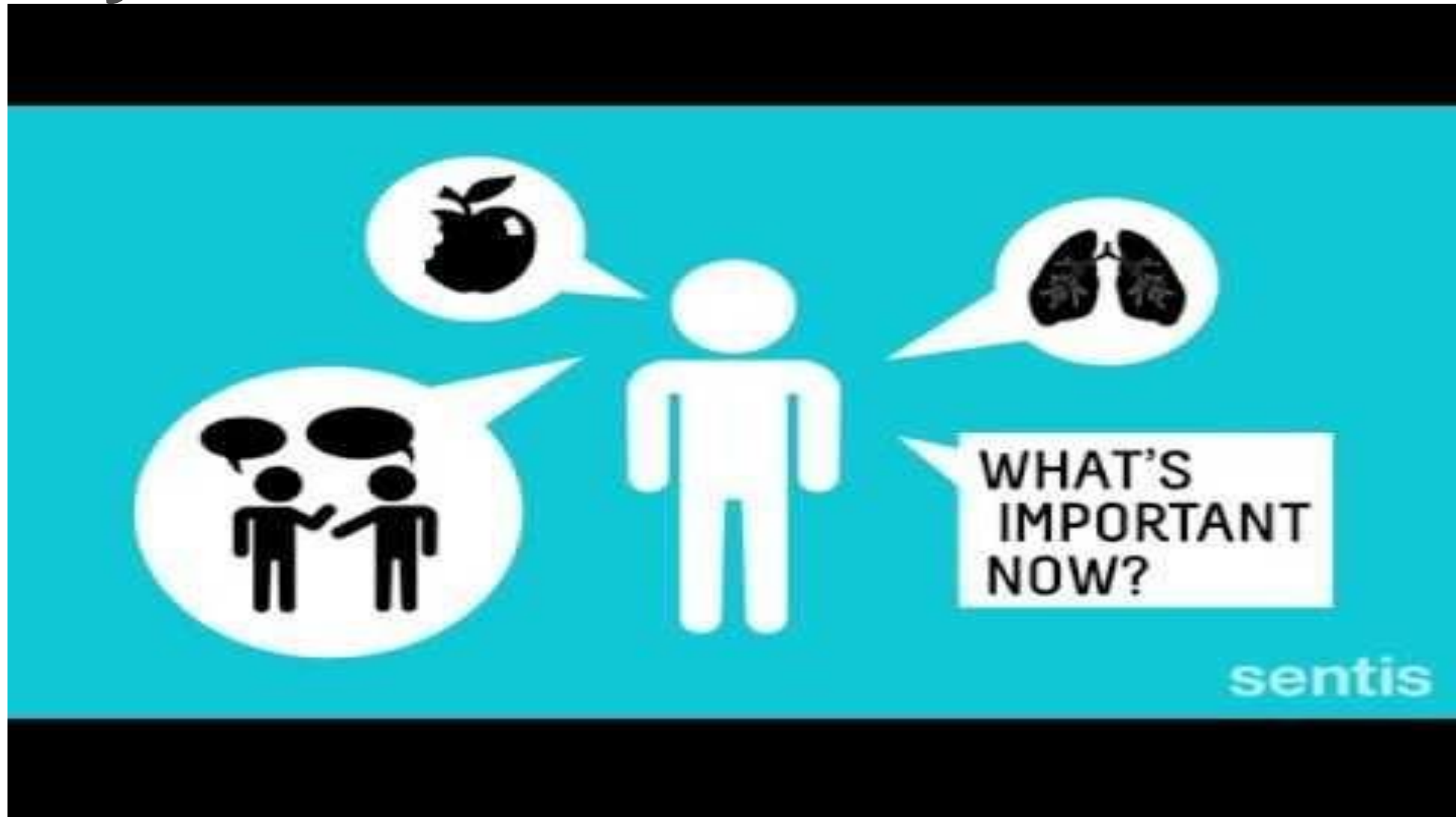
Self-Insurance



**Self-Insurance
Training Presents:
Independent Medical
Examinations (IMEs)**

2024 Quarterly Training

Safety Video



Resources

- **Claim Adjudication Guidelines** – Medical Treatment
<https://www.lni.wa.gov/insurance/self-insurance/claims-management/claims-adjudication-guidelines>
- **Forms & Publications**
<https://lni.wa.gov/insurance/self-insurance/about-self-insurance/forms-publications>
- **Claims Management Tools** – RCL Tool
<https://lni.wa.gov/insurance/self-insurance/claims-management/claims-management-tools#mpnsr-and-rcl>

RCW 51.36.070

- Outlines what an IME can be scheduled for:
 - To make a decision regarding allowance or reopening.
 - To resolve a new medical issue.
 - Case progress.
 - To evaluate PPD or work restrictions.
 - To resolve an appeal.
- IMEs must be in a reasonably convenient location.

WAC 296-23-309

- Covers how many examinations may be requested.
- One examination:
 - Prior to an order allowing or denying a new claim.
 - To adjudicate any application to reopen a claim.
 - After any new medical issue is contended.
 - Case progress.
 - For an impairment rating.
 - To resolve appeals.

IME's for Allowance or Reopening

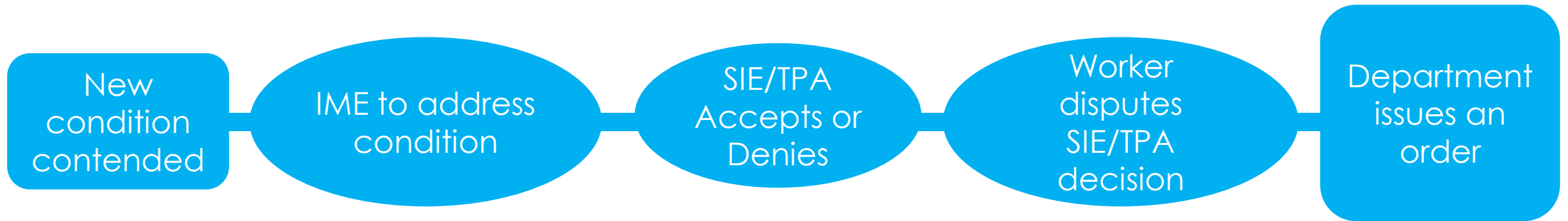
- Must take place prior to an order allowing or denying a new claim or an application to reopen a claim.
- Some reasons might be:
 - Causality
 - Diagnosis
 - Objective worsening
 - Aggravation

IME's for a New Medical Issue

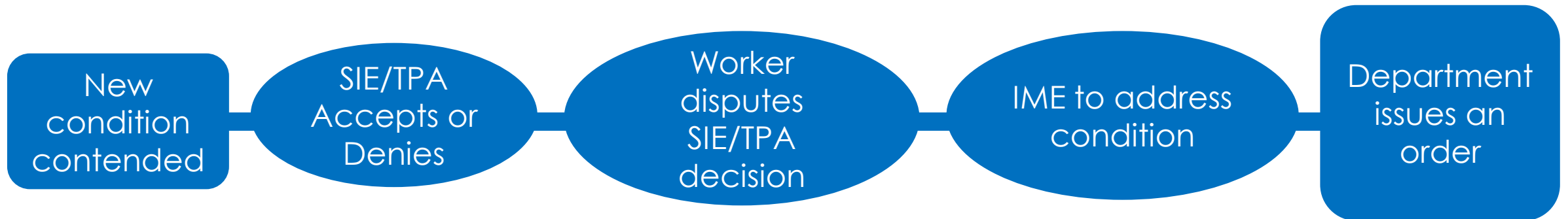
- To resolve the contention of a new medical condition.
- The self-insurer must make the initial determination to accept or deny the newly contended condition using the Accept or Deny Newly Contended Condition template.
- The IME must occur prior to an order accepting or denying a new condition.

New Medical Issue Timeline

- **When the IME occurs before a SIE/TPA Letter**



- **When the IME occurs after the worker disputes**



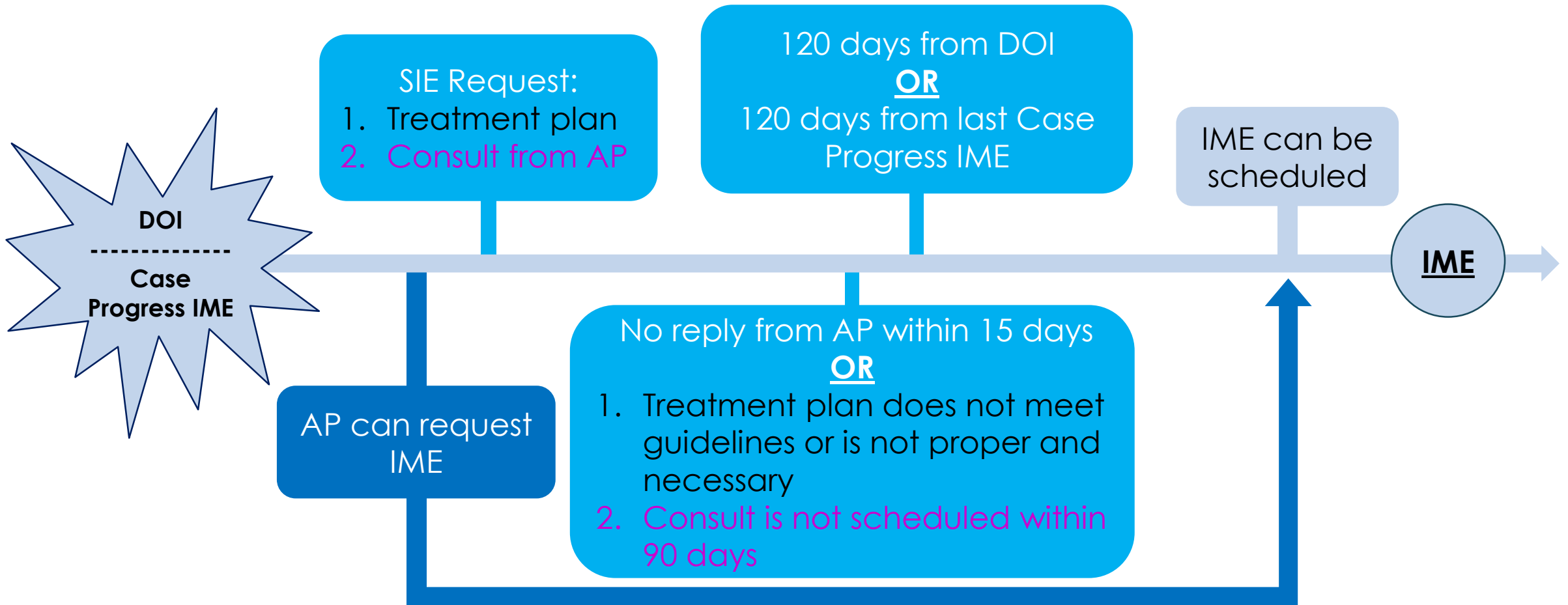
WAC 296-23-302 – Case Progress Exam

- “An examination requested for an accepted condition because: (a) A proper and necessary treatment plan, per the definition of "proper and necessary" found in WAC 296-20-01002, is not in place; or(b) The treatment plan has stalled or been completed without resulting in objective or functional improvement for physical conditions, or clinically.”

IMEs for Case Progress

- There are two thresholds that must be met in order for a case progress IME to be appropriate:
 - 120 days after receipt of the claim or last case progress IME.
 - Vague and/or lack of explanation from the AP regarding status of the treatment plan or refer to a consultation.

IMEs for Case Progress



IMEs for Impairment Rating

- Once the worker is MMI and PPD may be indicated.
- Unless a prior IME determined a rating was premature and/or further treatment was needed.
- Whenever a claim is reopened a new IME for an impairment rating may be obtained.

IMEs to Resolve an Appeal

- WAC 296-23-401
- Following receipt of an appeal by any party, the department may reassume and schedule, or may order the SIE/TPA to schedule an exam.
- The SIE/TPA may also schedule an exam regarding an appeal if a request has been approved by the department.

Self-Insurance IME Assignment Letter

It includes:

- One of the reasons outlined by RCW 51.36.070 for the examination.
- RCL language.
- If worker plans not to attend, they must give 5 business days notice language.
- Failure to fully cooperate language.
- Dispute rights.
- Companion and recording language.

Self-Insurance IME Assignment Letter

- Correct use of letter
 - Delete highlighted instructions
 - Use language preset on the letter
 - Delete unused reasons
 - Do not create your own reason
 - Substantially similar

Reasonably Convenient Location

BENEFIT
CALCULATIONS

PPD AWARD
SCHEDULES

FORMS &
TEMPLATES

CHECKLISTS &
COVERSHEETS

MPNSR & RCL

Reasonably Convenient Location (RCL) Tool

L&I developed the [Reasonably Convenient Location tool](#) to help self-insured employers identify where residents in the worker's community likely travel for care to various medical specialties (RCW 51.36.070). These locations are determined by:

- The number of providers in each county participating in the Medical Provider Network (MPN).
- The closest driving distance between the starting location and each county seat.

No approved Examiner: IME alternatives

- WAC 296-23-358
- Consultation
- Telemedicine (Where appropriate)
- Travel consideration
 - Notify the worker prior to scheduling
 - Can't exceed worker's medical restrictions
 - Employer will assist and reimburse

Telemedicine for IMEs (WAC 296-23-359)

Telemedicine examinations may be allowed for IMEs for certain conditions:

- Mental Health, Dermatology, Speech without Hearing Loss, Kidney Function, Hematopoietic and Endocrine.
- Requires two-way, real-time, audiovisual face-to-face connection between worker and examiner.
- The worker must be willing and able to attend.

Scheduling Reminders

- Must be with a department approved examiner(s).
- Must be scheduled at a time and place reasonably convenient to the worker.
- The worker must be given written notice.
 - Self-Insurance IME Assignment Letter
- If a translator is need, one should be scheduled.

Knowledge Check



**Which WAC covers how many
examinations may be requested?**

WAC 296-23-309

**When must the Self-Insurance IME
Assignment letter be sent?**

At least 28 calendar days prior to the exam.

What is the exception?

IMEs for Claim Allowance

**A worker living in Puyallup, WA needs to be
schedule for an IME with a hand surgeon.
What county is reasonably convenient?**

Pierce County

Where would a worker who lives in Centralia, WA be expected to travel for an IME with the following specialties?

Knee Surgery: Lewis County

Rheumatology: Thurston County

Ortho Surgery: Lewis County

Dermatology: Pierce County

A nurse filed a claim for her right shoulder due to repetitive lifting of patients. The SIF-2 and PIR were received on 5/23/23. The PIR diagnosed a shoulder tear to be possibly related. An IME was scheduled for 6/20/23 and notice mailed to the worker on 6/5/23.

Was the IME scheduled appropriately?

Yes

Which RCW covers what an IME can be scheduled for?

RCW 51.36.070

WAC 296-23-403

Independent medical examinations – department data reporting.

- The department will regularly provide independent medical examination data to interested parties that includes emerging trends.
- As much as possible, the data should include, and differentiate, between examinations for claims insured by the department and those covered by self-insured employers.

IME Reports

Include:

- Objective, sound, and sufficient medical information.
- Documented review of claim documents.
- Worker's history and clinical findings.
- Answers to all questions from SIE/TPA.
- Objective conclusions and recommendations.

Who Should Receive a Copy?

- A complete copy of the IME report must be sent to the attending provider for review and opinion.
 - If the attending provider disagrees with the report, their opinion must provide objective findings and a curative treatment plan.
- A complete copy of the IME report must be sent to the worker and workers' attorney.

No-Show Fees

RCW 51.32.110

- If the worker gives at least five business days' notice of their intent not to attend the examination, a no-show fee may not be assessed.
- If the worker refuses to submit to the medical examination a no-show fee could be assessed.

Travel for IMEs

- A worker may bring an adult friend or family member subject to restrictions under WAC 296-23-362.
- Workers are paid their usual wages if missing work to attend the exam per RCW 51.32.110.
- All mileage to and from the appointment is payable regardless of the distance traveled.
- A worker must pay their own travel expenses then be reimbursed.

WAC 296-15-440

What will the department consider when resolving a dispute to a scheduled IME in a self-insured claim?

- The Self-Insurance IME Assignment Letter.
 - Sent to the worker 28 days in advance
- When a written dispute is filed.
- If the dispute presents a factual case.

Dispute Timeliness

- The department can make a decision up to the day before an IME to direct the SIE/TPA to cancel/postpone.
- A phone call will be made if this is the case.
- A message may be left.

Substitute House Bill 1068

- Adopted into law effective July 23, 2023.
 - Amends RCW 51.36.070
 - Gives workers the right to record independent medical examinations (IMEs) ordered under RCW 51.36.070, RCW 51.32.110 or by the Board of Industrial Insurance Appeals.

Arranging the Recording

- Notice of intent to record must be given no less than 7 calendar days prior to the exam.
- Worker pays costs associated with recording.
- The worker may not hold the recording equipment.
- The recording equipment cannot interfere with the examination.

After the Recording

- The worker may not materially alter the recording.
- Recordings are confidential.
- The worker may not post recordings to social media.
- Self-Insured Employer and/or L&I can request a copy of the recording from the worker.

Observer/Companion

- The worker has the right to have one person, who is at least the age of majority (18+) of the worker's choosing, to be present to observe all examinations ordered.
 - The observer must be unobtrusive and not interfere with the examination.
 - The observer may not be the worker's legal representative, or an employee of the legal representative.
 - The observer may not be the worker's attending provider, or an employee of the attending provider.

Updated Publications

- Your Independent Medical Exam: For Employees of Self-Insured Businesses (F207-202-000 – English and F207-202-999 – Spanish)
- Self-Insurance IME Assignment Letter (F207-238-000).
- You must use these versions for all IMEs scheduled on or after July 23, 2023.

Knowledge Check



Notice was mailed on 2/22/23 for an appointment on 3/22/23. The worker disputed the IME on 3/3/23 which the department determined was appropriate. The worker called the SIE/TPA on 3/14/23 to advise they would not attend the exam.

Should the no-show fee be assessed to the worker?

No

The Self-Insurance IME Assignment Letter was sent to the worker on 8/11/2022 advising the worker of an IME on 9/8/2022. The worker left a voicemail with the SIE/TPA on 9/2/2022 that they would not be attending.

Should the no-show fee be assessed to the worker?

Yes

True or False

A worker may receive mileage reimbursement to attend an IME if they travel greater than 15 miles one way.

False

True or False

A worker may have their 18 year old son accompany them to the appointment.

True

True or False

A worker must pay any cost associated with recording of an IME appointment.

True

Which of the following reason(s) can an IME be scheduled for?

To resolve a protest.

To evaluate a worker's permanent disability.

To make a claim determination.

To make a newly condition determination.

Resources

- **Claim Adjudication Guidelines** – Medical Treatment
<https://www.lni.wa.gov/insurance/self-insurance/claims-management/claims-adjudication-guidelines>
- **Forms & Publications**
<https://lni.wa.gov/insurance/self-insurance/about-self-insurance/forms-publications>
- **Claims Management Tools** – RCL Tool
<https://lni.wa.gov/insurance/self-insurance/claims-management/claims-management-tools#mpnsr-and-rcl>

Questions?

- Claim-specific questions: Call 360-902-6901 and ask for the claim adjudicator assigned to the claim.
- General claim questions: email us at SITrainerquestions@Lni.wa.gov