

Follow Ups

If a Level II IME physician determines a claimant has not reached MMI and recommends further treatment or return for range of motion validation, a follow-up IME examination shall, to the extent possible, be scheduled with the original IME physician. If further treatment has been provided and the treating physician issues a new date of MMI, the insurer/Respondent must file a new Final Admission OR request a follow-up IME within 30 days of the date of the treating physician's report. If the claimant disagrees with the new Final Admission, he/she has 30 days to file an objection and request a follow-up IME. Requests for follow-up must be submitted in writing to the IME Unit, with a copy to the other party. Absent both party agreement or an order from an administrative law judge, the additional exam expense is usually paid by the party requesting the follow-up.

99241 (\$101.64) - Follow-up for repeat Range of Motion measurements.

99242 (\$143.99) - Follow-up evaluation is within six months of the original evaluation.

99243 (\$186.34) - Follow-up evaluation on cases that are older than six months and less than one year from the original evaluation.

Follow-up evaluation on cases older than one year from the original evaluation may be charged at the full fee of \$675.

All fees are dependent upon the Medical Fee Schedule or other Workers' Compensation Rules of Procedure and are subject to change.

Miscellaneous

Only one IME impairment rating per case shall be administered by the Division's IME section, pursuant to 8-42-107 (8), C.R.S., unless otherwise directed by

written agreement of the parties, by order of an administrative law judge or the director, or by request of the originally designated impairment rating IME physician.

There shall be no communication with the IME physician before, during, or after the IME process unless approved by the director, an order from an administrative law judge, or both party written agreement. Any violation may result in cancellation of the IME.

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Department of Labor
and Employment

DIVISION OF WORKERS' COMPENSATION



Independent Medical Exam

Introduction

The Independent Medical Examination (IME) program provides an independent evaluation of medical issues relating to Maximum Medical Improvement and Impairment in workers' compensation cases. If the parties to a case are unable to agree on an independent medical examiner, the Division will select an IME physician. This physician is selected from a list, maintained by the Division, of Level II Accredited physicians who have applied to participate on the IME panel. The findings of the IME physician can be overcome only by clear and convincing evidence. There are rigid time frames applied to the IME process to ensure maximum efficiency.

Application Process

Notice and Proposal

Prior to Division intervention, the parties have **30 days** to attempt to negotiate the selection of a physician to conduct the IME by utilizing form *WC146-Notice and Proposal to Select an Independent Medical Examiner*.

Failed Negotiations

If the parties are unable to agree on a physician the respondent must submit form *WC165-Notice of Failed IME Negotiation*, within **30 days** of such failure to agree.

Application Form

The requesting party must submit form *WC77-Application for a Division Independent Medical Examination* to the Division and the opposing party within **30 days** from the date of agreement or disagreement on a physician. The Division requires that the party requesting the Division IME designate:

- 1) The preferred geographical location for the IME examination. The party should also indicate a second geographical location choice;

- 2) The body part(s) to be evaluated, including whether mental impairment shall be evaluated;
- 3) The names of physicians that have previously evaluated, treated, or are currently treating the claimant.

Indigent Claimant

If a claimant wishes to have a Division IME but believes that he/she is not able to pay the required \$675 fee, the claimant may file form *WC035 IME-Application for Indigent Determination (IME)*, with the Division of Administrative Hearings. The insurance carrier may file a response within 8 days following the claimant's filing of this Application. An Administrative Law Judge will then review the Application and make a ruling as to whether the claimant is indigent for purposes of paying for the IME. See Division Rule 11-11 for more specific instructions and information about this process.

Physician Selection

If the parties are unable to agree on a physician, the Division will issue a panel list of three physicians, all able and willing to evaluate the body parts and issues listed on the IME application. The requesting party has 7 days to strike a name from that list and forward the list to the other party, who then has 5 days to strike another physician from the list and notify the requesting party and the Division of the result. The physician that was not struck is designated to perform the IME. The Division will then send written confirmation of the designated physician to the parties.



Appointment Process

The requesting party shall call the IME physician within **5 business days** from the date of the IME Physician Confirmation letter to schedule the appointment. They shall immediately notify the Division

and the opposing party of the date and time of the appointment by telephone, and confirm in writing. The examination shall take place no earlier than **35 calendar days**, nor later than **50 calendar days** from the date of the telephone call requesting the appointment.

Medical Records

Format / Content

The medical records packet shall include all pertinent medical records reflecting the diagnosis and treatment of the claimant's work-related injury. It shall also include available medical records regarding pre-existing condition(s) or work-related injury(ies). The medical packet shall be two hole punched at the top center of each page, clipped at the top with paper fasteners, and shall be in chronological order tabbed by year. The medical packet shall include a dated cover sheet listing the claimant's name, IME physician's name, date and time of the appointment, the Workers' Compensation number, and shall also include a summary of medical providers with the range of dates of treatment. Medical bills, adjustor notes, surveillance tapes, admissions, denials, vocational rehabilitation reports, non-treating case manager records, depositions, or commentaries to the IME physician shall not be submitted without written agreement of all the parties, order of an administrative law judge, or prior permission of the Division. All medical records submitted to the IME physician shall be concurrently provided to the opposing party.

Time Frames

The insurance carrier shall submit a complete copy of all medical records in their possession pertaining to the subject injury, post-marked or hand-delivered no fewer than **14 calendar days** prior to the IME appointment. If the insurance carrier or its representative fails to timely submit medical records to the designated IME physician, the claimant may request the Division cancel the IME; or the claimant may submit all medical records he/she has available no

later than **10 calendar days** prior to the IME appointment. Any party may submit supplemental records to the IME physician no later than **7 calendar days** prior to the IME appointment.

Payments / Fees

The requesting party shall pre-pay the IME physician \$675 at least **10 calendar days** prior to the IME appointment. If the fee is not timely received the fee for the IME shall be \$795. The physician may request additional money for extensive record review in accordance with Rule 11-4(A). Only the requesting party or the Division may cancel the IME appointment no later than **3 business days** prior to the appointment. If the IME is not timely canceled, the claimant fails to keep the appointment, or the medical records are not submitted in a timely manner, the physician shall be entitled to a \$250 fee, paid by the defaulting party.

Motions and Orders

If a party files a motion involving a pending IME proceeding, the moving party shall provide a copy of the motion directly to the Division's IME section. When the motion is disposed of by written order or other means, the moving party shall provide a copy of the order or other dispositive document to the Division's IME section.



Physician's Report

IME physicians must submit their reports with all attachments to the Division and parties within 20 calendar days following the examination. Upon receipt, the Division will review the IME report for completeness and all appropriate worksheets. Following this review, the Division will notify the parties and the IME physician that the report is complete and final, or whether certain items remain to be addressed.