

2022 “QME CRITICAL ISSUES” - SPRING ZOOMINAR SERIES



- [EZ CONTINUING EDUCATION.ORG](https://EZCONTINUINGEDUCATION.ORG)
- PERRY J. CARPENTER DC QME
- 800-676-8127

HOW TO DETERMINE THE SCOPE OF THE EVALUATION

WHAT TO DO IN THE QME EVALUATION THE QME PANEL PROCESS

- [EZ CONTINUINGEDUCATION.ORG](http://EZCONTINUINGEDUCATION.ORG)
- PERRY J. CARPENTER DC QME
- 800-676-8127



ADMIN

- **During ZOOMinar Keep Microphone muted**
- **See Link in Chat for Access to Course Materials/Course Examination/1 Hour QME CE**
- **Chiropractors Get Also 1 Hour Board of Chiropractic Credit**
- **Put any questions/comments in the “Chat” and we will discuss at the conclusion – Please Participate**

SPRING “QME CRITICAL ISSUES” ZOOMINAR SERIES

03/16/22 – How to Determine the Scope of the Evaluation (1-hour QME CE Credit) – Perry Carpenter DC QME

03/23/22 – The Importance of the Neurologic Exam (1-hour QME CE Credit) – Robert Adams DC DACBN

03/30/22 - Imaging Findings of Permanent Impairment (1-hour QME CE Credit) – Cliff Tao DC DACBR

04/06/22 - Psychologic Trauma & The QME (1-hour QME CE Credit) – Robert A Larsen MD MPH

04/13/22 – No ZOOMinar

TODAY

- **Today's (3/16/22) Discussion – “HOW TO DETERMINE THE SCOPE OF THE EVALUATION”**
 - **For More Information:**
 - **THE NEW ERA QME – 6 HOURS/\$175**
 - **THE QME FORENSIC SUPER SLEUTH – 6 HOURS/\$175**
 - **THE QME REPORT QUALITY, CREDIBILITY, AND PERSUASIVENESS CHECKLIST – 6 HOURS/\$175**
 - **THE QME'S CRYSTAL BALL – 6 HOURS/\$175**
 - **CUMULATIVE TRAUMA & THE QME – 6 HOURS/\$205**

HOW TO DETERMINE THE SCOPE OF THE EVALUATION

“WHAT TO DO IN THE QME EVALUATION THE QME PANEL PROCESS”

- [EZ CONTINUINGEDUCATION.ORG](http://EZCONTINUINGEDUCATION.ORG)
- PERRY J. CARPENTER DC QME
- 800-676-8127



THE QME PANEL PROCESS



- **5 Step Procedure:**

- 1. Determine Labor Code Driving the Need for the evaluation.**
- 2. Determine Disputed Issues**
- 3. Determine Stage of Claim in Lifecycle**
- 4. Determine Body Parts Involved**
- 5. Determine Evaluation Procedures**

- **QME PANEL PROCESS –
LC4060/4061/4062**



THE QME PANEL PROCESS



4060 (a) This section shall apply to disputes over the *compensability* of any injury. This section shall not apply where injury to any part or parts of the body is accepted as compensable by the employer.

- (c) If a medical evaluation is required to determine compensability at any time after the filing of the claim form, and the employee is represented by an attorney, a medical evaluation to determine compensability shall be obtained by the procedure provided in Section 4062.2.



THE QME PANEL PROCESS



- 4060 (d) If a medical evaluation is required to determine **compensability** at any time after the claim form is filed, and the employee is not represented by an attorney, the employer shall provide the employee with notice either that the employer requests a comprehensive medical evaluation to determine compensability, or that the employer has not accepted liability and the employee may request a comprehensive medical evaluation to determine compensability. Either party may request a comprehensive medical evaluation to determine compensability. The evaluation shall be obtained by the procedure provided in Section 4062.1. ■
- (e) The notice required by subdivision (d) shall be accompanied by the form prescribed by the administrative director for requesting the assignment of a panel of qualified medical evaluators.
- Unrepresented: QME Form 105



THE QME PANEL PROCESS



- LABOR CODE 4061 - (c) If either the employee or employer objects to a medical determination made by the treating physician concerning the existence or extent of permanent impairment and limitations or the need for future medical care, and if the employee is not represented by an attorney, the employer shall immediately provide the employee with a form (QME Form 105) prescribed by the medical director with which to request assignment of a panel of three qualified medical evaluators. Either party may request a comprehensive medical evaluation to determine permanent disability or the need for future medical care, and the evaluation shall be obtained by the procedure provided in Section 4062.1.
- LABOR CODE 4062.1 Unrepresented



THE QME PANEL PROCESS

- LABOR CODE 4061 - (b) If either the employee or employer objects to a medical determination made by the treating physician concerning the existence or extent of permanent impairment and limitations or the need for future medical care, **and the employee is represented by an attorney**, a medical evaluation to determine permanent disability shall be obtained as provided in Section 4062.2.
- LC 4062.2 Represented



THE QME PANEL PROCESS



- LABOR CODE 4062 (a) If either the employee or employer objects to a medical determination made by the treating physician concerning any medical issues not covered by Section 4060 or 4061the objecting party shall notify the other party in writing of the objection within 20 days of receipt of the report if the employee is represented by an attorney or within 30 days of receipt of the report if the employee is not represented by an attorney.....
- If the employee is not represented by an attorney, the employer shall immediately provide the employee with a form (QME Form 105) prescribed by the medical director with which to request assignment of a panel of three qualified medical evaluators, the evaluation shall be obtained as provided in Section 4062.1 , and no other medical evaluation shall be obtained.
- Unrepresented: 4062.1



THE QME PANEL PROCESS



- LABOR CODE 4062 (a) If either the employee or employer objects to a medical determination made by the treating physician concerning any medical issues not covered by Section 4060 or 4061the objecting party shall notify the other party in writing of the objection within 20 days of receipt of the report if the employee is represented by an attorney or within 30 days of receipt of the report if the employee is not represented by an attorney.....
- If the employee **is represented by an attorney**, a medical evaluation to determine the disputed medical issue shall be obtained as provided in Section 4062.2, and no other medical evaluation shall be obtained.
- Represented: **4062.2 (QME Form 106)**



UNREPRESENTED




- 4062.1 B) If either party requests a medical evaluation pursuant to Section 4060 , 4061 , or 4062, either party may submit the form prescribed by the administrative director (QME Form 105) requesting the medical director to assign a panel of three qualified medical evaluators..... However, the employer may not submit the form unless the employee has not submitted the form within 10 days after the employer has furnished the form to the employee and requested the employee to submit the form. The party submitting the request form shall designate the specialty of the physicians that will be assigned to the panel.





REPRESENTED



- LC 4062.2
 - (a) Whenever a comprehensive medical evaluation is required to **resolve any dispute** arising out of an injury or a claimed injury occurring on or after January 1, 2005, and the employee is represented by an attorney, the evaluation shall be obtained only as provided in this section.
 - (b) No earlier than the first working day that is at least 10 days after the date of mailing of a request for a medical evaluation pursuant to Section 4060 or the first working day that is at least 10 days after the date of mailing of an objection pursuant to Sections 4061 or 4062, either party may request the assignment of a three- member panel of qualified medical evaluators to conduct a comprehensive medical evaluation. The party submitting the request shall designate the specialty of the medical evaluator, the specialty of the medical evaluator requested by the other party if it has been made known to the party submitting the request, and the specialty of the treating physician. The party submitting the request form shall serve a copy of the request form on the other party.
- 



REPRESENTED



- LC 4062.2 (c) Within 10 days of assignment of the panel by the administrative director, each party may strike one name from the panel. The remaining qualified medical evaluator shall serve as the medical evaluator. If a party fails to exercise the right to strike a name from the panel within 10 days of assignment of the panel by the administrative director, **the other party may select any physician who remains on the panel to serve as the medical evaluator.** The administrative director may prescribe the form, the manner, or both, by which the parties shall conduct the selection process.



Dispute	Examinee	Stage of Claim	Labor Code	QME Form
Compensability (AOE/COE)	Unrepresented	Inception ★	LC 4060	QME Form 105
Compensability (AOE/COE)	Represented	Inception	LC 4060	QME Form 106
<u>PD/Future Medical</u>	Unrepresented	Conclusion ★	LC 4061	QME Form 105
<u>PD/Future Medical</u>	Represented	Conclusion	LC 4061	QME Form 106
Other Medical Issues (TD/Apportionment)	Unrepresented	Conclusion	LC 4062.1	QME Form 105
Other Medical Issues (TD/Apportionment)	Represented	Conclusion	LC 4062.2	QME Form 106



EFFICIENCY PROCEDURES



1. Determine the Labor Code Driving the Need for the Evaluation (LC 4060/LC4061/LC4062)
2. COVER LETTER ANALYSIS – Date of Injury
3. Determine the Disputed Issue –
Compensability/ImpairmentFutureMedicalCare/Oth
er Issues
4. Determine the Body Parts Involved –
5. Determine Your Examination Procedures –
Consistent with the Dispute



Labor Code	Disputed Issues	Body Parts Involved	History Focus	Exam Procedures
LC 4060	Industrial Causation (AOE/COE)	Left Shoulder	Mechanism of Injury/Reporting Compliance	Determine Presence or Absence of a "Condition"
LC 4061	Existence or Extent of <u>Permanent Impairments/Limitations</u>Need for Future Medical Care/Body Parts	Lower Back	<u>Treatment to Date</u> <u>Current Symptoms</u> <u>ADL Assessment</u> <u>Relevant Medical History</u>	Determine Impairments
LC 4062	Other objections not related to 4060 or 4061 – Diagnosis/Appportionment/Work Restrictions	Lower Back	Relevant Medical History Current Symptoms	Determine Impairments



