



Washington State Department of
Labor & Industries

Self-Insurance



IME's

Effective April 23rd 2022

- RCW 51.36.070
- WAC 296-23-309
- WAC 296-23-308
- Self-Insurance Assignment Letter
- RCL tool
- WAC 296-23-401
- WAC 296-15-440
- WAC 296-23-403

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.

WAC 296-23-308

Scheduling case progress examinations.

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.

SI Assignment Letter

It includes:

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

WAC 296-23-401

Can an examination be scheduled after receipt of an appeal to the BIIA?

- 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.

WAC 296-15-440

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

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

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.

Questions?