

QME FALL ZOOMINAR SERIES

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PERRY J. CARPENTER DC QME



- 1983 - UC Santa Cruz: BA Cell Biology
- 1988 - Palmer West College of Chiropractic - DC
- 1995 - Qualified Medical Evaluator
- 2011 - DWC Continuing Education Provider
- 2013 - State Bar Board of Legal Specialization
Workers Compensation Law Provider
- 2018 - QME Data Works Virtual QME Office
- 2021 - California Chiropractic Evaluators

QME UPDATE 2021 - SECRETS TO YOUR SUCCESS

New Medical
Legal Fee
Schedule

Passage of
Senate Bill 788 -
LC 4663 (now
vetoed)

Lindh
Kite & Others
Wiest -
Every Tuesday

September 2021
Emergency
Regulations

May 2021

Ongoing

Apr. 2021

June 2021

Case Law
Updates

New Proposed
Changes to QME
Regs.

Report Quality
Committee
Findings

COVID
Extensions -
01/10/22***



UPDATE ON THE QME REGULATIONS



- For the Busy, Hurried, and Harried QME
- Select Changes that Impact Day to Day QME Operations
 - CCR 31.3 Scheduling Appointment
 - CCR 35.5 Evaluation and Reporting Guidelines
 - Anti-Bias Regulations
 - CCR 36.7 Electronic Service
 - CCR 51 Denial of Reappointment
- For More Information - www.ezcontinuingeducation.org

UPDATE ON THE QME REGULATIONS



- Increase Profitability:
 - CCR 31.3 Scheduling Appointments
 - CCR 36.7 Electronic Service
- Better Reports:
 - CCR 35.5 Evaluation and Reporting Guidelines
 - Anti-Bias Regulations
- Longer Career:
 - CCR 51 Denial of Reappointment
- For More Information - www.ezcontinuingeducation.org

UPDATE ON THE QME REGULATIONS



- CCR 31.3 Scheduling Appointments:
- (e) If a party with the legal right to schedule an appointment with a QME is unable to obtain an appointment with a selected QME within sixty (60) days of the date of the appointment request, that party may waive the right to a **replacement** in order to accept an appointment no more than ninety (90) days after the date of the party's initial request for an appointment.
- When the selected QME is unable to schedule the evaluation within ninety (90) days of the date of that party's initial request for an appointment, either party may report the unavailability of the QME and the Medical Director shall issue a replacement pursuant to section 31.5 of Title 8 of the California Code of Regulations upon request, unless both parties agree in writing to waive the ninety (90) day time limit for scheduling the initial or subsequent evaluation

UPDATE ON THE QME REGULATIONS



HIGH QUALITY

QME Panel
Complete Demographics
QME Form 106
Strike Letters

No Panel
No/Incomplete Demographics
No QME Form 106
No Strike Letters

LOW QUALITY

UPDATE ON THE QME REGULATIONS



- CCR 35.5 Evaluation and Reporting Guidelines
- Cover Letters
- (c)(1) The evaluator shall address all contested medical issues arising from all injuries reported on one or more claim forms prior to the date of the employee's appointment with the medical evaluator that are issues within the evaluator's scope of practice and areas of clinical competence.
- ***(cont.) The reporting evaluator shall attempt to address each question raised by each party in the issue cover letter sent to the evaluator as provided in subdivision 35(a)(3).***



UPDATE ON THE QME REGULATIONS

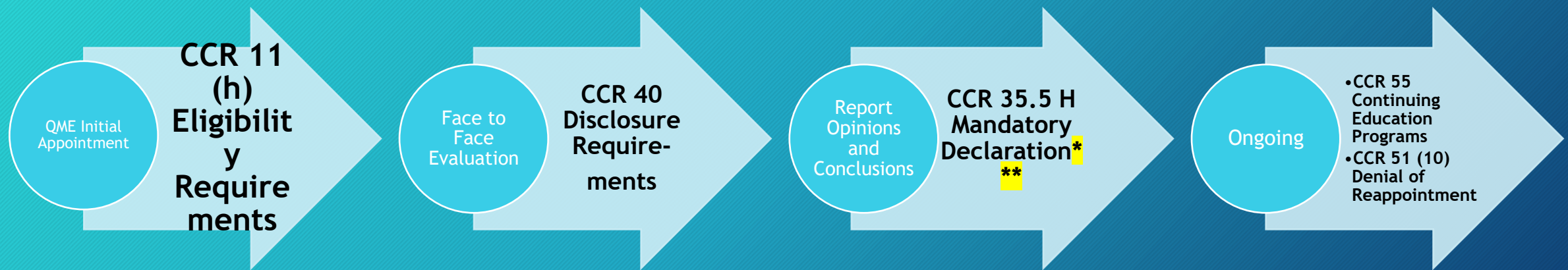


- Anti-Bias Regulations
 - CCR 11 (H)
 - CCR 40 - Disclosure Requirements
 - CCR 35.5 H
 - CCR 55 Continuing Education Programs
 - CCR 51 (10)

UPDATE ON THE QME REGULATIONS



• BIAS IN THE MEDICAL LEGAL EVALUATION



UPDATE ON THE QME REGULATIONS



- CCR 40 - Disclosure Requirements:
 - (2)...the injured worker may discontinue the evaluation based on good cause. Good cause includes: (A) **discriminatory** conduct by the evaluator towards the worker based on race, sex, national origin, religion, or sexual preference, (B) abusive, hostile or rude behavior including behavior that clearly demonstrates **a bias** against injured workers, and (C) instances where the evaluator requests the worker to submit to an unnecessary exam or procedure.

UPDATE ON THE QME REGULATIONS



- CCR 36.7 Electronic Service
- CCR 51 - Denial of Reappointment
 - ~~CCR 51~~ (12)
 - CCR 51 (13)

UPDATE ON THE QME REGULATIONS



- CCR 36.7 Electronic Service of Medical Legal Report:
- (A) “Electronic service” means service of the medical-legal report and all documents required by section 36, on a party or other person, by either **electronic transmission** or **electronic notification**. Electronic service may be performed directly by the physician or by an agent of the physician, or through an electronic service provider.
- (A)(2) Electronic service shall be permitted only where the parties agree and a written confirmation of that agreement is made. At the time of giving consent to electronic service, a party or entity shall provide the party’s electronic address for the purpose of receiving electronic service.

UPDATE ON THE QME REGULATIONS



- Denial of Reappointment
 - CCR 51 a) The Administrative Director may deny reappointment to a QME on any one or more of the following grounds:
 - (12) Participating in three or more instances of activity during the most recent period of appointment that constitute a failure to communicate with the injured worker in a respectful, courteous, and professional manner.
 - (13) Participating in any intentional act that is not a necessary part of the physical examination that causes physical harm or injury to the injured worker.
 - (10) Failing to render expert opinions or conclusions without regard to an injured worker's race, sex, national origin, religion, or sexual preference.

QME UPDATE 2021 - YOUR SECRETS TO SUCCESS



Topics include:

Bias, Stereotyping,
and Discrimination
- How to Make your
Opinions and
Conclusions More
ACCURATE

AOE/COE
(Industrial
Causation) -
Important
Considerations in
the Denied Post
Employment Claim

The QME's Clinical
Rounds - Master
the Permanent
Impairment
Evaluation of the
Most Common
Industrial Injuries

Truth & Lies in the
Face to Face
Evaluation

QME UPDATE 2021 - YOUR SECRETS TO SUCCESS



**Topics
include:**

**Profit Leaks
in the QME
Evaluation**

**Heads and
Tails on
Permanent
Impairment
Ratings**

**The “Anything
Goes” Rules of
Apportionment**

**Stats/Trends/a
nd Disturbing
Facts**

**Your Final
Report is
Terrible and
You Should
Not Sign It**