

**IME Roundtable Meeting
September 19, 2024
via zoom**

<p>Staff Participants: Cristy Miller, L&I Dane Henager, ATG Diana Drylie, L&I Emily Stinson, L&I Jen Lybbert, L&I Joann Willyerd, L&I Karen Jost, L&I Kristen Baldwin-Boe, L&I Megan Lemon, L&I Melissa Dunbar, L&I LaNae Lien, L&I Nancy Adams, L&I Sara Nielsen, L&I Shannon Rushing, L&I Tanya Weber, L&I Troy Parks, L&I</p>	<p>Participants: Aimee Borrego Chelsea Stockner Chris Schauble Irene Suver Jeff Gosda Kayla McCain Kristin McCoy Lynn Dal Santo Mat Nguyen Michelle Bates Rachel Faber Rose Serna Terri Johnson</p>	<p>Douglas Pepper, DC Eugene Toomey, MD S. Daniel Seltzer, MD Steven Elerding, MD Tar Chee Aw, DDS</p>
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Safety Message, Agenda & Accountability Log Review:

Troy briefly discussed zoom meeting etiquette. The agenda was reviewed.

Melissa shared a safety message on power outages. Before a storm or expected power outage make sure to have you cell phone and any battery packs fully charged. Check your emergency kit and if you have a generator make sure you service it before using. During a power outage, unplug appliances and turn off all lights. Keep refrigerated food safe by not opening and closing refrigerators and freezers too much. After a power outage, reset alarms, restock your emergency kit, and check any refrigerated and frozen food to make sure it's still safe to eat.

Accountability Log Review– Troy Parks

Troy reviewed the accountability log. There will be an update in this meeting about interpreter scheduling. The department hosted listening sessions regarding recording impacts, forensic IMEs, and third party recording. There will be information on this during this meeting. The FAQ document was also updated. There was a fee schedule analysis and will have an update at this meeting.

Complaints YTD – Troy Parks

Troy shared the year to date complaint data. The top specialties and types of complaints remain the same. There have been 98 complaints so far in 2024. The department typically receives complaints on less than 1% of IMEs.

This data is shared with other stakeholders. We have been including in those presentations that the percentage of IMEs with complaints is a very low percentage.

The group asked to possibly have the percentage of orthopedic exams compared to all the other specialties.

It would be more meaningful for the group if the complaint numbers were shared as a percentage of the exams performed.

Program Updates:

Examiner Pool – Troy Parks

Troy shared the total number of approved examiners, and total number of actively billing examiners. The number of in state versus out of state examiners was also shared.

Dr. Toomey asked whether out of state examiners are made aware of Business and Operation taxes and if they are registering for that. Staff will have internal discussions about this and add to accountability log.

Examiner Exit and Retention Surveys – Troy Parks

The examiner survey data was shared. There have been 32 examiners that dropped off the approved list in 2024, with six responses to the exit survey.

There was a high number of examiners that disagreed that they were paid fairly. The suggestion was made that the department do some follow up on these, asking what could be done for the examiner to reapply or come back to doing IMEs.

The question was asked if the IME firms do exit surveys for examiners. The firms usually know the issues and the reasons the examiners stop doing IMEs. Most firms do conduct exit surveys *for workers* after every exam.

Quality Trends – Tanya Weber

Tanya shared the quality review data. The data is broken down by State Fund (SF), Self-Insured (SI), and telehealth. The SF and SI reviews are listed by the date of the review. The telehealth reviews had been listed by the date of exam. This has been updated to align all three types of reviews.

Data was also shared regarding new and renewing examiners that had not billed for at least 6 months. If an examiner did not bill over multiple years they were counted each of those years. The numbers for renewing examiners with no billing, peaked in 2023 but has dropped in 2024. It is believed this may have been due to the recording rule.

It was noted that everyone is pleased with the number of SI and telehealth that are being done now. So far there has been no differences between SI and SF in the quality of the reports.

There was an ask to have the billing data broken down by in state versus out of state examiners. That is not currently a data point that is collected but can be added.

There was a course pre-pandemic about spine impairment rating Dr. David had done. That course would be very helpful to do again.

If there are any questions or suggestions on other quality data trends that would be helpful to see, they can be emailed to Tanya.

MEH Updates – Kristen Baldwin-Boe

Kristen shared a summary of updates made to the *Medical Examiners' Handbook* (MEH). The update page was also shared. That update page is located in the MEH after the cover page. Most of the updates this year were clarification around new, updated, and repealed RCWs and WACs. There were some updates under interpreter services due to the new vendor.

IME Recording:

Co-recording Rulemaking – Troy Parks

Last year the recording rule went into effect. A lot of examiners would only agree to be recorded if they were able to co-record and many workers did not want that. Based on several listening sessions, the department is working on writing rules around co-recording, as well as a third party recording pilot. The CR101 was filed for the co-recording rules and the pilot rules. There will be another listening session in October with more information on the rule language.

Third-Party Recording Pilot – Troy Parks

Based on feedback received at the previous listening session there were concerns about who owns and has access to the recording files. The hope is that third party recording may ease some of the fears workers have

with co-recording. This would also ensure there is an un-altered / original version of the recording and safeguard against unauthorized use. It would also take the onus of storing the recording off of the IME firm.

Several examiners stated they would like if the recording stays with the claim because some attorneys like to share the recordings from workers.

The state would be responsible for paying for the third party recording during the pilot period.

It's difficult to get the full picture regarding cancelled exams due to recording refusals. It would be nice to know what info the firms may be gathering and if they would be willing to share that information to help inform the pilot.

The pilot parameters are still being put together. This would be a six month pilot. The department has looked at several vendors. It is believed that a link would be created and the examiner would just have to press record. The firm would need a laptop, phone, or tablet to use to record. They should be able to use any existing equipment they already have.

The worker would still be able to record if they want to. This still may deter examiners from doing this. Examiners may feel more comfortable if worker agrees to only the third party recording.

If there is an interpreter, this could greatly increase the number of people in the room. Many places don't have that amount of room. The third party recording would not require anyone extra in the room. It would just be a camera set up and the examiner would press record when the exam is ready to start.

The firms would like to be able to give input for the gatekeeping rules for the recording. There will be a listening session where the rules will be shared beforehand. The firms will be able to give input and suggestions at that time.

Some key performance indicators are utilization to help inform the permanent rules, mitigation to help with scheduling and claim delays, and best practices such as camera positioning.

Discussion – Troy Parks

Some additional considerations for the pilot include equipment. The firms should be able to use their existing equipment. It would be helpful to have a complete inventory of examiner recording preferences. If firms can put together a list of examiners that are willing to be recorded, if they will be recorded only with co-recording, and if they would be comfortable with third party recording.

Most attendees agreed they would prefer the third party recording be the only recording of the exam, rather than have multiple competing recordings, and it would be professionally recorded. Similar to a court reporter providing the recording.

Firms are hesitant to provide list of examiner preferences for recording as that is fluid and can change.

The firms that may be interested in participating in the third party recording pilot are; CSP, MCN, MES, OMAC.

The next steps will be executing the third party recording contract. The hope is to start November 1 and have the pilot run for six months. There would be a vendor demo for participating firms before the pilot starts.

IME Fees:

Analysis / Update – Emily Stinson & Megan Lemon

Emily shared that a fee analysis was completed comparing fiscal year 2024 billing data compared to last year. There are multiple factors that impact payments. The decrease in number of unique claimants, and over all claim counts are lower. This is all taken into account.

The total number of bills per claim is higher. The number of IME referrals has drastically dropped since 2017. Between 2023 and 2024 there was a little over 2,500 drop in referrals. The department is tracking these items and not currently planning any fee schedule overhauls.

Attendees believe these numbers are out of context. There is nothing showing these numbers compared to any other jurisdiction or input from the Attorney General Office (AGO).

Emily explained how the Cost of Living Adjustment (COLA) are set. When the department is looking at how to set the COLA it has to look at many factors including what can be afforded and the economic conditions.

There is still a problem with denial code 264. It has to do with the fact that the claim has been denied. This affects payments and delays them for weeks. This may be something to take back and talk to bill payers.

Another problem is being denied no-show payments for workers that show up without informing the firm they intend to record. When the firms refuse to continue with exam because worker did not follow rules the payment is denied. If the worker arrives at the exam and they intend to record but did not give notice they should be given the option to proceed without recording. If the worker does not intend to proceed with exam then it would be a late cancel by the worker and can be billed. It has to be the worker's decision to not continue.

Some firms have noticed some Spanish speaking workers believe they must record. There may be something in Spanish letter that makes them believe this.

Firms will not be able to maintain a diversity in their locations and examiners. The increases that are given are eaten up by business costs. The costs for rent and supplies have gone up so firms are not able to give doctors the full increase. The department keeps adding requirements for IMEs with no real increase in pay.

Staff would be open to doing site visits with the firms again to get a better idea of costs and pain points.

The firms would like to see a comparison between other jurisdictions and what L&I requires and how much is paid. The cost of doing an IME is not covered by L&I. It's covered by other payers that pay more. Most IME firms are national and have national contracts that end up covering the costs of L&I claims.

Interpreter Services:

Feedback on Rollout & Language Link Update – Cristy Miller

Cristy shared some data around the new interpreter scheduling system as of 9/13/24. There were 431 Language Access Providers (LAPs) receiving assignment's, and 151 LAPS in the process of completing their registration. SOSi continues to monitor requests for interpreters. There are about 4,000 requests per week coming in. The number of provider and scheduler accounts has increased when compared to the previous system. This has been attributed to the change in registration process. Providers are required to access the system through My L&I. The department continues to see requests for providers to access system. CTS Language Link will be available for on-demand telephonic interpreter services through December 2024.

The department is monitoring the weekly fulfill and success rate. The success rate is currently at 90% and un-fulfill rate is at about 9%. For Spanish interpreter the minimum success rate is 92% and other languages is 89%. The un-fulfill rate is 2%. The vendor's goal is to meet or exceed those requirements by the six month mark.

The firms have seen some challenges with interpreters not showing to IMEs. They have also heard some interpreters not wanting to take IME assignments due to the recording rule. It would be helpful to get feedback from firms and examiners. There has been an idea to have SOSi survey the interpreters to see who is willing to be recorded and have the IMEs assignments just sent to those interpreters.

CorVel has collected some feedback. The IME firm schedulers are adding notes about recording to the notes in the assignment and the interpreters are saying they are not able to see those notes. Another concern are that

interpreters cannot take any other assignments if the worker does not show but firm has another unfulfilled assignment. If that happens again the firm can have the interpreter complete the Verifications of Services form instead of checking in and checking out, then send it to SOSi so they can be assigned to that new request. Cristy will see if SOSi has a blank form that can be shared with the firms. There isn't any flexibility for interpreters to check in early to assist with paperwork. The extra time should be included when booking the appointment. If the interpreters have any issues they need to send an email to SOSi support with the examples.

An examiner had two patients that called into CTS and after a few minutes the interpreter dropped off the call. When they tried to call back in they got a message that they were busy and they had to wait. The interpreters in Wenatchee are also not signed up with SOSi due to frustration with payments not being made consistently and unable to get any help due to the time difference with SOSi.

They are billing an average of 6,000 invoices a week and most of those are paid within 30 days. That tells the department they understand the billing process. They are a new L&I provider and there have been problems with understanding all the processes. When interpreters have issues with billing they need to contact SOSi to understand the issue. SOSi was picked as they were the best option out of the vendors that applied and the department continues to get compliments from customers on SOSi customer service.

Several firms mentioned they have to use telephonic interpretation more often, even in Seattle, on an almost daily basis. Telephonic interpretation is not ideal. There have been issues of interpreters not showing up and canceling last minute. One of the solutions is for SOSi to implement a disciplinary action plan which they plan to implement next month. It's believed that will help improve the behavior of interpreters and the quality of services.

SOSi provides video interpretation services through Zoom. When submitting a request in the system there are three options; in person, video, and telephone. If you choose video or telephone, you will get a zoom link. There is no plan to try and get rid of in-person interpreters as that is the best option for IMEs.

Claims & Scheduling Units Trends:

Claims – Nancy Adams

Nancy shared they have seen a couple letters from attorneys to firms requiring a fee be paid to the worker for late cancels. If a firm receives a letter, they can send it to Nancy to review. There is no requirement that IME firms pay a fee for late cancels being mentioned in some attorney letters.

Self-Insurance –LaNae Lien

There was nothing to report out on, and no questions.

Scheduling – Shannon Rushing

Shannon shared some scheduling data. The data is broken out by fiscal year.

The 6440 IME rule passed in 2021 and went into effect 2022. The Claim Managers received updated training when 6440 went into effect and put parameters around when an IME can be scheduled. They did see an initial decline which was also during Covid. The parameters did impact how many IMEs could be requested. Then the recording rule started in 2023. There was a roadblock with referrals being able to be completed due to this and staff are still continuing to see a slight decrease due to this. It's believed the numbers will stabilize but it's doubtful it will go back to pre-6440 and Covid numbers.

Q&A – Open Discussion Round Robin – Group

There is no requirement that IME firms pay a fee for late cancels being mentioned in some attorney letters.

Workers are only allowed to record in exam room per the FAQ.

The firms would like a discussion maybe with Dr. Farokhi and Nancy about what they are seeing in IME reports by the time case gets to the IME. They are more and more frequently seeing diagnosis that have not correctly been addressed. This is most frequently seen with an attending that is something other than an MD. They are not diagnosing full range of diagnosis. They believe it is getting worse due to the additional provider types that are

not physicians. There should be a group to look at this and try to get workers who are not getting better to see a physician for a treatment plan. Tanya has seen this in her reviews as well. Dr. Farokhi is involved in a project about AP documentation improvement.

The L&I website now includes a list of how to contact firms for recording notification. Firms are still getting notices sent to exam sites. Attorneys say that’s what is on the letter so that’s where they send the notice. Others have said they send the notice to L&I and rely on L&I to send it on to the firms. Staff are working with IT to update the assignment letter so that notification document will be sent to the attorney. It is currently only sent to the worker as the attorney is a CC on that letter. A copy was also given out at the last WSAJ meeting.

There will be another interpreting services update at the next meeting.

Issue Tracking:

Provider Concerns:	Department Updates / Outcomes:
Interpreter scheduling issues	<p><u>9/19/24:</u> SOSi is the new interpreter services provider. See details in above notes and in presentation.</p> <p><u>5/9/24:</u> SOSi is the new interpreter services provider and will roll out June 17. See details in above notes and presentation.</p>
Legislative Bill that allowed recording of IMEs	<p><u>9/19/24:</u> CR101 filed in August for Co-recording and Third-party recording pilot rules. Listening sessions held. Draft language shared Oct 10. Co-recording rules anticipated to file in December. Third-party recording pilot estimate to last 6 months.</p> <p><u>5/9/24:</u> The department is tracking impacts and conducted listening sessions this week for Labor, Business, and IME Providers. Update given by Karen Jost, see presentation and notes above.</p>
<p>Several Fee increase requests:</p> <ul style="list-style-type: none"> • File page count should be reduced to 200 pages • Pay examiner travel to remote locations in-state. • Increase fee for additional claims in an IME • Pay more for hand impairment ratings. These take as much time as the psychiatrists do with the worker. 	<p><u>9/16/24:</u> HPPM presented latest analysis. See presentation and notes above.</p> <p><u>1/11/24:</u> Troy presented department analysis of IME reimbursement since the fee updates in 2022. The data reviewed shows that around 77% of files are 400 pages or less. The total dollars paid for IMEs continues to increase while the number of exams goes down. The data analysis supports maintaining the current</p>

Provider Concerns:	Department Updates / Outcomes:
<ul style="list-style-type: none"> • The Coalition would like to bring back the administrative fee codes. <ul style="list-style-type: none"> • Examiners do not get paid for all their prep work if the exam is cancelled, now that the admin fees are rolled into the exam fee. 	<p>policy of 400 pages or less being bundled into the exam fee. See presentation slides</p> <p><u>9/14/23</u>: There is a new code, Q3014 that can be billed with telemedicine in some cases. See explanation above under Telemed or in MARFS under updates and corrections. Dr. Farokhi is working on a project to determine file size and time spent reviewing files. She gave an update at this meeting.</p> <p><u>5/4/23</u>: Update</p> <ul style="list-style-type: none"> • HPPM shared the findings of their review showing the department paid more money for fewer IMEs since the July, 2022 fee schedule updates. Dr. Farokhi will look at the page count issue and make a recommendation to Karen. • There will not be any more fee updates in the July MARFS other than the COLA increase. • There are no added fees related to the IME recording legislation. The worker is responsible for the cost of recording and they can use their phone to record.
<p>High rate of IME reschedules, what is the root cause?</p>	<p><u>5/9/24</u>: Karen presented impact analysis of recording rule including rescheduling data which showed higher reschedule rates for exams where recording is requested.</p>
<p>Concern that out of state examiners are not aware of Business and Operation taxes and do we know if they are registering for that?</p>	<p>The IME provider agreement, MEH, and WAC 296-23-317 state:</p> <p>WAC 296-23-317 (1)(j) Provider must comply with all federal, state, and local laws, regulations, and other requirements with regard to business operations, including specific requirements for the provision of medical services.</p> <p>Compliance falls under the jurisdiction of Dept of Revenue.</p>

NEXT IME ROUNDTABLE MEETINGS

Thursday, January 16, 2025 – 9:30 am – noon – Location: TBD

Thursday, May 08, 2025 – 9:30am – noon – Location: TBD

Thursday, September 18, 2025 – 9:30 am – noon – Location: TBD