

Welcome

Independent Medical Examination (IME) – Case Progress Draft Rule Review





Agenda

- Safety Topic
- Meeting Guidelines
- Review – Independent Medical Examination (IME) –
Case Progress Draft Rule Language
- Next Steps



Outdoor Fire Safety

- Ensure cigarettes are completely put out.
- Do not throw cigarettes out of car windows.
- When camping, do not leave campfire unattended and make sure it is completely out before you leave it.
- Talk to children about the dangers of starting fires outside.
- Do not leave glass bottles lying on the ground – the sun's rays reflect through the glass and can start a fire.
- Use barbecues on a hard, flat surface away from grass, shrubs, or any combustible structures.





Meeting Guidelines

- ***Please remain muted when not speaking to reduce background noise***

- *Work Group Members*
 - Take time now to set your full name in Zoom.
 - Please keep cameras on during the meeting.
 - To contribute to the discussion please use the hand raise feature. We will monitor for this.
 - Maintain a respectful, collaborative environment so that everyone feels safe to speak – use appropriate language in all conversations.

- *Guest Attendees*
 - Guests may listen in on the meeting. **Please remain muted at all times.**
 - If you would like to share comments on the discussion or recommendations, please contact your work group member representative or include comments in the chat box.



Purpose of the Meeting

- Review and gather feedback on draft rule language.



Pre-Draft Feedback

- Case Progress
- WAC 296-20-01002 is amended as follows:
- “Case Progress” means that after authorizing medical treatment, the injured worker’s
- conditions have not resulted in clinically meaningful improvement as expected by the
- attending physician. Clinically meaningful improvement means the substantiation of
- improvement in the worker's condition in terms of functional modalities, i.e., range of
- motion; sitting and standing tolerance; reduction in medication; etc.



Pre-Draft Feedback (cont.)

- WAC 296-23-302 is amended as follows:
- “Case Progress Examination” - The department or self-insurer may schedule a Case Progress examination of an injured worker as follows:
- a) They must first notify the attending physician that insufficient progress has been made with authorized treatment and request an explanation from them or request that they refer the injured worker to a consultation with a different specialist per WAC 296-20-051 within 30 days.



Pre-Draft Feedback (cont.)

- b) If a referral is not made within 30 days, then a Case Progress examination may be scheduled per RCW 51.36.070.
- c) In no event may a Case Progress examination be scheduled until 180 days has passed since the order allowing the claim has become final.
- d) In no event may a Case Progress examination be scheduled until 180 days has passed since receipt of the last Case Progress examination and the authorization of additional treatment of the condition.



Case Progress- Definitions – WAC 296-20-01002

- “Case progress” refers to examinations requested for an accepted condition because:
 - 1. A proper and necessary treatment plan is not in place, or further care appears palliative; or
 - 2. The treatment plan has stalled; or
 - 3. The treatment plan has been completed without resulting in objective improvement for physical conditions, or clinically meaningful signs of improvement for mental health conditions.



IME Definitions - WAC 296-23-302

- Case progress examination - The department or self-insurer may schedule a case progress examination of an injured worker after:
 - 1. Requesting an explanation from the attending provider regarding (1), (2) and/or (3) from WAC 296-20-01002 “case progress” definition, or
 - 2. Requesting that they refer the injured worker to a consultation with the appropriate specialty(ies) per WAC 296-20-051 within 15 days.
 - 3. If the attending provider does not provide the requested explanation or the referral is not made within 15 days, or the consultation is not completed within 90 days, then a case progress examination may be scheduled per RCW 51.36.070.



IME Definitions - WAC 296-23-302 (cont.)

- 4. A case progress examination may not be scheduled until 180 days have passed since receipt of the claim by the department or self-insurer, unless the department approves a request in advance of it being scheduled.
- 5. A case progress examination may not be scheduled until 180 days has passed since receipt of the last case progress examination report and authorization of additional treatment of the condition has been granted, unless the department approves the request.



IME Limitations - WAC 296-23

- A new section is added to WAC 296-23
- The total number of examinations per claim is limited as follows:
 - (i) One examination prior to an order under RCW 51.52.050 or 51.52.060, allowing or denying a new claim becoming final and binding, unless authorized by the department.
 - (ii) One examination for an impairment rating unless the examiner determines a rating was premature and further treatment is authorized by the self-insured employer or department.
 - (iii) One examination to adjudicate any application to reopen a claim under RCW 51.32.160 prior to a final order under RCW 51.52.050 or 51.52.060 allowing or denying reopening of the claim, unless the department authorizes the exam.



IME Limitations - WAC 296-23 (cont.)

- (iv) Additional impairment rating examinations are allowed following each time a claim is reopened under RCW 51.32.160.
- (v) One examination may be performed after any new medical issue is contended and:
- (vi) Additional examinations per case progress rules and to resolve appeals as outlined in WAC 296-23-302.



Case Progress- IME B&L Group Feedback

- Next Steps



Thank you for attending

Send comments to:

Suzy Campbell

suzanne.campbell@Lni.wa.gov