

2010

WCB facts

Workers Compensation Board of Manitoba

MEDICAL REVIEW PANELS

Medical Review Panels allow the WCB or Appeal Commission to pose questions to an independent panel of medical experts and obtain an impartial opinion on an injured worker's claim.

Who can request a Medical Review Panel?

Workers

The worker may request, in writing, that a Medical Review Panel be held to examine his or her case. The letter should be addressed to the WCB and **must include the worker's name and claim number.**

A Medical Review Panel will be held when the written medical "opinion" of the injured worker's treating physician differs from the opinion of the WCB's medical advisor on a medical matter and the difference of opinion affects the worker's entitlement to compensation.

It is necessary that the "opinion" expressed by the injured worker's treating physician is based on all relevant medical information available. *The Workers Compensation Act* defines "opinion" as a full statement of the facts and reasons supporting a medical conclusion.

Employers

An employer may request that the WCB refer a medical matter to a Medical Review Panel for its opinion. The medical matter must be real and substantial and affect entitlement to compensation. The request must be made in writing and must provide a statement of the facts and reasons for the request. The letter should be addressed to the WCB and **must include the worker's name and claim number.**

A Medical Review Panel may also be held in complex cases where the WCB or Appeal Commission requires an expert, independent medical opinion.

Who sits on the Medical Review Panel?

The Medical Review Panel is comprised of three physicians:

- a chairperson appointed by the Minister responsible for *The Workers Compensation Act*
- a physician selected by the worker
- a physician selected by the worker's employer

The chairperson may invite any other healthcare provider considered appropriate in the circumstances to attend a meeting of the panel to discuss the matter further.

Once the worker and the employer at the time of injury have been notified that a Medical Review Panel is to be held, they each have 15 days to select a physician to sit on the Panel. If either fails to select a physician within 15 days, the WCB will make the selection.

The WCB will choose for the worker when the worker is:

- self-employed
- a member of the family of the employer
- a partner in, or a member of, the firm that is the employer

The WCB will choose for the employer when the employer ceases to perform business in the industry in which the injury occurred.

The physicians selected by the worker and the employer must be specifically skilled in a field of medicine relating to the injury or disease, and their names must be on a list provided by the College of Physicians and Surgeons of Manitoba.

Ineligible Physicians

A physician cannot be selected to act or serve on a Medical Review Panel if the physician:

- has examined or treated the worker
- examines workers on behalf of the employer
- has acted as a consultant in the treatment of the worker

However, when a Panel is convened because of a difference in medical opinion, the worker's treating physician will be invited to attend in order to give further information.

What are the Medical Review Panel's responsibilities?

Physicians on the Medical Review Panel review the information in the worker's file and then interview and examine the worker. If additional information and/or medical tests are required, they will be ordered by the chairperson. The Panel may consult with any healthcare providers considered appropriate in the circumstances.

Once the Panel has prepared its written opinion, this information will be forwarded to the WCB or Appeal Commission for consideration. The Panel provides a medical opinion only and this opinion is not binding on the WCB or Appeal Commission. This opinion may be used to assist in the adjudication of the claim. Other considerations may affect the outcome of a decision on a claim.

How it works, step-by-step...

1. Once a claim has been referred to a Medical Review Panel, a staff member will contact the worker and the worker's employer (at the time of the injury), in writing. They will each be asked to select a physician to sit on the Panel.
2. The selection is to be made within 15 days. Failing that, the WCB will select either or both physicians.
3. A WCB employee or Appeal Commission panel will frame the questions to be asked of a Medical Review Panel. These questions will be sent to the worker (and the employer if they have requested the Medical Review Panel). If a dispute regarding the form or content of the questions arises, efforts will be made to resolve any concerns. Further dispute about the form and content of the questions may follow the WCB's reconsideration and appeal processes.
4. Staff will then arrange a date for the Panel. The date should be mutually agreeable to the worker and the physicians.
5. When a Panel is convened because of a difference in medical opinion, the worker's treating physician will be invited to attend.
6. The chairperson may invite specialist consultants and/or other healthcare providers to attend and assist the Panel. These physicians and/or healthcare providers are present only to provide information and do not participate in the preparation of the Panel's written opinion. Further examinations or tests may be ordered when necessary.
7. The Panel reviews the information on the worker's file and interviews and examines the worker.
8. Later, the Panel reports its findings. The report is provided to the WCB or Appeal Commission and to the worker. If the Panel arose out of a difference of opinion between the worker's treating physician and a WCB medical advisor, the worker's treating physician will also receive a copy of the report.

Where are Medical Review Panels held?

Medical Review Panels are held at:

600-330 St. Mary Avenue
Winnipeg, Manitoba R3C 3Z5

Further information call:

(204)-925-6118 or outside Winnipeg, please call collect. You may also fax the Medical Review Panel at (204)-943-4393.